

The Act on an introduction programme and Norwegian language training for newly arrived immigrants (the Introduction Act)

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The Act on an introduction programme and Norwegian language training for newly arrived immigrants (the Introduction Act)

Title of the Act amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Chapter 1. General provisions

Heading amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 1. *Purpose of the Act*

The purpose of this Act is to increase the possibility of newly arrived immigrants participating in working and social life and to increase their financial independence.

Chapter 2. The introduction programme

Heading added by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 2. *The right and obligation to participate in an introduction programme*

The right and obligation to participate in an introduction programme shall apply to newly arrived foreign nationals between 18 and 55 years of age who need to obtain basic qualifications and who have been granted

- a) asylum, cf. sections 17 and 18 of the Immigration Act,
- b) a residence or work permit after being given leave to enter the country as a resettlement refugee, cf. section 22, fourth paragraph, of the Immigration Act,
- c) a renewable residence or work permit pursuant to section 8, second paragraph, of the Immigration Act based on an application for asylum, or collective protection in a situation of mass outflow, cf. section 8 a of the Immigration Act, or
- d) a residence or work permit as members of the family of such persons as are mentioned in (a), (b) and (c), cf. sections 9 and 8, second paragraph, of the Immigration Act. To be covered by this provision, it is a condition that such persons as are mentioned in (a), (b) and (c), have not been resident in a municipality for more than five years before applying for family reunification.

The right and obligation to participate in an introduction programme shall apply only to persons who are resident in a municipality pursuant to a special agreement between the immigration authorities and the municipality. However, the requirement of a special agreement shall not apply to such persons as are mentioned in section 2, first paragraph, (d).

A new arrival shall be defined as a person who has been resident in a municipality for less than two years when the administrative decision regarding participation in an introduction programme is to be made.

Nordic citizens and foreign nationals covered by the Agreement on the European Economic Area (the EEA Agreement) are not covered by this section.

Amended by the Acts of 2 July 2004 No. 65 (in force from 1 September 2004), 7 January 2005 No. 3 (in force from 7 January 2005 pursuant to the Decree of 7 January 2005 No. 4), 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 3. *The responsibility of municipalities for introduction programmes*

Municipalities shall provide introduction programmes pursuant to this chapter for newly arrived immigrants who are resident in the municipality.

As soon as possible and within three months after a person is settled in a municipality or after a requirement of participation is presented, the municipality shall provide an introduction programme pursuant to this chapter for any person covered by section 2. This obligation of the municipality shall not apply to persons who have ceased or refused to participate in an introduction programme.

Municipalities may offer an introduction programme to a newly arrived foreign national with a residence or work permit pursuant to sections 9 and 8, second paragraph, of the Immigration Act who is a member of the family of persons other than those mentioned in section 2, to newly arrived foreign nationals over 55 years of age with such grounds for residence as are mentioned in section 2, first paragraph, and to such newly arrived foreign nationals as are mentioned in section 2 who are resident in the municipality without a special agreement between the immigration authorities and the municipality.

The Ministry may prescribe further guidelines regarding municipal responsibility.

Amended by the Acts of 2 July 2004 No. 65 (in force from 1 September 2004), 7 January 2005 No. 3 (in force from 7 January 2005 pursuant to the Decree of 7 January 2005 No. 4), 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 4. *The introduction programme*

The introduction programme shall be designed for persons who need to obtain basic qualifications. The introduction programme aims to

- a) provide basic Norwegian language skills,
- b) provide basic insight into Norwegian social conditions,
- c) prepare for participation in working life.

The programme shall run for a full year on a full-time basis.

The programme shall at least comprise

- a) Norwegian language training,
- b) social studies,
- c) measures that prepare the participant for further education or access to working life.

Upon completion or interruption of a programme, a certificate of participation shall be issued.

Amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 5. *Duration of the programme*

The programme may run for up to two years, with additional periods for approved leaves of absence. When special reasons so warrant, the programme may run for up to three years.

Section 6. *Individually adapted plans*

An individually adapted plan shall be drawn up for any person who is to participate in an introduction programme. It shall be formulated on the basis of an identification of the training needs of the person concerned and of the measures that may be useful to the person concerned.

The plan shall at a minimum specify the dates of the commencement and various stages of the programme and the measures in the programme.

The plan shall be drawn up in consultation with the person concerned.

The plan shall be reassessed at regular intervals and in the event of significant changes in the life situation of the person concerned.

Section 7. *Halt in the introduction programme due to the circumstances of the individual*

The municipality may stop the programme in the case of any person whose circumstances provide objective grounds for so doing, such as the fact that the participant has been offered suitable work.

Chapter 3. Introduction benefit

Heading amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 8. *The right to an introduction benefit*

During the period of time in which a person participates in such a programme as is mentioned in section 4, the person concerned is entitled to an introduction benefit.

For participation in a programme the annual benefit is equivalent to twice the Basic amount from the National Insurance Scheme .

Participants under 25 years of age receive 2/3 of the benefit.

Amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 9. *Calculation of the benefit*

The monthly benefit is 1/12 of the annual benefit. The daily benefit is 1/30 of the monthly benefit. The hourly benefit is 1/1850 of the annual benefit.

Section 10. *Absence*

In the event of absence which is not due to illness or other compelling welfare reasons, and for which permission has not been given, the benefit shall be reduced correspondingly, cf. section 9. The Ministry will by regulations prescribe further rules regarding absence and leave.

Section 11. *Own funds*

The benefit shall not be reduced on account of any income from the recipient's own or other persons' activity or that is derived from assets. Nor shall the benefit be reduced on account of any child support received.

To the extent that paid work is part of the programme, the benefit shall be reduced correspondingly for the duration of such work.

Section 12. *Coordination with other public benefits*

The introduction benefit shall be reduced to the extent that the person concerned is entitled to daily cash benefits during unemployment, sickness benefit, maternity benefit or rehabilitation benefit, and has earned entitlement to such benefits before commencing participation in an introduction programme. The benefit shall be reduced correspondingly for any disability pension or benefits during occupational rehabilitation received by the person concerned.

If, as part of the introduction programme, the person concerned participates in training that entitles him or her to a subsistence benefit from the Public Employment Service, such benefit shall accrue to the municipality.

If the person concerned receives a transitional benefit, the annual introduction benefit shall be reduced by 40 per cent of any transitional benefit that exceeds half of the Basic amount from the National Insurance Scheme.

Family allowance and cash benefit for families with small children shall not be deducted from the benefit.

Section 13. *Payment*

The benefit shall be paid out in arrears on the basis of registered attendance. The municipality will decide how and when payment shall take place.

Section 14. *Deduction from future payments*

If the person concerned has been paid a higher amount of benefit than he or she is entitled to, the excess amount may be deducted from future benefits.

Section 15. *Incorrect information*

If any person has been paid a benefit because the person concerned, or any person acting on behalf of the person concerned, has wilfully or through gross negligence provided incorrect information or has suppressed information, an administrative decision may be made to the effect that the benefit shall be repaid.

Section 16. Refund of National Insurance benefits

If a recipient of an introduction benefit is with retroactive effect granted such benefits as are mentioned in section 12, the municipality may require a total or partial refund thereof from the amount that is to be paid in arrears, to cover its expenditures for the same purpose or for the same period of time.

Chapter 4. Norwegian language training and social studies

Heading added by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 17. *The right and obligation to participate in Norwegian language training and social studies*

The right and obligation to participate in Norwegian language training and social studies free of charge for a total of 300 hours shall apply to foreign nationals between 16 and 55 years of age who have been granted

- a) a residence or work permit pursuant to the Immigration Act that constitutes grounds for a settlement permit, or
- b) collective protection in a situation of mass outflow pursuant to section 8 a of the Immigration Act.

A foreign national between 55 and 67 years of age who is resident on such grounds as are mentioned in (a) or (b) has a right, but not an obligation, to participate in such training as is mentioned in the first paragraph.

The right to participate pursuant to the first and second paragraphs shall not apply to foreign nationals with a residence or work permit pursuant to section 8, first paragraph, of the Immigration Act and members of their family who have a permit pursuant to section 9 or section 8, second paragraph, of the Immigration Act. Foreign nationals between 16 and 55 years of age having such a permit as is mentioned in the first sentence and that constitutes grounds for a settlement permit, have an obligation to participate in Norwegian language training and social studies for a total of 300 hours, cf. section 18, first paragraph, second sentence.

The right or obligation to participate in Norwegian language training and social studies shall not apply if it is documented that the person concerned has adequate knowledge of Norwegian. The obligation to participate shall not apply if it is documented that the person concerned has adequate knowledge of Sami. If special health or other weighty reasons warrant doing so, the municipality may exempt an individual from the obligation to participate.

The right or obligation to participate pursuant to the first to third paragraphs arises on the date the permit is granted for the first time pursuant to the Immigration Act, or from the date of arrival in Norway for foreign nationals who have been granted such a permit prior to entering the country. For persons covered by the first paragraph (b), the right and obligation to participate arise from the date the person concerned becomes a resident of the municipality pursuant to a special agreement between the immigration authorities and the municipality.

The right to participate pursuant to the first and second paragraphs shall apply for three years. In special cases, the right and obligation to participate may arise from the date the requirement of training is presented. The Ministry may make regulations containing supplementary rules as to what is to be regarded as special cases in this connection.

Added by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 18. *Municipal responsibility for Norwegian language training and social studies*

As soon as possible and not later than three months after a claim or an application for participation is presented, the municipality shall provide Norwegian language training and social studies pursuant to section 17 for persons who are resident in the municipality or who are living temporarily at reception centres for asylum seekers in the municipality. The municipality may require that persons to whom section 17, third paragraph, applies shall pay for the training.

As soon as possible and not later than three months after an application for participation is presented, the municipality shall arrange for further Norwegian language training to be offered free of charge to persons covered by section 17, first and second paragraphs, up to a maximum of 2,700 hours, if the person concerned needs it. The municipality may require the person concerned to take tests to determine whether there is a need for such training. The municipality's obligation pursuant to this paragraph shall apply for five years from the date the right or obligation to participate in Norwegian language training and social studies arises, cf. section 17, fifth paragraph.

Training shall be provided by the municipality or by others approved by the municipality.

Added by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 19. *Provision of Norwegian language training and social studies*

An individually adapted plan shall be drawn up for any person who is to participate in Norwegian language training and social studies. Section 6 shall apply correspondingly.

As a main rule, any person who is to give training in Norwegian and social studies shall have professional and educational qualifications.

The municipality may stop training in the case of any person whose circumstances provide objective grounds for so doing.

Upon completion or interruption of training, a certificate of participation shall be issued.

Added by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 20. *Regulations*

The Ministry may by regulations make further provisions for the supplementation and implementation of this chapter, including provisions regarding the goals of the training and regarding absence and leaves.

Added by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Chapter 5. Rules of procedure, etc.

Heading amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228), chapter number amended to chapter 5.

Section 21. *Relationship to the Public Administration Act*

The Public Administration Act shall apply subject to the special provisions laid down in this Act.

Individual decisions pursuant to this Act shall be defined as decisions regarding

- a) allocation of an introduction programme, introduction benefit and Norwegian language training and social studies,
- b) a significant change in an individually adapted plan,
- c) a halt in a person's introduction programme or Norwegian language training and social studies,
- d) leave of absence,
- e) deduction in the introduction benefit that is equivalent to 50 per cent or more of a single payment, and that is at least equivalent to 1/12 of the Basic amount from the National Insurance Scheme.

Candidates for receiving services pursuant to this Act shall not be considered parties to the same case. No appeal may be lodged on the grounds that another person has received the service.

Amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228), section number amended from section 17.

Section 22. *Appeal*

An individual decision made pursuant to this Act may be appealed to the County Governor.

The County Governor may review all aspects of the decision. However, with regard to a review of the free exercise of discretion, the County Governor may only amend the decision when the exercise of discretion is obviously unreasonable.

Amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228), section number amended from section 18.

Section 23. *Obtention of information*

As far as possible, information shall be obtained in cooperation with the participant or in such a way that the participant is aware that it is being obtained.

In cases concerning services pursuant to this Act, information may be required from other official bodies. Organisations and private persons who carry out functions for the central

government, a county or a municipality are considered to be equivalent to official bodies. If the participant has not consented to the information being obtained, the question whether the information may be provided notwithstanding the obligation of confidentiality shall be decided pursuant to the provisions regarding confidentiality that apply to the informant body.

Information that is necessary for the implementation, monitoring and evaluation of the arrangements in this Act may be collected, used and stored in a national register. Informants may be ordered to provide information in the manner decided by the Ministry. The Ministry will determine how the municipality or other enterprises who implement the introduction programme or Norwegian language training and social studies are to provide information.

Information from such a register as is mentioned in the third paragraph may be disclosed to official bodies that need it in connection with the implementation, monitoring and evaluation of the arrangements. The information shall only be disclosed in statistical form or with the omission of identifying characteristics if this meets the need. The Ministry may make further provisions regarding the handling and storage of the information.

Amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228), section number amended from section 19.

Section 24. *The duty to provide information to the child welfare service*

Personnel working within the framework of this Act shall, in their work, be attentive to circumstances that may lead to the implementation of measures by the child welfare service.

Notwithstanding the duty of confidentiality, personnel shall on their own initiative provide information to the child welfare service when there is reason to believe that a child is a victim of domestic abuse or that there are other forms of serious neglect, cf. section 4-10, section 4-11, section 4-12 of the Act of 17 July 1992 No. 100 on Child Welfare Services, or when a child has shown persistent, serious behavioural problems, cf. section 4-24 of the same Act. Personnel also have a duty to provide such information pursuant to orders from the bodies responsible for implementing the Child Welfare Services Act.

Amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228), section number amended from section 20.

Chapter 6. Final provisions

Heading added by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228).

Section 25. *Commencement*

This Act shall come into force on 1 September 2003. Until 31 August 2004 the Act shall not apply to individual municipalities unless the municipality itself makes an administrative decision to that effect. The right and obligation for persons mentioned in section 2 shall apply from 1 September 2004. Section 3, second paragraph, shall come into force from 1 September 2004.

From 1 September 2004 the Act shall apply to all municipalities and cover persons subject to the Act who are resident after 1 September 2003.

Amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228, section number amended from section 21.

Section 26. *Amendments to other statutes*

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Amended by the Act of 11 March 2005 No. 13 (in force from 1 September 2005 pursuant to the Decree of 11 March 2005 No. 228, section number amended from section 22.