

Norway's asylum policy and work on residence permits

Information about the regulations and the asylum process

14 July 2017

The Norwegian asylum system

Norway has incorporated the 1951 UN Refugee Convention in Norwegian law. We wish to respect our international commitments and the principle of due process protection for persons who apply for protection. We therefore give asylum applications thorough consideration.

- An individual assessment is made of everyone who applies for protection in Norway.
- The applications are considered by two bodies. The Directorate of Immigration considers the applications first.
- Those who receive a rejection of their application will be assigned a lawyer and may appeal to an independent appeal body, the Immigration Appeals Board (UNE).
- Those who receive a rejection from the Immigration Appeals Board must leave Norway.
 - They can return to Somalia without danger to life and health.
 - They can bring legal action against the State and have the legality of the decision considered by Norwegian courts. It is up to the Immigration Appeals Board to decide whether they get to stay in Norway until their case is heard.

Cases where the applicant is not granted a permanent residence permit in Norway or has his/her permit revoked

Some cases involving nationals of Somalia have been discussed in both Norwegian and Somali media. There is speculation about what is happening, why it is happening and how many cases are concerned. The Norwegian authorities therefore wish to clarify this.

Persons who are not granted a permanent residence permit because they no longer have a need for protection

It is important for the Norwegian authorities that it is primarily people who need protection who are allowed to stay in Norway. The UN Refugee Convention contains provisions on when protection is no longer necessary, and it provides for the possibility of states deciding when a permit shall no longer be valid. Norway is therefore looking more closely at cases from countries where the security, political or human rights situation has changed significantly for the better and the changes appear to be permanent.

There may also be changes in the person's personal circumstances that mean that it is safe for them to return. This will also include persons who have come to Norway for family reunification in these cases.

- The assessment will only apply to persons holding temporary residence permits. After having held temporary residence permits for three years, the person can apply for a permanent residence permit. Persons holding permanent residence permits will still be allowed to stay in Norway.
- The UDI will assess whether permits will no longer be valid for persons from Somalia who were granted refugee status *before* 1 October 2014, and who have not yet been granted a permanent residence permit.
- The UDI will assess whether it will now be safe to return to Mogadishu.
- We will also assess whether permits will no longer be valid for persons who have been granted (derived) refugee status because their spouse, cohabitant or parent has been granted refugee status in Norway, and such status was granted before 1 October 2014.
- So far, 120 people have been notified that their temporary permit may no longer be valid following a more detailed assessment by the UDI. It is difficult to say at the present time how many more this may concern.
- All the cases will be considered individually, and the persons concerned will be entitled to free legal aid.
- In each case, we will consider whether the person still needs protection, or whether other circumstances indicate that the person should be allowed to stay in Norway, for example strong humanitarian considerations.

Persons whose permit is revoked because they have been granted a residence permit and citizenship on false grounds

The Norwegian authorities are aware that some persons who have previously applied for protection and stated that they come from South and Central Somalia actually come from neighbouring countries and regions. They have been granted a residence permit on false grounds and did not have a genuine need for protection. Many of them were also granted Norwegian citizenship.

- In accordance with Norwegian law, we shall consider whether persons who have been granted residence permits on false grounds shall lose their permit. We call this revocation.
- In all, we have identified almost 600 such cases that concern persons who have stated that they come from Somalia.
- When assessing whether to revoke someone's permit, we also consider whether there are other grounds for them to continue holding a residence permit in Norway. It is therefore difficult to say how many persons will have their permits revoked.
- Also citizenship granted on false grounds may be revoked. Revocation of a residence permit or citizenship based on false information to the Norwegian authorities applies to all nationalities.
- In May, the Storting decided that the courts, rather than the UDI, will now decide cases concerning the revocation of citizenship. This requires an amendment to the law. The Ministry of Justice and Public Security has instructed the UDI and UNE not to make decisions concerning the revocation of citizenship until the amendment enters into force.

Offer of return to and reintegration in Somalia for persons without legal residence

Persons who must leave Norway because they do not hold a residence permit can apply for assisted return to their home country. They may be granted financial and practical support for travel and reintegration in their home country through the International Organization for Migration. The alternative for people staying illegally in Norway is to be forcibly returned.

Somalis in Norway may be granted extended support for assisted return through our reintegration programme in Somalia. The programme is administered by the Danish Refugee Council. Those who have returned under the programme so far have stated that they have stable living conditions and income that benefit themselves and their families.

Those who avail themselves of the programme can receive

- a plane ticket and financial support
- reintegration support, among other things in the form of vocational training and business start-up assistance
- advice from the Danish Refugee Council

- follow-up from the Danish Refugee Council for up to one year after arrival in Somalia. Joint monitoring is also carried out together with the National Commission for Refugees and IDPs.