

- **RS 2007-005e**
- **OPA**
- Saksnummer: 07/1394
- Oslo, 20. juli 2007

Til:

Police Commissioners

Embassies and Consulates

All staff at the Norwegian Directorate of Immigration

Work Permisson for Youth Exchange for Canadian Citizens - Foreigner Regulation § 4a, Second Subsection, Letter e

1. Introduction

2. Conditions for Permission

2.1. Requirements for Foreigner

2.2. Purpose of Stay

2.3. Payment and Working Conditions

2.4. Subsistence, Return Ticket, Insurance

3. Tenor and Duration of Permission

3.1. Tenor

3.2. Duration

4. Application Procedure

4.1. Place of Application

4.2. Documentation Requirements

4.3. Fee

5. Decision-Making Authority

6. Renewal

6.1. Conditions for Renewal

6.2. Application Procedure

6.3. Decision-Making Authority for Renewals

7. Complaints

8. Recall of Work Permission, cf. Foreigner Law § 13

1. Introduction

Norway has made an agreement with Canada concerning youth exchange. The intention of the agreement is to enable citizens of the two countries to stay in the other country for purposes of attaining tertiary education, work experience or field experience at a workplace, and to improve their knowledge of the other country's language, culture and society. The agreement includes five categories, which reflect the applicant's purpose of stay. Following this agreement, Norway has committed to making the arrangements necessary in order to grant Canadian citizens residence permission in Norway according to the agreement's intentions.

Authorisation for issuing work permission for this purpose is provided in Foreigner Regulation § 4a, Second Subsection, Letter e. This statute provides, according to its wording, further admittance to working in Norway than that for which the agreement with Canada is set up. This implies that Canadian citizens are given a more extensive right to work in Norway than that which Norway is obligated to give them by the agreement.

This extended right applies in the sense that general work permission is always granted, even though residence permission or limited work permission in some cases would have been sufficient. Furthermore, admittance is granted for continuous stay in Norway for two years, based on the same objective, even though the agreement implies that there should be an interval between two periods of stay, and that the two periods of stay may not be for the same purpose.

Because general work permission can be granted for a total of two years regardless of which purpose of those specified in the agreement is cited, a further consideration will not be carried out as to which of these five purposes the applicant is citing.

2. Conditions for Permission

The agreement lists various conditions for the foreigner and his/her purpose of stay in Norway.

2.1. Requirements for Foreigner

It is a requirement for attaining work permission in Norway that the foreigner is a Canadian citizen residing in Canada.

The foreigner must be at least 18 years of age and no older than 35 (that is, not yet turned 36), at the time of application.

There must not be circumstances present which could provide reason for denying the foreigner residence in Norway, based for instance on the existence of grounds for expulsion or deportation, cf. Foreigner Law Chapter 5.

2.2. Purpose of Stay

The agreement lists five different categories concerning the applicant's purpose of stay in Norway. It is a condition for work permission that the applicant falls under one of these categories.

2.2.1. Employment

Candidates with higher education, who wish to acquire further training through employment and to increase their knowledge of the country's language, society and culture, may receive work permission according to the agreement. By "higher education", we mean education at university or university college level.

2.2.2. Education

Students who wish to complete part of their studies at a university or university college in Norway may receive work permission according to the agreement. The study period must be within the framework of an agreement between university colleges or universities concerning studies and practical training.

2.2.3. Observation

Candidates who will be involved in observation at a company in Norway as a part of their studies or training may receive work permission according to the agreement. By "observation" we mean both paid and unpaid work.

2.2.4. Holiday Jobs

Students who wish to take jobs in Norway during holidays from universities or university colleges in their home country, may receive work permission according to the agreement.

2.2.5. Tourism

Work permission may also be granted when the primary purpose of stay in Norway is tourism. During his/her stay, the foreigner may take jobs to supplement his/her personal economy. There are no further requirements as to the type or extent of work, despite the agreement's implication that only random jobs may be had.

2.3. Payment and Working Conditions

Work permission according to Foreigner Regulation § 4a, Second Subsection, Letter e is an exception to the general requirements of payment and working conditions as follows from Foreigner Regulation § 2.

2.4. Subsistence, Return Ticket, Insurance

The foreigner affected by the agreement must be able to prove secured subsistence for the first part of the stay. By "first part", we mean a period of up to three months.

The requirement of subsistence is considered to be met if the foreigner can produce documentary evidence of funds equivalent to the amount which the Norwegian State Educational Loan Fund has set as its rate for student loans for tertiary education. Information concerning the Loan Fund's rates is

provided in Attachment 1. The subsistence requirement for the first part of the stay may also be covered by means of income earned in Norway. The applicant must then provide documentary evidence of a specific job offer from the first day of his/her stay.

The foreigner must prove that he/she has a return ticket, or sufficient economic means that are intended to be used to purchase a return ticket.

The foreigner must have an insurance policy that is signed in his/her home country, which includes covering costs involved in the event of hospital admittance or repatriation. The insurance policy must be valid during the foreigner's entire stay in Norway.

3. Tenor and Duration of Permission

3.1. Tenor

Work permission is granted with basis in Foreigner Regulation § 4a, Second Subsection, Letter e.

Work permission implies general admittance to taking work.

Work permission does not provide grounds for residence permission, cf. Foreigner Regulation § 4a, Third Subsection. The permit may provide grounds for family reunion, cf. Foreigner Regulation § 22, Third Subsection.

3.2. Duration

First-time permission is granted for one year, cf. Foreigner Regulation § 15, Fourth Subsection, yet not beyond the period for which the foreigner applies, cf. § 15, Fifth Subsection.

4. Application Procedure

4.1. Place of Application

Work permission is normally to be granted before the foreigner travels to Norway, cf. Foreigner Law § 6, cf. Foreigner Regulation § 10, First Subsection. Exempted hereof is the foreigner who has such competence as is specified in Foreigner Regulation § 3, Second Subsection, Letters a and e, when he/she otherwise has the right to reside in Norway for up to three months without a permit, cf. Foreigner Regulation § 10, Second Subsection, Letter a.

If it is not possible for the foreigner to submit the application procedure in Norway, cf. Foreigner Regulation § 10, Second Subsection, Letter a, then the application is to be submitted at the Norwegian embassy or a Norwegian consulate in Canada.

4.2. Documentation Requirements

The application for first-time work permission is to be submitted on an application form titled *Application for First-Time Work and Residence Permission*. The form is available on the website of the Norwegian Directorate of Immigration (www.udi.no), at the Police Department and at embassies and consulates.

Please enclose a copy of your valid passport.

Proof of secured subsistence, sufficient economic means for returning home and health insurance must also be enclosed.

In addition, the foreigner must indicate his/her purpose of stay in Norway. As a main rule, the information provided by the applicant concerning this will suffice.

4.3. Fee

In order for the application to be processed, the applicant must pay a fee when he/she submits his/her application, cf. Foreigner Law § 159, cf. Foreigner Regulation § 197a.

5. Decision-Making Authority

Decisions concerning first-time work permission are made by the Norwegian Directorate of Immigration, cf. Foreigner Regulation § 13, First Subsection.

6. Renewal

6.1. Conditions for Renewal

Work permission granted according to Foreigner Regulation § 4a, Second Subsection, Letter e may be renewed, cf. §§ 4a, Fourth Subsection, and 35, given that the conditions in 4a, Second Subsection, Letter e are still met. Permission granted on this basis may nonetheless not be granted for a total of more than 2 years.

It is specified that the foreigner is not required to reside outside the kingdom between two periods of permission according to this resolution, despite the agreement's inclusion of such a requirement. Neither is the applicant required to indicate that his/her continued stay, if desirable, would have a different purpose than the first, despite the agreement's inclusion of such a condition.

6.2. Application Procedure

Applications for renewal are to be submitted on an application form titled *Application for Renewed Work and Residence Permission*. This form is available on the website of the Norwegian Directorate of Immigration (www.udi.no), at the Police Department and at embassies and consulates. The application is to be submitted to the Police Department in the district where the applicant permanently resides, cf. § 40.

6.3. Decision-Making Authority for Renewals

Applications for renewal of work permission according to Foreigner Regulation § 4a, Second Subsection, Letter e are as a main rule processed by the Norwegian Directorate of Immigration, cf. § 41, First Subsection.

Furthermore, the Police Department is also given authority to grant renewal of work permission according to the agreement in cases where there is no doubt that the requirements are fulfilled, cf. § 41, Second Subsection.

7. Complaints

Applicants may appeal against rejections of applications for work permission according to Foreigner Regulation § 4a, Second Subsection, Letter e, according to the rules in the Public Administration Act, Chapter 6. Complaints are to be submitted to the authority which informed the applicant of the decision (Norwegian Embassy/Consulate or the Police Department).

8. Recall of Work Permission, cf. Foreigner Law § 13

Work permission according to § 4a, Second Subsection, Letter e may be recalled if the foreigner has in his/her application deliberately given incorrect information or withheld information that is significant to the decision, or if this otherwise follows from common administrative laws, cf. Foreigner Law § 13 and Foreigner Regulation § 50.

Morten Hansen
Interim Department Director

Contact: Residence Department, Employment Unit

Vedlegg:

- RS 2007-005Ve: Work Permisson for Youth Exchange for Canadian Citizens - Requirement of Subsistence