

***JURK***

Juridisk rådgivning for kvinner

# **Permanent residence permit**

[www.jurk.no](http://www.jurk.no)

## **FOREWORD**

This brochure 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.

Please note that there may be changes to the rules described in this brochure after the publication.

We would also like to thank everyone who works with and for JURK for their time and input.

Hedda Stephansen Brun  
Ingeborg Olsen Sundsbø  
Jacob Danial Ali Khan  
Elena Buznik  
Ingrid Westheim  
Sara Kindgren  
Jonas Kaas Korsåsen

Oslo, March 2024

## TABLE OF CONTENTS

1.0 INTRODUCTION .....	3
1.1. Purpose of this brochure .....	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?.....	3
3.0. Requirements for permanent residence .....	4
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-sufficiency (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-sufficiency 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 .....	11
3.5. No grounds for deportation .....	11
4.0. Applying for a permanent residence permit.....	12
4.1. Application fee.....	12
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.....	13
7.0. Where can you get help? .....	13

## **1.0 Introduction**

### **1.1. Purpose of this brochure**

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

The purpose of the brochure is to guide the reader through the requirements for a permanent residence permit and the rights that this gives.

Please note that the rules for permanent residence permit may change. You can visit [www.udi.no](http://www.udi.no) for updated information. The website also contains good information about the rules that apply to permanent residence permit.

### **1.2. Abbreviations**

**Utl.** – Norwegian Immigration Act

**UDI** – The 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.

### **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 separates 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 had a temporary residence permit on the basis of family immigration with a spouse, 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 as her temporary residence permit and has now been granted a permanent residence permit. She can then lose or change jobs without losing her permanent residence permit.

A permanent residence permit also provides stronger protection against expulsion. This means that it requires 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 requires more to be expelled. 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 a permanent residence permit**

**Utl. Section  
62**

To obtain a permanent residence permit, the applicant must meet a number of requirements. As a main 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 permit
- Self-sufficiency (income)
- Education and tests in the Norwegian language and social studies
- No grounds for expulsion

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

Note that *all* requirements for a permanent residence permit must be met *at the same time*. For example, if the foreign national has a temporary residence permit on the basis of family immigration with a spouse, she can not divorce until the requirement for the length of residence is met.

### **3.1. Length of residence**

**Utl. Section  
62**

The first requirement is the length of residence in Norway. Length 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 refugee status),
- come to Norway as a resettlement refugee (quota refugee),
  - residence based on strong humanitarian considerations, or
  - immigrated as a family member with any of the groups in the points above.

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

The requirement to length of residence, is counted from when the foreign national was granted her first temporary residence permit that forms the basis for a permanent residence permit. The foreign national does not necessarily have to meet the requirement at the time the application is submitted. It may be enough that the foreign national meets the requirement during the application processing time.

### **3.1.1. Stays outside Norway**

The foreign national can not have stayed abroad too long 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 requirement to three years of residence*

Foreign nationals who are required to have lived in Norway for three years, can not have been abroad for more than seven months in the last three years.

### *Foreign nationals with requirement to five years of residence*

Foreign nationals who are required to have lived in Norway for five years, can not have been abroad for more than ten months in the last five years.

#### **3.1.2 Exceptions from the requirement for length of residence**

In a few cases, the foreign national does not need to meet the length of residence requirement. This can be 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 optional requirements below is met:

- the foreign national has had long-term residence in Norway, or
- there are particularly strong grounds of reasonableness.

The requirement for particularly strong grounds of reasonableness is practised strictly, and it can be difficult to meet this requirement.

#### **3.2. Previous residence permit**

**Utl. Section  
62**

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

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



If the foreign national has had a temporary residence permit that does not form the basis for a permanent residence permit *during* the last three or five years, she can not be granted a permanent residence permit now.

In the decisions you have received from UDI, you can see whether the temporary residence permit(s) you have had forms 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-sufficiency (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, 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-sufficiency requirement also changes from year to year.

The foreign national must have earned at least NOK 296 550 a year before tax in the last twelve months if she applies in 2024. The requirement to self-sufficiency will then be met.

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

- income for employment,
- pension or other fixed, periodic benefits,

- sickness benefits, pregnancy 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. The foreign national can not receive financial assistance**

It is a requirement that the foreign national can not have received any financial assistance during the last twelve months. There are a few exceptions where the foreign national can receive financial assistance without this affecting the self-sufficiency requirement.

### **3.3.3. Exceptions from the self-sufficiency requirement**

There are some groups that may not have to meet the self-sufficiency requirement. This means that the foreign national does not have to earn money to be granted a permanent residence permit.

The first group includes foreign nationals of certain ages. If the person is under the age of 18 or over the age of 67, she will not have to meet the self-sufficiency requirement.

The second group includes 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 or pupils participating in certain measures from the Norwegian Labour and Welfare Administration (NAV). Only some of these pupils and students do not need to meet the self-sufficiency requirement.

The third group includes foreign nationals who are injured or for other reasons can not work. If the foreign national is entitled to disability benefits or has not been able to have paid work more than 50 percent in the last 12 months, she may not have to meet the self-sufficiency requirement.

The fourth group includes foreign nationals who have a residence permit on an independent basis as victims of abuse.

UDI may in a few other cases make exceptions to the self-sufficiency requirement. This is if the foreign national's case involves exceptional circumstances. Note that UDI rarely makes exceptions in cases where the foreign national is not included in any of the groups mentioned above.

### **3.4. Education and tests in the Norwegian language and social studies**

#### **Utl. Section 62**

The foreign national is also required to complete training in the Norwegian language and social studies, and pass both tests.

The requirements for completed training and testing have changed several times over the years. That is why there are different requirements. The requirements that apply depend on when the foreign national came to Norway and what residence permit the foreign national has. You can visit this website to find out which requirements apply to you: <https://www.udi.no/en/word-definitions/training-and-tests-in-the-norwegian-language-for-people-applying-for-a-permanent-residence-permit/>.

You can also contact the municipality (kommunen) you live in if you have questions about the training and testing process.

### **3.4.1. Exceptions from education and tests in Norwegian language and social studies**

Some foreign nationals may not need to learn the Norwegian language and participate in social studies classes.

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

### **3.5. No grounds for expulsion**

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

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 been sentenced to prison or fined for actions which may lead to imprisonment, and is not expelled, she may be granted a permanent residence permit later. In that case, she must have stayed in Norway for an extra period of time in addition to the usual period of three or five years. An overview of how much extra time she has to wait can be found here: <https://www.udi.no/en/word-definitions/waiting-times-for-permanent-residence-permits-for-convicted-persons-and-people-who-have-been-fined/>.

## **4.0. Applying for a permanent residence permit**

### **4.1. Application fee**

It costs NOK 4000 to apply for a permanent residence permit. Note that the fee can change. You can visit <https://www.udi.no/en/word-definitions/fees/> 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: <https://www.udi.no/en/word-definitions/guide-to-case-processing-times-for-applications-for-permanent-residence/>.

## **5.0. The foreign national may lose her permanent residence permit**

### **Utl. Sections 62 and 63**

It is possible to lose a permanent residence permit. This can happen if the foreign national stays abroad for more than two consecutive years.

The foreign national may also lose her permanent residence permit if she has given incorrect information, or failed to give important information regarding the

application.

## 6.0. Right to appeal

**Utl. Section 76** The foreign national may appeal decisions made by the police, the Norwegian foreign service mission and UDI.

As a main rule, a decision regarding a permanent residence permit must be justified. The decision must include information about the right to appeal, the deadline for appeal, where to appeal, the procedure for appeal and the foreign national's right to review 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 this online: [www.jurk.no](http://www.jurk.no) → "Send us your case"

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

**Krisesenter** is a crisis center that provides assistance to women and men who are victims of abuse in all of Norway. More information can be found on the website: [www.krisesenter.com](http://www.krisesenter.com)

**Self-help for Immigrants and Refugees (SEIF)**

provides practical help and guidance.

Tel: 22 03 48 30, [www.seif.no](http://www.seif.no)

**The Norwegian Directorate of Immigration (UDI)** has

a duty to provide guidance and must answer your questions about immigration law.

Tel: 23 35 16 00, [www.udi.no](http://www.udi.no)

**ROSA** provides practical assistance and information on assistance and protection to victims of human trafficking.

Tel: 22 33 11 60, [www.rosa-help.no](http://www.rosa-help.no)

**MiRA Ressurscenter** works with issues of gender equality for immigrant and refugee women in Norway.

Tel: 22 11 69 20, [www.mirasenteret.no](http://www.mirasenteret.no)

**Caritas** provides practical help and legal guidance in multiple languages.

Tel: 23 33 43 60, [www.caritas.no](http://www.caritas.no)

**The Norwegian Organization for Asylum Seekers (NOAS)** provides legal assistance and guidance.

Tel: 22 36 56 60, [www.noas.no](http://www.noas.no)

**The Office for Free Legal Aid (Oslo and surrounding areas)** provides guidance and specific legal aid for free in Oslo and surrounding areas.

Tel: 23 48 79 00, [www.frirettshjelp.com](http://www.frirettshjelp.com)

**The Equality and Anti-Discrimination Ombud (LDO)** provides advice and guidance in cases regarding discrimination or harassment.

Tel: 23 15 73 00, [www.ldo.no](http://www.ldo.no)





# ***JURK***



[www.jurk.no](http://www.jurk.no)

22 84 29 50  
Skippergata 23, 0154 Oslo