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JURIDISK RÅDGIVNING
FOR KVINNER

IMMIGRATION
LAW

Preface

This brochure is published by Legal Advice for Women (JURK). JURK is run by female law students who provide free legal assistance to women all over Norway.

This brochure is about various types of residence permits you can obtain in Norway, with the exception of the specific rules for citizens of the EU/EEA. Citizens of these countries may obtain residence permits as described in this brochure in addition to the EU/EEA rules. You can read more about these rules on www.udi.no.

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1. Schengen visa

1.1 Visa requirement

Immigration Act Section 9 The general rule is that foreign nationals must have a visa in order to travel to Norway.

As a starting point, a visa to Norway entitles you to travel to all Schengen countries – this visa is now called a "Schengen visa". The following countries are part of Schengen: Belgium, Denmark, Estonia, Finland, France, Greece, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Switzerland, Sweden, the Czech Republic, Germany, Hungary and Austria.

Immigration Act Section 10 A visa can be issued for three months (90 days, to be precise) out of every six-month period for tourism, family visits, business travel, studies or other purposes.

Immigration Act Section 9 However, there are exceptions to the general visa requirement. Foreigners who have a residence permit issued by a Schengen country and who have valid travel documents, are exempt from the visa requirement.

Citizens of Schengen countries do not need passports or a visa to enter Norway. Further, Norway has entered agreements about visa-free entry with a number of countries. You can contact the Norwegian Directorate of Immigration (UDI) for further information about this.

1.2 How to apply for a Schengen visa

Immigration Act Section 9

The visa must usually be issued while you are still in your home country before you enter Norway.

You must submit the visa application in person at the nearest Norwegian foreign service mission. Most visa applications will be processed at the foreign service mission. In some cases, the application is sent to Norway and is processed by the Norwegian Directorate of Immigration (UDI). You must pay a fee when submitting your application. You can find the fee rates here: www.udi.no/gebyr, or by contacting your nearest Norwegian foreign service mission.

As a main rule, the application should be submitted in person. The application form must be carefully filled in and must include your signature and photograph.

1.3 Visa requirements

In order to be granted a Schengen visa, you must meet the following requirements:

Immigration Act Section 10

You must be able to present a valid travel document, such as a passport or identification document that is approved as a travel document. Your passport or travel document must be valid for at least three months beyond the period for which the Schengen visa is valid.

Immigration Regulations Section 3-4a

You must have a right to return to your home country or to another country in which you have a right to stay, so that you can return there once your visa expires.

You must have the funds to cover your travel expenses to and from Norway. You must also have funds to cover your stay in Norway. The person you are visiting can provide a guarantee for your food, accommodation and travel. This guarantee declaration must be enclosed with your visa application.

The declaration must be stamped by the police. The police must have seen the necessary documentation that the guarantor (your reference in Norway, usually the person you want to visit) has sufficient funds to pay for the visa applicant during the period in question. Your reference must send the stamped guarantee to you, so that it can be enclosed with your visa application. Your reference should not send the guarantee directly to the Foreign Service mission or UDI.

There must be no grounds for rejection or expulsion.

There must be no immigration policy considerations that indicate that a visa should not be granted. For example, if the authorities have reason to believe that the real purpose of the visit is to work or stay for more than three months, they can reject the visa application. It is therefore very important to show that you have ties to your home country, for instance through your work, studies and family. If possible, you should document your ties to your home country by providing references, confirmation from your school or employer and a return ticket.

There must be no foreign or security policy considerations that indicate that a visa should not be granted.

1.4 Emergency visa

Immigration Regulations Section 3-18

If you turn up at passport control without a valid visa when a visa is required, you may be granted an emergency visa if there are compelling reasons for doing so. It is a requirement that you cannot be held responsible for not having a visa. You must meet the requirements for a Schengen visa.

An example of a compelling reason may be that a close family member in Norway has been in a serious accident on a day on which the Norwegian foreign mission is closed and that you must travel immediately.

If there are compelling reasons to do so, an emergency visa may be granted even if the requirements for a Schengen visa have not been met.

1.5 Duration and content

Immigration Regulations Section 3-9

A Schengen visa can be granted for a period of up to three months, and is usually given for only one entry. In cases of exceptional need, a Schengen visa may be granted for a specified or unspecified number of entries within a 12-month period.

If you need to stay in Norway beyond the three months, you must have a valid residence permit.

If you have been granted a visa for less than three months, you can only have the period extended while in Norway under very special circumstances. Applications to extend a visa to three months must be submitted to the police if you are in Norway. The general rule is that a visa is not valid for more than

three months. You can never be granted a Schengen visa for more than a total of three months.

**Immigration
Act
Section 17**

The visa does not permit you to work in Norway. If you do not leave Norway or the Schengen area by the expiry of the visa, you risk being rejected or expelled. This also applies to anyone who works in Norway without a permit.

1.6 Residence permit for up to nine months to visit children in Norway

**Immigration
Act
Section 58**

If you have children in Norway and want to visit them, you can apply for a nine-month residence permit instead of a Schengen visa. In other words, this is not a visa but a temporary residence permit.

**Immigration
Act
Section 47**

It is a requirement that you return to your home country, and that your subsistence and accommodation are guaranteed for the duration of your stay. You can read more about this in chapter 3 of this brochure.

2. Staying in Norway

Immigration to Norway is limited and regulated. This means that all foreigners who want to stay in Norway for more than three months (90 days) must have residence permit. Residence permits can be granted if there are special grounds to do so.

These special grounds may be:

- asylum
- humanitarian grounds
- family immigration
- work
- education

Immigration Act Section 14

Foreign nationals who have been granted a residence permit prior to entry are required to report to the police immediately after arrival. If you did not report your arrival in a passport control at the airport, you must report to the local police station within a week of entering Norway.

2.1 Residence permit based on protection (asylum)

Immigration Act Section 28

Being granted asylum means being granted a place of refuge. This means being granted a residence permit in Norway based on a well-founded fear of persecution in your home country based on race, religion, nationality, political opinion or membership in a particular social group. The evaluation is based on the UN refugee convention and Norwegian law.

2.1.1 How to apply for asylum

Immigration Act Section 93

Applications for asylum must be registered with the police as soon as possible. You must submit your passport or any other travel document you have with the application. If your need for protection emerges after entering Norway, you must submit your application for asylum without undue delay once you are aware of the situation.

Immigration Act Section 100

The police will take your photograph and fingerprints. The police can also copy documents you bring along if they think this is necessary. You must do your best to present the necessary documentation and help obtain necessary information. After you have registered with the police, you will be offered a place to stay.

Immigration Act Section 65

You will also be interviewed by the Norwegian Directorate of Immigration (UDI), which will decide whether you will be granted asylum in Norway. These are the most important things that take place during the asylum process. When you apply for asylum you must provide a very thorough and detailed account of why you apply for asylum in Norway.

An interpreter will be used during the interview. You can ask for an interpreter who suits your particular needs. All interpreters and case workers are required to keep silent about what they learn about you, and may be sentenced to prison if they do not.

If your application has been rejected, you have the right to appeal the decision. UDI processes your appeal first. If UDI does not reverse its decision, the appeal is sent to the Immigration Appeals Board (UNE). If UNE rejects the appeal, the decision is final and you must

return home. After a final rejection you can choose to take your case to court, but you must pay the expenses for this yourself.

The Norwegian Organisation for Asylum Seekers (NOAS) provides all asylum seekers with the information necessary during the application phase. You can contact NOAS on (+47) 22 36 56 60.

2.1.2 Asylum requirements

An applicant for asylum must be considered a refugee in order to be granted a residence permit on this basis.

**Immigration
Act
Section 28**

You are considered a refugee when you are granted a residence permit in Norway due to a well-founded fear of persecution in your home country due to race, religion, nationality, sexual orientation, membership in a particular social group, or due to your political opinions. You are also considered a refugee if you face a real danger of capital punishment, torture or other inhuman or degrading treatment or punishment if you return to your home country. The evaluation is based on the UN refugee convention and Norwegian law.

If you are considered a refugee, you will generally be entitled to asylum.

**Immigration
Act Section
58**

There are no subsistence or accommodation requirements.

2.1.3 Grounds on which asylum may be denied

Immigration Act Sections 31 and 32

UDI can reject your application for asylum even if you have a well-founded fear of persecution. This applies, for example, in the following situations:

- If you have been granted asylum or another form of protection in another country. Asylum seekers must apply for asylum in the first safe country they arrive in.
- If there are grounds to expel you on the basis of fundamental national interests.
- If you have been convicted of a particularly serious crime and are therefore considered a danger to society.

2.1.4 Duration

Immigration Act Sections 60 and 61

First-time residence permits are given as temporary residence permits for up to three years and for at least one year. On application, you will be entitled to renew your temporary residence permits if the grounds for the first-time permit are still present.

2.1.5 Effects of being granted asylum

Immigration Act Sections 54 and 60

- You will be given status as a refugee
- You will be granted a residence permit and typically also a work permit
- If you are granted a residence permit, work starts to find a municipality in which you can settle

- Asylum can form the basis for a permanent residence permit; see section one of chapter 4.

2.2 Residence permit based on humanitarian grounds

Immigration Act Sections 38 and 28

If the authorities reject your asylum application, they must on their own initiative consider whether to grant you a residence permit based on humanitarian grounds.

2.2.1 The requirements for being granted a residence permit on humanitarian grounds

Immigration Act Section 38

In order to be granted a residence permit on humanitarian grounds, there must be strong humanitarian considerations present or you must have a particularly strong connection to Norway.

Strong humanitarian considerations may for example be that the situation in the home country is dangerous, but not dangerous enough for you to be granted asylum as a refugee. Other strong humanitarian concerns may include that you have been the victim of human trafficking or that there are social or humanitarian issues related to a return to your home country that give grounds for granting a residence permit on humanitarian grounds.

"Special connection to Norway" means connections due to a long-term residence or stay in Norway.

Immigration Act Section 38

As a main rule, you are required to present documentation of your identity before being granted a residence permit.

2.2.2 Special considerations when the applicant is less than 18 years old

Immigration Act Section 38

If you have not turned 18 you are considered a minor. If you are an unaccompanied minor and you will not receive proper care if you return to your home country, a comprehensive assessment may show that there are strong humanitarian concerns that may lead to the authorities granting you a residence permit on humanitarian grounds.

In other applications that affect children, the best interest of the child shall be a fundamental consideration. Children may be granted a residence permit even if the situation is not so serious that a residence permit would have been granted to an adult.

2.2.3 About considerations related to immigration control and the authorities' assessments

Immigration Act Section 38

The authorities will also assess whether there are considerations that suggest that you should not be granted a permit on humanitarian grounds. Among other things, the authorities will give weight to the possible societal consequences of granting a residence permit on humanitarian grounds.

The authorities have a duty to always make a comprehensive assessment of each case. Therefore, you do not have an entitlement to being granted a residence permit on humanitarian grounds. Your individual situation determines whether you will be granted a permit; this means that your specific situation shall determine whether you are able to return to your home country.

2.2.4 The duration of a residence permit granted on humanitarian grounds

Immigration Act Sections 54 and 60 Residence permits on humanitarian grounds are generally granted as temporary residence permits for a minimum of one year and at most three years.

Immigration Act Section 38 If there is doubt about your identity, or when particular grounds so dictate, the permit can be granted for one year or less.

Immigration Act Section 61 The residence permit can be renewed if the basis for the first-time permit remains in place and the permit does not state otherwise.

2.2.5 Effects of a residence permit on humanitarian grounds

Immigration Act Section 60 Residence permits on humanitarian grounds entitle you to stay in Norway. The residence permit also allows you to work or run your own business in Norway. In general, this residence permit will also provide a basis from which you can apply for a permanent residence permit.

2.3 Family immigration

Family immigration means that you are granted residence in Norway because one or more of your family members already live in Norway.

The person that wants to move to Norway, is called **applicant**. The person that lives in Norway, with

whom the applicant wants to live, is called **reference person**.

2.3.1 How to apply for a residence permit for family immigration

Immigration Regulations Section 10-1

In general, if you want to move to Norway you must apply for family immigration at the Norwegian embassy or consulate in your home country.

2.3.2 Requirements to the person who is applying for a residence permit based on family immigration

As a general rule, it is the immediate family members of the person resident in Norway who **can** be granted a residence permit on the basis of family immigration.

The following persons are considered immediate family members: Spouses, cohabitants (in marriage-like relationships), children, parents and adopted children.

These may be granted a residence permit based on family reunification or family establishment, on certain conditions:

- **Spouses above the age of 18.**

Those who have been granted residence in Norway after having married more than one person can only count one of them as their spouse. Those who are resident in Norway and marry more than one person while abroad can only count the person they married first as their spouse. The spouses are required to live together.

Immigration Act Section 41

- **Cohabitants above the age of 18.**
You must have lived together in a permanent and established cohabitation relationship for at least two years and the purpose of the family immigration must be to continue the cohabitation. It is a requirement that neither of you are married to another person.

Immigration Act Section 42

- **Children below the age of 18 with no spouse or cohabitant.**
If only one parent lives in Norway, it is a requirement that this parent shares parental responsibility for the child and that the best interest of the child indicates that the child should be granted residence in Norway. When a child's parents have shared parental responsibility, the other parent must generally consent to the child moving to Norway.

Immigration Act Section 43

- **Parents of children below the age of 18 who have been granted residence based on asylum or collective protection.**
It is a requirement that the parents will live with the child.

Immigration Act Section 44

- **The mother or father of a Norwegian child, when the parent is the primary care-giver.**
Children are persons below the age of 18 who do not have a spouse or cohabitant. You must have parental responsibility for and live with the child. It is a requirement that you are not married to and do not live with the child's other parent.

Immigration Act

- **The mother or father of a Norwegian child below the age of 18, when the child lives with the other parent in Norway.**
The child must be resident in Norway with the other parent who has parental responsibility and with whom

Immigration Act and Section 9-3

the child lives permanently. You must show that you will exercise your right of access. It is a requirement that you have exercised your right of access to a certain extent abroad in the past year. The right of access must be document and must be of a certain scope. The application must generally be submitted within three months of the child moving to Norway.

Immigration Act Section 42 When the parental responsibilities are shared, permission from the other parent is normally required.

In some cases, other persons may also be granted residence in Norway based on family immigration.

These cases include:

Immigration Act Section 48 and Immigration Regulations Section 9-5 Applicants who are to marry the sponsor after entry. It is a requirement that both parties are above the age of 18 and it must be documented that there are no impediments to the marriage being contracted.

Immigration Act Section 41 • Applicants who have not lived in a permanent and established cohabiting relationship with the sponsor for at least two years, if the parties are expecting a child together and intend to continue to cohabit. Both parties must be above the age of 18.

Immigration Act Section 46 • Single parents with children over 18 years old in Norway. It is a requirement that the applicant is above the age of 60 and has no spouse, cohabitant or close family members in their home country.

Immigration Act Section 49 • If strong humanitarian considerations so indicate, a residence permit may also be granted to family members in other circumstances.

**Immigration
Regulations
Section 9-7**

Children between 18 and 21 of age who have no spouse or cohabitant when the applicant has previously had a lengthy stay in the realm with a permit.

- A dependent child above the age of 18 without a spouse or cohabitant who remains in the home country without parents or siblings who are above the age of 18 or married. This also applies for dependent children above the age of 18 who have no spouse or cohabitant when it has been substantiated that the child for medical reasons is entirely dependent on personal care from his or her parents.
- Foster children who are an established part of the family. The foster child must be below the age of 18. It must be documented that parental responsibility has been legally transferred. Norwegian child protection authorities must approve the foster home.
- Full siblings below the age of 18 without parents or other caregivers in the home country or country of residence. It is a requirement that the full sibling resident in Norway is an appropriate caregiver.

2.3.3 Requirements to the sponsor

**Immigration
Act
Section 40**

The sponsor is the person in Norway with whom you are applying for family immigration.

The following persons are entitled to have their immediate family in Norway:

- Norwegian or Nordic citizens who live in Norway or who will be living in Norway.

- Foreign nationals with permanent residence in Norway.
- Foreign nationals who have or will be granted legal residence in Norway with a residence permit that can form the basis for a permanent residence permit.

There is also a requirement that the sponsor meets subsistence and accommodation requirements. See chapter 3.

2.3.4 Requirement for four years of work or education in Norway

**Immigration Act
Section 40a**

If the sponsor has created a family after arriving in Norway he or she may have to have studied or worked for four years before family members may be granted an immigration permit in Norway. Whether the requirement to have worked or studied for four years comes into effect depends on two issues. First, the type of residence permit the sponsor has, and second, when the sponsor's family was created.

The requirement for four years of work or study applies if the sponsor has a residence permit:

- based on protection (asylum), or
- as a resettlement refugee, or
- based on collective protection in a mass flight situation, or
- due to strong humanitarian considerations or a strong connection to Norway, or
- as a family immigrant (which means having been granted residence based on family immigration with another person in Norway), or
- based on a permanent residence permit.

**Immigration
Regulations
Section 9-1**

In order for the four-year requirement to be met, the work or education must in combination be a full-time activity.

Everything from primary school to higher education, paid work, various qualification measures, the introduction programme, and, in some cases, care for children count as work or education.

**Immigration
Act Section
40a**

Even if the sponsor has a permit on one of the bases mentioned above, the four year work or education requirement does not apply if:

- the marriage was contracted prior to the sponsor's arrival in Norway
- you conceived a child before the sponsor was granted residence in Norway, or
- you were married or conceived a child when you both had residence permits in Norway.

**2.3.5 Subsistence and accommodation
requirement**

Applicants for family immigration must generally have their subsistence and accommodation needs met. For the "closest family members" (see section on family immigration), there is no accommodation requirement for those applying for family immigration, and under certain conditions exemptions may be made from the subsistence requirement.

You can find more information about the subsistence and accommodation requirement in chapter 3.

2.3.6 D visa (entry visa for spouses and joint children)

**Immigration Act
Section 12,
Immigration Regulations
Section 10-1 (2)**

In some cases, foreign nationals who want residence in Norway for family immigration can be given permission to enter Norway while the application is being processed. In order for you to be granted such a permit, there must be no doubt about your meeting the family immigration requirements.

You must be:

- the spouse of a Norwegian citizen who is resident in Norway or intends to settle in Norway, or
- the spouse of a citizen of a Nordic country who has been resident in Norway for the past three years, or
- the spouse of a foreign national resident in Norway with a permanent residence permit who has not stayed outside of Norway for more than two years..

Only the children you have together with your sponsor can travel with you.

RS 2013-001 Further, it is a requirement that:

- You were both above the age of 18 at the time the marriage was contracted.
- The marriage was not contracted by proxy.
- You must live together in Norway. The subsistence requirement must be met.
- A visa will not be granted if you are listed in the Schengen Information System (SIS).
- You cannot have been expelled from Norway with a re-entry ban.
- You must document your identity by presenting a valid passport or another authorised travel document.

The granting of a visa does not in itself mean that the application for a work and residence permit will be granted.

The application must be submitted in person to the Norwegian foreign mission in the country where you live.

2.3.5 Effects of a residence permit for family immigration

**Immigration Act
Section 60**

A first-time residence permit is usually given for one year at a time, and can be renewed if the requirements are still met.

The permit can usually form the basis for a permanent residence permit, which you can apply for after three years. You can find more information about permanent residence permits in chapter 4.

2.3.6 Independent residence permit due to the death of the sponsor

**Immigration Act
Section 53**

If you have come to Norway to live with your spouse or cohabitant, your residence permit is tied to this relationship. If the relationship has ended due to the death of the sponsor, you will generally be entitled to continue your residence on an independent basis.

2.3.7 Independent residence permit in the event of a breakup

**Immigration Act
Section 53**

As a starting point, renewals of residence permits based on marriage or cohabitation require that you

remain married or cohabiting, and that you live together. However, there are two exceptions to this rule. These exceptions are described below.

1. Residence permit based on unreasonable difficulties in the country of origin

In the event of a breakup, a woman **may** nevertheless be granted a residence permit if the breakup can cause her unreasonable difficulties in her home country due to social and cultural conditions there.

The legal framework and practice in the home country, as well as the woman's background and family will be central elements of the assessment of whether the breakup will cause problems. This is a strict requirement. It is not sufficient that the woman will face difficulties in her home country. The difficulties must be so significant as to make it unreasonable to require her to return to her country of origin.

2. Residence permit for women in the event of a breakup caused by abuse

**Immigration Act
Section 53**

If the woman and/or any children have been abused in the relationship, she and any children **may** be granted a residence permit.

However, there are requirements regarding the scope and character of the abuse. The assessment covers several issues. For instance, the seriousness of each act, the context of the acts and the extent to which the abuse is repeated over a period of time. The abuse can be physical, such as beating, or psychological, such as threats of violence or of being divorced and returned to the home country.

The woman's statement about the abuse is central to the assessment of whether abuse has taken place. If any doubt arises in relation to this statement, it is advantageous to have some form of documentation of the abuse. This can for example be documentation of treatment by a doctor or psychologist. The woman must expect to be called for an interview with the police about her experiences in the relationship. She can choose whether to file a police report against her spouse/cohabitant, but this is not a requirement for the residence permit.

2.4 Labour immigration

Immigration Act Section 55

Foreign nationals must have a work permit in order to work or run a business in Norway.

2.4.1 How to apply for a work permit

Immigration Act Section 56

First-time work permits must generally be granted prior to entry to Norway. The application must be submitted to a Norwegian foreign mission in the country you are a citizen of, or to the Norwegian foreign mission in the country you have had a residence or work permit in for the past six months.

2.4.2 Labour immigration requirements

Immigration Act Section 23

- You must have turned 18.
- You must have a specific job offer. In general, the job offer must be for a full-time job for one employer.
- Working conditions and pay cannot be poorer than the collective agreement and pay scales for the industry or what would otherwise be normal for the place and occupation in question.

Immigration Regulations Section 6-1

Immigration Act Section 58

- You must have specialised occupational training or have special qualifications that the enterprise needs.
- It is a requirement that you come under the annual quota as set by the Ministry. Alternatively, it must not be possible to fill the position with workers in Norway or in the EEA area.
- Your subsistence and accommodation needs must be met; see chapter 3. The subsistence requirement will be considered met if the above-mentioned requirements regarding full-time work and Norwegian pay levels and working conditions have been met.

2.4.3 Duration

Immigration Act Section 60

As a starting point, residence permits for workers are given as temporary residence permits for at least one year and at most three years.

Immigration Act Section 62

A foreign national who has lived in Norway with a temporary residence permit for workers, which forms the basis for a permanent residence permit, may be entitled to a permanent residence permit if the requirements for the latter permit have been met. You can read more about these requirements in chapter 4.

Immigration Act Section 23 and Immigration Regulations Section 6-3

Short-term work permits may also be granted for seasonal or similar work. This type of permit can be granted for up to six months, and does not form the basis for a permanent residence permit.

2.4.4 Residence permit as a job seeker

There are exceptions to the general rule that work permits must be granted prior to entry to Norway. If you have specialised occupational training, do not

Immigration Regulations Section 1-2, cfr. sections 3-1 and 6-1

need a visa, cfr. Immigration Regulations section 3-1, and want to come to Norway to apply for work, you can apply for a residence permit as a job seeker. The residence permit does not include a work permit. The permit may be issued for a maximum period of six months.

A subsistence requirement must be met, and you must have travel and health insurance.

The residence permit for job seekers does not provide a basis for a permanent residence permit. If you receive a job offer, you must then apply for a work permit as described in section 4.2.

2.4.5 Entry visa (D visa)

Immigration Act Section 12, and Immigration Regulations Sections 3-13 and 10-1

If you have specialised occupational training and have a specific job offer from an employer in Norway, you can apply for an entry visa. In order for an entry visa to be granted, it must be probable that the residence permit as a specialist will be granted. See further details about the related requirements in section 4.2.

An entry visa does not entitle you to work in Norway, but it does entitle you to stay in Norway while you wait for the decision on your residence permit application.

Applicants for entry visas are also required to have a valid passport or another travel document that permits border crossings, and travel and health insurance that is valid in all Schengen countries. Further, there must be no grounds for rejection or exclusion, nor any foreign policy considerations that suggest that a visa or residence permit should not be granted.

RS 2010-046 The visa will be given for seven days. This means that you must arrive in Norway and submit an application for a residence permit within seven days of having been granted the visa.

Contact the Norwegian Directorate of Immigration (UDI) for further information about how to apply for an entry visa.

2.5 Residence permit for students

Foreign nationals who will be studying in Norway need a residence permit. This permit must usually be granted before entry to Norway. As a starting point, permits are only issued for higher education, which means at the university college or university level. Permits are only granted for upper secondary school if you are participating in an exchange programme.

2.5.1 Requirements

- Immigration Act Section 26 and Immigration Regulations Section 6-19**
- You must have been offered a full-time place at an approved educational institution,
 - Subsistence and accommodation requirements must be met; see chapter 3.
 - You must present a programme description.
 - You must return to your home country once you have completed your education.

With regard to the requirement to return to your home country, a comprehensive assessment is made based on the individual situation of each applicant. If there is a substantiated and foreseeable possibility of your not returning to your home country on completing your education, this will be taken as an indication that the application should be rejected on this basis.

2.5.2 Duration

Immigration Regulations Section 6-19

Students who have been offered a place at an approved educational institution can be granted a residence permit. It is a requirement that the education is the purpose of the stay in Norway, and that it is a full-time programme of study. This type of residence permit can be granted for up to three years if this corresponds to the programme description presented and if the subsistence requirement is met for the entire programme.

First-time residence permits for **quota students** are generally given for a period that corresponds to the ordinary duration of the programme of study. Quota students are those who are admitted every year to the universities and university colleges in Norway for special programmes of study.

2.5.3 Effects of a residence permit for students

Students who are granted the above residence permit will at the same time be granted a permit for part-time work for up to 20 hours a week, and for full-time work during the regular holidays.

Immigration Act Section 26 and Immigration Regulations Section 6-19

The student's family members can, on specific conditions, also be granted a residence permit. It is a prerequisite that the family member returns to their home country when the student has completed their education.

Residence permits for students do not form the basis for permanent residence permits.

3. Subsistence and accommodation requirement

Residence in Norway generally requires that your subsistence (basic financial needs) and accommodation needs are met. There is no accommodation requirement if you apply for asylum or can access residence permits on strong humanitarian grounds, or if you have a strong connection to Norway.

3.1 Subsistence

3.1.1 General rule on subsistence

**Immigration Act
Section 58**

The subsistence requirement means that you have to have enough money to cover your expenses while in Norway. Subsistence must be covered for the entire period of residence.

The subsistence requirement can be met by:

- Your own income. This can be paid full-time work, or an offer of a permanent job. If you have part-time work or run your own business, the authorities will make a concrete assessment of whether the subsistence requirement has been met.
- Your own assets.
- A pension or other regular benefits of a certain amount and duration.
- Student loans or grants of a certain amount and scope.
- A combination of the above.
- The subsistence requirement cannot be met by social security benefits.

**Immigration Regulations
Section 10-7**

The Norwegian Directorate of Immigration (UDI) provides further guidelines about how the subsistence

requirement can be met. A concrete assessment is made in each individual case.

In some cases, the Directorate will accept that another person guarantees the applicant's subsistence.

When subsistence is met by the applicant's own assets or a guarantee from another person, the Directorate may require that a sum is transferred to a Norwegian bank and blocked for a specific period.

3.1.2 Special subsistence requirement in family immigration applications

In family immigration applications, the sponsor must have a certain level of income. The sponsor must substantiate that these requirements have been met. There are requirements regarding the sponsor's future and past income.

Immigration Regulations Section 10-8

Future income requirement:

- The sponsor must substantiate a future income of 88 per cent of level 19 of the Norwegian state salary scale (as of 1 May 2013, this was NOK 279.700).
- These funds must come from a salary, sickness benefits, pregnancy benefits, parental benefits, disability pension, old-age pension from the National Insurance Scheme, pensions or other similar regular benefits, benefits in accordance with the Introduction Act, student loan or student grant. The requirement can also be met by a combination of these sources of income.
- Benefits paid in accordance with the Social Services Act do not count as income.

The future income requirement does not apply if the residence permit application is based on family immigration with a spouse, cohabitant or child who is a refugee or is under collective protection in Norway.

**Immigration
Regulations
Section 10-9**

Past income requirement:

In addition to documenting their future income, the sponsor must document an income equivalent to 88 per cent of salary level 19 of the Norwegian state salary scale in the previous tax period. Further, the sponsor cannot have received social benefits during the past year.

However, there are some exceptions to the past income requirement, see the Immigration Regulations section 10-9 3rd paragraph.

3.2 Accommodation

**Immigration
Act Section
58 and
Immigration
Regulations
Section 10-12**

You must have secured accommodation for the period covered by the application.

**Immigration
Act
Section 56**

The accommodation can be a house, flat, studio or something similar. The housing must satisfy official standards.

If you rent the accommodation, you must present a written rental contract. The rental contract must be approved by the person who manages the accommodation.

3.2.1 Accommodation requirement in family immigration applications

Immigration Act Sections 46-49 and the Immigration Regulations Section 10-12

Those who apply for a residence permit for family immigration must in some cases meet the accommodation requirement. This applies if the application is for a:

- residence permit for a single mother or father with a child above the age of 18 in Norway, or
- short-term stay to visit children in Norway, or
- residence permit to marry, or
- residence permit based on strong humanitarian considerations

4. Permanent residence permit

4.1 General information about permanent residence permits

Immigration Act Section 62

A work or residence permit is generally given for one year at the time, and must therefore be renewed every year. After having a work or residence permit for three years, you can apply for a permanent residence permit. A permanent residence permit entitles you to stay in Norway with no time-limit, and is an independent basis for residence in Norway.

To get a permanent residence permit, you must apply for it. The application must be submitted to the Norwegian Directorate of Immigration (UDI), via the police. As a starting point, only those who have submitted an application in time are entitled to a permanent residence permit. This means that the application must have been submitted no later than one month prior to the expiry of the previous permit.

The application must be submitted on the correct application form, and must be handed to the police in the district in which the applicant resides permanently. As a starting point, UDI makes the decision.

4.2 Permanent residence permit requirements

Immigration Act Section 62

The applicant must have had a work or residence permit for the past three years that can form the basis for a permanent residence permit.

- There are a number of permits that as a starting point cannot form the basis for a permanent residence permit, such as residence permits for students and au

pairs. Collective protection also does not provide a basis for a permanent residence permit.

- You must have been continuously resident in Norway for the past three years. This means that you cannot have been abroad for more than seven months in total during the past three years.
- You must have completed compulsory Norwegian courses in accordance with the Introduction Act.

It is important to apply for a renewal of the residence permit in time, which means within one month prior to the expiry of the previous permit.

The basis for the residence permit must still be in place in order for the permanent residence permit to be granted. If you have a residence permit for family immigration and separate from your spouse/cohabitant before three years have passed, you must apply for another type of residence permit that can form the basis for a permanent residence permit.

See chapter 2 for other possible bases for a residence permit after a divorce.

**Immigration
Act Sections
61 and 62**

If you have had a residence permit for three years based on family immigration with your spouse, and you have lived with your spouse during the entire period, you can on application be granted a permanent residence permit.

Once you have been granted a permanent residence permit, your future stay in Norway will not be affected by your leaving your spouse.

4.3 Permanent residence permit when the general requirements have not been met

Immigration Regulations Section 11-4

If for at least one year you have held a residence permit that can form the basis for a permanent residence permit, a permanent residence permit may be granted if you have previously had a long-term stay in Norway, or if there are particularly strong reasons to do so. The requirement to particularly strong reasons for granting a permit is practised strictly, and it takes a lot for a permanent residence permit to be granted.

Immigration Regulations Section 11-1

Children can be granted permanent residency without previous residence when they were born in Norway to parents who live in Norway. The application for a permanent residence permit must be submitted within one year of birth. It is a requirement that the parents have applied for and meet the requirements for permanent residency or Norwegian citizenship at the time the child's application is submitted.

Immigration Regulations Section 11-1(1), cfr. Immigration act section 34

If the applicant has a residence permit based on collective protection in a mass flight situation, it is an additional requirement that the option to grant collective protection has not lapsed.

4.4 Applicant who is charged with a criminal offence

Immigration Act 62

If you are suspected of or charged with a criminal offence that qualifies for expulsion, a decision will only be made on your application once the case has been dropped or a final decision on the question of guilt has been made.

**Immigration
Regulations
Section 11-5**

If you are sentenced for a criminal offence that can lead to expulsion but for which you nevertheless are not expelled, more than three years of continuous residence in Norway will be required before a permanent residence permit can be granted.

4.5 Effects of a permanent residence permit

**Immigration
Act Section
62**

- The permit entitles you to live and work in Norway, and has no time limit.
- The permit entitles you to operate your own commercial business in Norway, such as your own shop or company.

The permit gives you expanded protection against expulsion.

4.6 Lapse of a permanent residence permit

**Immigration
Act Section
62 and
Immigration
Regulations
Section 11-8**

The permanent residence permit expires if you live or stay outside of Norway for more than two continuous years. This applies even if your stay abroad is interrupted by shorter stays in Norway.

In some cases, you can on application be given permission to stay away from Norway for a longer period without losing your permanent residence permit. It must be clear that you will move back to Norway and that you

- will be completing compulsory military service or a similar service in your home country,
- will be abroad in connection with work or education beyond regular secondary education, or
- will be staying abroad together with your spouse, cohabitant, mother or father who is abroad in connection with work or education

**Immigration
Act
Section 71**

Permanent residence permits lapse when an expulsion decision is final.

5. EU/EEA citizens

EU and EEA citizens may take residence in Norway through the EU/EEA agreements, in addition to all the other types of residence permits described in this brochure. You can read more about this on the webpages of the Norwegian Directorate for Immigration, UDI: www.udi.no.

6. Persons being exploited in prostitution or forced labour (victims of human trafficking)

**General Civil
Penal Code
Sections
202 a and 224**

Selling sexual services is legal in Norway, but it is illegal to buy such services. Further, it is illegal to profit from the prostitution of others. Pimping is covered by the General Civil Penal Code.

In some cases, people are in a situation in which they are exploited due to having been deceived, forced and/or misled to, for example, sell sexual services or enter exploiting labour contracts, or being prevented from leaving a job by threats and/or violence. If the authorities consider this to be a situation that is covered by the definition of human trafficking, the situation can, on application, qualify for asylum or a residence permit on humanitarian grounds.

Those who are being exploited but do not have legal residence in Norway can get help from Norwegian authorities. Current rules stipulate that such persons in some cases are to be given a postponement to the deadline by which they must leave Norway, provided certain criteria have been met. You can contact the Rosa project for help or information, on telephone 22331160 (24 hours a day, all week), or read more on <http://www.rosa-help.no/>.

7. Citizenship

Norwegian Nationality Act Section 4

As a Norwegian citizen, you have more rights and obligations in Norway than you do when you have a residence permit. The general rule in Norwegian law is that you get citizenship from your parents, and not on the basis of where you live or where you were born.

Norwegian Nationality Act Section 10

According to Norwegian law, you can generally only have one citizenship.

This means that you must be released from your original citizenship in order to get Norwegian citizenship. Exemptions may be made to this rule, if it is legally or practically impossible to be released from your previous citizenship, or if imposing this requirement is otherwise considered unreasonable.

7.1 Effects of a Norwegian citizenship

- A Norwegian citizen receives a Norwegian passport as proof of being a Norwegian citizen, and has an unconditional entitlement to stay in Norway.
- Norway has agreements about visa-free travel with a number of countries. This means that Norwegian citizens can travel to these countries without a visa.
- Norwegian citizens can vote in general elections.
- Some positions in the police and legal system are only open to Norwegian citizens. This also applies to some positions in the Foreign Service and in other parts of the government.
- Norwegian citizens are entitled to the protection of the Norwegian state.

- Norwegian citizens cannot be expelled from Norway. However, this does not mean that citizenship cannot be revoked.
- Norwegian citizens cannot be extradited to other countries, though in practice the Nordic countries are important exceptions to this rule.

7.2 Acquiring Norwegian citizenship

You can acquire Norwegian citizenship in several ways.

7.2.1 Citizenship based on birth

Norwegian Nationality Act Section 4

If a child's mother or father is Norwegian, the child acquires Norwegian citizenship at birth.

7.2.2 Citizenship based on adoption

Norwegian Nationality Act Section 5

Children who are adopted by a Norwegian citizen acquire Norwegian citizenship. It is a requirement that the child is below the age of 18 at the time of the adoption and the adoption order must have been granted by Norwegian authorities pursuant to the Adoption Act. The same applies to foreign adoptions that are approved by Norwegian authorities.

7.2.3 Citizenship on application

Everyone who has a work or residence permit that can form the basis for a permanent residence permit may apply to the Norwegian Directorate of Immigration (UDI) for Norwegian citizenship.

**Norwegian
Nationality
Act
Section 7**

Anyone is entitled to Norwegian citizenship on application if at the time the decision is made they:

- have provided documentary evidence of or otherwise clearly established their identity
- have reached the age of 12,
- are and will remain a resident of the realm,
- fulfil the requirements for a permanent residence permit; see chapter 4.
- have spent a total of seven years in Norway in the last ten years, with residence or work permits of at least one year's duration each.
- satisfy the Immigration Act's requirements regarding Norwegian language training
- have not been sentenced to a penalty or special criminal sanction or have observed the waiting period, and
- have been released from another nationality.

**Norwegian
Nationality
Act Sections
11 and 12**

For persons arriving in Norway before they turned 18 or who are married to Norwegian nationals, the required time of residence is shorter.

You are not entitled to Norwegian citizenship if this would be contrary to the interests of national security or to foreign policy considerations.

7.3 Loss of Norwegian citizenship

**Norwegian
Nationality
Act Sections
23, 24 and
25**

You lose your Norwegian citizenship if you acquire the citizenship of another country on application or by your own consent. This also applies to children below the age of 18 when the parents acquire another citizenship. However, this does not apply if one of the

child's parents is a Norwegian citizen or if the child is married or a registered partner.

Even if you are a Norwegian citizen from birth, you lose your citizenship if you have not lived in Norway for at least two years before you turn 22. However, you may keep your Norwegian citizenship if your connection to Norway is strong enough. In order to do so, you must apply to the authorities before you reach the age of 22.

You can apply to be released from your Norwegian citizenship. In such cases, you must prove that you are the citizen of another country.

8. Rejection and expulsion

8.1 Rejection

Immigration Act Section 17 Rejection means that a foreign national is refused entry to or must leave Norway.

You may be rejected when:

- you fail to produce a valid passport or another recognised travel document when this is necessary,
- you fail to produce a visa when this is necessary,
- you lack necessary permission pursuant to the Act,
- you have been registered in the Schengen Information System (SIS) for the purposes of refusing entry,
- you cannot show evidence of the stated purpose of the stay,
- you cannot show evidence of having or being ensured sufficient means for your stay in the realm or in another Schengen country and for the return journey,
- you have not paid expenses incurred by the public authorities in connection with the your having previously been removed from Norway,
- you have been sentenced to a penalty or special sanction outside Norway for an offence that under Norwegian law is punishable by imprisonment for a term of ten years or more,
- you have been sentenced in Norway for an offence that is punishable by imprisonment for a term of more than three months,
- if competent health personnel find that you are manifestly suffering from a serious mental disorder,
- it is necessary out of consideration for the national security, public health, public order or international relations of Norway or another Schengen country.

Immigration Act Section 18

The police make decisions on rejection on entry or within seven days of entry. The decision-making authority may be transferred to UDI if there are special circumstances. The case processing may then take longer.

8.1.2 The effects of a rejection

A decision on rejection does not include a prohibition on future entry.

8.2 Expulsion

Expulsion is the most severe sanction that the immigration authorities can impose on foreign nationals. The most important purpose is to protect society against criminal acts.

Immigration Act Section 72

The Norwegian Directorate of Immigration (UDI) makes decisions on expulsions.

Immigration Act Sections 66, 67 and 68

Norwegian authorities can expel you if one of the following requirements have been met:

- You have committed a punishable offence in Norway.
- You have committed a punishable offence abroad less than five years ago.

The requirements that must be met in order for the authorities to expel you are higher if you do not have a residence permit than if you do have a residence permit. If you have not yet received a residence permit, you can be expelled if:

- you have grossly or repeatedly breached one or more provisions of the Immigration Act,
- you evade the implementation of an administrative decision requiring you to leave the realm, or
- you are considered a threat to national security.

Staying or working in Norway illegally are examples of violations of the Immigration Act. Giving the immigration authorities incorrect information is also a violation of the Immigration Act.

**Immigration Act
Section 69**

Persons who were born in Norway and have lived in Norway continuously ever since cannot be expelled. This also applies to those who have acquired Norwegian citizenship.

**Immigration Act
Section 70**

You cannot be expelled if this would be a disproportionate measure against you or your closest family members. When the authorities assess whether an expulsion would be disproportionate, they consider the seriousness of the offence and the strength of your ties to Norway. In cases where children are concerned, the child's best interest shall be a primary consideration.

**Convention on the Rights of the Child
article 3**

You can be expelled even if you are not present in Norway.

8.2.1 The effects of being expelled

**Immigration Act
Section 71**

Being expelled means being required to leave Norway and losing your residence permit. Being expelled also prevents a later re-entry to Norway. The prohibition on re-entry will last for at least one year. An expulsion from Norway will generally also entail a prohibition on entering the

entire Schengen area. The Schengen area covers most countries in Europe.

9. Case processing rules

Immigration Act Section 75 The police, the Norwegian Directorate of Immigration (UDI), and the Immigration Appeals Board (UNE) make decisions in immigration cases.

Public Administration Act Sections 11 and 18 These authorities have a duty to provide guidance and information to those who contact them.

If you are a party to a case, you are entitled to acquaint yourself with the documents in the case unless otherwise stated in Norwegian legislation.

Public Administration Act Section 17 The authorities are required to ensure that a case is clarified as thoroughly as possible before making a decision. As an applicant, you have a duty to contribute to its clarification.

9.1 The right to express your views

Immigration Act Section 81 You have the right to express your views in a case that involves you prior to a decision being made, unless you have stated your views previously in the application or elsewhere. This is also the case for children.

Public Administration Act Sections 16 and 17 In these cases, the authorities are required to send an advance notice prior to making a decision. The notice must contain information about you being given the opportunity to make a statement within a specified deadline.

If new information in the case comes to light which you are entitled to see, this must be presented to you for comment. This applies unless special considerations suggest otherwise, for example if it is

clearly unnecessary or it is particularly urgent to make a decision.

9.2 The right of appeal

Immigration Act Section 76 Decisions made by the police or a Norwegian foreign service mission can be appealed to UDI. Decisions made by UDI can be appealed to UNE.

Public Administration Act Sections 24 and 27 Grounds must generally be provided for the decision that has been made. The decision must also contain information about the right of appeal, the deadline for the appeal, who the appeal must be addressed to, the details of the appeals process and the right of access to the case documents.

10. Free legal aid

10.1 What is free legal aid?

If you need the assistance of a lawyer and do not have the financial means to pay for one, you can in some cases have these expenses covered in full or in part through the free legal aid scheme.

Free legal aid can be free legal advice and free legal representation. Free legal aid includes the necessary advising and assistance of a lawyer in connection with the issue in question. Free legal representation is a case that is paid by the public purse.

10.1 When can you get free legal aid

Free legal assistance is provided in some cases for which public authorities believe that it is especially important to have legal assistance without regard to income and assets.

These include:

- Cases involving abuse. This includes cases about physical and psychological abuse, force and threats
- The accused in criminal cases
- Cases related to forced marriage
- Child protection and social cases
- Sexual offences, in the form of legal aid to the victim
- In cases in which the applicant has been raped or is the victim of human trafficking, the applicant is entitled to free legal aid to consider pressing charges
- Some immigration cases, including:

Free legal advice for:

- Rejection and expulsion due to issues that are not punishable by law
- Revocation of work permits and permanent residence permits
- In general, rejections of asylum application

Free legal representation for:

- Court review of the decision of the Immigration Appeals Board
- Imprisonment due to unknown identity or suspicion of a false identity
- Questions related to a duty to report when handing in your passport or other identity documents, an obligation to stay in a specific place or imprisonment to ensure the implementation of removal from Norway

JURK notes that this list is not exhaustive.

10.3 Costs

Lawyers are required to collect a deductible in legal aid cases. This deductible will be collected in advance. If you earn less than NOK 100,000 a year, you do not have to pay the deductible. Further, the deductible does not need to be paid in cases for which legal aid is not means tested.

As of January 1 2013, the deductibles are as follows: The deductible for free legal advice is NOK 945. The deductible for free legal representation is 25 per cent of the costs. However, there is a ceiling to the deductible, which currently means that the most anyone will have to pay as a deductible is NOK 4,725.

10.4 How to apply for free legal aid

A lawyer can find out whether you are entitled to free legal aid and can submit the application on your behalf. You can also apply for free legal aid yourself by submitting an application to the County Governor where you live.

When you apply for free legal aid, you must fill in a self-declaration form. You can find this form online at www.fylkesmannen.no. You can also get the form by contacting JURK.

In applications for free legal representation, you must provide a brief and complete account of the case. Beyond this, you can get advice and guidance related to case proceedings from lawyers or others providing legal assistance. After a more detailed evaluation, JURK may provide assistance in applications for free legal aid.

Rejections of applications for free legal aid can be appealed within three weeks. The appeal must be sent to the public body that has rejected the application. The Ministry of Justice will process the appeal.

11. Where can you get help?

Oslo Krisesenter provides help for women who have been abused.

List of other shelters in Norway.

Tel.: 22 48 03 80, www.krisesenter.com/medlemssentre.html

Selvhjelp for innvandrere og flyktninger (SEIF) provides practical help and guidance.

Tel.: 22 03 48 30, www.seif.no

ROSA provides practical help and information about assistance and protection for victims of human trafficking.

Tel.: 22 32 11 60, www.rosa-help.no

The MiRA Centre works on questions related to equality for immigrant and refugee women in Norway.

Tel.: 22 11 69 20, www.mirasenteret.no

The Equality and Anti-Discrimination Ombud (LDO) offers legal assistance and documents the form and scope of discrimination in Norway.

Tel.: 23 15 73 00, www.ldo.no

Organisasjonen mot offentlig diskriminering (OMOD)

Tel.: 22 20 87 37, <http://home.c2i.net/ourplace/>

Norwegian Directorate of Immigration (UDI)

Tel.: 23 35 15 00, www.udi.no

Norwegian Organisation for Asylum Seekers (NOAS)

Tel.: 22 36 56 60, www.noas.no

Rosenhoff voksenopplæring

Tel.: 22 38 77 00

Kontoret for fri rettshjelp provides guidance by lawyers and certain types of legal aid at no cost.

Tel.: 22 48 79 00

JUSSBUSS is a legal aid organisation that provides free guidance and assistance to both men and women.

Tel.: 22 84 29 00

JURK (Juridisk rådgivning for kvinner) is a legal aid organisation that provides free guidance and assistance to women.

Arbins gate 7, 0253 Oslo

Tel.: 22 84 29 50

www.jurk.no

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