

Information on procedural elements and rights of applicants subject to a Dublin transfer to Norway

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About this document

The ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation’ was endorsed in the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) of the Council of the European Union on 29 November 2022. The roadmap identified a clear need for objective and neutral information on reception and detention conditions and the asylum procedure in all the Member States, which can serve as reference in transfer decisions and that can be used in national courts when the person concerned has exercised his or her right to an effective remedy.

This data collection is based on Article 5 of the regulation on the European Union Agency for Asylum ⁽¹⁾ (EUAA). Member States were requested to provide information that reflects both the relevant legal provisions and the practical implementation of these provisions. The scope of the fact sheet is limited to rules and conditions applicable to applicants for international protection as well as other persons that are subject to a transfer under the Dublin III regulation ⁽²⁾.

The European Commission and the EUAA jointly developed the template which served as the basis for this fact sheet. The EUAA gathers and stores the fact sheets and requests Member States to update the information at least one time per year. The relevant national authorities of the Member States provide all the information contained within the fact sheet and are responsible for ensuring that it is accurate and up-to-date.

(1) [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

(2) [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013).

Introductory note

As Norway is not a member of the European Union, Directive 2013/32/EU and Directive 2013/33/EU are not applicable in Norway. Norway has its own national rules and regulations regarding reception and asylum procedures. The replies should be read accordingly.

1. Access to material reception conditions

1.1 What steps should an applicant complete following a Dublin transfer in order to gain access to accommodation and other material reception conditions in your Member State?

If an applicant has no previous application for asylum in Norway, the applicant will be forwarded to registration of an application for protection upon arrival. When applying for asylum and after registration, the applicant is offered a place at a reception centre.

This is the same procedure as for all new applicants of international protection, regardless of whether they arrive in Norway following a Dublin transfer or not.

How long do these steps normally take?

The applicants will be taken to the arrival centre and the registration for an application of international protection is supposed to be made within 8 hours.

The maximum time spent at the arrival centre is 21 days before the applicant is assigned a place at the reception centre.

When and how is the applicant provided with information on how to gain access to accommodation and other material reception conditions?

It is the National Police Immigration Service who registers the application and provides the first information at the same time.

1.2 What material reception conditions (as per Article 2(g) Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast) (RCD) are available to applicants for international protection entitled to these in your Member State?

In Norway, reception conditions are not specified by law, except for the principle that all asylum seekers are offered free accommodation in a reception centre upon arrival. This is outlined in the Immigration Act section 95.

Section 95 of the Immigration Act regulates the right to accommodation for a foreign national while an application for protection is being considered, and the possibility of being offered accommodation for a foreign national whose application for protection has been rejected and pending exit from the country.

Beyond this norm, conditions are determined by instructions and guidelines. The reception system includes two main societal sectors. First, the Directorate of Immigration (UDI) oversees the reception conditions, including housing facilities, financial support and

information programs. The second actor is the ordinary health and welfare system. Protection seekers will have rights and access to health and welfare services under certain conditions.

Hence, the so-called 'Reception Instruction' from the Ministry of Justice and Public Security is important in the everyday work of the UDI. Beyond the content laid down in the 'Reception Instruction', budget funds and further directions from the Ministry of Justice and Security materialize in the annual allotment letter, instructions, circulars, letters and orders.

Instructions and circulars from the Ministry can dictate and guide both the statutory interpretation and the discretionary assessment of the Immigration Act and the Immigration Regulations, and they bind the UDI. However, they must conform to both the Immigration Act and the Immigration Regulations to be legal.

The 'Reception Instruction' calls for an elementary, yet justifiable accommodation. It also specifies that accommodation is to be offered to foreign citizens who have received a final negative decision in their asylum application until they leave Norway. The offer of accommodation shall, besides the lodging, cover other needs. Depending on what sort of accommodation the resident is allocated, the offer sets off the right to benefit in kind and/or an allowance to cover elementary needs like food, clothes, medicines, transportation etc. The allowance is only given if the resident does not have the possibility to cover his or her elementary needs through a salary, other income, or savings. The requirements to the allowance to residents of a reception centre appear in the *Regulation on the allowance to residents in reception centres*. The Ministry of Justice and Security fixes the rates on a yearly basis through the budgetary decision of the Parliament, and the Directorate of Immigration administers the arrangement.

The *Regulation on the allowance to residents in reception centres* section 7 and 8 specifies what can be covered by a supplementary application. For example, this can include an allowance to pay for transportation to a psychiatrist or to buy necessary equipment when starting day care or school. When applying specifically, an allowance can also be granted, among others, to cover dental work expenses or medication.

1.3. How does your Member State ensure that applicants for international protection in your Member State are provided with full access to the material reception conditions as defined in Article 2(g) of RCD in line with Article 17 and 18 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

When applying for asylum and after registration, the applicant is offered a place at a reception centre. The UDI, among other measures, conducts an audit to make sure that the operator fulfils the requirements regarding delivering the services that we have specified.

Note that an applicant needs to stay in a reception centre to be entitled to benefits.

1.4. Does your Member State apply a policy in line with Article 20.1(c) of reducing or in duly justified exceptional cases withdrawing the access to reception conditions for applicants in cases the applicant lodged a subsequent application?

No, the UDI does not withdraw the access to accommodation.

Material conditions are provided for the entire asylum procedure and furthermore until they are resettled in a municipality, leave the country voluntarily or are returned by the police, including Dublin returns. Rejected applicants (final rejection) receive allowances which are reduced by between 25-40% until returned.

Applicants under Dublin procedure receive the same level of allowances as all applicants when they are staying in transit centres, where they are being served all meals. Applicants under Dublin procedure, however, independently of whether they stay in so called ordinary centres, where residents have to buy and prepare their own food and ordinary asylum seekers get full allowances, the applicants under Dublin procedure, keep the transit allowances.

Norway does not fully operate with the term “subsequent application”, but rather “new application”. Further explanations for this are provided in following chapters. If an applicant has a final return decision, they may ask for a reversal of this decision. In any case, having asked for a reversal of the decision, the applicant has the same rights as anyone with a final rejection on the asylum application, waiting to be returned to the country of origin.

If yes, what material support is provided to persons whose material reception conditions have been reduced or withdrawn in accordance with Article 20(1)(c) in your Member State to ensure a dignified standard of living and access to health care?

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1.5 What health care is an applicant for international protection entitled to in your Member State in line with Article 19 RCD?

When in the asylum procedure, the same services as Norwegian citizens basically. When it comes to the rights to dental health care services for asylum seekers, it is basically equal to those of Norwegian citizens, with some exceptions.

In other cases, health services are limited. Persons that have not yet applied for protection, persons who have received a final negative decision in their asylum application or other persons without a legal permit to stay in Norway have more limited rights to health care. They are entitled to emergency health care, an assessment from the specialized health services and healthcare that is absolutely necessary and that cannot wait. These rights include both physical and psychological health care from the municipality and the specialized health services. Women have the right to termination of the pregnancy and health care before and after giving birth. All persons in Norway have the right to infection prevention according to the *Infection Prevention Act*. Additionally,

children without a permanent or legal permit to stay in Norway have all rights to health care.

As for dental care, persons are entitled to emergency dental work that is absolutely necessary and cannot wait. Children with a final negative decision has equal rights to dental care as other children residing in Norway.

Persons above the age of 18 with a final negative decision may have expenses linked to emergency medical treatment and health care that cannot wait, as well as expenses linked to emergency dental work, glasses and vision test covered by the Directorate of Immigration.

1.6 What steps are taken to ensure that applicants for international protection in your Member State have full/effective access to health care, in line with Article 19 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

An applicant staying at a reception centre will receive assistance from the staff, if necessary, to contact the health care services. An applicant who chooses not to stay in a reception centre has the same rights to health care services but will not benefit from the assistance provided to an applicant staying in a reception centre. That includes the possibility of being able to apply for additional allowances to pay for any deductibles and medication.

When arriving in Norway, the applicant first stays in an arrival centre, where necessary health care is provided for by the municipality. When being transferred to an ordinary reception centre, the responsibility for providing health care lies with the public health sector in the municipality.

All persons staying in Norway have the right to 'emergency health care' and 'necessary health care that cannot wait'.

Children (up to 18 years old) have the rights to all types of health care no matter their status.

1.7 Please describe what are the support measures available/provided to persons with special reception needs in your Member State in line with Article 21 RCD (e.g. minors, unaccompanied minors)?

Unaccompanied minors are not sent to arrival centres; they are registered by the National Police Immigration Service (PU) in Oslo and referred directly to a transit centre for unaccompanied minors. Unaccompanied minors under the age of 15 stay at separate care centres, which the Directorate for Children, Youth and Family Affairs (Bufdir) is responsible for.

In the contract that the UDI has with an operator is also specified requirements to follow up on those in need of special care and facilitation of the accommodation. As mentioned before, this is not regulated by law, but by guidelines from the Ministry of Justice and Public Security. It is the responsibility of the UDI to specify requirements to the operators

in line with the guidelines. Certain requirements are about the operators' obligations to identify and follow up of vulnerable applicants according to their needs.

In Norway «vulnerability» is not used as a legal concept when assessing applications for protection. Nevertheless, the concept is used extensively as a policy and administrative concept in the protection regime, and as a significant condition in the regulations concerning reception facilities and the assessment of protection needs on humanitarian grounds.

The 'Reception Instruction' (referred to in 1.2) defines a resident with special needs in a reception centre as a resident that needs particular arrangements in the reception centre. 6.5 of the instruction emphasizes the obligation of the Directorate of Immigration to ensure knowledge about vulnerable groups in the Directorate and in the reception centres. Applicants with special needs in the reception centres must be identified and receive customized accommodation. The Directorate shall cooperate with relevant parties in order to ensure that applicants with special needs gain access to the help they are entitled to. The Directorate is responsible for the care of applicants that cannot care for themselves. Necessary care services include personal assistance such as help with buying groceries, laundry and cooking.

The requirement specification attached to the agreement between the Directorate of Immigration and the company responsible for running a reception centre contains a section on vulnerable groups and residents with special needs.

The requirement specification defines the following groups as vulnerable (the list is not exhaustive):

- victims of domestic violence
- victims of forced marriage
- victims of fgm
- victims of human trafficking
- victims of child marriage
- victims of torture, rape or other forms of physical, psychological or sexual violence
- children, including unaccompanied minors
- persons who are lesbian, gay, bisexual, transgendered, intersex, queer, or otherwise break with gender and sexual norms
- pregnant women
- elderly persons
- single parents with a child under the age of 18
- have reduced mobility or serious physical or mental health problems

The specific support measures available to persons with special needs in reception centres appear in the requirement specification.

It is obligatory for reception centres to have one employee who is responsible for follow-up and adapting services provided to vulnerable groups and applicants with special needs.

Once it has been identified that an applicant has special needs, structured and targeted measures must be put into place. The applicant must be offered a conversation regarding their physical and/or mental health. The reception centre must follow-up persons in vulnerable groups and/or with special needs according to the procedures of the Directorate of Immigration, including having written procedures in place for cases of child marriage, forced marriage, human trafficking as well as sexual abuse, harassment and gender-based violence against applicants in the reception centre. Additionally, the accommodation must be adapted in order to safeguard residents with special needs. Leisure activities for persons with special needs must be adapted to their interests. Applicants with special needs are also entitled to information on topics of particular interest to them such as legal rights and support mechanisms, preferably in cooperation with other authorities such as the health sector and NGOs.

The reception centre must strive to ensure structured cooperation with health services, the Norwegian Labour and Welfare Administration and other relevant actors so that the rights of persons in vulnerable groups and/or with special needs are ensured.

Finally, the reception centre must ensure that applicants with special needs have a say in matters that concern them.

1.8 How does your Member State ensure that applicants for international protection with special reception needs in your Member State are provided with full access to the reception conditions, which cater for their special reception needs, in line with Article 21(1) of RCD, and, where relevant, more favourable provisions set out in your national legislation?

For applicants with various physical, mental and cognitive disabilities and/or are in need of special health care, UDI offers accommodation that are better adapted for their needs. Depending on their situations and needs, some of these applicants may stay in ordinary reception centres with extra support on an individual basis, while others stay in miscellaneous accommodation with more staff, better qualified staff, round-the-clock staffing. These persons are normally taken care of by a private actor that works on a contract with UDI, as for the other applicants.

In some cases, UDI has to pay the public services to take care of the applicants entirely. UDI does not offer health services; the sector responsibility principle is being maintained.

1.9 How can an applicant for international protection avail themselves of a legal remedy in line with Article 26 RCD, in case they consider that their rights to material reception conditions are not being met in your Member State?

There are no actual legal remedies to make use of for an applicant, who wishes to complain about material reception conditions. The applicants can however contact the associated regional UDI office. In connection with the control of the centers, UDI always has a meeting with representatives of the residents, in order to hear them out.

The UDI is currently working on creating systems to ensure that an applicant can complain to the UDI.

Regarding UAMs, the County Governor exercises supervision of the reception centres.

2. Access to the asylum procedure

2.1 What are the procedural steps that an applicant for international protection transferred to your Member State needs to undertake in order to gain access to the asylum procedure following a Dublin transfer to your Member State?

If an applicant has no previous application for asylum in Norway, the applicant will be forwarded to registration of an application for protection upon arrival.

Being transferred to Norway in a take back procedure has no prejudice and the case will continue as per usual. If the application has been rejected in the Immigration Appeals Board, the Norwegian Police will start the procedure for returning the applicant to his/her home country/safe third country.

How long do these steps normally take?

The applicants will be taken to the arrival centre and the registration for an application of international protection is supposed to be made within 8 hours.

The maximum time spent at the arrival centre is 21 days before the applicant is assigned a place at the reception centre.

Are there any different steps to take for persons whose applications would be considered as subsequent applications? (Location to register, fees, admissibility procedure etc.)

No

How long do these steps normally take?

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Where can the applicant find this information, or be provided with this information?

Information is provided to the applicant upon arrival and registration. The applicant may also ask questions in conjunction with the asylum interview in the UDI. Having questions along the way, the asylum seeker may ask the personnel in the reception centre how to communicate with the UDI.

2.2 What are the procedural consequences in your Member State of an application for international protection being considered a subsequent application?

See reply to question 4.6.

2.3 Does your Member State avail itself of the possibility under Article 33(2) Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) (APD) to consider an application for international protection lodged by an applicant transferred to your country through the Dublin procedure as inadmissible? If so, under which of the grounds listed in this Article?

Retain the right to send an applicant to a safe third country/first country of asylum.

3. Detention and limitations to the freedom of movement of applicants

3.1 Are there any circumstances under which your Member State an applicant for international protection could be detained on public health grounds (e.g. quarantine), under applicable provisions of national law unrelated to Article 9 RCD?

No. Quarantine was used however during the Covid-19 pandemic.

If yes, please describe these different types of circumstances, the legal basis for the detention, duration, conditions (incl. type of facilities), and the legal remedies available to challenge such a decision.

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3.2 How can an applicant challenge a decision to place them in detention according to Articles 8 and 9 RCD?

In case an applicant is detained in accordance with the Immigration Act, he or she will be brought before the district court having a legal representative and an interpreter to his or her aid. The applicant has the right to appeal a detention decision to the court of appeal.

3.3 What are the limits set out in national law to the duration that an applicant may be placed in detention according to Article 9 RCD?

Detentions under the Immigration Act are subject to judicial review every four weeks.

Detentions according to the Immigration Act shall be as short as possible and not exceed four weeks. A detention can be extended by four weeks at the time, which is a decision that will be tried in court. The total time for detention may not exceed 12 weeks unless there are special grounds. These occur when the foreigner does not cooperate regarding return.

At what intervals does the judicial authority needs to review a detention decision according to Article 9(5) RCD?

See question 3.3.

3.4 What types of less coercive (alternative) measure to detention are used in your Member State?

The measures are regulated in the Norwegian Immigration Act:

§105 – An obligation to report at certain intervals and dedicated place of residence

§106 – Conditions for apprehension and detention

The police make assessments in every single case.

Please elaborate under which conditions these are generally used and how does your Member State ensure that these less coercive alternative measure to detention are used when they can be applied effectively as per Article 8.2 RCD?

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3.5 What conditions, set out in Article 10 RCD, are provided to applicants whilst in detention (specialised detention facilities, access to open-air space, possibility to communicate with UNHCR or an organisation working on behalf of UNHCR, possibility to communicate and receive visits from family members, legal advisers or counsellors and persons representing NGOs, information on the rules of the facility)?

A specialized detention facility hosts applicants whose identity needs to be clarified and persons who are subject to forced returns.

Most of these detentions are for a shorter term, but in case a detention will continue for longer, there will be various activities available.

The detention facility has health personnel present, doctors and nurses. There is access to an open-air space.

Visits from outside will have to be agreed in advance. Moreover, the detainees have 42 minutes every week to speak with family and friends on the phone.

There is no limit when it comes to consulting lawyers, representatives and public services.

The Red Cross is present in the detention facility.

4. Available legal remedies and access to legal aid

4.1 At which stages of the asylum procedure does an applicant have the right to legal aid after having been transferred to your Member State?

As in all cases, legal aid is offered when there is a rejection to the asylum application. UAMs will be appointed a legal representative immediately after an asylum application is registered.

4.2 Is the legal aid provided free of charge to applicants for international protection or does your Member State apply any form of means testing? If so how is this applied in practice?

Legal aid is free of charge when the person receives a rejection on the application for international protection. Legal aid is free of charge for UAMs when appointed a legal representative.

4.3 What are the deadlines within which your Member State requires that an applicant lodge an appeal with regards to decisions not to grant international protection or not to further examine the application on grounds of inadmissibility?

Three weeks from the time of notification of the negative decision. When an appeal is submitted later than the stipulated period, a decision will be made after an assessment of the circumstances as to whether the appeal shall be examined on its merits or be formally rejected.

4.4 What are the formal requirements when lodging an appeal as referred to in question 4.3?

An appeal shall be addressed to the correct authority. It shall be signed by the complainant or – which is the case in decisions not to grant international protection – by the legal representative. The appeal shall refer to the decision the complaint aims to and what changes the complainant wishes to obtain.

4.5 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State pending the examination of the application in case of a request for extradition of the applicant to a third country? If yes, how do the competent authorities of your Member State ensure that a decision to extradite an applicant to a third country pursuant to Article 9(2) APD is taken in accordance with Article 9(3) APD, i.e. it does not result in direct or indirect refoulement, in violation of international and Union requirements?

Yes, if the court concludes that the conditions in paragraph 3 of the Norwegian extradition law are met, Norway will extradite the person to a third country. Part of the assessment will be whether there is a risk of persecution/ inhuman treatment, cf. article 3 of the ECHR, or that the requirements of a fair trial are not fulfilled, cf. article 6 of the ECHR.

4.6 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State where a person makes subsequent applications as referred to in Article 41 APD?

The Norwegian legislation uses the term “new application” rather than “subsequent application”.

Only in a few defined cases would new facts and circumstances lead to registration of a new application. Such application would be assessed on its merits and the person would have the right to remain in Norway. Normally, however, new facts and circumstances are regarded as a request for reversal of the earlier decision. The person has no automatic right to remain in such a case unless a suspensive effect is granted.

An individual with a final negative decision on an asylum application, may submit a new application when he or she informs to have testified to the police or the court in a case of human trafficking. Furthermore, if an individual has a final rejection on an asylum application, but has a residence permit in Norway on other grounds, a new application may be submitted and will be registered if there are changes in the conditions for the residence permit in that the asylum seeker might be in danger of having to return to his or her country of origin.

In other cases, the police shall inform the individual that the UDI will normally dismiss a new application on formal grounds, and that instead a request for reversal should be submitted to the Immigration Appeals Board.

If a foreigner with a final negative decision wishes to apply for asylum anew to the police when he or she is about to be transferred, claims which might fall under the Immigration Law regarding asylum and which seem not to have been examined earlier, shall be presented by the police to the body that made the decision to consider whether a suspensive effect should be granted.

If yes, how do the competent authorities of your Member State ensure that a decision to return the applicant to a third country does not result in direct or indirect refoulement, in violation of international and Union requirements as per Article 41(1) APD?

See the answer above