

REGULATIONS ON THE ACQUISITION AND LOSS OF NORWEGIAN NATIONALITY (NORWEGIAN NATIONALITY REGULATIONS)

Laid down by the Crown Prince Regent's Decree of 30 June 2006 pursuant to sections 2, 7, 8, 9, 18, 24, 27 and 32 of the Act of 10 June 2005 No. 51. Issued by the Ministry of Labour and Social Inclusion.

Chapter 1 Requirement of documentary evidence of identity, cf. section 7, first paragraph (a), of the Norwegian Nationality Act.

Section 1-1 *The general rule*

The requirement of documentary evidence of identity shall as a general rule be deemed to be satisfied if the applicant presents an original, valid passport.

Section 1-2 *Exemptions*

If the applicant cannot provide documentary evidence of his or her identity, cf. section 1-1, an exemption may be granted in the following cases:

1. The applicant's former home country lacks a functioning central administration, or it is impossible for other reasons to obtain an original, valid passport.
2. The applicant had a legitimate reason for leaving his or her home country without an original, valid passport, and it is inadvisable for reasons of personal safety for the applicant to contact the authorities of his or her former home country.

In such cases as are mentioned in the first paragraph, the identity may after assessment of the specific case be deemed to be clarified if the information regarding the applicant does not give grounds for doubt. This applies even if the applicant has used different identities.

Chapter 2 Requirement of remaining a resident of the realm, cf. section 7, first paragraph (c), of the Norwegian Nationality Act

Section 2-1 *Temporary stay outside Norway*

The requirement of remaining a resident of the realm is deemed to be satisfied even if the applicant will make a temporary stay outside Norway in connection with studies, employment for a period not exceeding three years or medical treatment.

Section 2-2 *Accompanying family members*

An applicant who is a spouse, registered partner, cohabitant or a child under 18 years of age who accompanies a person who is to make a temporary stay outside Norway is deemed to satisfy the requirement of remaining a resident of the realm.

Chapter 3 Calculation of period of residence, cf. section 7, first paragraph (e), and sections 11-18 of the Norwegian Nationality Act

Section 3-1 *Permit granted prior to entry*

In the case of applicants who were granted a residence or work permit pursuant to the Immigration Act prior to entering the realm and in the case of Nordic nationals, the period of

residence shall be calculated from their arrival in the realm. The date of arrival in the realm shall be established as probable by police registration, registration in the national population registry or in another way.

Section 3-2 *Permit granted after entry*

If an application for a residence or work permit pursuant to the Immigration Act was submitted from within the realm, the period of residence shall be calculated from the date of application, provided that the application was granted.

The period of residence between the date on which an application is rejected and the date on which it is subsequently granted shall, however, only be included in the calculation if a deferral of implementation of the rejection was granted, or if implementation was deferred pursuant to the Immigration Act.

Section 3-3 *Period of residence between permits*

The period of time between the expiry of a residence or work permit and the submission of a new application shall not be included in the calculation of the period of residence.

Section 3-4 *Significance of a stay outside Norway*

If the total period of time spent by the applicant outside Norway in any one calendar year does not exceed two months, the period of stay outside Norway shall be regarded as residence in the realm. If the applicant's stay outside Norway exceeds two months, the entire period of stay outside Norway shall be deducted when calculating the period of residence.

Chapter 4 Scope of and exemptions from the statutory requirement of completion of Norwegian language training laid down in section 8, cf. section 7, first paragraph (f), of the Norwegian Nationality Act.

Section 4-1 *Requirement of completion of Norwegian language training*

The requirement in section 8 of the Act regarding completion of approved Norwegian language training is satisfied if the applicant has participated in Norwegian language training in the learning track in which the applicant has been placed, cf. the Regulations of 16 September 2005 No. 1055 on the curriculum for Norwegian language training and social studies for adult immigrants. The training must be provided by the municipality, by a service provider approved by the municipality or by an educational institution that has been approved pursuant to the Act of 28 May 1976 No. 35 on Adult Education. Completion of Norwegian language training shall be documented by a certificate of participation.

Section 4-2 *Exemption on account of adequate knowledge of Norwegian or Sami*

The requirement of adequate knowledge of Norwegian or Sami laid down in section 8, second sentence, of the Norwegian Nationality Act, is satisfied if the applicant documents that one of the following requirements is satisfied:

1. successful completion of a language test, cf. the Regulations of 16 September 2005 No. 1055 on the curriculum for Norwegian language training and social studies for adult immigrants,

2. completion of Norwegian or Sami language training in accordance with subject syllabuses in primary or secondary education, and a grade has been given for the subject,
3. completion of studies in Norwegian or Sami equivalent to 30 credits at university or college level in or outside Norway, or
4. satisfaction of admission criteria for studies in Norwegian or Sami at a university or college in Norway.

Section 4-3 *Other exemptions*

The following persons are exempt from the requirement of completion of Norwegian language training laid down in section 8 of the Norwegian Nationality Act:

1. applicants who are exempt from the obligation to complete Norwegian language training and social studies pursuant to section 17, fourth paragraph, of the Introduction Act, and
2. applicants who for special health or other weighty reasons are incapable of participating in and completing 300 hours of Norwegian language training. The exemption applies to applicants who are totally unable to participate in Norwegian language training, and who will be unable to complete 300 hours of Norwegian language training over a period of three years.

Chapter 5 **Waiting period, cf. section 9 of the Norwegian Nationality Act**

Section 5-1 *Immediate sentence of imprisonment*

In the case of an immediate sentence of imprisonment, the waiting period shall be calculated in accordance with the following table:

Immediate sentence of imprisonment	Waiting period
Up to 90 days:	2 years
Up to 6 months:	2 1/2 years
Up to 1 year:	3 years
Up to 2 years:	3 1/2 years
Up to 3 years:	4 years
Up to 4 years:	4 1/2 years
Up to 5 years:	5 years
Up to 6 years:	5 1/2 years
Up to 7 years:	6 years
Up to 8 years:	6 1/2 years
Up to 9 years:	7 years
Up to 10 years:	7 1/2 years
Up to 11 years:	8 years
Etc.	Etc.

Section 5-2 *Suspended sentence of imprisonment*

In the case of a suspended sentence of imprisonment, the waiting period shall be calculated in accordance with the following table:

Suspended sentence of imprisonment	Waiting period
Up to one year	1 year
After that:	2 years

Section 5-3 *Optional penalty writs, etc.*

No waiting period shall be calculated for simplified optional penalty writs, optional penalty writs or fines imposed of less than NOK 5,000. In the case of optional penalty writs or fines of NOK 5,000 or more, a waiting period of two years shall be calculated.

In the case of repeated writs or fines, the waiting period shall run from the date of the most recent criminal act.

Section 5-4 *Community sentence*

In the case of a community sentence, the waiting period shall be calculated in accordance with the following table:

Community sentence	Waiting period
Up to 100 hours:	1 year
Up to 200 hours:	2 years
After that:	3 years

Section 5-5 *Preventive detention*

In the case of preventive detention, the waiting period shall be calculated in the same way as in the case of an immediate sentence of imprisonment, cf. section 5-1.

Section 5-6 *Sentences of compulsory mental health care and compulsory care*

In the case of sentences of compulsory mental health care and compulsory care, the waiting period shall be calculated in accordance with the same table as for immediate sentences of imprisonment, based on the actual length of the special sanction. However, the waiting period shall not exceed a maximum of five years.

Section 5-7 *Waiver of prosecution and remittal for hearing by the National Mediation Service*

In the case of a waiver of prosecution and remittal of a case for mediation by the National Mediation Service, no waiting period shall be calculated.

Section 5-8 *Judgment consisting of different types of sanction (multipartite judgment)*

In the case of a multipartite judgment, calculation of the length of the waiting period shall be based on the waiting period for the sanction that gives rise to the longest waiting period. The waiting periods for the other sanctions shall be added in the amount of half of the waiting period to which each individual sanction alone would have given rise.

If part of the judgment is an immediate sentence of imprisonment, the waiting period shall be calculated from the end of service of the prison sentence. In the case of other multipartite judgments, the waiting period runs from the end of the sanction that last expires.

Section 5-9 *Repeated sanctions for offences*

In the case of repeated sanctions imposed for offences, a supplementary period of one year shall be added for each sanction to the waiting period that, seen in isolation, last expires.

Section 5-10 *Sanctions for offences which are imposed outside Norway*

In the case of a sanction for an offence which is imposed outside Norway a waiting period shall be calculated, provided that the offence for which a penalty or another sanction has been imposed is punishable under Norwegian law. The length of the waiting period shall be limited by the prescribed penalty limits for corresponding offences under Norwegian law.

Chapter 6 Exemption from the requirement regarding release from any other nationality, cf. section 10 of the Norwegian Nationality Act

Section 6-1 *Exemption from the requirement regarding release*

Release from any other nationality is deemed to be legally or practically impossible, or for other reasons appears unreasonable, cf. section 10, first paragraph, of the Norwegian Nationality Act, in the following cases:

1. The legislation in the applicant's former home country does not permit nationals to be released from their nationality, or such release is deemed to be practically impossible.
2. The authorities in the former home country have rejected an application for release.
3. For reasons for personal safety, the applicant should not be required to contact the authorities of his or her former home country in order to apply for release.
4. More than one year has elapsed since Norwegian nationality was granted or since the applicant reached the age at which it is possible to obtain release pursuant to the legislation of the former home country but the granting of release has not been documented, and the home country has provided no information as regards expected processing time. If it is known that the applicant's former home country does not reply to applications for release from nationality, an exemption may be granted from the requirement regarding release in connection with the granting of Norwegian nationality.
5. The authorities in the applicant's former home country set unreasonably burdensome conditions for release. Whether the fee charged for release is unreasonably burdensome shall be assessed on the basis of ordinary income. If the fee exceeds four per cent of the applicant's income, the release fee is deemed to be unreasonably burdensome. The same applies if the applicant is responsible for the care of children under 18 years of age, and the release fee, including any release fee for children, exceeds two per cent of the applicant's income. However, a release fee of up to and

including NOK 2,500 is not deemed to be unreasonably burdensome. In the case of orphans, any release fee is deemed to be unreasonably burdensome.

Chapter 7 Special rule regarding the calculation of the period of residence for the spouse, registered partner or cohabitant of a Norwegian national, cf. section 12 of the Norwegian Nationality Act.

Section 7-1 *Applicability*

The rules regarding the calculation of the period of residence pursuant to section 12 of the Act apply only to the period of time that the applicant's spouse, registered partner or cohabitant has been a Norwegian national.

Section 7-2 *Common residence*

Calculation of the period of residence pursuant to section 12 of the Act shall be based on the period of time during which spouses, registered partners or cohabitants have had a common residence, i.e. a common address and household. In the event of temporary separations, the parties shall nonetheless be deemed to have had a common residence, provided the reason for the separation was education, employment or other special grounds.

In the case of separations that are due to the stay of one of the parties in a prison or in another institution as a result of being sentenced to a sanction for an offence, the parties shall not be deemed to have had a common residence.

Chapter 8 Special groups of applicants, cf. section 18 of the Norwegian Nationality Act

Section 8-1 *Athletes*

The condition laid down in section 7, first paragraph (e), of the Act shall not apply to applicants who are athletes and are to participate in a major international championship, if Norwegian nationality is a condition for the applicant's participation in the championship and the applicant is to represent Norway. Whether the championship is major shall be assessed in relation to the usual number of participants in international championships in the branch of sport concerned. However, the applicant must have spent a total of at least six years in the realm in the course of the past ten years, with residence or work permits of at least one year's duration. Residence during one or more application periods shall be included when calculating the six-year period.

Section 8-2 *Members of the household of personnel stationed at a Norwegian foreign service mission*

In the case of applicants who are members of the household of personnel stationed at a Norwegian foreign service mission, who are not nationals of the country of residence, and who are registered in a Norwegian population registry, the period of residence in connection with the foreign service mission shall be regarded as a period of residence in the realm. An exemption shall be made from section 7, first paragraph (c), (d) and (f) of the Norwegian Nationality Act. An exemption shall also be made from the Norwegian Nationality Act's requirement of a residence or work permit.

Section 8-3 *Kola Norwegians*

In the case of applicants who are descendants of Norwegian nationals who emigrated to Murmansk or Arkhangel County in Russia from the second half of the 19th century until the Russian border was closed in the late 1920s, and who have been granted a residence or work permit because they have a specific connection with Norway, the conditions laid down in section 7, first paragraph (d) and (e), of the Norwegian Nationality Act shall not apply. However, the applicant must have resided in the realm in the last two years and had residence or work permits of at least one year's duration. Residence during one or more application periods shall be included when calculating the two-year period.

In the case of applicants who have contracted marriage prior to entering Norway with a person who is being or has been granted a permit in accordance with the provisions of the first paragraph, application of the rules laid down in section 12, first paragraph, fifth sentence, of the Norwegian Nationality Act shall be based on the premise that the applicant married a Norwegian national at the time the marriage was contracted. The three-year requirement laid down in section 12, first paragraph, of the Norwegian Nationality Act shall not apply.

The second paragraph applies correspondingly to registered partners and cohabitants.

Chapter 9 Loss in the event of absence from the realm, cf. section 24 of the Norwegian Nationality Act

Section 9-1 *Requirement of period of residence*

A person who acquired Norwegian nationality at birth and who claims to have retained his or her Norwegian nationality after reaching 22 years of age, cf. section 24, first paragraph, of the Norwegian Nationality Act, shall as a general rule provide documentary evidence of the period of residence in the form of an extract from a population registry or another public authority. If it is difficult to satisfy the documentation requirement, satisfaction of the requirement regarding a period of residence prior to reaching 22 years of age may be shown to be probable in another way. The period of residence is defined as a continuous stay of not less than six months.

Section 9-2 *Requirement of sufficient ties*

The question whether the applicant has sufficient ties to Norway pursuant to section 24, second paragraph, of the Norwegian Nationality Act shall be decided after an overall assessment of the specific case. Applicants who, prior to reaching 22 years of age, spend a total of six months in Norway shall be deemed to have sufficient ties. The same applies if the applicant is resident in Norway at the time the administrative decision is made. If the applicant has in good faith been issued with a Norwegian passport for a period extending beyond his or her 22nd birthday, importance shall be attached thereto in the discretionary assessment.

Section 9-3 *Essentially to blame*

The question whether the applicant is essentially to blame for exceeding the time limit, cf. section 24, third paragraph, of the Norwegian Nationality Act, shall be decided after an overall assessment of the specific case. If the acute or persistent serious illness of the applicant or a member of the applicant's immediate family has prevented compliance with the time limit, the applicant shall be deemed not to be essentially to blame.

Chapter 10 New permit upon revocation of Norwegian nationality

Section 10-1 *Relationship to the Immigration Act in the event of revocation of Norwegian nationality*

In the event of revocation of Norwegian nationality pursuant to section 26, first paragraph, of the Norwegian Nationality Act, the person concerned shall be granted a settlement permit, in accordance with section 12 of the Immigration Act and section 44a of the Immigration Regulations. However, this does not apply to persons who have Nordic nationality and persons who had a permit pursuant to chapter 8 of the Immigration Act (citizens who are covered by the EEA Agreement and the EEA Convention) at the time they were granted Norwegian nationality.

Chapter 11 Administrative procedure in cases pursuant to section 27, fourth paragraph, of the Norwegian Nationality Act

Section 11-1 *Relationship to the Public Administration Act*

The Public Administration Act shall apply to the processing of cases pursuant to section 27, fourth paragraph, of the Norwegian Nationality Act, unless otherwise provided in these Regulations. Chapter VI of the Public Administration Act shall not apply.

Section 11-2 *Administrative procedure in the Directorate of Immigration*

If the Ministry decides that an administrative decision made by the Directorate of Immigration shall be reviewed, the case shall be submitted to the Directorate, which shall carry out the investigations necessitated by the case. If the Directorate of Immigration concludes that the decision is invalid, the directorate may quash it and deal with the case anew. If the conditions for reviewing the decision are not satisfied, cf. section 27, fourth paragraph, of the Norwegian Nationality Act, the Directorate of Immigration shall dismiss the case summarily. An administrative decision by the Directorate of Immigration to dismiss a case summarily cannot be appealed.

Section 11-3 *Notification of the person whom the case concerns*

The Directorate of Immigration shall notify the person in whose favour the administrative decision has been made as soon as possible, cf. however section 16, third paragraph, of the Public Administration Act. At the same time, a time limit shall be set for giving an opinion. If the person concerned is notified by letter, a copy of the reasoned decision shall be attached, unless the person concerned may be denied access to it pursuant to section 19 of the Public Administration Act.

Section 11-4 *Remittal to the Immigration Appeals Board*

If the Directorate of Immigration does not make such a decision as is mentioned in section 11-2, the documents relating to the case shall be sent to the Immigration Appeals Board as soon as the case has been prepared. If the Directorate of Immigration gives an opinion to the Immigration Appeals Board to which the person concerned may demand access notwithstanding section 19 of the Public Administration Act, the Directorate shall send a copy to the person concerned. The Directorate of Immigration shall also send a copy of such an opinion to the Ministry.

Chapter 12 The Immigration Appeals Board's processing of cases pursuant to section 27, fourth paragraph, of the Norwegian Nationality Act

Section 12-1 *Summary dismissal of cases by the Immigration Appeals Board*

If the conditions for dealing with a case have not been satisfied, the Immigration Appeals Board shall summarily dismiss the case. The Immigration Appeals Board is not bound by the fact that the Directorate of Immigration has considered the conditions to be fulfilled. The administrative decision made by the Immigration Appeals Board to summarily dismiss the case may not be appealed.

Section 12-2 *The competence of the Immigration Appeals Board*

If the case is accepted for processing, the Immigration Appeals Board may review all aspects of the case.

Section 12-3 *The duty of the Immigration Appeals Board to elucidate cases*

The Immigration Appeals Board shall ensure that the case is as well elucidated as possible before an administrative decision is made or an opinion is given regarding the principles involved in the case, cf. section 27, fifth paragraph, of the Norwegian Nationality Act. The Immigration Appeals Board may order the Directorate of Immigration to make further investigations, etc.

An administrative decision made by the Immigration Appeals Board to the effect that an administrative decision made by the Directorate of Immigration is invalid, cf. section 27, fifth paragraph, first sentence, of the Norwegian Nationality Act, may not be appealed.

Chapter 13 Cases that are dealt with by a Grand Board

Section 13-1 *Which cases shall be dealt with by a Grand Board*

Cases pursuant to section 27, fourth paragraph, of the Norwegian Nationality Act shall be dealt with by a Grand Board.

Cases of fundamental importance, cases with significant social or financial consequences and cases in areas where practice tends to differ may be dealt with by a Grand Board. Requests regarding a reversal of the Immigration Appeals Board's decision in such cases as are mentioned in the first sentence may also be dealt with by a Grand Board.

Section 13-2 *Who may require that a case be dealt with by a Grand Board. Grounds and verification*

The Ministry and the Directorate of Immigration may require that such a case as is mentioned in section 13-1, second paragraph, be dealt with by a Grand Board. The chair of the Immigration Appeals Board who has been assigned such a case as is mentioned in section 13-1, second paragraph, may request that the case be dealt with by a Grand Board. In cases where an administrative decision in disfavour of the private party has been made by a meeting of the Immigration Appeals Board, and the Board chair is of the opinion that the decision is unlawful, the Board chair may request that the case be dealt with by a Grand Board. In the event of such a request, the Director of the Immigration Appeals Board shall verify that the

conditions for such processing are fulfilled. The reasons for requiring or requesting processing by a Grand Board shall be stated.

Chapter 14 Information provided by the police regarding criminal offences

Section 14-1 *The duty of the police upon request*

Upon such request as is mentioned in section 29, second paragraph, of the Norwegian Nationality Act, the police have a duty to provide information as to whether the person who is applying for Norwegian nationality has been charged with or indicted for a criminal offence. The same applies to a penalty or special penal sanction that has been imposed and that is not evident from a previously submitted police certificate. Such information shall be provided in writing with a copy to the applicant.

Chapter 15 Fees

Section 15-1 *Duty to pay a fee*

A processing fee shall be paid at the latest when an application for Norwegian nationality is submitted, cf. section 32 of the Norwegian Nationality Act. No fee shall be paid in connection with applications to retain and applications for release from Norwegian nationality. Children under 18 years of age are exempt from the duty to pay a fee.

Section 15-2 *The amount of the fee*

The fee for processing an application for Norwegian nationality is NOK 2,500.

Chapter 16 Commencement

Section 16-1 *Commencement*

These Regulations shall come into force on 1 September 2006. From the same date the Regulations of 29 August 2003 No. 1153 regarding the fee for processing applications for Norwegian nationality shall be repealed.