

Permanent recidence permit



JURK

juridisk rådgivning for kvinner

PREFACE

This pamphlet is published by Legal Counselling for Women (JURK). JURK is a student-run legal aid initiative that provides free legal advice to anyone who defines themselves as a woman.

JURK reserves the right to make changes to the rules described in this pamphlet, following publication.

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TABLE OF CONTENTS

1.0	Introduction	3
1.1	Purpose of the pamphlet	3
1.2	Abbreviations.....	3
2.0	Permanent residence permit	3
2.1	From temporary to permanent residence.....	3
2.2	What is a permanent residence permit?.....	4
3.0	Requirements for permanent residence.....	5
3.1	Length of residence	5
3.1.1	Stays outside Norway	6
3.1.2	Exemptions from the period of residence requirement	7
3.2	Previous residence permit.....	7
3.3	Self-reliance (income)	8
3.3.1	How much does the foreign national have to earn?	8
3.3.2	Foreign nationals are not eligible for financial support	9
3.3.3	Exemption from the self-reliance requirement	9
3.4	Education and tests in the Norwegian language and knowledge of Norwegian society	10
3.4.1	Exemption from learning and tests in Norwegian language and civics	10
3.5	No grounds for deportation	11
4.0	Applying for a permanent residence permit.....	11
4.1	Application fee.....	11
4.2	When should the foreign national apply?.....	12
5.0	The foreign national may lose his permanent residence permit	12
6.0	Right of appeal	12
7.0	Where can you get help?	13

1.0 Introduction

1.1. Purpose of the pamphlet

This pamphlet provides a concise presentation of legal issues regarding permanent residence.

The purpose of the pamphlet is to guide the reader through the requirements for a permanent residence permit and the rights this provides.

Please note that the rules for permanent residence may change. You can visit the government's website (www.udi.no) for updated information. The website also contains good information about the rules that apply to permanent residence permits.

1.2. Abbreviations

UTL - Immigration Act

UDI – Norwegian Directorate of Immigration

2.0. Permanent residence permit

2.1. From temporary to permanent residence

When a foreign national is granted residence in Norway for the first time, she is granted a temporary residence permit. This means that she is granted a residence permit that lasts until a certain date.

If she wishes to stay in Norway and meets the requirements for a permanent residence permit, she can apply for this.

**UTL Section
62**

2.2. What is a permanent residence permit?

A permanent residence permit gives better rights than a temporary residence permit, partly because it does not expire. This means that the foreign national can continue to live here as long as she wants, without having to apply for a permanent residence permit again. This distinguishes a permanent residence permit from a temporary residence permit.

A permanent residence permit is an independent basis for residence. This means that a foreign national who has been granted a permanent residence permit no longer has to meet the requirements for the temporary residence permit she had previously.

For example, a foreign national who immigrated as a family member with a spouse who holds a temporary residence permit may divorce *after* she has been granted a permanent residence permit. This will not affect her permanent residence permit.

Another example is if the foreign national had a work permit that functioned as a temporary residence permit and has now been granted a permanent residence permit. Then she can lose or change jobs without losing her permanent residence permit.

Permanent residence permits also provide stronger protection against deportation. This means that it takes more to expel someone with a permanent residence permit than someone with a temporary residence permit.

It is still possible to be expelled, but it is a much more complex process. For example, the foreign national may be expelled if she commits a criminal offense that could lead to a prison sentence of more than two years.

3.0. Requirements for permanent residence

UTL Section 62 To obtain a permanent residence permit, the applicant must meet a number of requirements. As a rule, *all* requirements must be met. Note that there are some exceptions. If you meet all the requirements, you are entitled to a permanent residence permit.

There are requirements for:

- Length of residence
- Previous residence permits
- Self-reliance (income)
- Education and tests in the Norwegian language and knowledge of Norwegian society
- No grounds for deportation

You can read more about each requirement and their exceptions below.

Note that *all* requirements for obtaining a permanent residence permit must be met *at the same time*. For example, a foreign national cannot divorce until the period of residence requirement is met if she immigrated as a family member with her spouse as the basis for her temporary residence permit.

3.1. Length of residence

UTL Section 62 The first requirement is the length of residence in Norway (period of residence). Period of residence means the period during which the foreign national has lived permanently in Norway. The foreign national must have lived in Norway for the past three or five years before she can be entitled to a permanent residence permit.

The requirement for a five-year period of residence

applies to foreign nationals who have:

- residence based on an application for protection (asylum),
- protection as a family member of a refugee (derived asylum),
- came to Norway as a resettlement refugee,
- stay on grounds of strong humanitarian considerations, or
- immigrated as a family member with any of the groups in the points above.

For foreign nationals not included in any of the groups mentioned above, there is a requirement of three years of residence in Norway.

The period of residence requirement is counted from the time the foreign national was granted his first temporary residence permit that forms the basis for a permanent residence permit. The foreign national does not necessarily have to meet the period of residence requirement at the time of application. It may be sufficient that it is fulfilled during the application processing time.

3.1.1. Stays outside Norway

The foreign national cannot have stayed abroad too much in the period before she applies for a permanent residence permit. There are different requirements for those who must have a residence period of three years and five years.

Foreign nationals with requirements for three years of residence

Foreign nationals who are required to have lived in the realm three years cannot have been outside Norway for more than seven months in total during the last three years.

Foreign nationals with requirements for five years of residence

Foreign nationals who are required to live five years in the realm cannot have been outside Norway for more than ten months in total during the last five years.

3.1.2 Exemptions from the period of residence requirement

- In a few cases, the foreign national does not need to meet the period of residence requirement. This includes when the foreign national has held a residence permit that forms the basis for a permanent residence permit in the last year, and one of the options below is fulfilled: the foreign national has had long-term residence in Norway, or
- there are particularly strong reasonable grounds.

The requirement for particularly strong reasonable grounds is strictly practised, and it takes a lot to get an exemption.

3.2. Previous residence permit

**UTL Section
62**

There is also a requirement that the foreign national has held a temporary residence permit which may entitle him to a permanent residence permit. The foreign national must have had this continuously for the past three or five years. See point 3.1 for which groups must hold this for five years.

Not all temporary residence permits form the basis for a permanent residence permit.

If the foreign national has held a temporary residence permit that does not form the basis for a permanent

residence permit *during* for the last three or five years, she cannot be granted a permanent residence permit now.

You can see in the decisions you have received from UDI whether the temporary residence permit(s) you have held form the basis for a permanent residence permit or not.

If it is not stated in the decision, or you have lost the decision, you can call UDI to ask them whether your residence permit forms the basis for permanent residence.

3.3 Self-reliance (income)

3.3.1. How much does the foreign national have to earn?

Foreign nationals are required to support themselves economically. This means that during the last twelve months, he or she must have had an income that is at least 2.5 times the basic amount of the National Insurance Scheme. The basic amount in the National Insurance Scheme (Grunnbeløp/G) changes every year, which means that the self-reliance requirement also changes from year to year.

She must have earned at least NOK 278 693 a year before tax in the last twelve months if she applies in 2022. The self-reliance requirement will then be met.

The foreign national can meet the self-reliance requirement by adding up different forms of income. This can be:

- wages earned from employment,
- pension or other fixed, periodic benefits,
- sickness benefits, maternity benefits, parental benefits, retirement pension, unemployment

benefits, work assessment allowance or the single parent benefit pursuant to the National Insurance Act,

- student loans or student grants and
- introduction benefits.

3.3.2. Foreign nationals are not eligible for financial support

One of the requirements states that the foreign national cannot have received any financial benefit (financial social assistance) during the last twelve months. There are a few exceptions where the foreign national can receive financial support without this affecting the self-reliance requirement.

3.3.3. Exemption from the self-reliance requirement

There are some groups that may be exempted from the self-reliance requirement. This means the foreign national does not have to earn money to obtain a permanent residence permit.

The first group depends on the age of the foreign national. If the person is under the age of 18 or over the age of 67, she will be exempted from the self-reliance requirement.

The second group comprises certain students and pupils. They must have attended school or studied in the last twelve months or the last two semesters. The same applies to students participating in certain measures from the Norwegian Labour and Welfare Administration (NAV). Only some of these pupils and students can be exempted from the self-reliance requirement.

The third group comprises persons who are injured or for other reasons cannot take up employment. If the foreign

national is entitled to disability benefits or has not been able to have paid work in excess of 50 percent in the last 12 months, she may be exempted from the self-reliance requirement.

The fourth group consists of foreign nationals who have a residence permit on an independent basis as a result of ill-treatment.

UDI may in a few other cases make exceptions to the self-reliance requirement. This only applies if the foreign national's case involves extraordinary circumstances. UDI seldom makes exceptions in cases where the foreign national is not covered by one of the groups mentioned above.

3.4. Education and tests in the Norwegian language and knowledge of Norwegian society

UTL Section 62

The foreign national is also required to complete Norwegian language civics studies and pass both tests.

The rules governing requirements for completed learning and testing have changed several times over the years. That is why there are different requirements for these. The requirements that apply depend e.g. on when the foreign national came to Norway and what residence permit the foreign national possesses. You can visit this website to find out what requirements apply to you: <https://www.udi.no/ord-og-begreper/guide-prover-og-opplaring-for-a-fa-permanent-oppholdstillatelse/>

You can also contact the municipality you live in if you have questions about the learning and testing process.

3.4.1. Exemption from learning and tests in Norwegian language and civics

Some foreign nationals may be exempted from the requirement to learn the Norwegian language and

participate in civics classes.

You can contact the municipality you live in if you have any questions about the exemption. If you need help applying for an exemption from the Norwegian language or civics studies requirements, you can contact SEIF (Self-Help for Immigrants and Refugees).

3.5. No grounds for deportation

The last requirement is that the foreign national cannot have done anything that would allow her to be deported or expelled from the realm.

For example, UDI may refuse to grant a foreign national a permanent residence permit if she has been sentenced to prison or fined for circumstances that could lead to imprisonment.

Another example is if the foreign national has provided incorrect information to UDI or the police.

If the foreign national has received a prison sentence or a fine for actions which may lead to imprisonment, and is not expelled, she may be granted a permanent residence permit later. Then she must have stayed in Norway for an extra period of time in addition to the usual period of stay of three or five years. An overview of how much extra time she has to wait can be found here:

www.udi.no.

4.0. Applying for a permanent residence permit

4.1. Application fee

It costs NOK 3800 to apply for a permanent residence permit. Note that this price is subject to change. You can

visit www.udi.no/fee for updated information.

4.2. When should the foreign national apply?

If the foreign national applies for a permanent residence permit *no later than one month* before her current residence permit expires, she is entitled to stay in Norway until the application has finally been decided. The foreign national can then stay in Norway on the same conditions as her current temporary residence permit.

UDI's website offers information on approximately how long it takes to process an application for a permanent residence permit. The website is updated regularly. See this link: www.udi.no/ord-og-begreper/guide-til-saksbehandlingstid-permanent-eller-varig-opphold/.

5.0. The foreign national may lose his permanent residence permit

UTL Sections 62 and 63

It is possible to lose your right to permanent residence. This can happen if the foreign national stays outside Norway for more than two consecutive years.

The foreign national may also lose permanent residence if she has provided incorrect information, or failed to provide significant information for the application.

6.0. Right of appeal

UTL Section 76

The foreign national may appeal decisions made by the police, the Norwegian foreign service mission and UDI.

The response to a permanent residence permit application must, as a general rule, be justified. The response shall contain information about the right to

appeal, the deadline for appeal, the agency to which the appeal is made, the procedure for appeal and the foreign national's right of reviewing the documents in the case.

7.0. Where can you get help?

JURK (Legal Counselling for Women) is a legal aid organization that provides free guidance and assistance to anyone who defines themselves as women.

You can submit your case to us electronically at any time! You can do so online (www.jurk.no) → "Send oss din sak"

Skippergata 23, 0154 Oslo
Tel.: 22 84 29 50

Jussbuss is a legal aid organization that provides free guidance and assistance to both women and men.
Tel.: 22 84 29 00

The national crisis centers (Krisesenter) provide assistance to women and men who are victims of abuse, throughout Norway. More information can be found on the website:
www.krisesenter.com

Self-Help for Immigrants and Refugees (SEIF) provides practical help and guidance.
Tel.: 22 03 48 30, www.seif.no

The Norwegian Directorate of Immigration (UDI) has a duty to provide guidance and is tasked with answering questions about immigration law.
Tel.: 23 35 16 00, www.udi.no

ROSA provides practical assistance and information on

assistance and protection to victims of trafficking.

Tel.: 22 33 11 60, www.rosa-help.no

MiRA Resource Center works with issues related to gender equality for immigrant and refugee women in Norway.

Tel.: 22 11 69 20, www.mirasenteret.no

Caritas provides practical help and legal guidance in several languages.

Tel.: 23 33 43 60, www.caritas.no

Norwegian Organization for Asylum Seekers (NOAS) provides legal aid and guidance.

Tel.: 22 36 56 60, www.noas.no

The Office for Free Legal Aid (Oslo and surroundings) provides guidance and specific legal aid – free of charge.

Tel.: 23 48 79 00, www.frirettshjelp.com

The Equality and Anti-Discrimination Ombud

Tel.: 23 15 73 00, www.ldo.no