This translation is updated as of 1 April 2014. The English version does not have legal status, and is not updated continuously.

ACT OF 15 MAY 2008 ON THE ENTRY OF FOREIGN NATIONALS INTO THE KINGDOM OF NORWAY AND THEIR STAY IN THE REALM (IMMIGRATION ACT)

Chapter 1 General provisions

Section 1 Purpose of the Act

The Act shall provide the basis for regulating and controlling the entry and exit of foreign nationals and their stay in the realm, in accordance with Norwegian immigration policy and international obligations.

The Act shall facilitate lawful movement across national borders, and ensure legal protection for foreign nationals who are entering or leaving the realm, who are staying in the realm, or who are applying for a permit under the Act.

The Act shall provide the basis for protecting foreign nationals who are entitled to protection under general international law or international agreements by which Norway is bound.

Section 2 Scope of the Act

The Act concerns the entry of foreign nationals into the kingdom and their stay in the realm. Obligations under the Act may also be imposed on Norwegian nationals and legal entities.

Section 3 Relationship of the Act to international provisions

The Act shall be applied in accordance with international provisions by which Norway is bound when these are intended to strengthen the position of the individual.

Section 4 Legal status of foreign nationals

Unless otherwise provided by legislation currently in force, foreign nationals shall have the same rights and obligations as Norwegian nationals during their lawful stay in the realm.

Section 5 Further details of whom the Act applies to

For the purposes of this Act, a foreign national means any person who is not a Norwegian national.

Nordic nationals are exempt from the requirement of a residence permit in order to take up residence or employment in the realm, see section 55, first paragraph. The King may also by regulations make further exemptions regarding other foreign nationals.

In the case of foreign nationals attached to diplomatic or paid consular missions in the realm, their spouses or cohabitants and dependent children, the King will decide which of the

provisions of the Act shall apply. The King may make special regulations for this group. The same applies to employees of intergovernmental organisations, persons working under contract for intergovernmental organisations or treaty bodies and personal staff of foreign representatives.

In the case of foreign nationals who will be staying in the realm in connection with the implementation of an agreement on intergovernmental cooperation by which Norway is bound, the provisions regarding control of entry, travel documents, visas and residence permits shall apply, subject to the exemptions that follow from the agreement.

Section 6 Territorial extent of the Act

The Act shall apply to the kingdom, including installations and devices that are used on or connected with the Norwegian part of the Continental Shelf.

The King may by regulations depart from the provisions of the Act regarding such devices and installations as are mentioned in the first paragraph, and may make regulations regarding passport and border checks in connection with travel between them and Norwegian land territory.

The Act shall also apply to Jan Mayen. The King may make regulations regarding the entry of foreign nationals to Jan Mayen which depart from the provisions of the Act.

The Act shall not apply to Svalbard. The King may by regulations make further provisions in respect of control of travellers who come from or travel to Svalbard.

The Act shall not apply to Norwegian ships in foreign trade. The King may by regulations make further provisions in respect of when the Act or provisions laid down under the Act shall apply to Norwegian ships in foreign trade that call at Norwegian ports.

Section 7 (Repealed by Act of 21 June 2013 No. 92)

Chapter 2 Visa, entry and exit control and rejection, etc.

Section 8 Travel document

Unless otherwise provided, a foreign national who comes to the realm must have a passport or other identity document that has been recognised as a travel document.

The Ministry shall lay down the requirements for accepting passports or other identity documents as being valid for entry into and stay in the realm.

The Directorate of Immigration may in particular cases exempt a foreign national from the passport requirement or accept a document other than that which follows from the general provisions.

Section 9 Visa requirement and visa-free entry

Foreign nationals must hold a Norwegian visa to be able to enter the realm, unless the King has by regulations granted exemption from this requirement. A foreign national who is at the Norwegian border and who is seeking protection (asylum) under the provisions of chapter 4, or who otherwise provides information that indicates that the protection against refoulement under section 73 will be applicable, shall nevertheless have the right to enter the realm without a visa.

Foreign nationals holding a residence permit issued by a country that participates in cooperation under the Schengen Agreement (a Schengen country), as defined by regulations, and who have a valid travel document, shall be exempt from the visa requirement.

A visa issued by a Schengen country entitles the holder to enter into and stay in the realm during the period of validity of the visa, where such right is stated in the visa.

The total period of stay in the Schengen territory for a foreign national who is exempt from the visa requirement under the first or second paragraphs, or who is entitled to enter and stay under the third paragraph, may not exceed three months in the course of a six-month period.

The King may by regulations make further provisions, including who is exempt from the visa requirement under the second paragraph and in respect of the calculation of time in the fourth paragraph.

Section 10 Schengen visa

An applicant shall be entitled to a visa for a visit not exceeding three months in any six-month period when the following conditions are satisfied:

(a) the foreign national is in possession of a valid travel document or documents that permit him or her to cross the border,

(b) the foreign national can produce documents justifying the intended purpose of the stay and has sufficient means of subsistence, both for the period of the stay and for the return to his or her country of origin or transit to a third country into which the foreign national is certain to be admitted, or is in a position to acquire such means lawfully,

(c) the foreign national has not been registered in the Schengen Information System (SIS) for the purpose of refusing him or her entry,

(d) the foreign national is not considered to be a threat to public order, national security, public health or the international relations of Norway or any other Schengen country, particularly if no notification has been entered in the member states' national data registers for the purposes of refusing entry on the same grounds.

Exceptions may be made from the right to a visa pursuant to the first paragraph if considerations of immigration regulation argue against granting a visa, or if there are circumstances that would have given grounds for refusing the foreign national the right to enter into or stay in the realm under other provisions of the Act.

The visa issuance criteria that follow from the Schengen cooperation must otherwise be satisfied. The King may by regulations make supplementary provisions, including the requirements regarding travel and health insurance that follow from the Schengen cooperation.

Exceptions may be made from the right to a visa under the first paragraph if foreign policy considerations, fundamental national interests or considerations of immigration regulation argue against granting a visa, or if there are circumstances that would have given grounds for refusing the foreign national the right to enter into or stay in the realm under other provisions of the Act.

When weighing considerations under the second paragraph, particular emphasis shall be placed on children's need for contact with their parents.

A visa may be refused if it is likely that the applicant or the latter's child from a previous relationship will be mistreated or grossly abused.

A visa may be granted for one or several entries. The provision of section 9, fourth paragraph, shall apply correspondingly.

The King may by regulations make supplementary provisions in respect of the conditions for granting a visa under the first paragraph and regarding the duration and content of such a visa. The King may also by regulations make provisions in respect of transit visas and airport transit visas, and regarding visas for family members of foreign nationals who are subject to the EEA Agreement or the EFTA Convention.

Section 11 Visa on humanitarian grounds, etc.

When it is necessary for humanitarian reasons, national considerations or international obligations, a visa may be issued for a period not exceeding three months even if the conditions laid down in section 10 are not satisfied. The provision of section 9, fourth paragraph, shall apply correspondingly.

A visa issued under this section shall only be valid for entry into and stay in Norway during the specified period of time.

The King may by regulations make further provisions.

Section 12 Entry visa

A foreign national who is granted a residence permit or who intends to stay in the realm until a residence permit is granted may be granted a visa for entry under further provisions laid down by the King in regulations.

Section 13 Power of decision and issue of visas

Applications for visas shall be decided by the Directorate of Immigration. The power to make decisions on visa applications under sections 10 and 12 may also be conferred on the foreign service and the Governor of Svalbard. The power to make decisions on visa applications under section 10 may also be conferred on the foreign service of another Schengen country. The King may by regulations make further provisions.

The King will by regulations make further provisions in respect of re-entry and the extension of the visa's period of validity and in respect of the power of decision in such cases.

The King may by regulations make further provisions in respect of the issue of visas, including the issue of a visa at the border (emergency visa), application procedures and the processing of applications.

Section 14 Border crossing and border control

Unless otherwise provided, entry and exit shall take place at border crossings determined by the Ministry. An internal Schengen border may be crossed anywhere provided that no temporary border control has been introduced. Such border control may only be introduced if there is a serious threat to public order or national security. Customs legislation shall apply when an internal Schengen border is crossed. The King may by regulations make further provisions.

Anyone coming to the realm shall immediately report to the border control authorities or the nearest police authority. Anyone leaving the realm is subject to exit control and shall upon exiting report to the border control authorities or the nearest police authority. The obligation of notification under this paragraph shall not apply to crossing of an internal Schengen border, provided that no temporary border control such as mentioned in the first paragraph has been introduced. The Ministry may grant exemption from the obligation of notification under this paragraph.

Section 15 Implementation of border control

Entry and exit control shall be carried out at an external Schengen border, provided that no temporary border control has been introduced at an internal Schengen border as mentioned in section 14, first paragraph.

In connection with entry and exit control, a check is made to ensure that every person has a passport or other identity document that has been recognised as a travel document, and that persons subject to a visa requirement have a valid visa. If the person checked refuses to state his or her identity, or if there is reason to suspect that the stated identity is false, or that the person is concealing an identity document, a body search may be carried out with a view to procuring the identity document. It shall also be ensured that there are no other grounds for rejection, see section 17 and section 121.

In connection with entry and exit control, other types of identity checks, including iris scans, fingerprint checks and facial recognition checks may be carried out.

In connection with entry and exit control, the police may inspect vehicles, vessels and aircrafts to ascertain whether there are any persons there who are attempting to avoid being checked.

The King may by regulations

(a) make further provisions in respect of entry and exit control,

(b) make further provisions in respect of the police's authority to demand the passport and other travel or identity documents of a foreign national before entry, and to make copies of such documents, and

(c) order the master of a ship or commander of an aircraft, or a carrier engaged in the commercial land transport of persons, to check that travellers have a valid travel or identity document and visa, and impose an obligation to make a copy of these documents.

Section 16 Permission to leave a post on board a ship. Shore leave. Stowaways

A foreign national who leaves his post on board a ship or an aircraft must not go ashore in the realm without the permission of the police. The King may by regulations make further provisions in respect of seamen who leave a post on board a ship, and their right to go ashore in the realm, as well as in respect of administrative procedures and the right of appeal in such cases.

The King may by regulations make provisions in respect of seamen's shore leave during a stay on board a ship in a Norwegian port and regarding the power to refuse shore leave. The King may also make provisions in respect of administrative procedures and the right of appeal in such cases.

A foreign national who is a stowaway on board a ship or an aircraft must not go ashore in the realm without the permission of the police. The King may by regulations make further provisions in respect of the conditions on which stowaways shall be granted entry to the realm, as well as in respect of administrative procedures and the right of appeal in such cases.

Section 17 Rejection

A foreign national may be rejected

(a) when the foreign national fails to produce a valid passport or another recognised travel document when this is necessary,

(b) when the foreign national fails to produce a visa when this is necessary,

(c) when the foreign national has been registered in the Schengen Information System (SIS) for the purpose of refusing entry,

(d) when the foreign national lacks the necessary permission under the Act,

(e) when the foreign national cannot show evidence of the stated purpose of the stay,

(f) when the foreign national cannot show evidence of having or being ensured sufficient means for his or her stay in the realm or in another Schengen country and for the return journey,

(g) when the foreign national has been sentenced to a penalty or special sanction as mentioned in section 66, first paragraph (b), has less than two years previously served or been sentenced to a penalty or special sanction for an offence as mentioned in section 66, first paragraph (c), or, where other circumstances give reason to fear that the foreign national has, here in the realm or in another Schengen country, committed or will commit a criminal act punishable by imprisonment for a term exceeding three months,

(h) when the foreign national has outside Norway been sentenced to a penalty or special sanction for an offence that under Norwegian law is punishable by imprisonment for a term of 10 years or more,

(i) when an authority in a Schengen country has made a final administrative decision to reject or expel the foreign national because there is particular reason to assume that he or she has committed serious criminal acts, or because there are real indications that he or she is planning to commit such acts on the territory of a Schengen country,

(j) when competent health personnel find that the foreign national is manifestly suffering from a serious mental disorder,

(k) when the foreign national has not paid expenses incurred by the public authorities in connection with his or her having previously been removed from the realm or having failed to pay a fine, or

(l) when it is necessary out of consideration for national security, public health, public order or international relations of Norway or another Schengen country.

A foreign national who was born in the realm, and who subsequently has continuously had a fixed abode here, may not be rejected. The same applies to foreign nationals who hold a temporary or permanent residence permit, and Nordic nationals who are resident in the realm.

The King may by regulations make provisions in respect of exemption from the provisions of the first paragraph for holders of a visa or residence permit issued by a Schengen country.

Section 18 Power of decision in cases regarding rejection

Administrative decisions regarding rejection at the time of entry or within seven days after entry shall be made by the chief of police or the person authorised by the chief of police, unless otherwise provided by the second paragraph. The seven-day time limit shall be deemed to have been complied with if administrative proceedings for rejection are instituted within seven days. Administrative decisions regarding rejection in connection with border control under section 17, first paragraph (a) – (c) may be made by a police officer.

Administrative decisions regarding rejection shall be made by the Directorate of Immigration if

(a) the foreign national claims to be a refugee, see section 28, or otherwise provides information indicating that he or she is protected against refoulement under section 73,

(b) the decision is made more than seven days after entry,

(c) the decision concerns rejection under section 17, first paragraph (h) and (l).

The King may by regulations authorise the chief of police or the person authorised by the chief of police to make administrative decisions regarding rejection later than seven days after entry.

Section 19 Foreign nationals' obligation to notify the authorities

A foreign national who has been granted a residence permit prior to entry shall, not later than one week after entry, report to the police at the place where he or she is staying.

Foreign nationals who change their place of abode while a case regarding a residence permit is being processed shall notify the police accordingly. When a foreign national's application for a residence permit has been rejected, the same shall apply until the foreign national has left the realm.

The King may by regulations make provisions to the effect that a foreign national who does not need a residence permit or who has a permanent residence permit shall notify the police of his place of abode in the realm and notify the relevant authorities of his work or occupation.

Section 20 Obligation in other cases to notify the authorities

The King may by regulations make provisions to the effect that:

(a) the commander of an aircraft arriving from, or departing for, another country shall give the police a list of passengers and crew members,

(b) the master of a ship that crosses the border on its way to or from a Norwegian port shall give the police a list of passengers and crew members,

(c) any person who runs a hotel, boarding house, lodging house, campsite and the like shall keep a list of all persons who spend the night there and notify the police of them, and to the effect that other persons may also be ordered to notify the police when a foreign national spends the night on their premises if this is warranted in the interests of security or emergency preparedness,

(d) any person who takes a foreign national into his service or gives a foreign national paid employment shall notify the police of this before the work commences,

(e) any person who runs an employment agency shall notify the police of those foreign nationals who seek or are given employment,

(f) the population registry shall notify the police of foreign nationals which it registers and deregisters,

(g) educational institutions shall upon request give the police a list of foreign pupils or students.

The King may by regulation make further provisions in respect of the information the lists shall contain and how the information shall be communicated.

The person who is the subject of notification has an obligation to provide such information as is necessary to enable the obligation of notification to be fulfilled.

Section 21 General immigration control

In connection with enforcement of the provisions regarding foreign nationals' entry into and stay in the realm, the police may stop a person and request proof of identity when there is reason to assume that the person in question is a foreign national and the time, place and situation give grounds for such a check. In connection with such checks, the foreign national must show proof of identity and if necessary provide information in order to clarify his or her identity and the lawfulness of his or her stay in the realm. The King may by regulations make further provisions in respect of implementation of the check, including the power to make a copy of documents.

In the event of planned actions, the decision to carry out a check under the first paragraph shall be made by the chief of police or the person authorised by the chief of police. Otherwise the decision shall be made by a police officer.

Section 22 Control authority

The police shall be responsible for border control.

The Customs and Excise Service shall assist the police in controlling the entry and exit of foreign nationals under this Act. When carrying out such control, the customs authorities shall have the same rights and duties as the police have under section 15.

The King may by regulations make further provisions in respect of the customs authorities' immigration control and in respect of other authorities' right to carry out immigration control.

Chapter 3 Stay in connection with employment and studies, etc.

Section 23 Residence permit for employees intending to work for an employer in the realm

Under further provisions laid down by the King in regulations, a residence permit may be granted to perform work for an employer in the realm when the following conditions are satisfied:

(a) The applicant is aged 18 or older.

(b) Pay and working conditions are not inferior to those prescribed by the current collective agreement or pay scale for the industry concerned. If no such collective agreement or pay scale exists, pay and working conditions shall not be inferior to what is normal for the place and occupation concerned.

(c) The applicant is subject to a quota fixed by the Ministry or the position cannot be filled by domestic labour or labour from the EEA or EFTA area. Exemptions apply if, under international agreements by which Norway is bound, the foreign national is entitled to a residence permit in order to perform the work. Exemptions also apply to foreign seamen who work on board foreign-registered ships.

(d) There is a specific offer of employment. The employment offer shall as a general rule concern full-time employment for a single employer, but exemptions may be granted after a case-by-case assessment of the nature of the position.

The King may by regulations determine that assurance may be given in advance that residence permits will be granted for the performance of work in specific branches of industry that require extra manpower for limited periods of time.

The King may by regulations determine that an employer in the realm may apply for permission to employ a specified number of foreign employees for a limited period (group permits). Foreign nationals covered by such a permit will be granted individual permits after entering the realm.

The King may by regulations provide that an employer may be permitted to allow an employee to work while the application for a residence permit is being processed (early work-start scheme); this may include setting conditions for an employer's inclusion in the scheme, imposing on the employer obligations related to use of the scheme, and laying down further provisions regarding the implementation of the early work-start scheme.

The King may by regulations make supplementary provisions, including in respect of the content of the residence permit, the right to a permanent residence permit, the situation in the event of unemployment and revocation of the residence permit.

Section 24 Residence permit in order to provide services as a seconded employee or independent contractor

Under further provisions laid down by the King in regulations, a residence permit may be granted for the performance of services when the following conditions are satisfied:

(a) The applicant is aged 18 or older.

(b) Pay and working conditions are not inferior to those prescribed by the current collective agreement or pay scale for the industry concerned. If no such collective agreement or pay scale exists, pay and working conditions shall not be inferior to what is normal for the place and occupation concerned.

(c) No domestic labour or labour from the EEA or EFTA area can be obtained to perform the task. An exemption may be granted if, under international agreements by which Norway is bound, the foreign national shall be entitled to a residence permit in order to perform the work. The King may by regulations determine that foreign nationals who have specialist training or special qualifications shall be able to receive a residence permit without a case-by-case assessment of whether domestic labour or labour from the EEA or EFTA area can be obtained.

(d) There is a specific offer of assignment. The offer shall normally apply to a single principal, unless particular grounds dictate otherwise.

The King may by regulations determine that a principal may apply for permission to hire a specified number of foreign service providers to work for a limited period of time (group permit). After their arrival in the realm, foreign nationals covered by such a permit shall be given individual residence permits.

The King may by regulations make supplementary provisions, including the content of the residence permit and revocation of the residence permit.

The permit shall not provide the basis for a permanent residence permit.

Section 25 Residence permit in order to engage in independent business activity

A foreign national who is aged 18 or older, and who intends to carry on long-term independent business activity in Norway, may be granted a residence permit if evidence is shown that there is an economic basis for the activity.

The King may by regulations make supplementary provisions, including in respect of the conditions for a residence permit under the first paragraph, the content of the residence permit, the right to a permanent residence permit and revocation of the residence permit.

Section 26 Residence permit for studies and for scientific, religious or cultural purposes et al.

The King may by regulations make provisions in respect of when a residence permit may be granted for reasons other than those which follow from the various provisions of the Act, provided that it does not affect the main principles of immigration regulation. The King may accordingly make provisions regarding

(a) residence permits for the promotion of scientific, religious or cultural cooperation and development in cases which by their nature do not fall within the scope of the provisions of sections 23, 24 and 25, and

(b) residence permits for the purpose of obtaining an education and the like.

The King may by regulations make supplementary provisions, including the content of the residence permit, the right to a permanent residence permit and revocation of the residence permit.

Section 27 Supervision of compliance with conditions for permits and measures in the event of breaches of such conditions

The Norwegian Labour Inspection Authority shall supervise that businesses comply with the conditions for a residence permit with regard to pay and working conditions and the scope of the position. The Labour Inspection Authority shall also supervise that the conditions for a residence permit for employees as mentioned in chapter 13 are complied with. Anyone who is subject to supervision under this provision shall, when so required by the Labour Inspection Authority and notwithstanding any obligation of confidentiality, submit information considered to be necessary for the exercise of supervision. Such information may also be required from other public supervisory authorities notwithstanding the obligation of confidentiality that otherwise applies.

The Labour Inspection Authority shall make the orders and decisions that otherwise are necessary for the exercise of supervision under the first paragraph. Section 18-6, first, second, sixth, seventh and eighth paragraphs, and sections 18-7, 18-8 and 18-10 of the Working Environment Act shall apply correspondingly in relation to supervision under this Act. Employers shall also be informed of orders and other individual decisions.

If it is suspected that the conditions have been breached or that the foreign national does not have the necessary residence permit, the Labour Inspection Authority shall notify the immigration authorities.

The Petroleum Safety Authority Norway has corresponding responsibility for exercising supervision within its sphere of authority and authority as mentioned in the first, second and third paragraphs.

If an employer in respect of his or her foreign employees grossly or repeatedly breaches provisions laid down in or under this Act which are intended to protect the employees' pay or working conditions, the Directorate of Immigration may decide that no residence permit shall be granted for the performance of work for the employer concerned. Decisions under this provision shall apply for two years. The King may by regulations make further provisions, including determining that decisions under this provision shall apply for less than two years.

Decisions under the fifth paragraph shall not affect the right to a residence permit under chapter 13.

Section 27 a Misuse of the early work-start scheme

The King may issue regulations relating to sanctions against an employer who misuses the early work-start scheme.

Section 27 b. Measures in the event of breaches of conditions for residence permits for au pairs or imposition of a penalty or special sanction

If a host family grossly or repeatedly breaches conditions laid down in or under this Act for a residence permit for an au pair, the Directorate of Immigration may decide that no residence permit shall be granted to an au pair for the host family concerned. The decision shall apply for one, two or five years, depending on the nature, extent and duration of the breach.

The same applies if a person in the host family has received a penalty or special sanction for an offence which is punishable by imprisonment for a term exceeding three months and the breach has been committed against the person who at the time the offence was committed was working as an au pair for that person. In such cases the decision may apply for a period not exceeding 10 years.

A decision under the first or second paragraph shall not affect the right to residence under chapter 13.

Chapter 4 Protection

Section 28 Residence permit for foreign nationals in need of protection (asylum)

A foreign national who is in the realm or at the Norwegian border shall, upon application, be recognised as a refugee if the foreign national

(a) 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, or

(b) without falling within the scope of (a) nevertheless faces a real risk of being subjected to a death penalty, torture or other inhuman or degrading treatment or punishment upon return to his or her country of origin.

A foreign national who is recognised as a refugee under the first paragraph shall be entitled to a residence permit (asylum).

Where an assessment is made under the first paragraph, account shall be taken of whether the applicant is a child.

The applicant shall normally also be recognised as a refugee under the first paragraph when his or her need for protection has arisen since the applicant left his or her country of origin, and is a result of the applicant's own acts. When assessing whether an exemption shall be made from the general rule, particular importance shall be attached to whether the need for protection is due to acts that are punishable under Norwegian law, or whether it seems most likely that the main purpose of the acts was to obtain a residence permit.

The right to be recognised as a refugee under the first paragraph shall not apply if the foreign national may obtain effective protection in other parts of his or her country of origin than the

area from which the applicant has fled, and it is not unreasonable to direct the applicant to seek protection in those parts of his or her country of origin.

Subject to the exemptions laid down in regulations made by the King, the spouse or cohabitant of a foreign national who is granted a residence permit as a refugee under the second paragraph, and the refugee's children under the age of 18 who have no spouse or cohabitant, shall also be entitled to a residence permit as refugees.

When a foreign national's application for a residence permit under this provision has been rejected, the decision-making authority shall on its own initiative consider whether the provisions of section 38 shall be applied.

The King may by regulations make further provisions in respect of the application of this section and sections 29 and 30.

Section 29 Further details concerning persecution under section 28, first paragraph (a)

For acts to be deemed to constitute persecution within the meaning of section 28, first paragraph (a), they must either

(a) individually or on account of repetition constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15 (2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, or

(b) be an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a manner that is comparable to the situation described in (a).

The form of persecution may include:

(a) physical or mental violence, including sexual violence,

(b) legislation and administrative, police and judicial measures, whether they are in themselves discriminatory or are implemented in a discriminatory manner,

(c) prosecution or punishment which is disproportionate or discriminatory,

(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment,

(e) prosecution or punishment for refusal to perform military service in a conflict where performing such service would include crimes or acts as mentioned in section 31, first paragraph, or

(f) acts of a gender-specific or child-specific nature.

Actors of persecution include:

(a) the State,

(b) organisations or groups controlling the State or such a substantial part of the territory of the State that the foreign national cannot be directed to seek protection in other parts of the country, see section 28, fifth paragraph, or

(c) non-State actors, if the actors mentioned in (a) and (b), including international organisations, are unable or unwilling to take reasonable measures to prevent persecution, including by means of an effective system for the detection, prosecution and punishment of acts that constitute persecution.

Section 30 Further details concerning reasons for persecution under section 28, first paragraph (a)

In the application of section 28, first paragraph (a), the following shall be taken into account when assessing the reasons for persecution:

(a) the concept of religion shall in particular include

- religious beliefs and other life stances,

- participation in, or abstention from, formal worship in private or in public, either alone or in community with others,

- other acts or expressions of opinion related to the religion or life stance of the person concerned,

- forms of personal or collective conduct dictated by religious or other conviction based on life stance,

- freedom to change a religion or other life stance.

(b) the concept of nationality shall not be confined to citizenship or lack thereof but shall also include membership of a group determined by its cultural, ethnic or linguistic identity, its geographical or political origin or its relationship with the population of another State.

(c) A particular social group shall in particular be considered to consist of a group of people who share a characteristic in addition to the risk of being persecuted, and who are perceived as a group by society. The common characteristic may be innate or for other reasons immutable, or otherwise consist of a manner or belief that is so fundamental to identity, conscience or the exercise of human rights that a person cannot be expected to renounce it. Former victims of human trafficking shall be regarded as members of a particular social group.

(d) the concept of political opinion shall in particular be considered to include the holding of opinions regarding the relevant actors of persecution or their policies or methods, regardless of whether the applicant has acted on that opinion.

In the assessment of whether there is a well-founded fear of persecution, it is immaterial whether the applicant actually possesses the characteristics or the opinion that leads to persecution, provided that such a characteristic or opinion is attributed to the applicant by the actor of the persecution.

Section 31 Exclusion from the right to recognition as a refugee under section 28

A foreign national shall not be entitled to recognition as a refugee under section 28, first paragraph, if he or she falls within the scope of Article 1D or E of the Geneva Convention relating to the Status of Refugees of 28 July 1951, or where there are serious reasons for considering that he or she

(a) has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes,

(b) has committed a serious non-political crime outside Norway's borders, prior to his or her admission to Norway as a refugee, or

(c) has been guilty of acts contrary to the purposes and principles of the United Nations.

Nor does the right to be recognised as a refugee under section 28, first paragraph (b), apply if the foreign national has been convicted by final judgment of a particularly serious crime and for this reason constitutes a threat to Norwegian society. If there are grounds for expelling a foreign national out of regard for fundamental national interests under section 126, second paragraph, section 126, fifth paragraph, applies.

Nor shall a foreign national be entitled to recognition as a refugee under section 28, first paragraph (b), apply if there are grounds for expelling him or her based on fundamental national interests, or the foreign national, having been convicted by final judgment of a particularly serious crime, thereby constitutes a danger to Norwegian society.

Nor shall a foreign national be entitled to recognition as a refugee under section 28, first paragraph (b) apply if the foreign national left his or her country of origin solely in order to avoid penal sanctions for one or more criminal acts that might have been punishable by imprisonment if the acts had been committed in Norway.

If a foreign national who falls within the scope of the first paragraph (a) or (c) or the second paragraph has already been granted a residence permit as a refugee under section 28, the residence permit may be revoked.

Section 74 shall apply to foreign nationals who fall within the scope of the first to fourth paragraphs, but who under section 73, second paragraph, nevertheless are protected against refoulement.

Section 32 International cooperation etc. on examination of applications for residence on grounds of protection

An application for a residence permit under section 28 may be refused examination on its merits if

(a) the applicant has been granted asylum or another form of protection in another country,

(b) it may be demanded that the applicant be accepted by another country participating in cooperation under the Dublin Agreement, see fourth paragraph,

(c) it may be demanded that the applicant be accepted by another Nordic state under the provisions of the Nordic Passport Control Agreement,

(d) the applicant has travelled to the realm after having stayed in a state or an area where the foreign national was not persecuted, and where the foreign national's application for protection will be examined.

In such cases as are mentioned in the first paragraph (b), (c) and (d), the application for a residence permit under section 28 shall nonetheless be examined on its merits if the foreign national has a connection with the realm that makes it most logical that Norway examines it. The King may by regulations make further provisions in respect of when an application that falls within the scope of the first paragraph shall be examined on its merits.

The power to refuse to examine an application on its merits under the first paragraph shall nevertheless not apply if this is precluded by section 73.Regulation (EU) No. 604/2013 of the European Parliament and of the Council (the Dublin III Regulation) (2) shall apply as Norwegian law. The Regulation sets out criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in a Member State by a third-country national or a stateless person.

Section 33 Power to suspend examination if there are prospects of the situation in an area improving

Where there are specific circumstances that can justify an expectation of a rapid improvement in the situation in the area from which applicants for a residence permit under section 28 come, the Ministry may decide that examination of the applications of persons from that area shall be suspended for a period not exceeding six months. On the same conditions, the period during which processing is suspended may be extended for an additional six months.

Section 34 Collective protection in a mass flight situation

If there is a mass flight situation, the King in Council may decide that collective protection may be granted under this section. The King in Council also decides when the power to grant collective protection shall cease.

Any foreign national who is caught up in a situation of mass flight as mentioned in the first paragraph, and who arrives in the realm or is here when this section becomes applicable, may upon application be granted a temporary residence permit on the basis of a group assessment (collective protection). Such a permit shall not provide the basis for a permanent residence

permit. The permit shall apply for one year and may be renewed or extended for a period not exceeding three years from the date on which the foreign national first received a residence permit. A temporary permit may thereafter be granted that may provide the basis for a permanent residence permit. After one year with such a permit, a permanent residence permit shall be granted provided the conditions for holding the permit are still present and all other conditions are satisfied, see section 62.

An application for protection under section 28 from a foreign national as mentioned in the second paragraph may be suspended for a period not exceeding three years from the date on which the foreign national received a permit for the first time. When the power to grant collective protection has ceased, or a period of three years has elapsed since the applicant received a permit for the first time, the foreign national shall be informed that the application for asylum will only be examined if the foreign national expressly makes known a desire for this within a prescribed time limit.

Administrative decisions under the second and third paragraphs shall be made by the Directorate of Immigration. The Directorate may give the police the authority to grant residence permits and to suspend applications as mentioned.

The King may by regulations make further provisions.

Section 35 Resettlement of refugees at the request of international organisations, etc. (resettlement refugees)

At the request of the UN High Commissioner for Refugees, other international organisations or other bodies as determined by the King in regulations, the Directorate of Immigration may, within the limits and in accordance with the guidelines that are laid down by higher authority, make administrative decisions to the effect that a foreign national shall be granted an entry permit. The King may by regulations give the power of administrative decision to another body.

The Ministry may, independently of the limitation laid down in section 76, second paragraph, give instructions in cases relating to entry permits under this provision.

A foreign national who has received an entry permit under the first paragraph shall hold a residence permit granted under this section until the Directorate of Immigration has decided whether the foreign national shall receive a residence permit as a refugee under section 28 or a residence permit under section 38. In the assessment of a case under sections 28 and 38 after entry, due weight shall be given to whether the foreign national had reason to anticipate being regarded as a refugee under section 28.

Chapters IV and V of the Public Administration Act concerning preparatory proceedings and administrative decisions shall apply only to decisions made after entry. Chapter VI of the Public Administration Act concerning appeal and reversal shall apply in cases where an administrative decision regarding a residence permit has been made under sections 28 or 38.

The King may by regulations make further provisions in respect of the application of this section.

Section 36 Effect of determination of refugee status in a foreign state

A foreign national who has been granted asylum or a refugee travel document by a foreign state shall be regarded as a refugee with fixed abode in that state. If such a refugee applies for asylum or a travel document in Norway, the previous determination of refugee status shall not be overruled unless it is obviously wrong or there are other particular reasons for doing so.

Section 37 Lapse and revocation of a residence permit under sections 28 or 34

Besides revocation under section 63, refugee status and a residence permit under section 28 and 34 may also be revoked if the foreign national:

(a) has voluntarily re-availed himself or herself of the protection of the country of nationality,

(b) having lost his or her nationality, has voluntarily re-acquired it,

(c) has acquired a new nationality, and enjoys the protection of the country of his or her new nationality,

(d) has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution,

(e) can no longer refuse to avail himself or herself of the protection of the country of nationality, because the circumstances in connection with which he or she was recognised as a refugee under section 28 or received protection under section 34 are no longer present, or

(f) is not a national of any country, and because the circumstances as a result of which the foreign national was recognised as a refugee under section 28 or received protection under section 34 are no longer present, is able to return to the country of former residence.

A residence permit shall not be revoked under the first paragraph (e) or (f) if the foreign national can invoke compelling grounds in connection with prior persecution for rejecting the protection of the country in which he or she has citizenship rights or for refusing to return to the country of former habitual residence.

Chapter 5 Right of residence on the grounds of strong humanitarian considerations or a particular connection with Norway

Section 38 Residence permit on the grounds of strong humanitarian considerations or a particular connection with Norway

A residence permit may be granted even if the other conditions laid down in the Act are not satisfied provided there are strong humanitarian considerations or the foreign national has a particular connection with the realm.

To determine whether there are strong humanitarian considerations, an overall assessment shall be made of the case. Importance may be attached to, among other things, whether

(a) the foreign national is an unaccompanied minor who would be without proper care if he or she were returned,

(b) the foreign national needs to stay in the realm due to compelling health circumstances,

(c) there are social or humanitarian circumstances relating to the return situation that give grounds for granting a residence permit,

(d) the foreign national has been a victim of human trafficking.

In cases concerning children, the best interests of the child shall be a fundamental consideration. Children may be granted a residence permit under the first paragraph even if the situation is not so serious that a residence permit would have been granted to an adult.

In the assessment of whether to grant a permit, importance may be attached to considerations relating to immigration control, including

(a) possible consequences for the number of applications based on similar grounds,

(b) social consequences,

(c) the need for control, and

(d) respect for the other provisions of the Act.

When there is doubt regarding the identity of the foreign national, when the need is temporary, or when other particular grounds so dictate, it may be determined that

(a) the permit shall not provide the basis for a permanent residence permit,

(b) the permit shall not provide the basis for residence permits under chapter 6 of the Act for the foreign national's family members,

(c) the permit may not be renewed, or

(d) that the validity period of the permit shall be shorter than one year.

The King may by regulations make further provisions.

Chapter 6 Family immigration

Section 39 Sponsor

In this Act "sponsor" means the person with whom the applicant wishes to be reunited or to establish family life.

Section 40 Residence permit for spouses

An applicant who is the spouse of a sponsor, see section 39, shall be entitled to a residence permit where the sponsor is:

(a) a Norwegian or Nordic national who is resident or intends to establish residence in the realm,

(b) a foreign national with a permanent residence permit,

(c) a foreign national who has or will be granted lawful residence in the realm with a residence permit that can provide the basis for a permanent residence permit, or

(d) a foreign national who holds a residence permit under the provision of section 34 without the system of collective protection having ended.

It is a condition for being granted a residence permit under the first paragraph that both parties are aged 18 or over. It is further a condition that a sponsor who falls within the scope of section 40 a fulfils the conditions set in that section.

Unless particular circumstances indicate otherwise, it is a condition that the spouses shall live together.

A residence permit may be refused if it appears most likely that the main purpose of contracting the marriage has been to establish a basis for residence in the realm for the applicant.

An applicant who does not have children from his or her relationship with the sponsor and has not lived together with the sponsor in an established relationship in another country or in Norway may be refused a residence permit if it is most likely that the applicant or his or her children from a previous relationship will be mistreated or grossly abused. The same applies to children from a previous relationship who apply for family reunification with a parent who has been granted a residence permit without having had children with the sponsor or having lived together in an established relationship with the sponsor in another country or in Norway. The King may by regulations make further provisions in respect of the application of this provision.

A residence permit for children from a previous relationship as mentioned in the fifth paragraph shall as a general rule be refused if the sponsor (the parent’s spouse) in the course of the previous 10 years has been convicted of a breach of the provisions of the General Civil Penal Code relating to a sexual crime and the criminal act was committed against a child under the age of 18, unless particular grounds indicate that a residence permit should nevertheless be granted. A residence permit may also be refused if there is reason to fear that a child of a previous relationship will be exposed to sexual abuse. If the parent’s spouse is suspected of or charged with a criminal offence that may have a bearing on the application, the application shall be suspended. The King may by regulations make further provisions in respect of the application of this provision.

If the sponsor is granted residence in the realm after having contracted a marriage with two or more persons, only one of the persons whom he or she married may be granted a residence permit. If the sponsor is already married to a person who is resident in the realm, no residence permit may be granted under this section. If the sponsor has previously been married to another person, and it appears most likely that the former spouses intend to continue their cohabitation, a residence permit may be refused.

Section 40 a Requirement for the sponsor to have worked or studied in Norway for four years

It is a condition for a residence permit under section 40 that the sponsor has worked or studied in Norway for four years, when the sponsor has:

(a) asylum, see section 28,

(b) a residence permit following permission to enter as a resettlement refugee, see section 35, third paragraph,

(c) collective protection in a mass flight situation, see section 34,

(d) a residence permit on the grounds of strong humanitarian considerations or a particular connection with the realm, see section 38,

(e) a residence permit as a family member, see sections 40 to 53, or

(f) a permanent residence permit on the basis of the permits mentioned in (a)–(e), see section 62.

The condition in the first paragraph does not apply when:

(a) the marriage had been entered into or the parties had conceived children before the time of the sponsor's entry into the realm, or

(b) the parties have entered into marriage or conceived children in Norway while both parties had Norwegian residence permits.

Exceptions may be made from the condition if special grounds, including the interests of the unity of the family, indicate that this should be done.

The King may by regulations make further provisions.

Section 41 Residence permit for cohabitants

An applicant who has lived in a permanent and established relationship of cohabitation for at least two years with a sponsor as mentioned in section 40, first paragraph, shall be entitled to a residence permit when the parties intend to continue their cohabitation.

An applicant who has not lived in a fixed and established relationship of cohabitation with a sponsor as mentioned in section 40, first paragraph, is entitled to a residence permit if the parties have joint children and intend to continue cohabiting. The provisions of section 40 a, first, third and fourth paragraphs apply correspondingly, unless:

a) the child was conceived before the time of the sponsor's entry into the realm, or

b) the child was conceived while both parties had Norwegian residence permits.

A residence permit may be granted to an applicant who has not lived in a permanent and established relationship of cohabitation with the sponsor for at least two years, if the parties are expecting a child together and intend to continue cohabiting. The provision in the second paragraph, second sentence, applies correspondingly.

It is a condition for the grant of a residence permit under this section that both parties are aged 18 or over and that neither of them is married. Even if one of the parties is married, a residence permit may be granted if there have been permanent impediments to the fulfilment of this condition.

The King may by regulations make further provisions.

Section 42 Residence permit for children

An applicant who is a child under the age of 18, see section 50, and has no spouse or cohabitant, shall be entitled to a residence permit when both parents hold or are granted a residence permit as mentioned in section 40, first paragraph.

An applicant who is a child under the age of 18 and has no spouse or cohabitant shall be entitled to a residence permit when one of his or her parents holds a residence permit as mentioned in section 40, first paragraph, unless the best interests of the child argue against doing so. It is a condition that the sponsor has parental responsibility, alone or shared with the other parent. If parental responsibility is shared, the other parent must have given his or her consent, unless this is impossible to obtain, or particular grounds indicate that a residence permit should be granted in any case. If the sponsor has more than one spouse, a residence permit may only be granted to more than one child if they are full brothers and sisters.

The first and second paragraphs shall apply correspondingly to children under the age of 18 who are adopted under foreign law, or who will be adopted under the Act of 28 February 1986 No. 8 on adoption. Consent must have been given by the National Office for Children, Youth and Family Affairs before the child arrives in the realm.

An applicant who is a child under the age of 21 and has no spouse or cohabitant, and who is the dependant of a foreign national who is a national of a state that has acceded to the European Social Charter of 18 October 1961 shall be entitled to stay in the realm when both parents hold a residence permit as mentioned in section 40, first paragraph.

Section 43 Family reunification between a child with a residence permit under sections 28 or 34 and the child's parents and siblings

Applicants who are parents of a child under the age of 18 who is resident in the realm under sections 28 or 34 shall be entitled to a residence permit. It is a condition that the applicants shall live with the child. If the applicant is a single mother or father, the parent who had parental responsibility and with whom the child lived permanently in the country of origin shall have priority to reside in Norway.

The same applies to siblings under the age of 18 who have no spouse or cohabitant and who live with their parents or with the parent who is granted a residence permit.

Section 44 Family reunification between a Norwegian child and the child's mother or father

An applicant who is the mother or father of a Norwegian child under the age of 18 for whom the applicant has parental responsibility and with whom he or she lives permanently shall be entitled to a residence permit in order to live with the child in Norway. It is a condition that the applicant is not married to or is not to live with the child's other parent.

A residence permit may however be refused if this would lead to the applicant being reunited with a spouse living in Norway who is already married to or cohabiting with another person here. The same applies if the applicant and the parent living in Norway are not married at the time of application, but a bigamous relationship has previously existed between the applicant, the parent living in Norway and the latter's present spouse or cohabitant.

The King may by regulations make supplementary provision in respect of the power to refuse a residence permit under the second paragraph.

Section 45 Residence permit for a mother or a father who is to have right of access to a Norwegian child

An applicant who is the mother or father of a Norwegian child under the age of 18 who lives permanently with the other parent in Norway shall be entitled to a residence permit. It is a condition that the applicant:

(a) has lived with the child or has exercised right of access of a certain extent in the course of the last year outside Norway,

(b) has right of access of a certain extent in the realm, and

(c) renders it probable that right of access will be exercised.

A residence permit may however be refused if this would lead to the applicant being reunited with a spouse living in Norway who is already married to or cohabiting with another person here. The same applies if the applicant and the parent living in Norway are not married at the

time of application, but a bigamous relationship has previously existed between the applicant, the parent living in Norway and the latter's present spouse or cohabitant.

The King may by regulations make further provisions in respect of the calculation of time under the first paragraph (a) and of the requirement regarding the extent of the right of access under (a) and (b). The King may also by regulations make supplementary provisions in respect of the power to refuse to grant a residence permit under the second paragraph.

Section 46 Residence permit for a single mother or father with a child aged 18 or over in Norway

The mother or father of a sponsor as mentioned in section 40, first paragraph, may be granted a residence permit if the sponsor is the applicant's child and is aged 18 or over. It is a condition that the applicant is over the age of 60 and has no spouse, cohabitant or relatives in direct line of ascent or descent in the country of origin.

The King may by regulations make further provisions.

Section 47 Short-term stay to visit children in the realm

A residence permit for a period not exceeding nine months may be granted to parents intending to visit a sponsor as mentioned in section 40, first paragraph (a) to (c), when the sponsor is the applicant's child and is resident in the realm.

It is a condition that the applicant shall return to his or her country of origin after the visit. Considerations relating to immigration regulation shall be taken into account when assessing whether a permit should be granted.

A residence permit under this section shall not entitle the holder to take employment and shall not provide the basis for permanent residence.

The permit may not be renewed or extended.

A new permit under this provision may at the earliest be granted after one year of residence outside the realm.

The King may by regulations make further provisions.

Section 48 Residence permit in order to contract a marriage

A residence permit of a duration not exceeding six months may be granted to an applicant who is to contract a marriage after entering Norway with a sponsor as mentioned in section 40, first paragraph. It is a condition that both parties are aged 18 or over. The provisions of section 40, third, fifth and seventh paragraphs, and section 40 a shall apply correspondingly. The King may by regulations make further provisions.

A residence permit under this section shall not provide the basis for permanent residence. The permit may not be extended or renewed.

Section 49 Family immigration in other cases. If strong humanitarian considerations so indicate, a residence permit may also be granted to family members other than those mentioned in sections 40 to 53, and exemptions may be granted from conditions related to the status of the sponsor.

In the assessment of whether a residence permit should be granted, importance may be attached to considerations relating to immigration regulation.

In cases affecting children, the best interests of the child shall be a fundamental consideration.

Where particular reasons so indicate, it may be stipulated that the permit may not provide the basis for a permanent residence permit or that the residence permit shall not entitle the holder to take employment.

The King may by regulations make further provisions.

Section 50 Child under the age of 18

Where that fact that the applicant is or has a child under the age of 18 is decisive for whether a permit shall be granted under this chapter, the child shall be deemed to be under the age of 18 if the application with all the information and enclosures that are necessary in order to make a decision on it has reached the immigration authorities before the child's eighteenth birthday. The King may by regulations make further provisions.

Section 51 Exception from the right to family immigration

If it would be contrary to the conditions for the sponsor's residence permit to grant a residence permit to the applicant under this chapter, a permit may be refused.

A residence permit under the provisions of this chapter may be refused if the sponsor, when asked, does not consent to the applicant being granted a permit, or if it is likely that the marriage is being contracted against the will of either party.

Section 52 Continuation of a residence permit on the basis of an arrangement giving right of access to a child

An applicant who has parental responsibility for a child under the age of 18 who does not live permanently with the applicant shall be entitled to a new residence permit when this is necessary in order to continue to have access to the child in the realm. It is a condition that:

(a) the applicant has been resident in the realm with a permit for the past year,

(b) the child satisfies the conditions under section 40, first paragraph, and is resident in the realm together with the other parent with whom the child lives permanently, and

(c) the applicant has right to access of a certain extent and avails himself or herself thereof.

An applicant who has parental responsibility for a child under the age of 18 who lives permanently with the applicant shall be entitled to a new residence permit when this is necessary in order to maintain access between the child and the other parent in the realm. It is a condition that:

(a) the applicant has resided in the realm with a permit in the last year,

(b) the other parent satisfies the conditions under section 40, first paragraph,

(c) the other parent has right of access of a certain extent and avails himself or herself thereof.

The second paragraph applies correspondingly to the child if the child has lost his or her residence permit because the parent with whom the child lives permanently has lost his previous residence permit. It is a condition that the parent with whom the child lives permanently is also granted a residence permit under the second paragraph.

If the condition concerning access under the first and second paragraphs is not satisfied, the applicant may nevertheless be granted a new residence permit if it is rendered probable that the condition will be satisfied in the course of a specified period of time, which may not exceed one year.

The King may by regulations make further provisions in respect of the requirement regarding the extent and exercise of the right of access.

Section 53 Continuation of a residence permit on an independent basis

A foreign national who holds a residence permit under section 40 or section 41 shall upon application be granted a new residence permit on an independent basis if:

(a) cohabitation has ceased on account of the sponsor’s death, unless particular reasons argue against doing so, or

(b) cohabitation has ceased, and there is reason to assume that the foreign national or any children have been abused during the cohabitation relationship.

A new residence permit on an independent basis may upon application also be granted to a foreign national who has a residence permit under sections 40 or 41, if the foreign national as a result of the breakdown of the marriage or cohabitation will have unreasonable difficulties in his or her country of origin on account of the social or cultural conditions there.

Where legal proceedings are instituted under section 16, third paragraph, or section 23, third paragraph, of the Act of 4 July 1991 No. 47 on Marriage, a foreign national who thereby loses his basis for residence as a spouse shall upon application be granted a new residence permit on an independent basis unless particular reasons argue against doing so. The permit shall be granted for six months at a time until an unappealable final administrative decision has been made. If the marriage is declared null and void or is dissolved by divorce, the foreign national shall upon application be granted a new permit on an independent basis, provided that the

applicant has not used force or been complicit in the use of force in connection with the contraction of the marriage.

Chapter 7 General provisions concerning residence permits

Section 54 Scope of application of the provisions of this chapter

Unless otherwise provided by this Act or regulations pursuant thereto, the provisions of this chapter shall apply to all residence permits under this Act except residence permits under section 74 and chapter 13.

Section 55 Requirement as to residence permit in order to take up employment and residence

Any foreign national who intends to take up employment with or without remuneration or who wishes to engage in business activity in the realm must have a residence permit giving him or her the right to take up employment or to engage in business activity, unless otherwise provided in or under this Act.

Any foreign national who intends to take up residence in the realm for more than three months without taking employment must have a residence permit. Residence in another country participating in cooperation under the Schengen Agreement shall be equivalent to residence in Norway. The King may by regulations make further provisions in respect of calculation of the period of residence.

Section 56 Application for residence permit

A first-time residence permit shall be issued prior to entry into the realm.

The provision of the first paragraph entails no limitation of the right to seek asylum, see section 28, or to invoke protection against refoulement, see section 73.

The immigration authorities may in individual cases make exceptions from the condition of the first paragraph when strong grounds of reasonableness so indicate.

Where a residence permit is applied for under sections 40 or 41, and the marriage has not been contracted or the cohabitation has not been established abroad until after the sponsor, see section 39, has been resident in Norway, a residence permit may not be granted until the sponsor has returned to Norway and has been interviewed by the immigration authorities, unless

(a) the case concerns an application under section 40, and the sponsor was interviewed in connection with the case before the marriage was contracted, or

(b) the applicant is entitled to enter Norway without a visa.

The King may by regulations make exceptions from the first and fourth paragraphs. The King may also make further provisions in regulations regarding the procedure for filing an

application for a residence permit and for conducting interviews as mentioned in the fourth paragraph.

If the applicant does not satisfy the conditions for applying from the realm, the application shall be refused on that basis. The same shall apply where the applicant does not satisfy the conditions for entering the realm before a permit is granted.

Section 57 Residence permit during application processing

Where it is likely that the application will be granted, the applicant may upon request be granted a residence permit that runs until the administrative decision is made.

The provision of the first paragraph shall not apply to foreign nationals who apply for a residence permit under chapter 4.

The provision of section 60, third paragraph (a) to (c), shall apply correspondingly. A residence permit under this paragraph shall not provide the basis for a permanent residence permit.

Chapters IV to VI of the Public Administration Act shall not apply to administrative decisions concerning residence permits under this section.

The King may by regulations make further provisions.

Section 58 Requirement as to means of subsistence and accommodation

A requirement as to means of subsistence and accommodation must be met in order for a residence permit to be granted under this Act or regulations pursuant thereto.

The requirement as to means of subsistence and accommodation shall not apply to any person who is entitled to a residence permit under section 28, second paragraph, or who satisfies the conditions for protection against refoulement under section 73.

The King may by regulations make further provisions.

Section 59 Requirement as to foreign nationals' conduct etc.

A foreign national who otherwise satisfies the conditions for a residence permit may be refused such permit if there are circumstances that will give reason to refuse the foreign national entry to or residence in Norway under other provisions of this Act.

A residence permit under section 28 may nevertheless not be refused under this section.

Section 60 Duration and content of residence permits

A first-time residence permit shall be granted as a temporary residence permit for a period not exceeding three years. Unless otherwise provided in or under this Act, a permit shall be granted for at least one year. The duration of a permit granted under the provisions of chapter

6 shall not exceed the expiry of the sponsor's permit, see section 39. The duration of a permit under the provisions of chapter 3 shall not exceed the length of the employment relationship.

The King may by regulations make further provisions in respect of the duration of residence permits under the first paragraph.

Unless otherwise specifically provided in or under this Act, the following shall apply:

(a) a residence permit shall give the right to reside anywhere in the realm,

(b) a residence permit shall give the right to take employment and to engage in business activity anywhere in the realm,

(c) a residence permit shall give the right to repeated entry to the realm for as long as it is valid, and

(d) a residence permit shall provide the basis for a permanent residence permit, see section 62.

A permit granted to a family member under the provisions of chapter 6 shall apply subject to the same limitations as those set for the sponsor's permit, see section 39. However, limitations on the sponsor's permit granted under section 23, which provide that the right to work is linked to a specific employer, a specific type of work or a specific work, shall not apply. The King may by regulations make exceptions from the first sentence.

The conditions and limitations set shall be evident from the permit.

Section 61 Renewal of residence permits

A foreign national shall be entitled, upon application, to renew a temporary residence permit provided the basis for the first-time permit is still present. However this shall not apply if it is clear from this Act or regulations pursuant thereto that the residence permit cannot be renewed, or circumstances are present that will give reason to refuse the foreign national entry to or residence in the realm under other provisions of this Act.

Except where there is a basis for lapse or revocation under section 37 or section 63, a residence permit granted under sections 28 or 34 shall be renewed. A residence permit granted under section 34 may however not be renewed where it has been decided that the power to grant collective protection has ceased, see section 34, first paragraph.

For permits under chapter 6, there is no requirement that a child shall be below the age of 18 or 21 upon renewal.

For permits under chapter 3, there is no requirement that the applicant shall be subject to a quota arrangement or that the position cannot be filled with domestic labour or labour from the EEA or EFTA area upon renewal.

A renewed permit shall be granted as a temporary residence permit and in general for one or two years.

A foreign national who applies for renewal of a temporary residence permit may be granted continued residence on the same conditions until a final administrative decision on the application has been made. The foreign national shall be entitled to such residence provided he or she applies for renewal not later than one month before the permit expires. This shall not apply if it is clear from this Act or regulations pursuant thereto that the residence permit cannot be renewed.

A foreign national who applies for a residence permit on a new factual or legal basis may be granted continued residence on the same conditions as the previous permit until a final administrative decision on the application has been made. The foreign national shall be so entitled provided he or she applies for a new permit not later than one month before the expiry of the current permit, and he or she has been lawfully resident under the previous permit for at least the last nine months. The same shall apply to a foreign national with a permit under section 48 who applies for a residence permit under section 40.

The King may by regulations make further provisions.

Section 62 Permanent residence permit

A foreign national who for the last three years has resided in the realm on a temporary residence permit that provides the basis for a permanent residence permit shall be entitled, upon application, to a permanent residence permit provided

(a) the foreign national in the course of the last three years has not stayed outside the realm for more than seven months altogether,

(b) the foreign national continues to satisfy the conditions for a temporary residence permit that provides the basis for a permanent residence permit,

(c) no circumstances are present as mentioned in section 66, and

(d) the foreign national has undergone compulsory Norwegian language training in accordance with the Introduction Act.

Where the applicant is suspected of or charged with an offence as mentioned in section 66, the application for a permanent residence permit shall be suspended. The application may be granted at the earliest once the case has been dropped or a final decision on the question of guilt has been made.

Where circumstances as mentioned in section 66 are present and the foreign national is not expelled, a longer period of stay than that mentioned in the first paragraph shall be required in order for a permanent residence permit to be granted. The King may by regulations make further provisions in respect of calculation of the additional period where circumstances as mentioned in section 66 are present.

A permanent residence permit shall give the right to reside in the realm without a time limit and shall provide extended protection against expulsion, see section 68. The provision of section 60, third paragraph (a) to (c), shall apply correspondingly.

The permit shall lapse when the holder has remained outside the realm for a continuous period exceeding two years. The stay outside the realm is deemed to be continuous even if the foreign national has had one or more stays of a certain duration in the realm, see sixth paragraph. Administrative decisions regarding lapse of the permit shall be made by the Directorate of Immigration. A foreign national may upon application be given the right to be absent from the realm for a period exceeding two years without the permit lapsing.

The King may by regulations make further provisions, including the lapse of a permanent residence permit under the fifth paragraph. The King may also lay down further provisions on how long an intervening stay in Norway must be in order for a stay abroad not to be deemed continuous under the fifth paragraph. The King may by regulations provide that a permanent residence permit may be granted in cases other than those mentioned in the first paragraph.

Section 63 Revocation of residence permit

A temporary or permanent residence permit may be revoked if the foreign national has knowingly given incorrect information or failed to disclose matters of material significance for the administrative decision, or where this otherwise follows from general rules of administrative law.

A temporary or permanent residence permit may also be revoked where a foreign national who is not a national of a Schengen country is to be expelled from such a country based on an assessment which could have led to expulsion out of regard for fundamental national interests, see section 126, second paragraph.

Section 64 Refugee travel document and immigrant's passport

A foreign national who is granted a residence permit under section 28 shall upon application also be granted a refugee travel document for travel outside Norway provided no special reasons argue against it. If the refugee has travel documents issued by a foreign state, this right applies only where Norway is obliged under an international agreement to issue travel documents for refugees.

A foreign national who holds or is granted a residence permit in the realm on the basis of an application for asylum, but without having been granted a residence permit as a refugee, shall be granted an immigrant's passport for travel outside Norway if his or her relationship to the authorities of the country of origin so warrants, and no special reasons argue against it. An immigrant's passport may also be issued in other cases in accordance with further provisions made by the King.

A passport or other travel documents in the applicant's possession must be handed in together with the application for a travel document or immigrant's passport.

The King may by regulations make provisions in respect of the issuance, area of validity, renewal and seizure of refugee travel documents and immigrants passports and the further conditions thereon, and provisions on emergency travel documents.

Section 64a Schengen uniform-format residence card

A foreign national who is granted a temporary or permanent residence permit shall have his or her permit documented by the issue of a Schengen uniform-format residence card (uniform residence card) containing electronically stored biometrics, see section 100 a. This does not apply to residence permits granted during application processing under section 57.

The King may by regulations make further provisions, including regarding the obligation to submit a uniform residence card and regarding exemptions from the first paragraph.

Section 65 Power of decision

Administrative decisions regarding temporary or permanent residence permits, renewal and revocation shall be made by the Directorate of Immigration. The Directorate of Immigration shall also decide questions of protection against refoulement under section 73 and applications for travel documents and immigrant's passports under section 64.

The King may by regulations provide that the police may decide applications for temporary and permanent residence permits and for renewal of temporary residence permits. The King may also provide that the police shall be permitted to decide first-time applications and applications for renewal of immigrant's passports, and to grant first-time applications and applications for renewal of travel documents. The King may also by regulations provide that applications for temporary residence permits may be decided by Norwegian foreign service missions.

Chapter 8 Expulsion

Section 66 Expulsion of foreign nationals not holding a residence permit

A foreign national without a residence permit may be expelled

(a) when the foreign national has grossly or repeatedly breached one or more provisions of this Act, wilfully or through gross negligence has provided materially false or manifestly misleading information in a case coming under the Act, or evades the implementation of an administrative decision requiring him or her to leave the realm,

(b) when the foreign national less than five years previously while abroad has served or received a penalty for an offence which under Norwegian law is punishable by imprisonment for a term exceeding three months. The same shall apply where a special sanction has been imposed as a result of a criminal offence as mentioned,

(c) when the foreign national has while in the realm received a penalty or special sanction for an offence which is punishable by imprisonment for a term exceeding three months, or has on several occasions in the course of the last three years received prison sentences,

(d) when an administrative authority in a Schengen country has made a final administrative decision concerning rejection or expulsion of the foreign national because of the latter's failure to comply with the country's provisions on foreign nationals' entry or residence, or

(e) when the foreign national has contravened section 147 a or section 147 b of the General Civil Penal Code, or has provided a safe haven for someone whom the foreign national knows has committed such a crime.

Unless it would constitute a disproportionate measure, see section 70, a foreign national without a residence permit shall be expelled

(a)when the foreign national has not complied with the obligation to leave the realm within the time limit given pursuant to section 90, fifth paragraph, or

(b) when the foreign national has not been given a time limit for voluntary return because

- there is a risk that the foreign national will evade implementation, see section 90, fifth paragraph (a), and section 106 a,

- an application has been dismissed as manifestly unfounded or as a result of materially false or manifestly misleading information, see section 90, fifth paragraph (b), or

- the foreign national has been found to pose a threat to public order or fundamental national interests, see section 90, fifth paragraph (c).

Section 67 Expulsion of foreign nationals holding a temporary residence permit

A foreign national holding a temporary residence permit may be expelled

(a) where the foreign national less than five years previously while abroad has served or received a penalty for an offence which under Norwegian law is punishable by imprisonment for a term exceeding one year. The same shall apply where a special sanction has been imposed as a result of a criminal offence as mentioned,

(b) where the foreign national less than one year previously while in Norway has served or received a penalty or special sanction for an offence which is punishable by imprisonment for a term exceeding one year,

(c) where the foreign national has served or received a penalty or special sanction for contravention of section 228, first paragraph, section 237, section 342, first paragraph (b) or (c), section 352 (a), section 384 or section 385 of the General Civil Penal Code, or

d) where the foreign national has contravened section 147 a or section 147 b of the General Civil Penal Code, or has provided a safe haven for a person whom the foreign national

knows has committed such a crime.

Where a criminal offence was committed before the foreign national received a temporary residence permit, section 66, first paragraph, (b) and (c), shall apply correspondingly.

Section 68 Expulsion of foreign nationals holding a permanent residence permit

A foreign national holding a permanent residence permit may be expelled:

(a) where the foreign national less than five years previously while abroad has served or received a penalty for an offence which under Norwegian law is punishable by imprisonment for a term of or exceeding two years. The same shall apply where a special sanction has been imposed as a result of a criminal offence as mentioned,

(b) where the foreign national less than one year previously while in Norway has served or received a penalty or special sanction for an offence which is punishable by imprisonment for a term of or exceeding two years, or

(c) where the foreign national has contravened section 147(a) or section 147(b) of the General Civil Penal Code, or has provided a safe haven for someone whom the foreign national knows has committed such a crime.

Where a criminal offence was committed before the foreign national received a permanent residence permit, section 67, first paragraph (a) and (b), and second paragraph, shall apply correspondingly.

Section 69 Protection against expulsion for Norwegian nationals and foreign nationals who were born in Norway

A Norwegian national may not be expelled.

A foreign national who was born in the realm, and who subsequently has continuously had a fixed abode here, may not be expelled.

Section 70 Requirement of proportionality

A foreign national may not be expelled where, in view of the seriousness of the offence and the foreign national's connection with the realm, expulsion would be a disproportionate measure against the foreign national concerned or the person's closest family members. In cases concerning children, the child's best interests shall be a fundamental consideration.

The King may by regulations make further provisions in respect of the assessment under the first paragraph.

Section 71 Effect and duration of expulsion

Any valid permit to reside in Norway shall cease to apply where an administrative decision on expulsion is final. The King may by regulations make further provisions in respect of the

effect of an administrative decision concerning expulsion for residence permit applications which on the expulsion date have yet to be decided.

Expulsion shall prevent subsequent entry into the realm. Prohibition of entry may be permanent or temporary, but may not be for a period of less than one year. Prohibition of entry may upon application be lifted if warranted by new circumstances. If warranted by special circumstances, the expelled person may upon application be allowed to enter the country for a brief visit even if prohibition of entry is not lifted, but normally not until one year has passed since his or her departure.

Section 72 Power to decide a case of expulsion

Administrative decisions concerning expulsion shall be made by the Directorate of Immigration. Cases concerning expulsion shall be prepared by the police.

The King may by regulations make further provisions.

Chapter 9 Absolute protection against refoulement (non-refoulement)

Section 73 Absolute protection against refoulement

A foreign national may not be sent to an area where he or she would be in a situation as mentioned in section 28, first paragraph (a), unless

(a) the foreign national is excluded from protection under section 31, or

(b) the foreign national is on reasonable grounds deemed to be a danger to national security or has received an unappealable judgment for a particularly serious crime and for that reason represents a danger to Norwegian society.

A foreign national may not be sent to an area where he or she would be in a situation as mentioned in section 28, first paragraph (b). The protection under this provision shall also apply in situations as mentioned in the first paragraph (a) and (b).

The protection under the first and second paragraphs shall also apply to refoulement to an area where the person concerned would not be secure against subsequent refoulement to such an area as mentioned in section 28, first paragraph.

The protection under the first to third paragraphs applies in respect of all forms of decision under this Act.

Section 74 Residence permit for a foreign national whose protection against refoulement under section 73 is his or her sole basis for residence

A foreign national whose protection against refoulement under section 73 is his or her sole basis for residence in the realm may be granted a temporary residence permit until the impediment to his or her return no longer applies. It may also be stipulated that the permit shall not confer the right to take employment. Residence permits under this section shall not

confer the right to visit other Schengen countries. The King may by regulations make further provisions, including the duration and renewal of permits under this section.

Chapter 10 Organisation of the immigration authorities

Section 75 Exercise of authority under this Act

The Storting shall approve the main principles of the regulation of immigration.

This Act shall be implemented by the King, Ministry, Immigration Appeals Board, Directorate of Immigration, police and other public authorities. Where it is not explicitly clear from the Act, the King shall by regulations prescribe which tasks and what powers shall rest with the various public authorities under the Act.

Where the chief of police is assigned authority under this Act, the King may by regulations provide that other police service executives shall also have such authority.

Where authority under this Act is assigned to the chief of police or the person authorised by the chief of police, the person authorised by the chief of police must be a lawyer.

Section 76 Power of instruction and review of decisions

Administrative decisions under this Act made by the police, foreign service missions or other public administrative agencies may be appealed to the Directorate of Immigration. Administrative decisions under this Act made by the Directorate of Immigration at first instance may be appealed to the Immigration Appeals Board.

The Ministry's general right of instruction shall not confer the right to instruct in relation to decisions in individual cases. Nor may the Ministry instruct the Immigration Appeals Board on law interpretation or exercise of discretion. The Ministry may issue instructions regarding prioritisation of cases.

The Ministry may decide that an administrative decision made by the Directorate of Immigration in favour of a foreign national shall be reviewed by the Immigration Appeals Board. The Ministry’s decision shall be made at the latest four months after the Directorate’s administrative decision and be in writing, and the reasons for it shall be given. Chapters IV to VI of the Public Administration Act, on preparation of cases, administrative decisions and appeal, shall not apply to such decisions.

Where, in a case under the fourth paragraph, the Immigration Appeals Board concludes that the Directorate of Immigration’s administrative decision is invalid, it shall rescind the administrative decision and return the case to the Directorate of Immigration for renewed consideration in its entirety or in part. Valid administrative decisions may not be rescinded or altered, but the board may give an opinion on fundamental aspects of the case.

The King may by regulations make provisions in respect of preparation of cases and the Immigration Appeals Board’s competence in matters coming under the third paragraph.

Section 77 The Immigration Appeals Board

As an independent body the Immigration Appeals Board shall decide the cases assigned to it in section 76, first and third paragraphs.

The Immigration Appeals Board shall be headed by a director who meets the requirements set for judges. The director shall be appointed by the King in Council for a term of six years. The director may be re-appointed for a single period.

The Immigration Appeals Board shall furthermore have Board chairs who must meet the requirements set for judges. They shall be appointed by the King in Council.

The Immigration Appeals Board shall have Board members appointed by the King in Council on the recommendation of the Ministry which has the main responsibility for the immigration administration, the Ministry of Foreign Affairs, the Norwegian Association of Lawyers and humanitarian organisations. The members shall be appointed for a four-year term. The members may be reappointed for a single period. The office shall be voluntary. Replacements in the course of a period shall be made by the Ministry on the recommendation of the same authorities. The Ministry may release a Board member from his or her office if the member has failed to comply with the obligation of confidentiality, has grossly contravened other obligations pertaining to the office or has himself or herself so requested. The King may by regulations make further provisions.

The Board shall conduct its meetings in camera. Anyone participating in the consideration of a case before the Board is subject to an obligation of secrecy under sections 13 to 13(e) of the Public Administration Act. Breaches shall be punishable under section 121 of the General Civil Penal Code.

Section 78 Decision modes, etc. at the Immigration Appeals Board

A Board chair and two Board members shall participate in each case, see nevertheless the second and third paragraphs. One Board member shall be drawn from among those appointed on the recommendation of the Ministry that has the main responsibility for the immigration administration, the Ministry of Foreign Affairs and the Norwegian Association of Lawyers. The other Board member shall be drawn from among those appointed on the recommendation of humanitarian organisations. Each Appeals Board hearing may deal with several cases.

When cases are considered by a Grand Board, three Board chairs and four Board members shall participate. Two of the Board members shall be drawn from among those appointed on the recommendation of the Ministry that has the main responsibility for the immigration administration, the Ministry of Foreign Affairs and the Norwegian Association of Lawyers. The two other Board members shall be drawn from among those appointed on the recommendation of humanitarian organisations. The Board chairs shall participate in, and one of them shall chair, hearings by the Grand Board in accordance with a set arrangement. The members and deputy members are appointed by the Ministry for four years. The King may make provisions regarding what cases shall be heard by the Grand Board, and regarding the

authority to decide whether a case referred to the Grand Board for consideration shall be admitted for such consideration.

Cases not involving material questions of doubt may be decided by a single Board chair. In such cases the Immigration Appeals Board may also delegate power of administrative decision to the secretariat. Cases which may be decided by a single Board chair include appeals where the conditions for reversing the administrative decision of the Immigration Appeals Board are manifestly present, and appeals must be deemed to be unfounded. The same shall apply to any request for reversal of an administrative decision made by the Immigration Appeals Board where there is no reason to presume that the board will alter the administrative decision.

If the Immigration Appeals Board considers that a request for reversal of an individual decision will manifestly not succeed, the Board shall not give specific reasons in its reply. This does not apply if there are special grounds for giving specific reasons.

The Immigration Appeals Board shall itself decide the decision mode, except with regard to cases considered under the second paragraph. Cases considered under the first or second paragraph shall be decided by majority decision.

A foreign national may be given the right to appear in person and make a statement in a case considered under the first or second paragraph. Such right shall as a general rule be granted in asylum cases. The foreign national's advocate or other representative of the foreign national may appear together with the foreign national. Other persons may also be given the right to appear and to make a statement.

Chapters IV to VI of the Public Administration Act, on preparation of cases, administrative decision and appeal, shall not apply to decisions on the decision mode and personal appearance.

The King may make provisions in respect of the Board's procedure and on the further processing of cases and choice of decision mode, including what are to be regarded as material questions of doubt under the third paragraph. The King may by regulations make further provisions on requirements regarding the mode of the request for reversal of a decision, and on refusal of a request for reversal of a decision that does not comply with such requirements regarding the mode. The King may by regulations also make further provisions on refusal of a request for reversal from a foreign national who has no known place of stay.

Section 79 Proceedings

In the event of proceedings against the State concerning the lawfulness of administrative decisions of the Immigration Appeals Board under this Act or concerning compensation resulting from such administrative decisions, the State shall be represented by the Immigration Appeals Board. In the event of proceedings against the State concerning the lawfulness of administrative decisions of the Directorate of Immigration under this Act or

concerning compensation resulting from such administrative decisions, the State shall be represented by the Directorate of Immigration.

Where the Immigration Appeals Board has made an administrative decision under this Act in favour of a foreign national, the Ministry may have the validity of the administrative decision tested by lawsuit. Proceedings must have been brought within four months after the administrative decision was made. The proceedings shall be brought against the foreign national. There shall be no mediation in the Conciliation Court.

Proceedings against the state concerning the validity of administrative decisions made by the Immigration Appeals Board under this Act, or concerning compensation resulting from such administrative decisions, are to be brought before Oslo District Court. The same applies to proceedings concerning administrative decisions made by the Directorate of Immigration, the Ministry and the King in Council. Section 32-4, second paragraph, of the Dispute Act does not apply.

Chapter 11 Rules of procedure

I. General rules of procedure etc.

Section 80 Relationship to the Public Administration Act

The Public Administration Act shall apply unless otherwise provided by this Act.

Section 81 Foreign national's right to make a statement

In cases under sections 28 and 73, and in cases concerning rejection, expulsion, revocation of a granted permit or revocation of a residence card, see section 120 second paragraph, the immigration authorities shall ensure that the foreign national is given the opportunity to present his or her views in a language in which he or she can communicate adequately. This shall take place at the earliest opportunity, and under any circumstances before an administrative decision is made in the case. Provisions shall be made for foreign nationals with special needs. The King may by regulations make further provisions.

The King shall by regulations make provisions regarding a child's right to be heard in cases under the Immigration Act that concern the child; see section 17, first paragraph, of the Public Administration Act and Article 12 of the UN Convention on the Rights of the Child.

If the child so desires and it is necessary in order to fulfil the child's right to be heard, the authority that prepares or makes decisions in the case may decide that a conversation shall be conducted with the child even if the parents do not give their consent. Correspondingly, it may be decided that a conversation shall be conducted with the child, during which the parents are not be permitted to be present.

In cases where a conversation is conducted with the child in Norway during which the parents are not permitted to be present, see the third paragraph, a substitute guardian shall be appointed for the child, unless the child has another representative present.

Decisions under the third paragraph may not be appealed.

Section 82 Obligation to provide guidance

In cases concerning rejection, expulsion, revocation of granted permits or revocation of residence cards, see section 120, and where a foreign national claims refugee status, the police shall provide guidance on the foreign national's right to a representative, see section 12 of the Public Administration Act, and on the foreign national's right to legal aid, see section 92, and on the foreign national's right to make contact with his or her country's representation, a representative of the UN High Commissioner for Refugees and a Norwegian refugee organisation.

Section 83 Obligation to appear and to provide information

In connection with a case under this Act the police and the Directorate of Immigration may require the foreign national concerned to appear in person in order to provide information that may be of significance to the decision, see section 93, fourth paragraph.

Upon entry, and until correct identity is registered, foreign nationals are obliged to assist in clarifying their identity to the extent that the immigration authorities so require. The immigration authorities may also subsequently impose such an obligation on a foreign national if there is reason to suppose that the registered identity is not the correct identity. A foreign national may not be required to assist in clarifying his or her identity in a manner which comes into conflict with a need for protection.

The King may by regulations prescribe what foreign nationals may be required to do to fulfil the obligation under the first and second paragraphs.

Section 84 Obligation to provide information and exemptions from the obligation of confidentiality for public authorities

If the body dealing with a case under this Act deems it necessary in order to shed light on the case, the authority may, notwithstanding the obligation of confidentiality, require the following authorities to disclose information concerning foreign nationals or other persons to which this Act applies:

a) the child welfare authorities,

b) municipalities in connection with the introduction programme,

c) the Norwegian State Educational Loan Fund,

d) the Norwegian Labour and Welfare Service,

e) the tax assessment authorities, and

f) the police.

The King may by regulations make further provisions specifying which authorities may request information under the first paragraph, the types of cases in which information may be collected, the persons about whom information may be collected and which information may be collected.

Section 84 a Data processing in cases regarding return

In cases regarding return, the immigration authorities may register, group and store personal data, including sensitive personal data; see section 2 (8) of the Personal Data Act. This also applies to data obtained by the authorities in earlier administrative processing.

Section 85 Information regarding conduct in family immigration cases, see section 40, fifth and sixth paragraphs, and section 48The police may as part of the preparation of a case as mentioned in section 40, fifth or sixth paragraph, or section 48, utilise information on the conduct of the sponsor or the person together with whom the sponsor has been authorised to establish a family when the applicant is the sponsor's child from a previous relationship.

If the police have conduct information of significance for whether a residence permit shall be refused under section 40, fifth or sixth paragraph, a statement on this may be given to the body responsible for deciding the case.

The King may by regulations make further provisions in respect of what conduct information shall be given to the body that is to decide the case, and on the formulation of the police statement in general.

Section 86 Information regarding conduct in visa cases under section 10, fourth paragraph

Where the Directorate of Immigration or the Immigration Appeals Board finds particular reason to investigate the sponsor's conduct in order to decide whether a visa shall be refused under section 10, fourth paragraph, a statement may be obtained from the police on factors of significance for assessing the matter.

The King may by regulations make further provisions in respect of what conduct information shall be given to the Directorate of Immigration or the Immigration Appeals Board under the first paragraph, and in respect of the formulation of the police statement in general.

Section 87 DNA testing

Where, in cases under this Act, it is necessary to establish whether a family relationship exists, the applicant and the sponsor may be requested to undergo DNA testing. This shall only apply if the other information in the case fails to provide a basis for establishing the family relationship with reasonable certainty. If the applicant or the sponsor refuses the request for DNA testing without reasonable grounds, the individual concerned shall be made aware that this may be of significance for assessment of the case.

Information and material connected to the test shall be erased or destroyed as soon as possible after the family relationship is confirmed or disproved.

The King may by regulations make further provisions in respect of the implementation of DNA testing.

Section 88 Age examination

Where, in a case concerning asylum or in a case concerning a residence permit for a family member, it is not possible to establish with reasonable certainty whether the foreign national is over or under the age of 18, the foreign national may be requested to allow himself or herself to be examined in order to determine his or her age. The result of the examination shall be assessed in relation to the other information in the case.

If the foreign national refuses to allow himself or herself to be examined, he or she shall be made aware that this may be of significance for the assessment of the case.

The King may by regulations make further provisions in respect of the implementation of age examinations.

Section 89 Fees

The King may by regulations provide that a fee shall be charged for processing applications under this Act, except applications for protection under chapter 4. The King may also make provisions regarding fees for issuing a new uniform residence card or a card that documents permits or rights other than a residence permit, even if this is not issued on the basis of an application for renewal of a permit or right.

Section 90 Implementation of administrative decisions

An administrative decision to reject or expel a foreign national who does not hold a residence permit or a right of residence under chapter 13, or a Nordic national who has not resided in the realm for more than three months, may be implemented immediately. An administrative decision to reject or expel a foreign national who holds a residence permit under section 111 of the Act may be implemented immediately.

An administrative decision to reject an application for a first-time residence permit, or an application to renew a residence permit submitted after the expiry of the time limit in section 61, sixth paragraph, may be implemented before the administrative decision is final provided the foreign national has been given the opportunity to lodge an appeal. Such administrative decision may be implemented at the earliest 48 hours after notification of the administrative decision reaches the foreign national. If the Directorate of Immigration regards the application as manifestly unfounded, the administrative decision may nonetheless be implemented as soon as the time limit for requesting deferment of implementation has expired, and the Directorate has assessed the request. If an administrative decision has been made to transfer a foreign national to another country under the Dublin III Regulation, see section 32, fourth paragraph, and the foreign national has submitted a request for postponed enforcement, the

administrative decision may not be implemented until the Immigration Appeals Board has decided the request for postponed enforcement or considered the appeal against the administrative decision.

An administrative decision to reject an application for renewal of a residence permit or for a permanent residence permit submitted before the expiry of the time limit in section 61, sixth paragraph, may not be implemented until it is final. The same shall apply to an administrative decision to revoke a permit under section 63 and an administrative decision to expel a foreign national who holds a residence permit, or a Nordic national who has resided in the realm for more than three months. If it is most probable that the foreign national will commit a criminal offence against or persecute another person or in any other way seriously violate another person's peace, the administrative decision may be implemented at an earlier point in time than that prescribed in the first and second sentences.

Where a foreign national claims refugee status or otherwise provides information indicating that protection against refoulement under section 73 will apply, an administrative decision may only be implemented before it is final provided

(a) the application for residence has been summarily dismissed under section 32,

(b) the applicant has previously had an application for asylum rejected in another country, or

(c) the conditions for residence under sections 28 or 73 are manifestly not met.

An administrative decision entailing that a foreign national must leave the realm shall be implemented by ordering the foreign national to leave within a set time limit. The time limit shall be set at between seven and thirty days. If deemed necessary, a longer time limit may be set. A time limit for voluntary return of less than seven days may be set, or a time limit may be dispensed with when

a) there is a risk that the foreign national will evade implementation of the administrative decision, see section 106 a,

b) an application has been rejected as manifestly unfounded or as a result of materially false or manifestly misleading information,

c) the foreign national is found to pose a threat to public order,

d) the foreign national falls within the scope of section 32, first paragraph (b),

e) the foreign national is rejected or expelled at the outer borders of the Schengen area, or

f) the foreign national is expelled under section 66, first paragraph (b), (c), (e) or second paragraph or sections 67 or 68.

If such an order as mentioned in the fifth paragraph is not complied with, or no time limit has been set for departure, or there are specific reasons for suspecting that the foreign national

will not leave the realm by the expiry of the time limit, the police may escort the foreign national out. Where warranted on particular grounds, the foreign national may be brought to a country other than the one from which he or she came. Foreign nationals not in possession of a valid travel document have an obligation to obtain such a document. Decisions regarding implementation shall not be regarded as individual decisions, see section 2, first paragraph (b), of the Public Administration Act.

An unaccompanied minor may only be forcibly removed to a family member, an appointed guardian or to some other appropriate care arrangement. The King may by regulations make further provisions.

The King may by regulations make further provisions regarding the setting of a time limit for voluntary return and the introduction of a system for monitoring forced returns.

Where the Immigration Appeals Board has made an administrative decision which requires the foreign national to leave the realm, it may instruct the police to defer implementation. The Directorate of Immigration may instruct the police to defer implementation if such administrative decision has been made by the Directorate. The Immigration Appeals Board may instruct the police to defer implementation of an administrative decision made by the Directorate in the Board's field of competence where the administrative decision entails that the foreign national must leave the realm. The Ministry may instruct the Directorate of Immigration and the Immigration Appeals Board to defer implementation of a specific type of administrative decision entailing that the foreign national must leave the realm, pending amendments to law or regulations.

Where a foreign national invokes circumstances as mentioned in section 28 at the time of implementation of an administrative decision entailing that the foreign national must leave the realm, and it is not apparent that the circumstances invoked have already been taken into consideration, the police shall refer the question of deferred implementation to the authority that has made the administrative decision.

Section 91 Liability for expenses etc.

A foreign national who under this Act is conducted out of the realm shall be obliged to pay the expenses of his or her own exit. The foreign national shall also pay expenses relating to guards where such are necessary because there is reason to fear that the foreign national will resist being returned or will behave in a threatening or dangerous manner in connection with exit. The claim shall be enforceable by execution.

Where a guarantee has been provided for expenses under the first paragraph, a claim may be made on the guarantor to pay the expenses. The claim shall be enforceable by execution.

Where a foreign national who has come by ship or aircraft, or who has been brought to the country by a carrier engaged in the commercial land transport of persons, is rejected, the owner or hirer of the means of transport shall be obliged either to take the foreign national on board again, take the foreign national out of the realm by other means, or meet such expenses

as may be incurred by the public authorities in conducting the foreign national out of the realm. There is likewise an obligation to take on board and meet the expenses relating to personnel to escort the foreign national out of the realm where the police deem this necessary. The responsibility borne under this paragraph by the owner or hirer of the means of transport shall apply equally to the driver, pilot, master or agent of the means of transport in the realm.

The third paragraph shall apply equally in the case of expulsion as a penal sanction imposed for contravention of the provisions of this Act concerning entry and in the case of removal of a foreign national who is refused entry to the realm on account of an expulsion decision which is still in effect.

Where a foreign national who needs a permit from the police under section 16, first paragraph, in order to go ashore in the realm has gone ashore without such a permit, the provisions of the third paragraph shall apply correspondingly. The liability shall in this case also include any expenses incurred by the public authorities for up to three months in connection with the foreign national's stay in the realm.

In relation to foreign nationals as mentioned in section 16, third paragraph, the provisions of the third and fifth paragraphs shall apply correspondingly, irrespective of whether the foreign national has received permission to go ashore in the realm.

Where the expenses of conducting the foreign national out of the realm are not met under the first to fifth paragraphs, they shall be met by the State.

The liability under the third, fourth, fifth and sixth paragraphs shall not apply to entry across an internal Schengen border.

The provision does not apply to foreign nationals who are transferred from Norway to another country under the Dublin III Regulation, see section 32, fourth paragraph.

Section 92 Legal aid

In cases concerning rejection, expulsion and revocation of a permit or revocation of a residence document, see section 120, foreign nationals shall have a right to free legal advice without means testing. However, this shall not apply in expulsion cases under sections 66, first paragraph, (b) and (c), section 67, first paragraph, (a), (b) and (c), section 68, first paragraph, (a) and (b), and 122.

A foreign national who applies for a residence permit under section 28, or invokes protection against expulsion under section 73, shall have a right to free legal advice without means testing in the event of a negative administrative decision made by the Directorate of Immigration. However, this shall not apply where the foreign national only appeals against having been granted a residence permit under section 38. In the case of applications from unaccompanied asylum-seeking minors, or where exclusion under section 31 may be the outcome, free legal advice shall also be given without means testing where a case is handled by the Directorate of Immigration. The King may by regulations make further provisions in

respect of exceptions from the right to free legal advice under the first sentence, and supplementary provisions to the first sentence, including the right to free legal advice without means testing at first instance.

In cases as mentioned in section 76, third paragraph, foreign nationals shall have the right to free legal advice without means testing. In cases as mentioned in section 79 second paragraph, foreign nationals shall have the right to free conduct of the case.

The court shall appoint legal counsel when hearing a petition for remand in custody under section 106. The same shall apply where the court hears a petition for seizure or an order under section 104, second paragraph, and section 105, second paragraph, unless appointing legal counsel would entail particular inconvenience or waste of time, or the court has no misgivings about not appointing counsel. If the foreign national already has an advocate at public expense, the advocate shall normally be appointed. Such appointment shall be dispensed with when the court so decides.

The court shall on its own initiative and without means testing make funds available for free conduct of the case when counsel is appointed under the fourth paragraph.

In cases where free conduct of the case or free legal advice is provided without means testing, full or partial recovery of the public authorities' outlay in connection with the legal aid may be requested provided the foreign national has the necessary financial capacity. The King may by regulations make further provisions.

II. Special rules for applications for protection (asylum cases)

Section 93 Time of application for protection. Elucidation of the case

An application for protection under section 28 shall be lodged with the police without undue delay. A passport or other travel document in the possession of the foreign national shall be handed in by him or her together with the application.

If circumstances as mentioned in section 28 arise only after the foreign national's entry to the realm, the application shall be lodged without undue delay after the foreign national became aware of the circumstances.

The person who registers the application shall take the foreign national's photograph and fingerprints, see section 100, first paragraph (b). When deemed necessary, a copy may be made of documents in the foreign national's possession.

The applicant shall have an obligation to do his or her best to present necessary documentation and to assist in obtaining necessary information. For this purpose the applicant may be ordered to be available at a specified location. The immigration authorities have an independent responsibility for obtaining necessary and available information before the administrative decision is made, see section 17, first paragraph, of the Public Administration Act.

The King may by regulations make further provisions in respect of the implementation of case processing.

Section 94 Applicant's legal status during processing of the application

The applicant may be given the right to take employment until the application is decided. Fulfilment of the following conditions is a precondition for the permit:

(a) the applicant has undergone an asylum interview,

(b) there is no doubt as to the applicant's identity, and

(c) there is no question of rejecting the applicant or of requesting another country to take back the applicant.

Where an application for protection has been rejected at first instance, a permit granted under the first paragraph shall remain valid provided the administrative decision has been appealed and implementation has been deferred. An appellant not already holding a permit under the first paragraph may upon request be granted such a permit provided the conditions of the first paragraph are fulfilled, and implementation of the administrative decision has been deferred.

The King may by regulations make provisions in respect of the duration of permits to take employment under the first paragraph and in respect of permits after rejection of applications at first instance.

Permits under the first and second paragraphs shall be granted by the Directorate of Immigration, which can also empower the police to grant such permits. Chapters IV to VI on case preparation, administrative decisions and appeals shall not apply to decisions concerning such permits.

Section 95 Accommodation while an application for protection is being considered

A foreign national who applies for protection shall be offered accommodation. A foreign national whose application for protection has been rejected may be offered accommodation pending his or her exit.

The King may by regulations make further provisions in respect of accommodation arrangements, including the allocation and withdrawal of offered accommodation.

Sections 24 and 25 of the Public Administration Act, on grounds, and sections 28 to 34 on appeals, shall not apply to the immigration authorities' decisions on the allocation of accommodation or transfer to a new accommodation location. Sections 28 to 34 of the Public Administration Act, on appeals, shall not apply to the immigration authorities' decisions on settlement in a municipality or withdrawal of offered accommodation.

Section 96 Enforcement in accommodation cases

The immigration authorities' decisions regarding transfer to a new accommodation location, settlement in a municipality or withdrawal of offered accommodation constitute a particular basis for enforcement under chapter 13 of the Enforcement Act.

Section 97 Police certificate for employees at state reception centres etc.

Anyone who is to be employed at a state reception centre for asylum seekers shall present a satisfactory police certificate. A police certificate may also be demanded of others who perform tasks for the immigration authorities, and who are in direct contact with children and young people staying at an asylum reception centre.

The police certificate shall show whether the person concerned has been charged, indicted, fined or convicted of a contravention of sections 192, 193, 194, 195, 196, 197, 199, 200, second paragraph, 201 (c), 203 or 204 (a) of the General Civil Penal Code where the victim is below the age of 18. The certificate shall not date back more than three months.

Anyone who has been fined or been convicted of a contravention as mentioned in the second paragraph shall be excluded from performing work at an asylum reception centre or tasks mentioned in the first paragraph, second sentence.

The King may by regulations make supplementary provisions.

Section 98 Cooperation with the UN High Commissioner for Refugees. Transmission and exchange of information

Norwegian authorities shall cooperate with the UN High Commissioner for Refugees in accordance with Article 35 of the Convention relating to the Status of Refugees, and in so doing shall facilitate the UN High Commissioner for Refugees' discharge of its duty to supervise compliance with the provisions of the said Convention. Notwithstanding the rules concerning confidentiality, the UN High Commissioner for Refugees may be given access to case documents. To the extent necessary for the purpose of obtaining information, access may also be given to a refugee or human rights organisation.

To the extent Norway is obliged to do so as a participant in cooperation under the Schengen Agreement, see section 9, second paragraph, and the Dublin Agreement, see section 32, fourth paragraph, the immigration authorities may notwithstanding the obligation of confidentiality forward information about individuals to the authorities of countries participating in cooperation under the above agreements, as part of or for use in the processing of cases concerning border control, visas, rejection, expulsion, protection under the rules of chapter 4, protection against refoulement under chapter 9, or residence permits. In this section "residence permit" means a permit of whatever type issued by a country participating in cooperation under the Schengen Agreement and conferring the right to reside in its territory. However, permits to stay pending the processing of applications for a residence permit shall not be included.

The King may by regulations make further provisions in respect of what information may be provided, and as to conditions that must be met before transmission can take place. The King may by regulations also make further provisions in respect of exchange of information about individuals with other countries' authorities in cases concerning protection under the provisions of chapter 4 or protection against refoulement under the provisions of chapter 9, beyond the provisions of the second paragraph.

Chapter 11A Representatives of unaccompanied asylum-seeking minors

Section 98 a Scope of the provisions in this chapter

The provisions of this chapter apply to persons under 18 years of age (minors) who are applying for protection and who are in the country without parents or other persons with parental responsibility. The same applies when those who have parental responsibility are no longer able to exercise that responsibility for the minor.

The provisions of this chapter apply correspondingly to unaccompanied minors who apply for a limited residence permit under special arrangements for persons who are assumed to be victims of human trafficking under section 38.

The Guardianship Act with appurtenant regulations, and provisions regarding guardians in other legislation, shall apply insofar as they are relevant.

Section 98 b Appointment, training, etc.

The county governor shall appoint a representative for the minor as soon as the county governor learns that the minor is in a situation as mentioned in section 98 a. The representative shall be appointed by the county governor in the guardianship district in which the minor is a permanent resident.

The county governor shall give the representatives in his or her district necessary training, guidance and assistance, and shall supervise the representatives in his or her district.

The county governor shall notify the Directorate of Immigration of who has been appointed as representative.

Section 98 c Who may be appointed as representative

Any person who is appointed as representative must be suitable for the task and must consent to the appointment. The minor's spouse or cohabitant may not be his or her representative.

The person who is appointed as representative shall present a police certificate. The certificate shall state whether the person is charged with or indicted for, has accepted a fine for or has been convicted of contravention of the penal provisions set out in the child care certificate, see section 39, first paragraph, of the Police Register Act. The certificate shall be exhaustive in accordance with section 41 (1) of the Police Register Act. The data in the police certificate shall be taken into account when assessing suitability under the first paragraph, first sentence.

If the appointment is urgent, the appointment may be made before a police certificate has been obtained.

Section 98 d The representative's duties

The representative shall safeguard the minor's interests in the asylum case and otherwise perform such duties as are imposed on a guardian under other legislation.

In the asylum case the representative shall, among other things,

(a) be present during conversations between the authorities and the minor,

(b) assist the minor in connection with investigations of identity, age, etc.,

(c) assist the minor in connection with tracing his or her parents or other carers, and

(d) maintain contact with the minor's lawyer and stay informed of progress in the case.

The representative shall ensure that the minor's care needs are met satisfactorily, but the representative does not have responsibility for the minor's maintenance and daily care.

In performing his or her duties, the representative shall take due account of the minor's national, linguistic, religious and cultural background, including ensuring appropriate communication with the minor. The King may by regulations make further provisions regarding coverage of interpretation expenses.

Section 98 e The obligation to hear the minor's opinion

Children who have reached the age of seven, and younger children who are able to form their own opinions, shall be informed and given an opportunity to express their opinion before the representative makes a decision in matters concerning the child. Weight shall be given to the child's opinion in accordance with the age and maturity of the child.

Section 98 f Remuneration for the assignment as representative and coverage of expenses

The representative is entitled to remuneration for his or her work as representative and is entitled to coverage of necessary expenses incurred in connection with the assignment as representative. Remuneration and expenses are paid by the county governor in the guardianship district in which the minor is permanently resident.

The King may by regulations make further provisions regarding remuneration and the coverage of expenses under the first paragraph, including setting a maximum limit for the number of hours that are covered.

Section 98 g Termination of the assignment as representative

The representative's assignment terminates when

(a) the minor reaches the age of 18 or is found to be over 18 years of age in a decision by the Directorate of Immigration,

(b) the minor is granted a residence permit which forms the basis for a permanent residence permit, and a guardian has been appointed under the provisions of the Guardianship Act,

(c) the minor leaves the country permanently,

(d) the minor's parents or other persons with parental responsibility come to Norway, or otherwise become capable of exercising their parental responsibility, or

(e) the conditions for the appointment are otherwise no longer fulfilled.

An appointed representative may, on giving reasonable notice to the county governor, request to be released from the assignment as representative. The county governor may relieve an appointed representative of the assignment if this is in the child's best interests. The representative's assignment does not terminate until a new representative is appointed.

Chapter 12 Processing of fingerprints etc., coercive measures and penalties

Section 99 General provisions on the use of coercive measures

A coercive measure may only be applied where there is sufficient reason to do so. A coercive measure may not be applied where doing so would constitute a disproportionate intervention in light of the nature of the case and other factors.

Coercive measures to ensure the implementation of an administrative decision may be applied where an administrative decision has been made entailing that a foreign national must leave the realm, and during the processing of a case which may lead to such an administrative decision.

Section 100 Photographs and fingerprints

Photographs and fingerprints may be taken of a foreign national who

(a) cannot provide proof of identity, or there is reason to suspect that the foreign national has given a false identity,

(b) is applying for a residence permit under this Act,

(c) has been granted a residence permit or has had an application for a residence permit under this Act rejected, or

(d) has been rejected or expelled, or is believed to staying in the realm illegally.

Fingerprints and photographs taken under this section may be recorded electronically in a register. The King may by regulations make further provisions in respect of the treatment of this information, including entry, use and erasure of data in the register. The police may use

the register in connection with the investigation of one or more acts which in aggregate may be punishable by imprisonment for a term exceeding six months.

For treatment of fingerprints under cooperation under the Dublin Agreement, see section 32, fourth paragraph, the provisions of section 101 shall apply.

Any decision to take photographs or fingerprints shall be made by a police officer, a foreign service mission or the Directorate of Immigration.

The chief of police or the person authorised by the chief of police may decide that fingerprints and photographs shall be taken forcibly. The foreign national may demand that the question of the lawfulness of such coercive intervention be brought before the court. The police shall ensure that the foreign national is made aware of this right.

Section 100 a Collection and storage of biometric personal data in uniform residence cards

In order to issue a uniform residence card, see section 64 a, biometric personal data in the form of a facial photograph and fingerprints shall be collected and stored in the residence card of all foreign nationals over 6 years of age. The foreign national has an obligation to cooperate in the recording of such biometric personal data. The data shall be stored electronically or in another way in the residence card in such a way as to ensure the authenticity, integrity and confidentiality of the data.

The King may by regulations make further provisions to the effect that biometric personal data in the form of a facial photograph and fingerprints may also be collected and stored in cards that document types of permits or rights other than residence permits, such as local border traffic permits issued to residents in the Norwegian-Russian border area.

Decisions regarding the collection and storage of biometric personal data as mentioned in the first and second paragraphs shall be made by the Directorate of Immigration, the Immigration Appeals Board, the Ministry of Foreign Affairs, the police or a foreign service mission.

The person to whom the residence card has been issued has right of access to the personal data that is recorded in the residence card, including the biometric data, and may demand that incorrect data be corrected or erased. This applies correspondingly to any person who has been issued a card in which biometric personal data has been recorded under the second paragraph.

Biometric personal data that have been collected as mentioned in the first or second paragraphs shall be erased as soon as possible after the residence card has been produced or the application for a residence permit has been rejected.

The provisions regarding destruction and correction in section 9 (c) and (d) of the Act of 4 December 1992 No. 126 relating to archives do not preclude erasure under the fifth paragraph.

The King may by regulations make further provisions, including regarding the time at which fingerprints and a facial photograph may be taken.

Section 100 b Collection of biometric personal data in order to check a uniform residence card, see sections 64 a and 100 a

In connection with checks under sections 15 or 21, or in connection with the processing of a case under the Immigration Act, the police, the Directorate of Immigration, the Immigration Appeals Board, the Ministry of Foreign Affairs, foreign service missions or others with control authority under section 22 of this Act, may collect biometric personal data in the form of a facial photograph and fingerprints in order to check a residence card that has been presented or to check another card in which biometric personal data has been recorded under section 100 a, second paragraph. The foreign national has an obligation to cooperate in the collection of such biometric personal data.

The provision in section 100, fifth paragraph, regarding the forcible collection of fingerprints and a photograph applies correspondingly.

Biometric personal data collected in accordance with the first paragraph shall be erased as soon as possible after the foreign national's identity has been verified against the residence card or a card in which biometric personal data has been recorded under section 100 a, second paragraph.

The provisions regarding destruction and correction in section 9 (c) and (d) of the Act of 4 December 1992 No. 126 relating to archives do not preclude erasure under the third paragraph.

The King may by regulations make further provisions.

Section 101 Processing of fingerprints. Eurodac

As part of cooperation under the Dublin Agreement, see section 32, fourth paragraph, fingerprints may be taken of a foreign national who has reached the age of 14, and who

(a) is applying for a residence permit under section 28,

(b) is arrested, without being rejected, for illegally crossing an external Schengen border, or

(c) is staying in the realm illegally.

The following information may be collected together with the fingerprints:

(a) date the fingerprints were taken,

(b) place and date of submission of an application for protection under section 28,

(c) gender and state of origin.

The information shall be transmitted to a national fingerprint information unit.

The Personal Data Act shall apply to the processing of information unless otherwise provided by law or regulations. The King may by regulations make further provisions in respect of the processing of the information, including transmission of information to the national unit, storage, comparison with other information, transmission of the results of such comparison, security, blocking and erasure of information and provisions to ensure that the information is correct and brought up to date.

Section 102 The Visa Information System (VIS)

As part of the Schengen cooperation of which Norway is a part, a system is being established for the exchange of visa data, the Visa Information System (VIS), see Regulation no. 767/2008. The VIS consists of a central unit for visa information (Central VIS), national units for each country that participates in the Schengen cooperation (NORVIS in the case of Norway), and a structure for communication between them.

The Personal Data Act applies to the treatment of information in the VIS unless otherwise provided in an Act or Regulations.

Section 102a The purpose of the VIS

The purpose of the VIS is to improve the implementation of the Schengen countries' common visa policy, consular cooperation and consultations between central consular authorities by facilitating the exchange of data between the member states about visa applications and decisions relating thereto. This is being done to:

(a) simplify the visa application procedures,

(b) avoid circumvention of the criteria that form the basis for the decision regarding which member state is responsible for examining the application,

(c) facilitate the fight against forgery,

(d) facilitate checks at the member states' external border crossing points and within the territory of the member states,

(e) simplify the identification of persons who do not fulfil the conditions for entry to or stay in the member states' territory,

(f) facilitate the application of the Dublin III Regulation, see section 32, fourth paragraph, and

(g) contribute to the prevention of threats to the internal security of individual member states.

Section 102 b Data that shall be recorded in the VIS

The following data shall be recorded in the VIS:

(a) alphanumeric data on the applicant and on visas that have been applied for, granted, refused, annulled, revoked or extended,

(b) photographs,

(c) fingerprints,

(d) references to earlier applications, and to other persons with whom the applicant is travelling in a group.

Notifications that are sent via the VIS infrastructure in order to provide data in connection with consultations, or about an applicant's acquisition of nationality in a Schengen country or proposals for the amendment of recorded data, shall not be recorded in the VIS.

Section 102 c Registration in NORVIS, access to and processing of data in the VIS

Data that are required to process a visa application, including biometric personal data in the form of a facial photograph and fingerprints, and information about any decision, annulment, revocation or extension, shall be recorded in NORVIS and transmitted to the central unit, see section 98.

Authorities with responsibility for the processing of visa applications may enter, amend and erase data in the VIS. Authorities with responsibility for border control, immigration control and the processing of asylum applications have read access to data in the VIS.

Data that are recorded under the first paragraph shall not be stored for more than five years. If a visa applicant who is registered in the VIS becomes a national of a member country before the five-year period has expired, data about the person concerned shall be erased from the VIS. Only the member state responsible may amend entered data.

Section 102 d Processing responsibility for NORVIS

The Directorate of Immigration has processing responsibility for NORVIS. The Data Inspectorate is the national supervisory authority.

Section 102 e Access to the VIS for police authorities responsible for the prevention, detection or investigation of acts of terrorism and other serious crime

Police authorities responsible for the prevention, detection or investigation of acts of terrorism and other serious criminal offences may be granted access to data about a person who is registered in the VIS when such data are required in a specific case because there are reasonable grounds for assuming that the data will substantially contribute to the prevention, detection or investigation of acts of terrorism or other serious criminal offences.

Searches in the VIS shall in these cases be limited to searches for one or more of the following data items:

(a) name, sex, place of birth and date of birth,

(b) nationality,

(c) travel document with dates of issue and expiry and issuing authority,

(d) main destination, the duration and purpose of the trip,

(e) dates of arrival and departure,

(f) planned place of arrival or transit route,

(g) place where the person will be staying,

(h) fingerprints,

(i) visa type and number on the visa form, and

(j) the identity of the person who has issued an invitation and/or is vouching for the visa applicant's stay.

If the search confirms that the person is registered in the VIS, access may be granted to all of the data that are specified in the second paragraph, and to:

a) the photograph and other data in the visa application, and

b) comments recorded in connection with visas that have been granted, refused, annulled or revoked.

Section 102 f Regulations relating to the VIS

The King may by regulations make further provisions regarding:

(a) the processing of data in the VIS, including registration, transmission of data to the central unit, storage, searching, use, security, access, amendment, correction and erasure,

(b) exceptions from the requirement to record biometric personal data, and

(c) access to specific information for specific purposes.

Section 103 Search of the foreign national's person, dwelling or the like

A foreign national's person, dwelling, room or other place of safekeeping may be searched if there are specific grounds for suspecting that the foreign national

(a) is not cooperating on clarifying his or her identity in accordance with section 21 or section 83 of the Act, giving a false identity or concealing or withholding information of material significance to a case concerning a residence permit,

(b) has money or other assets that can be used to meet expenses in connection with exit which the foreign national is obliged to meet, and there are specific grounds for suspecting that the foreign national will not meet the expenses voluntarily, or

(c) has travel documents, tickets or other items which may ensure implementation of the decision, and there are specific grounds for suspecting that the foreign national will evade implementation, see section 106 a.

No search may be made of the foreign national's dwelling under the first paragraph, (b) and (c), unless the foreign national is staying in the realm in a manner that is unlawful and prohibited by the penal provision in section 108 or the matter involves a search under (c), or the foreign national has failed to comply with an order under section 21 or section 83 to present travel documents.

Without the written consent of the foreign national concerned, searches as mentioned in the first paragraph may only be conducted under a court decision. Where there is danger associated with any stay, the decision may be made by the chief of police or the person authorised by the chief of police. Decisions shall as far as possible be in writing and state the subject matter of the case, the purpose of the search and its scope. A verbal decision shall be committed to writing as soon as possible. Before the search is conducted the decision shall if possible be read out or shown to the foreign national. If no written decision exists, the subject matter of the case and the purpose of the search shall if possible be stated verbally.

The rules of sections 198 to 202 of the General Civil Penal Code shall apply insofar as appropriate.

Section 104 Seizure

Where there is doubt about the foreign national's identity, or there are specific grounds for suspecting that the foreign national is concealing or withholding information about his or her identity, travel documents, tickets or other material items which may serve to clarify or prove identity may be seized. The same shall apply where there is doubt about previous whereabouts if this has significance for the right to stay in the realm.

Where there are specific grounds for suspecting that the foreign national will evade the implementation of an administrative decision, travel documents and other items that can document the foreign national's identity may be seized. Correspondingly, tickets and money or other assets may be seized to meet expenses which the foreign national has an obligation to meet in connection with exit. The King may by regulations make further provisions in respect of the size of the sum of money that may be seized.

Travel documents of foreign nationals whose sole basis for staying in the realm is protection against refoulement provided under section 73 may be seized.

Decisions concerning seizure shall be taken by the chief of police or the person authorised by the chief of police. The decision shall as far as possible be recorded in writing and state the subject matter of the case, the purpose of the seizure and its scope. A verbal decision shall be recorded in writing as soon as possible. Before the seizure is carried out, the decision shall insofar as possible be read out or shown to the foreign national. If no written decision exists, the subject matter of the case and the purpose of the seizure shall insofar as possible be stated verbally.

When a foreign national arrives in the realm, items may, in connection with a search under section 103 and in situations where there is danger is associated with any stay, be seized by a police officer. The seizure shall be reported immediately to the person who otherwise makes decisions concerning seizure, see the fourth paragraph. If no written decision exists, the subject matter of the case and the purpose of the seizure shall insofar as possible be stated verbally. If the seizure is upheld, a decision under the fourth paragraph shall be recorded in writing.

Any person who is affected by the seizure may demand to have the question of whether it shall be upheld brought before the court. The police shall ensure that the person affected by the seizure is made aware of this right. The rules of chapter 16 of the Criminal Procedure Act, with the exception of sections 208 (a) and 210 to 212, shall apply insofar as appropriate.

Section 105 Obligation of notification and stay in a specific place

An obligation of notification or stay in a specific place may be imposed on a foreign national where

(a) the foreign national is not cooperating on clarifying his or her identity in accordance with section 21 or section 83 of this Act, or there are specific grounds for suspecting that the foreign national has given a false identity,

(b) there are specific grounds for suspecting that the foreign national will evade implementation of an administrative decision entailing that he or she is obliged to leave the realm,

(c) the foreign national is an asylum seeker or illegally staying in the realm and has been sentenced to a penalty for, or is apprehended in the act of committing, a criminal offence that may incur a more severe sentence than six months' imprisonment, or

(d) the sole ground for staying in the realm is protection against refoulement under section 73.

Orders imposing an obligation of notification and stay in a specific place shall be made by the chief of police or the person authorised by the chief of police. The foreign national may demand to have brought before the court the question of whether the conditions for imposing the obligation of notification and stay in a specific place of abode are fulfilled, and whether there are grounds for upholding the order. The police shall ensure that the person affected by the order imposing an obligation of notification and stay in a specific place is made aware of

this right. Section 175, first paragraph, second sentence, section 184 and section 187a of the Criminal Procedure Act shall apply insofar as appropriate.

The King may by regulations make further provisions in respect of orders imposing an obligation of notification and stay in a specific place under the first paragraph.

Section 106 Arrest and remand in custody

A foreign national may be arrested and remanded in custody if

(a) the foreign national is not cooperating on clarifying his or her identity in accordance with section 21 or section 83 of the Act, or there are specific grounds for suspecting that the foreign national has given a false identity,

(b) there are specific grounds for suspecting that the foreign national will evade the implementation of an administrative decision entailing that he or she is obliged to leave the realm. The foreign national may also be arrested and remanded in custody if there is a significant risk that he or she will evade implementation of an administrative decision entailing that he or she is to be transferred to another European country in accordance with the cooperation under the Dublin Agreement, see section32, fourth paragraph,

(c) the foreign national fails to comply with the obligation of notification report or an order to stay in a specific place under section 105, first paragraph, (c), and the case of the foreign national is being processed and has not been finally decided or the time limit for exit has not yet expired ,

(d) an administrative decision regarding expulsion has been made and the decision is final or a deferral of implementation has not been granted in connection with appeal, see section 90, and measures are adopted in respect of the foreign national with a view to removal. It is a condition that the foreign national has been expelled on account of being sentenced to a penalty and that there is a risk, in view of the foreign national's personal circumstances, that the foreign national will commit new criminal offences,

(e) the foreign national does not do what is necessary to fulfil his or her obligation to procure a valid travel document, and the purpose is to bring the foreign national to the foreign service mission of the country concerned so that he or she can be issued a travel document, or

(f) the foreign national is in transit in a Norwegian airport, with a view to removal.

No decision to arrest or remand in custody shall be made if an obligation of notification or an order to stay in a specific place will be sufficient, see section 105.

Arrest shall be decided by the chief of police or the person authorised by the chief of police. Where there is danger associated with any stay, a police officer may make the arrest. If the police wish to detain the arrested person, they must, at the earliest opportunity, and if possible on the day following the arrest, bring him or her before the district court with an application that he or she be remanded in custody. Sections 174 to 191 of the Criminal Procedure Act

shall apply insofar as appropriate. Remand in custody under the first paragraph (b) to (f) may be decided for a maximum of four weeks at a time.

The overall period of custody may not exceed 12 weeks, unless there are particular reasons to the contrary. The period of custody in order to prepare or implement a removal may only exceed 12 weeks if the foreign national does not cooperate on implementing the removal or there are delays in procuring the necessary documents from the authorities of another country. The period of custody may not exceed 18 months, unless the foreign national has been expelled due to being sentenced to a penalty or special sanction.

When a foreign national has been imprisoned under the first paragraph (b), second sentence, special time limits apply for the implementation of the Dublin procedure, see Article 28 (3) of the Dublin III Regulation, see section 32, fourth paragraph.

Section 106 a Risk of evasion

The risk of evasion shall be assessed on a case-by-case basis. To determine whether there is a risk of evasion, an overall assessment must be carried out in which weight may be given to whether, among other things,

(a) the foreign national has evaded implementation of an administrative decision requiring the foreign national to leave the realm; this includes not complying with a time limit for exit,

(b) the foreign national has explicitly refused to leave the realm voluntarily,

(c) the foreign national has been expelled from the realm,

(d) the foreign national has been sentenced to a penalty or a special sanction in the realm,

(e) the foreign national has demonstrated a lack of cooperation in connection with doubt about his or her identity,

(f) the foreign national is avoiding or complicating preparations for removal,

(g) the foreign national has given false information to Norwegian authorities in connection with his or her application for a permit,

(h) the foreign national has failed to give notification of a change of abode, see section 19, second paragraph,

(i) the foreign national is responsible for serious disturbances of the peace at a residential centre for asylum seekers, etc., see section 95, first and second paragraphs, or

(j) the foreign national has been found to pose a threat to fundamental national interests.

In assessing the risk of evasion under the first paragraph, weight may also be given to general experience relating to evasion by foreign nationals.

Section 107 Holding centre for foreign nationals

A foreign national who is arrested and remanded in custody under section 106, first paragraph, shall as a general rule be placed in a holding centre for foreign nationals.

The holding centre for foreign nationals does not belong under the Norwegian Correctional Services, but is administered by the police.

Unless otherwise provided by this Act, the foreign national concerned shall be entitled to receive visitors, make telephone calls, receive and send mail, have access to health services, associate with others, spend time outdoors, have physical activity, have privacy, and practise their religion or life stance.

Where it is necessary in order to maintain peace, order or security, or to ensure implementation under section 90, the police may

(a) search the foreign national's person, room and belongings, and other objects, rooms and sections of the holding centre's area,

(b) temporarily remove and keep the foreign national's money and other objects,

(c) check and limit the foreign national's visits, telephone conversations and mail,

(d) check and limit the foreign national's physical activity, time spent outdoors, exercise of religion or life stance, or

(e) search visitors and others present in the holding centre's area.

Measures under (a), (b) and (c) may also be implemented in respect of a foreign national where there is reason to believe that he or she is concealing or withholding information about his or her or another foreign national's identity or whereabouts. Telephone monitoring under (c) may not be undertaken unless both parties to the telephone call are notified beforehand. Measures under (e) may also be implemented in order to investigate whether any such person is concealing information about a foreign national's identity. Measures under this paragraph may not be implemented in respect of the foreign national's legal counsel or representatives of a public authority.

Where it is strictly necessary in order to maintain peace, order or security, or to ensure implementation under section 90, and other less interventional measures have been attempted to no avail or will clearly be inadequate, the police may

(a) use force and approved forcible means, see section 6, fourth paragraph, of the Police Act,

(b) place the foreign national in a high security wing or security cell, or

(c) partly or totally exclude the foreign national from the company of others at the holding centre.

A statement shall if possible be obtained from a doctor and be taken into consideration in the assessment of whether measures under this paragraph, (b) and (c), shall be implemented or upheld.

Measures under the fourth and fifth paragraphs may not be applied where doing so would constitute a disproportionate intervention. Such measures shall be applied with caution. The police shall continuously assess whether there is a basis for upholding any such measure.

In order to secure the purpose of the stay at the holding centre and foreign nationals' rights, the police may keep a register of information about decisions taken, arrivals, control measures implemented, use of force and forcible means, incidents, internal transfers, departures, times of supervision and treatment by public health personnel.

An independent supervisory board shall established to oversee the operation of the foreign national holding centre and the treatment of foreign nationals present there.

The King may by regulations make supplementary provisions.

Section 108 Penalties

A fine shall be imposed on anyone who wilfully or through negligence contravenes obligations under section 117, first paragraph, or section 118, first paragraph.

A fine or imprisonment for a term not exceeding six months or both shall be imposed on anyone who

(a) wilfully or through negligence contravenes the provisions listed below, or prohibitions, orders or conditions issued under the said provisions:

o section 8, first paragraph

o section 9, first and fourth paragraphs

o section 14, first and second paragraphs

o section 16, first and third paragraphs

o section 19, first and second paragraphs

o section 20, third paragraph

o section 21, first paragraph

o section 27, first paragraph, see fourth paragraph

o section 55, first and second paragraphs

o section 83, first and second paragraphs

o section 90, fifth paragraph

o section 93, first paragraph, second sentence

o section 100 b, first paragraph, second sentence

o section 105, first paragraph

o section 126, first paragraph,

(b) wilfully or through negligence contravenes regulations made under this Act, or prohibitions, orders or conditions issued under such regulations where the King has prescribed in the regulations that the offence shall be liable to punishment under this provision,

(c) wilfully or through gross negligence gives materially false or manifestly misleading information in a case coming under this Act.

A fine or imprisonment for a term not exceeding two years shall be imposed on anyone who

(a) wilfully or through gross negligence makes use of a foreign national's labour when the foreign national does not have the permit required under this Act,

(b) wilfully or through gross negligence procures employment or accommodation for a foreign national, or issues or procures statements, undertakings or documents for use in a case coming under this Act when such action involves improper exploitation of the foreign national’s situation,

(c) wilfully by means of false representations or similar unjustifiable conduct induces a foreign national to enter the realm with a view to settling here,

(d) wilfully hands over to another person a passport, refugee’s travel document, other travel document or similar document that may be used as a travel document, a uniform residence card or similar card when the person concerned knows or ought to understand that it may be used by a foreign national to enter the realm or another state,

(e) wilfully or through negligence contravenes the prohibition of entry in section 71, second paragraph, or section 124, first paragraph.

A fine or imprisonment for a term not exceeding three years shall be imposed on anyone who

(a) wilfully helps a foreign national to stay illegally in the realm or in another country participating in cooperation under the Schengen Agreement, or

(b) wilfully helps a foreign national to enter the realm or any other state illegally. However, this shall not apply if the intention is to help a foreign national coming under section 28 of this Act to enter the first safe country he or she comes to.

A fine or imprisonment for a term not exceeding six years shall be imposed on anyone who

(a) for the purpose of gain engages in organised illegal activity with a view to helping a foreign national to enter the realm or any other state, or

(b) for the purpose of gain helps a foreign national to enter the realm or any other state illegally if as a consequence of such action the person affected by the action is put in danger of his or her life.

Aiding and abetting shall be subject to the same penalties. A person who provides humanitarian assistance to a foreign national staying illegally in the realm shall not be liable to a penalty for aiding and abetting the illegal stay unless

(a) the person in question has had the intention of helping the foreign national to evade the obligation to leave the realm, and

(b) the assistance has made it more difficult for the authorities to implement removal of the foreign national.

Contravention of the first paragraph shall be deemed a misdemeanour.

When required in the public interest, the Directorate of Immigration shall report the matter to the police where there is reason to believe that the first paragraph (a) or the second paragraph (a) has been contravened though the exploitation of the labour of a foreign national who does not hold the requisite permit under this Act.

Contravention of this section shall only lead to prosecution when this is required in the public interest.

Chapter 13 Special provisions for foreign nationals who come under the Agreement on the European Economic Area (the EEA Agreement) and the Convention establishing the European Free Trade Association (the EFTA Convention)

Section 109 Scope

This chapter regulates the right to enter and stay in the realm of foreign nationals covered by the EEA Agreement or the EFTA Convention.

Right of residence under this chapter confers the right to stay and to accept employment or engage in business activity anywhere in the realm unless limitations have been imposed in accordance with provisions laid down in or under this Act.

Right of residence under this chapter does not prevent residence permits being granted to foreign nationals as mentioned in the first paragraph in accordance with the general provisions of the Act.

The King may by regulations make further provisions regarding implementation of the provisions of this chapter and regarding the application of the general provisions of this Act, including in cases in which a foreign national as mentioned in the first paragraph is granted a

residence permit under the general provisions of the Act. The King may by regulations provide that biometric personal data in the form of a facial photograph and fingerprints shall be collected and stored in a card that documents the right of residence under section 118 and section 119. In such cases, the provisions of sections 64 a, 100 a and 100 b will apply correspondingly insofar as they are relevant.

Section 110 Further details concerning to whom the chapter applies

Nationals of countries covered by the EEA Agreement, hereafter referred to as EEA nationals, are subject to the provisions of this chapter. The King may by regulations provide that nationals of countries covered by the EFTA Convention, but not the EEA Agreement, shall be wholly or partly subject to the provisions of this chapter.

Family members of an EEA national are subject to the provisions of this chapter as long as they accompany or are reunited with an EEA national. Family members of a Norwegian national are subject to the provisions of this chapter if they accompany or are reunited with a Norwegian national who returns to the realm after having exercised the right to free movement under the EEA Agreement or the EFTA Convention in another EEA country or EFTA country.

"Family member" means

(a) a spouse,

(b) a cohabitant, if there is a permanent connection with the EEA national and this connection can be documented,

(c) a relative in direct line of descent from an EEA national or from a foreign national mentioned in (a) or (b), who is under the age of 21 or who is dependent upon the EEA national, and

(d) a relative in direct line of ascent from an EEA national or of a foreign national mentioned in (a) or (b) who is dependent upon the EEA national.

A foreign national not covered by the provisions of the first to third paragraphs, but who is employed by an enterprise established in an EEA country, is nevertheless subject to the provisions of this chapter to the extent that they are applicable to the task that is to be performed here in the realm, when the person in question

(a) is to carry out work under the rules in the EEA Agreement relating to free movement of services, or

(b) is to establish an economic activity in accordance with the rules in the EEA Agreement relating to freedom of establishment.

The King may by regulations make further provisions, including who is subject to the second paragraph, that family members other than foreign nationals as mentioned in the third

paragraph shall also be wholly or partly subject to the provisions of this chapter, and regarding the requirement of permanent connection and documentation as mentioned in the third paragraph (b). The King may make further provisions regarding who is subject to the fourth paragraph.

Section 111 Right of residence for up to three months

An EEA national who has a valid identity card or passport has a right of residence for up to three months, provided that the person in question does not become an unreasonable burden for public welfare systems.

The first paragraph applies correspondingly to a family member who is not an EEA national, as long as the family member accompanies or is reunited with the EEA national and holds a valid passport. The first paragraph applies correspondingly to foreign nationals as mentioned in section 110, fourth paragraph, who hold valid passports.

A foreign national as mentioned in the first paragraph who is a jobseeker, and accompanying family members, have a right to stay for up to six months, and in special cases also for more than six months.

The King may by regulations make further provisions, including the calculation of the period of stay and the definition of the term "unreasonable burden for public welfare systems". The King may by regulations make further provisions regarding when special cases as mentioned in the third paragraph arise, regarding the obligation for jobseekers to report, to which authority the foreign national shall report, and how the report shall be made.

Section 112. Right of residence for more than three months for EEA nationals

An EEA national has a right of residence for more than three months as long as the person in question:

(a) is employed or self-employed,

(b) is to provide services,

(c) is self-supporting and can provide for any accompanying family member and is covered by a health insurance policy that covers all risks during the stay, or

(d) is enrolled at an approved educational institution. This is subject to the primary purpose of the stay being education, including vocational education, and to the person in question being covered by a health insurance policy that covers all risks during the stay and making a statement that the person in question is self-supporting and can provide for any accompanying family member.

A foreign national who is staying in the realm in accordance with the first paragraph (a), but who ceases to be employed or self-employed, shall nevertheless retain status as an employee or a self-employed person if the person

(a) is temporarily incapable of work as a result of illness or accident,

(b) documents to be involuntarily unemployed after having had paid work for more than one year, and has registered as a jobseeker with the Norwegian Labour and Welfare Service,

(c) documents to be involuntarily unemployed following the expiry of a fixed-term employment contract of less than one year's duration or the person has involuntarily lost the job during the course of the first 12 months, and has registered as a jobseeker with the Norwegian Labour and Welfare Service, or

(d) commences a course of vocational education. Unless the person in question is involuntarily unemployed, the status as an employee or a self-employed person under the first paragraph (a) will only be retained as long as the course of vocational education is related to the previous work of the person in question.

In cases as mentioned in the second paragraph (c), the status under the first paragraph (a) lapses after six months.

The King may by regulations make further provisions, including what are to be considered sufficient means under the first paragraph (c), regarding approved educational institutions, and regarding requirements relating to the statement mentioned in the first paragraph (d).

Section 113. Right of residence for more than three months for family members who are EEA nationals

An EEA national who is a family member and who accompanies or is reunited with an EEA national who has a right of residence under section 112, first paragraph (a), (b) or (c), has a right to stay in the realm for as long as the EEA national's right of residence lasts.

An EEA national who is a spouse, cohabitant or dependent child under the age of 21, and who accompanies or is reunited with an EEA national with a right of residence under section 112, first paragraph (d), has a right to stay in the realm for as long as the EEA national's right of residence lasts.

In the event of the EEA national's exit from the realm or death, family members who are EEA nationals retain the right of residence for as long as they themselves fulfil the conditions in section 112, first paragraph. In any event, the children of the EEA national and the person who has parental responsibility retain the right of residence for as long as the child is enrolled at an approved educational institution.

In the event of divorce or cessation of cohabitation, the family member of an EEA national retains the right of residence for as long as the person in question fulfils the conditions in section 112, first paragraph.

The King may by regulations make further provisions regarding a continued right of residence for persons with parental responsibility as mentioned in the third paragraph.

Section 114 Right of residence for more than three months for family members and other foreign nationals who are not EEA nationals

The provisions of section 113, first and second paragraphs, apply correspondingly to foreign nationals who are not EEA nationals if they are family members of an EEA national with a right of residence under section 112, first paragraph (a), (b) or (c), or if they are spouses, cohabitants or dependent children under the age of 21 who accompany or are reunited with an EEA national with a right of residence under section 112, first paragraph (d).

A foreign national as mentioned in section 110, fourth paragraph, has a right of residence for more than three months as long as this occurs as part of the provision of a service or is necessary for the establishment of a business in the realm. The King may by regulations make further provisions.

In the event of the EEA national's death, a family member who is not an EEA national retains the right of residence if the person in question has stayed in the realm as a family member for one year prior to the death and fulfils the conditions in section 112, first paragraph (a), (b) or (c), or stays in the realm as a family member of a person who fulfils the conditions in section 112, first paragraph (a), (b) or (c). In the event of the exit from the realm or death of an EEA national, the children of the EEA national and the person who has parental responsibility in any event retain the right of residence for as long as the child is enrolled at an approved educational institution.

In the event of divorce or cessation of cohabitation, the EEA national's family members who are not EEA nationals retain the right of residence for as long as they themselves fulfil the conditions in section 112, first paragraph (a), (b) or (c), or are a family member of a person who fulfils the conditions in section 112, first paragraph (a), (b) or (c), provided that:

(a) at the time of separation, the marriage had lasted three years, including one year in the realm,

(b) parental responsibility for children of the EEA national has been transferred to the spouse who is not an EEA national under an agreement or a court judgment,

(c) the spouse who is not an EEA national, or any children, have been exposed to violence or other serious abuse in the marriage, or

(d) the spouse who is not an EEA national exercises a right of access to children in the realm under an agreement or a court judgment.

The King may by regulations make further provisions regarding a continued right of residence for persons with parental responsibility or right of access as mentioned in the third and fourth paragraphs, and in the event of cessation of cohabitation under the fourth paragraph.

Section 115 Right of permanent residence for EEA nationals

An EEA national who has had a continuous lawful stay in the realm under sections 112 and 113 of five years, is granted a right of permanent residence. Temporary stays outside the realm are permitted in certain circumstances without the requirement of a continuous stay being affected. The right of permanent residence exists independently of whether or not the conditions for staying in section 112 and 113 are fulfilled. The right of permanent residence lapses if the holder stays outside the realm for more than two consecutive years.

An EEA national who stays in the realm under section 112, first paragraph (a), is granted a right of permanent residence even if the person in question has not had a continuous stay of five years, if the person in question:

(a) upon cessation of labour force participation takes up an early retirement pension or has reached the statutory age for entitlement to a retirement pension, and has had a continuous stay in the realm of more than three years and employment in the realm for at least the 12 preceding months,

(b) has stayed in the realm continuously for more than two years and becomes permanently incapable of work, or

(c) after having worked and stayed in the realm continuously for three years, works in another EEA country, but continues to stay in the realm and returns to the place of residence daily, or at least once a week.

If the incapability under the second paragraph (b) is due to an occupational accident or occupational illness that wholly or partly entitles the person in question to public benefits, no requirements are imposed as regards the duration of the stay.

An EEA national who is a family member and lives with a person as mentioned in the second paragraph is granted a right of permanent residence at the time that the right of permanent residence under the second paragraph arises.

An EEA national who is a family member and lives with an EEA national with a right of residence under section 112, first paragraph (a) is granted a right of permanent residence in the event of the EEA national's death, even if the deceased did not have a right of permanent residence under the first or second paragraph, if:

(a) the deceased has stayed in the realm continuously for the two years immediately prior to the death, or

(b) the death was caused by an occupational accident or an occupational illness.

The King may by regulations make further provisions, including what is to be considered a continuous lawful stay, regarding the definition of a temporary stay outside the realm, including valid reasons for absence, regarding the contents of the requirement to live together, and regarding lapse of the right of permanent residence.

Section 116 Right of permanent residence for family members who are not EEA nationals

A family member who is not an EEA national, and who under section 114, first paragraph, has lived with an EEA national and has had a continuous lawful stay in the realm of five years, is granted a right of permanent residence. The same applies to a family member who is not an EEA national and who under section 114, third paragraph, first sentence, or fourth paragraph has had a continuous lawful stay in the realm of five years. Temporary stays outside the realm are permitted in certain circumstances without the requirement of a continuous stay being affected. The right of permanent residence exists independently of whether or not the conditions for staying in section 114 are fulfilled. The right of permanent residence lapses if the holder stays outside the realm for more than two consecutive years.

A right of permanent residence under section 115, fourth and fifth paragraphs, applies correspondingly to family members who are not EEA nationals.

The King may by regulations make further provisions, including what is to be considered a continuous lawful stay, regarding the definition of a temporary stay outside the realm, including valid reasons for absence, regarding the contents of the requirement to live together, and regarding lapse of the right of permanent residence.

Section 117 Registration certificate for foreign nationals with a right of residence under sections 112 or 113

An EEA national who stays in the realm under sections 112 or 113 for more than three months shall register. The deadline for registration is three months from the date of entry. When the EEA national submits documentation as mentioned in the second and third paragraphs, a registration certificate is issued immediately.

Registration of an EEA national with a right of residence under section 112 may be made conditional upon production of, in addition to a valid identity card or passport:

(a) confirmation of employment from an employer or evidence that the foreign national is self-employed or confirmation of an agreement to provide services, see section 112, first paragraph (a) and (b),

(b) health insurance and documentation that the person in question has sufficient means of subsistence for himself/herself and any accompanying family members, see section 112, first paragraph (c),

(c) confirmation that the person in question is enrolled at an approved educational institution, health insurance and a declaration that the person in question possesses sufficient means of subsistence for himself/herself and any accompanying family members, see section 112, first paragraph (d).

Registration of an EEA national who stays in the realm as a family member with a right of residence under section 113 may be made conditional upon production of, in addition to a valid identity card or passport:

(a) a document that certifies the family relationship that is the basis of the right of residence,

(b) the registration certificate of the EEA national whom the foreign national is accompanying or being reunited with, and

(c) documentation of dependence in cases in which status as a family member is conditional upon the foreign national being dependent, see section 110, third paragraph (c) and (d).

The King may by regulations make further provisions, including which authority conducts registration and issues registration certificates, and regarding the fixing of issuing fees. The King may make further provisions regarding the jobseeker's duty to register when the EEA national finds work after the expiry of the deadline in the first paragraph.

Section 118 Residence cards for foreign nationals with a right of residence under section 114 who are not EEA nationals

A foreign national who stays in the realm under section 114 for more than three months is obliged to obtain a residence card. The application deadline for residence cards is three months from the date of entry. When the foreign national submits documentation as mentioned in the second paragraph, a certificate showing that an application for a residence card has been submitted is issued immediately.

In connection with an application for a residence card for family members, the following shall be produced:

(a) a valid passport,

(b) a document that certifies the family relationship that is the basis of the right of residence,

(c) the registration certificate of the EEA national whom the foreign national is accompanying or being reunited with,

(d) documentation of dependence in cases in which status as a family member is conditional upon the foreign national being dependent, see section 110, third paragraph (c) and (d).

In connection with an application for a residence card for foreign nationals as mentioned in section 110, fourth paragraph, the following shall be produced:

(a) a valid passport, and

(b) documentation that the foreign national is to carry out work under the rules in the EEA Agreement relating to free movement of services, or is to establish an economic activity in accordance with the rules in the EEA Agreement relating to freedom of establishment.

An application for a residence card is decided upon within six months of submission of the application. The residence card is valid for five years, or for the period of stay of the EEA national if its duration is expected to be shorter than five years. Unless special grounds apply, the residence card will cease to be valid in the event of a stay outside the realm of more than six months per year.

The King may by regulations make further provisions, including which authority receives applications for and issues residence cards, and regarding the fixing of issuing fees. The King may make further provisions regarding documentation under the second and third paragraphs, regarding the validity period of the residence card and regarding validity in the event of stays outside the realm under the fourth paragraph.

Section 119. Residence certificate and residence card for foreign nationals with a right of permanent residence under sections 115 and 116

An EEA national who stays in the realm under section 115 is issued with a permanent residence certificate upon application.

A foreign national who stays in the realm under section 116 is issued with a permanent residence card upon application. An application for a permanent residence card shall be submitted before the expiry of the validity period of the residence card issued under section 118.

The Directorate of Immigration decides on applications for permanent residence certificates and permanent residence cards under this provision.

The King may by regulations make further provisions, including which authority receives applications for and issues permanent residence certificates and permanent residence cards, and regarding the fixing of issuing fees. The King may provide that the police be given authority to grant applications made under this provision.

Section 120. Revocation of residence documents etc.

A foreign national who otherwise satisfies the conditions for a right of residence under this chapter does not have such a right if there are circumstances that provide grounds for refusing the foreign national entry into or a stay in the realm under other provisions in the Act. The same applies if the foreign national has knowingly provided incorrect information or kept secret matters of material importance.

Registration certificates, residence cards, permanent residence certificates and permanent residence cards may be revoked on the grounds mentioned in the first paragraph.

Registration certificates and residence cards may be revoked when the registration is deemed to be invalid for other reasons. Section 35 of the Public Administration Act applies to decisions to revoke documents under this paragraph insofar as it is relevant.

Documents mentioned in the second paragraph may be revoked when the right of residence lapses according to section 115. first paragraph, fourth sentence, and section 116, first paragraph, fifth sentence.

Residence cards may be revoked if a non-EEA national is granted a right of residence under chapters 3, 4, 6 or 7 of this Act. This does not apply when the foreign national is a family member of an EEA national.

The issue of a residence card may be refused under the provisions of sections 118 and 119 if, when asked, the sponsor, see section 39, does not consent to the applicant being granted a right of residence, or if it is likely that the marriage was entered into against the will of one of the parties , or that the main purpose of the marriage was to obtain legal residence in the realm for the applicant.

The provisions of section 85 apply correspondingly to cases under this chapter.

The Directorate of Immigration makes administrative decisions regarding revocation under the second paragraph.

The King may by regulations make further provisions.

Section 121. Rejection

EEA nationals and their family members may be rejected when:

(a) they do not show a valid passport or other recognised travel document or visa when this is necessary,

(b) they enter into or stay in the realm without a right of entry, right of residence or right of permanent residence under sections 111, 112, 113, 114, 115 or 116 and, moreover, they do not have a right of entry or a residence permit under the general provisions of the Act, or

(c) there are circumstances that provide a basis for expulsion.

A foreign national as mentioned in section 110, fourth paragraph, who has a right of residence under section 111, second paragraph, or section 114, second paragraph, may be rejected when there are circumstances that provide a basis for expulsion.

Rejection under the first paragraph (a) and (c) must take place at the time of entry or, at the latest, within seven days of entry. If rejection hasn’t taken place within seven days of entry, a foreign national without right of residence according to this chapter can be rejected by the Directorate of Immigration according to the first paragraph of this section, letter c.

The police prepare the rejection cases, and the Directorate of Immigration makes administrative decisions.

The King may by regulations make further provisions, including that rejection under the first paragraph may be decided by the police.

Section 122 Expulsion in the interests of public order or security

EEA nationals and their family members, and foreign nationals as mentioned in section 110, fourth paragraph, of this Act who have a right of residence under section 111, second paragraph, or section 114, second paragraph, may be expelled when this is in the interests of public order or security. It is a condition for expulsion that the personal circumstances of the foreign national pose, or must be assumed to pose, a real, immediate and sufficiently serious threat to fundamental societal interests. The King may by regulations make further provisions regarding the definition of public order and security.

A foreign national who may be expelled under the first paragraph may nevertheless not be expelled if the foreign national

(a) has a right of permanent residence under sections 115 or 116, unless weighty public order or security considerations indicate that it is necessary,

(b) is an EEA national who has stayed in the realm for 10 years, unless it is compellingly necessary in the interests of public security, or

(c) is an EEA national who is a minor, unless it is compellingly necessary in the interests of public security. However, this does not apply to minors if expulsion of the minor is necessary in order to safeguard the minor's best interests.

A foreign national who has breached sections 147 a or 147 b of the General Civil Penal Code, or has provided a safe haven for someone whom the foreign national knows has committed such a crime, may be expelled regardless of the provisions in the second paragraph

No decision is made for expulsion under the provisions of this paragraph if, in view of the seriousness of the offence and the foreign national's connection with the realm, it would constitute a disproportionate measure against the foreign national or against the foreign national's family members. In the assessment of whether expulsion constitutes a disproportionate measure, emphasis shall be given to, among other things, how long the person concerned has stayed in the realm, age, state of health, family situation, financial situation, social and cultural integration in the realm, and connection with the country of origin. In cases concerning children, the child's best interests shall be a fundamental consideration.

The King may by regulations make further provisions.

Section 123 Expulsion in the interests of public health

A foreign national with a right of residence under section 111 may be expelled when this is necessary in the interests of public health and the authorities have implemented protective measures in relation to their own nationals.

The King may by regulations make further provisions.

Section 124 Prohibition of entry and power of decision

Expulsion precludes subsequent entry. The prohibition of entry may be made permanent or time-limited, but not for periods shorter than two years. In the assessment, particular emphasis shall be given to the factors mentioned in section 122, first paragraph.

The prohibition of entry may be annulled upon application if new circumstances indicate that this should be done. In special circumstances, the person who has been expelled may upon application be granted entry to the realm for short visits even if the prohibition of entry is not annulled, but normally not until one year has passed since the exit.

The Directorate of Immigration makes administrative decisions regarding expulsion under the provisions of sections 122 and 123, and also decides on applications for entry to the realm by a foreign national who has been expelled. The police prepare the rejection cases, and the Directorate of Immigration makes administrative decisions.

The King may by regulations make further provisions.

Section 125 Transitional arrangements for new contracting parties to the EEA Agreement

In the event of expansion of the EEA Agreement to new contracting parties, the King may by regulations establish transitional arrangements that deviate from the provisions of this chapter.

Chapter 14. Special rules for cases involving fundamental national interests or foreign policy considerations

I. Material rules and the processing of cases by the central government administration

Section 126. Significance of fundamental national interests and foreign policy considerations in cases under the Immigration Act

Out of regard for fundamental national interests or foreign policy considerations, a decision may be made to refuse to grant a permit or a right that could otherwise have been granted under the Act and Regulations. Correspondingly, limitations or conditions may be imposed.

Out of regard for fundamental national interests, an administrative decision may be made regarding expulsion or revocation of a permit or other rights.

An expulsion order or decision on revocation may not be made under the second paragraph where, in view of the seriousness of the offence and the foreign national's connection with the realm, expulsion or revocation would be a disproportionate measure against the foreign national concerned or the foreign national's closest family members. In cases concerning children, the best interests of the child shall be a fundamental consideration.

A foreign national may be granted a residence permit in Norway out of regard for fundamental national interests or foreign policy considerations, or another administrative decision may be made in favour of the foreign national.

In cases concerning protection under chapter 4 and protection against refoulement under chapter 9, the provisions in the said chapters shall take precedence over the provisions of the first and second paragraphs of this section. Protection against refoulement under section 73, first to third paragraphs, shall not preclude an expulsion order based on regard for fundamental national interests, but such a decision may not be implemented until the grounds for non-refoulement are no longer present. This does not apply to the right to recognition as a refugee under section 28, first paragraph (b), if there are grounds for expelling the foreign national out of regard for fundamental national interests.

In addition to the right to free legal advice without means testing under section 92, first and second paragraphs, free legal advice shall be given without means testing when a case is being considered by the Directorate of Immigration where

a) the foreign national has applied for a residence permit under section 28 or has invoked protection against refoulement under section 73, and

b) the case may involve foreign policy considerations or fundamental national interests.

The King may by regulations make further provisions, including the relationship to the rules for processing of cases in chapter 11 of this Act and exemptions from the right to free legal advice.

Section 127. Power of decision

Administrative and other decisions in cases that involve fundamental national interests or foreign policy considerations shall be made by the Directorate of Immigration unless the Ministry decides that the case shall be decided by the Ministry, or unless otherwise prescribed by this section.

In cases where the Directorate of Immigration has received an assessment from the Police Security Service regarding fundamental national interests or from the Ministry of Foreign Affairs regarding foreign policy considerations, the assessment shall as a general rule be used as the main basis for the decision.

A residence permit may not be granted, nor any other decision in favour of the foreign national made, under section 126, fourth paragraph, without the Ministry's consent.

Administrative decisions under section 126 to expel a foreign national who has been granted a residence permit in Norway, revoke a residence permit or refuse to renew a residence permit that the foreign national is otherwise entitled to have renewed, shall be made by the Ministry. The Ministry will also make administrative decisions in similar cases that apply to foreign nationals who have a right of residence under chapter 13 of the Act. The same applies to administrative decisions regarding the lapsing of protection against refoulement for a foreign national who has previously been expelled, see section 73.

When the Ministry has made a decision under the first or fourth paragraph, the Ministry may also decide all other related cases.

The King may by regulations make exemptions from the third and fourth paragraphs and make further provisions, including in respect of

a) when subordinate agencies must refer cases that may involve fundamental national interests or foreign policy considerations to the Ministry,

b) obtaining assessments from the Police Security Service and the Ministry of Foreign Affairs,

c) the significance of statements from bodies other than the Police Security Service and the Ministry of Foreign Affairs.

Section 128. Authority to issue instructions, etc.

The Ministry may, independently of such limitations as follow from section 76, issue instructions relating to the processing of cases and to all procedural decisions in cases that may involve fundamental national interests or foreign policy considerations. The Ministry may not issue instructions relating to the use of coercive measures as decided under chapter 12 of the Act, see section 130.

The Ministry may in all cases instruct subordinate agencies to grant a residence permit in Norway or make another decision in favour of a foreign national where the case has a bearing on fundamental national interests or foreign policy considerations.

The Ministry may issue instructions on cases concerning residence status under section 35 (resettlement refugees) where the case has a bearing on fundamental national interests or foreign policy considerations.

The Ministry may instruct subordinate agencies to prepare decisions on cases where the Ministry is to make a decision.

The King may by regulations make further provisions.

Section 128a. Exchange of information between public bodies

The King may by regulations make further provisions in respect of the exchange of information between public bodies in cases that may involve fundamental national interests or foreign policy considerations.

Section 129. Right of appeal, etc.

The Ministry is the administrative appeals body in cases that have not been decided by the Ministry itself at first instance and where fundamental national interests or foreign policy considerations have been decisive, in whole or in part, for the outcome of the case.

In cases where the Ministry makes an administrative decision at first instance, the decision may not be appealed, but if proceedings are instituted against the Ministry's decision, the State will meet all the costs of the case.

Where the Ministry has issued instructions regarding the residence status of a foreign national who has received an entry permit under section 35, an appeal against the decision shall be considered by the King in Council.

A decision by the Ministry to refuse consent under section 127, third paragraph, may not be appealed.

Administrative decisions may be implemented at an earlier date than that prescribed in section 90. A time limit of less than seven days may be set, or a time limit for voluntary return may be dispensed with under section 90, fifth paragraph, if the foreign national has been found to pose a threat to fundamental national interests.

Where a foreign national invokes refugee status or otherwise provides information indicating that non-refoulement under section 73 will apply, an administrative decision may only be implemented before it is final provided that

(a) the application for residence has been summarily dismissed under section 32,

(b) the applicant has previously had an application for asylum rejected in another country, or

(c) the conditions for residence under section 28 or for non-refoulement under section 73 are manifestly not met.

The King may by regulations make further provisions.

Section 130. Coercive measures, etc.

A foreign national's travel documents may be seized under section 104, or the foreign national may be subjected to an obligation of notification and an order to stay in a specific place under section 105, where

a) the foreign national has been found to pose a threat to fundamental national interests, and

b) the foreign national has not complied with an administrative decision requiring him or her to leave the realm, or a forced return cannot otherwise be implemented.

A foreign national may be arrested and remanded in custody under section 106 if he or she poses a threat to fundamental national interests and this has been established in an administrative decision in the immigration case and measures are taken in respect of the foreign national with a view to removal. The provisions in section 106, fourth paragraph, relating to the longest overall period of custody do not apply.

In wartime or under the threat of war, or otherwise under particular circumstances, the King may out of regard for fundamental national interests make further provisions regarding the obligation of notification in addition to those laid down in section 19 and regulations issued under section 20.

II. Consideration of cases by the court

Section 131. Relationship to the Dispute Act

The Dispute Act shall apply unless otherwise provided by provisions laid down in or under this Act.

Section 132. Preparation of cases and time limits for proceedings

Proceedings concerning the validity of an administrative decision under this chapter, or claims for compensation as a result of the decision, may not be instituted unless the party has made use of his or her right to appeal the validity of the decision and the appeal has been decided at the highest available appeal instance. Section 27 (b), second sentence, of the Public Administration Act does not apply.

Administrative decisions on the grounds of fundamental national interests or foreign policy considerations under the provisions of this chapter must be brought before the district court no later than one month from the date when notification of the administrative decision reaches the party.

The time limit may be extended in the event of failure to observe the time limit under the second paragraph where

a) information is submitted on significant factual circumstances that were not known or had not been present when the case was decided, and the foreign national brings the case before the court as soon as possible after the information has become known, or

b) a binding decision by an international court or other similar circumstance indicates that the decision may have been based on the incorrect application of provisions of international law.

Section 133. Appointment of a special advocate

As a condition for supplying evidence concerning circumstances that may otherwise be kept secret in the interests of national security or relations with a foreign state, see section 22-1, first and second paragraphs, of the Dispute Act, the King may decide that the information may only be given to a special advocate who is appointed for the foreign national. This applies correspondingly when the court is considering cases that involve coercive measures imposed out of regard for fundamental national interests, see section 130.

The special advocate is appointed by the court as soon as possible after the decision mentioned in the first paragraph has been made, and is remunerated by the State in accordance with the rules set out in the Legal Aid Act. This applies even when the foreign national has not been granted free conduct of the case and without a means test being carried out.

The same special advocate shall be appointed for all stages of the case, unless there are special reasons for doing otherwise.

The King may by regulations make further provisions concerning who may be appointed as special advocate, including requirements for security clearance.

Section 134. Role of the special advocate

A special advocate appointed for a foreign national shall be notified of the information and evidence that will be presented by consent under section 22-1, second paragraph, of the Dispute Act, see section 133, first paragraph, and shall safeguard the interests of the foreign national in connection with the court's consideration of these. The court decides the means by which the special advocate is to have access to the classified material.

The special advocate shall be notified of all court sittings in the case, and has the right to be present throughout a court sitting.

The special advocate shall bound by a duty of confidentiality concerning the content of the information mentioned in the first paragraph, what is revealed while the information is being examined and that part of the court's judgment that refers to the information. The duty of confidentiality also applies after the special advocate has terminated the assignment.

The King may by regulations make further provisions.

Section 135. Examination of information as mentioned in section 22-1, first paragraph, of the Dispute Act

No witnesses other than those to whom the King has consented may be summoned on the basis of information as mentioned in section 22-1, first paragraph, of the Dispute Act, see section 133, first paragraph, of the Immigration Act.

The foreign national and his or her ordinary legal counsel shall not participate in the part of the case where information as mentioned in the first paragraph is being examined. Such information will only be made known to the court and the special advocate.

If the court finds that the conditions under section 22-1, first paragraph, of the Dispute Act are not present, the court may at the request of the special advocate or on its own initiative decide to grant the foreign national access to the information. In such cases the King may decide that the information shall not be used as evidence in the case. No one who has had access to the information concerned may continue to serve as judge in the case.

Section 136. Communication between the special advocate, the foreign national and his or her ordinary legal counsel

After the special advocate has been given access to the information mentioned in section 133, first paragraph, he or she may not discuss the case orally or in writing with the foreign national or the latter's ordinary legal counsel, or make a statement at a court sitting where the foreign national or his or her ordinary legal counsel is present. However, the special advocate may receive written notes.

The King may by regulations make further provisions concerning the communication between the special advocate and the foreign national and the latter's ordinary legal counsel. The King may also by regulations make provisions concerning the special advocate's right to concern himself or herself with the case in question at a later date.

Section 137. Other provisions concerning the court's consideration of the case

Consideration of the case shall be given priority and hastened as much as possible.

The court may not sit with a deputy judge or lay judges. Section 9-12, first paragraph, and section 29-17 of the Dispute Act do not apply.

Section 138. The court's decision

The court delivers a judgment after the party and the special advocate have had the opportunity to make statements.

The decision of the court under section 135, third paragraph, is issued in the form of an order. The special advocate or the State may appeal the order within two weeks.

The foreign national and his or her legal counsel are not entitled to have access to the part of the court's decision that contains information as mentioned in section 133, first paragraph.

Chapter 15. Concluding provisions

Section 139. Regulations under the Act

In addition to regulations as mentioned in the individual sections, the King may by regulations make further provisions as to the implementation of this Act.

Section 140. Entry into force and transitional provisions

This Act enters into force from the date decided by the King. The King may give effect to the individual provisions at different times. The Act of 24 June 1988 No. 64 relating to the entry of foreign nationals into the kingdom of Norway and their stay in the realm shall be repealed as from the date of entry into force of this Act. The King may by regulations make transitional provisions.