

***JURK***

Juridisk rådgivning for kvinner

# **Residence after the EEA rules**

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

## **FOREWORD**

This brochure is published by JURK (Legal Counselling for Women, Norway). 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.

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## **Abbreviations**

<b>Utl.</b>	<b>Norwegian Immigration Act</b>
<b>Utf.</b>	<b>Norwegian Immigration Regulations</b>
<b>EEA</b>	<b>European Economic Area</b>
<b>UDI</b>	<b>The Norwegian Directorate of Immigration</b>

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## **1.0 INTRODUCTION**

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

This brochure provides a brief presentation of legal issues relevant to residence in Norway after EEA law. The purpose of the brochure is to make the reader aware of the main issues that can arise, and make the reader aware of their rights.

## **2.0 RESIDENCE FOR EEA CITIZENS**

### **2.1 Who does the EEA rules apply to?**

**Utl. § 110**

The EEA rules apply to EEA citizens. In this brochure, the term “EEA citizen” means that you are a citizen of one of the following countries: Belgium, Bulgaria, Denmark, Estonia, Finland, France, Greece, Ireland, Iceland, Italy, Croatia, Cyprus, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Czech Republic, Germany, Hungary and Austria.

An applicant who only has a residence permit and not citizenship in one of the countries mentioned above, is not covered by the EEA rules.

For UK citizens there are some temporary solutions.

The EEA rules apply to a third-country citizen if she comes to Norway as a family member of an EEA citizen. A third-country citizen is a person who is a citizen of a country outside the EEA area.

Third-country citizens are also covered by the rules if they work in a company established in another EEA country, and is going to provide services or work for this company in Norway.

Norwegian citizens can in some cases bring a family member to Norway through the EEA rules. You can read more about this in item 3.2.

## **2.2 EEA citizens who will stay in Norway for up to three months**

### **Utl. § 111**

There are several requirements to be able to live in Norway for up to three months. The person must be a citizen of an EEA country. She must also document her identity, and not be an "unreasonable burden" to society. For example, the EEA citizen can not receive financial social assistance to an unusually large extent.

Job seekers who meet the requirements above can stay in Norway for up to six months.

Then she must register to the police or at a Service Center for Foreign Workers (SUA) no later than three months after entry.

Job seekers who find a job and have stayed in Norway for at least three months, must register as soon as the employment starts. Read more about registration certificate in item 5.

Being a "job seeker" means that you are looking for a job. This must be documented.

## **2.3.0 EEA citizens who want to work or stay in Norway for more than three months**

### **Utl. § 112**

There are several requirements for those who are going to work or stay in Norway for more than three months. You can come to Norway as an employee or self-employed, as a service provider, with enough saved funds (money) or as a student. There are different rules for the different grounds.

EEA citizens who are going to stay in Norway for more than three months must register and get a registration certificate.

### **2.3.1 Residence as an employee or self-employed**

#### **Utl. § 112**

An EEA citizen who is an employee or self-employed has the right to stay in Norway.

An employee is someone who works for an employer and is paid for their work. The employer must be the employee's superior (boss). The workplace must be operated in Norway. The employee can change employers and have several employers or jobs at the same time. There are no requirements for the type of work or the skills of the employee. The extent of the work can not be very small, but ten hours of work per week is enough to be considered an employee. If the employee is to work less than ten hours per week, there will be a specific evaluation.

A self-employed person is someone who runs a business, for example in a sole proprietorship. She must have a continuous and stable income, and she must work without a boss.

An EEA citizen who has been in Norway as an employee or self-employed, can in some cases continue to be in Norway even if she can no longer work for a period of time.

This is only if she:

- Becomes temporarily unable to work as a result of illness or accident.
- Studies a vocational education that is related to her previous work. If she is involuntarily unemployed, there must not be a connection with her previous work and her studies.

- Loses her job involuntarily after having paid work for more than one year, and has registered as a job seeker at NAV.
- Is involuntarily unemployed after the expiry of a temporary employment contract of less than one year or loses her job involuntarily after having paid work during the first twelve months. In both cases, it is a requirement that she register at NAV. In these cases, she can only stay in Norway for up to six months, unless she meets the requirements for another residence permit.

### **2.3.2 Residence as a service provider, with saved funds or as a student**

#### **Utl. § 112**

#### Residence as a service provider

An EEA citizen can have a right of residence as a service provider. A service provider is someone who will do independent, temporary work for others.

#### Residence due to saved funds

An EEA citizen can have a right of residence by having their own saved funds. Someone who has saved funds must have enough money to get by in Norway. The minimum amount is evaluated individually, but it can not be higher than the minimum pension in Norway. It is also a requirement that she has health insurance.

#### Residence as a student

An EEA citizen can have a right of residence as a student. A student is someone who comes to Norway, where the main purpose of their stay is to study. She must at least have partial progress in her studies. She must also give a declaration that she has enough money to provide for herself. It is also a requirement that she has health insurance.

#### Can lose the right of residence



An EEA citizen can lose her right of residence if she is an "unreasonable burden" for NAV. This does not include regular use of the welfare system, but can be the case if she receives financial social assistance systematically and often. Note that this does not apply to EEA citizens who are employees or self-employed.

### **3.0 RIGHT OF RESIDENCE FOR FAMILY MEMBERS**

#### **3.1 Right of residence for family members of an EEA citizen**

**Utl. § 113 og § 114**

Family members who are either EEA citizens themselves or third-country citizens can get a right of residence in Norway. It is a requirement that the family member joins or reunites with an EEA citizen.

The following family members have the right of residence as long as they can document that they live with the EEA citizen:

- Spouses.
- Cohabitants, if they have a permanent connection to the EEA citizen, and this connection can be documented. Usually, it will be enough that they have lived together for two years or that they have or are expecting children together.
- Children under the age of 21 and children supported by the EEA citizen or the EEA citizen's spouse.
- Parents who are supported by the EEA citizen or the EEA citizen's spouse.

Other family members can also get right of residence. This can be foster children, full siblings, fiancés, those in need of care without other caretakers, and other family members supported by the EEA citizen. There are several requirements for the EEA citizen who wants to be reunited with the family member. Among other

things, it must be documented that the family member will be provided for and has health insurance.

EEA citizens who come to Norway to study can only bring their spouses, cohabitants or dependent children under the age of 21.

### **3.2 Right of residence for family members of a Norwegian citizen**

#### **Utl. § 110**

A family member of a Norwegian citizen can come to Norway through the EEA rules, if the Norwegian citizen has exercised (used) her EEA rights in another EEA country. The main rule is that the family member must accompany or join the Norwegian citizen when she returns to Norway.

#### To use EEA rights

The Norwegian citizen must have used her EEA rights. This means that she has been an employee, self-employed, service provider, student or has had saved funds. See more about the different options under item 2.3.1 and 2.3.2.

UDI will in each case evaluate if the Norwegian citizen's stay has been genuine. Among other things, UDI will consider the duration of the stay, and working and living conditions.

#### To accompany or join a Norwegian citizen in Norway

The family member must accompany or join the Norwegian citizen in Norway. This means that they must live together in Norway and that it can not be too long from cohabitation in an EEA country until the family member applies for family immigration in Norway. The family relationship must also have been established or strengthened during the period the Norwegian citizen has used her EEA rights outside Norway. See who is considered a family member under item 3.1.

### **3.3 What happens after a breakup?**

A family member can get continued right of residence after a breakup if she meets certain requirements. The rules are different for family members who are EEA citizens themselves, and for family members who are third-country citizens.

Note that if the family member has a permanent right of residence, the right of residence is not affected by the breakup. You can read more about permanent right of residence in item 4.0.

#### **Utl. § 113**

##### The family member is an EEA citizen

If the family member herself is an EEA citizen, she can stay in Norway if she meets the requirements for one of the residence permits. You can read more about these residence grounds in item 2.3.1 and 2.3.2.

For cohabitants, the family member's right of residence is affected when the cohabitation ends.

For spouses, it is only after divorce that the family member's right of residence is affected. If the spouses separate, the family member can continue to live in Norway as long as the other's right of residence remains. This means that they can move apart in Norway without it affecting their right of residence until they are formally divorced.

#### **Utl. § 114**

##### The family member is a third-country citizen

If the family member is a third-country citizen, she can get a right of residence after divorce if she meets the requirements for a right of residence based on one of the following grounds:

- Is an employee or self-employed.
- Is a service provider.
- Has sufficient financial means.

- Is a family member of a person who meets the requirements for a right of residence as mentioned above.

**and** she meets one of these requirements:

- At the time of separation, the marriage must have lasted for three years, and at least one year must have been in Norway.
- The family member must have been given parental responsibility for children of the EEA citizen by agreement or judgment.
- The family member exercises visitation with the EEA citizen's child in Norway by agreement or judgment.
- The family member or children have been exposed to violence or other serious abuse in the marriage.

### **3.4 What happens if the EEA citizen dies?**

If the EEA citizen dies, the family member who originally attended family immigration with the citizen, must meet certain requirements to continue living in Norway.

#### **Utl. § 113**

##### The family member is an EEA citizen

If the family member herself is an EEA citizen, she can stay if she meets the requirements for a right of residence. See more under item 2.3.1 and 2.3.2. She will always be entitled to continued residence if she has parental responsibility for the EEA citizen's child, and the child goes to school in Norway.

#### **Utl. § 114**

##### The family member is a third-country citizen

If the family member of the deceased EEA citizen is not an EEA citizen herself, she has two options. The first option is that she has lived in Norway for at least one year and meets the requirements for a right of residence as mentioned in item 2.3.1 and 2.3.2, except for the right

of residence as a student. The other option is that she has parental responsibility for the EEA citizen's child, and the child goes to school in Norway.

## Utl. § 115

### Permanent right of residence after death

If the EEA citizen dies, the family member can get permanent residence in Norway. The EEA citizen must either have been an employee or self-employed in Norway, and the EEA citizen must have lived in Norway for at least two years, or the death was caused by a work accident or work-related disease. This applies if the family member herself is an EEA citizen or third-country citizen.

## **4.0 PERMANENT RIGHT OF RESIDENCE**

Having a permanent right of residence means that you have the right to live in Norway as long as you want. If you have the right to a permanent right of residence, you do not need to have other grounds of residence. This means that, for example, you do not need to work to keep the right to stay in Norway.

If you have permanent right of residence, but travel out of Norway for two continuous years or more, you lose your permanent right of residence.

### **4.1 The requirements for permanent right of residence**

## Utl. § 115 og § 116

The opportunity to get permanent right of residence applies to both EEA citizens and family members of EEA citizens.

You get permanent right of residence in Norway if you meet all the requirements below:

- You have lived continuously in Norway for five years.
- You have not travelled outside of Norway for a long period of time.

- The requirement that you have not travelled outside of Norway for a long period of time, is fulfilled even if you have been abroad for up to six months during a one-year period. In some cases, stays abroad of up to twelve months are also accepted, for example in the case of pregnancy, childbirth or serious illness.
- You have had a legal right of residence in Norway throughout the entire period.

For third-country citizens, it is also a requirement that they have lived with the EEA citizen continuously for five years. The cohabitation must have been of a certain extent. If the parties live together in a shared home, the requirement is fulfilled.

If the third-country citizen is given an independent right of residence due to the EEA citizen's death or a breakup, the requirement to live together does not apply. You can read more about these grounds in item 3.3 and 3.4

#### **4.2 Extended right to permanent right of residence for EEA citizens who are employees and self-employed**

#### **Utl. § 115**

An EEA citizen who is an employee or self-employed has an extended right to get permanent right of residence.

If you are an employee or self-employed, you will be given a permanent right of residence in Norway if one of these requirements is fulfilled:

- You have had right of residence in Norway for more than three years continuously, have worked in Norway for the last twelve months and retired with an early pension or retirement pension.

- You have lived in Norway continuously for more than two years and have become permanently unable to work.
- You have lived and worked in Norway for three continuous years and are working in another EEA country, but returning to your home in Norway at least once a week.

If an EEA citizen is covered by one of these cases, the family members who live with the EEA citizen can also be given permanent right of residence at the same time.

## **5.0 REGISTRATION CERTIFICATE AND RESIDENCE CARD**

If an EEA citizen wants to live in Norway for a longer period of time, she must register to get a registration certificate.

A third-country citizen who comes to Norway must apply for a residence card.

You can read more about the rules for registration certificates and residence cards below.

### **5.1 Registration certificates for EEA citizens**

**Utl. § 117**

An EEA citizen who wants to be in Norway for more than three months must register and get a registration certificate. The deadline is three months from arrival. She can register at the local police or at the Service Centre for Foreign Workers (SUA).

It is free to register and the registration certificate does not need to be renewed.

When the EEA citizen applies for a registration certificate, she must always bring a valid ID card or passport with her. She must also bring documentation

relating to her right of residence. Which documentation she must bring depends on which right of residence she has. This could be, for example, an employment contract that documents that she is an employee, or a confirmation that she has enough money to provide for herself and potential family members.

If the EEA citizen is in Norway as a family member, in addition to a valid ID card or passport, she can also be required to document that she is a family member. It can also be required that she must present the registration certificate of her family member and documentation of support, if the right of residence requires it.

If the EEA citizen does not receive a registration certificate, she can ask the police what kind of documentation is missing so that she can take this documentation with her.

The EEA citizen can not file a complaint against a rejection of a registration certificate. If she believes she fulfills the requirements and has all the necessary documents, she can instead try to register again.

The EEA citizen can not be deported or expelled from Norway just because she does not have a registration certificate. EEA citizens who do not have a registration certificate can still get a fine.

## **5.2 Residence card for family member who is a third-country citizen**

### **Utl. § 118**

A third-country citizen who comes to Norway as a family member of an EEA citizen must apply for a residence card. This must be done no later than three months after arrival in Norway.

An application for a residence card must be delivered to the Norwegian foreign service, the local police or at a



Service Center for Foreign Workers (SUA). It is free to apply and the residence card is usually valid for five years, or less if the EEA citizen's residence period is shorter.

When applying for a residence card, there are several requirements for documentation. The applicant must present:

- Valid passport.
- Registration certificate for the EEA citizen.
- Documents that confirm the family relationship that is the basis for the right of residence.
- Documentation that the EEA citizen can provide for herself, if the right of residence requires it.

Applications for residence cards are decided within six months after the application has been delivered.

The validity of a residence card usually ends if you have stayed outside of Norway for more than six months per year.

If an application for a residence card is denied, you can file a complaint to UDI.

A third-country citizen can not be deported or expelled from Norway just because she has not applied for a residence card. Third-country citizens who do not have a residence card can still get a fine.

## **6.0 DEPORTATION AND EXPULSION**

EEA citizens and their family members can in some cases be deported or expelled from Norway. You can read more about these rules below.

### **6.1 Deportation of EEA citizens and their family members**

## Utl. § 121

EEA citizens and their family members can in some cases be deported from Norway. Deportation means that the person must leave Norway or will be refused entry.

Deportation can happen if:

- The person does not show a valid passport, other approved travel document or visa when required.
- The person arrives in Norway without a right of entry, right of residence, permanent right of residence or other residence permit.
- There are other circumstances that can lead to deportation. You can read more about this below.

### **6.2.0 Expulsion of EEA citizens and their family members**

Expulsion means that the EEA citizen must leave Norway and is also banned from entering. An entry ban can be made permanent or time-limited, but not shorter than two years.

### **6.2.1 Expulsion for the sake of public order or security**

## Utl. § 122

EEA citizens and their family members can be expelled when the sake of public order or security requires it.

The expulsion can only be justified because of her personal circumstances. Expulsion can only happen if there are sanctions or other effective measures to discourage or combat the same behavior among Norwegian citizens. She can not be expelled simply because of previous criminal convictions.

Expulsion for the sake of public order presupposes that there is a real and sufficiently serious threat to a fundamental social concern. It takes more than what a legal offense usually involves.

Expulsion for the sake of public order or safety can, among other things, happen if she:

- Is addicted to drugs, and she became addicted before she got the right of residence.
- Obviously suffers from a serious mental disorder, obvious psychoses with states of agitation, delusions or hallucinations with states of confusion, and the condition occurred before she received the right of residence.

A person can be expelled if she has committed acts of terrorism or acts related to terrorism, or has given housing to someone she knows has committed such legal offence.

#### The proportionate evaluation

A person can not be expelled if, in light of the seriousness of the situation and her connection to Norway, it would be a disproportionate measure towards herself or her family members.

When evaluating if expulsion is a disproportionate measure, the duration of her stay in Norway, age, state of health, family situation, financial situation, social and cultural integration in Norway and connection to her home country will, among other things, be considered. In cases affecting children, the child's best interests must be an important consideration.

### Utl. § 123

#### **6.2.2 Expulsion for the sake of public health**

An EEA citizen and their family members with right of residence for up to three months can be expelled when it is necessary for the sake of public health, and the authorities have initiated protection measures for Norwegian citizens.

#### **6.2.3 Extended protection against expulsion**

## Utl. § 122

Some groups have stronger protection against expulsion. This means that it requires more to be expelled from Norway. This applies to EEA citizens and their family members who have permanent right of residence, EEA citizens who have stayed in Norway for the last ten years and EEA citizens who are minors.

However, these rules do not apply if the person has committed acts of terrorism, acts related to terrorism or given housing to someone she knows has committed such a legal offense. Then it is the evaluation in item 6.2.1 that still applies.

## **7.0 WHERE TO GET HELP**

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

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 Ressurssenter** 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)

**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)

**Rosenhof adult education**

Tel: 22 38 77 00, <https://rosenhof.oslovo.no>



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