

Family reunification



Family reunification handbook



This handbook is for you as you have now been granted protection / asylum (the Immigration Act Section 28) in Norway, or right of residence due to strong humanitarian considerations (the Immigration Act Section 38), and now wish to apply for family reunification with your spouse/ cohabitant partner/child /sibling who you left behind in your home country or another country.

This handbook provides you with an easy to understand introduction to how you can apply for family reunification, and what you must do to get residence permission for your family.

The Red Cross does not provide legal assistance in individual cases. If you need free legal aid regarding your family reunification case, you can contact Selvhjelp for innvandrere og flyktninger (SEIF) here: www.seifnorge.wordpress.com

As a person who has been granted right of residence in Norway you will find that there are many rules you must make yourself familiar with and the strict deadlines you must adhere to if you wish to apply for family reunification with your family members still living abroad. It is therefore of the utmost importance that you study and learn these and start the application process without delay.

It is important to point out that it is Utlendingsdirektortet – The Directorate Directorate of Immigration – (hereafter called UDI) that deals with all applications for family reunification and that detailed guidelines and the necessary checklists are to be found at the website www.udi.no.

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Important regulations and deadlines

In order to be granted an exemption from the requirement for the provision of maintenance or the requirement to prove income, you must be a refugee with a permit pursuant to the Immigration Act Section 28 (protection). You or the family member (your spouse, cohabitant partner or child) must register the application for a residence permit electronically via the Internet and pay the application fee within six (6) months from the date on which you were granted your first residence permit. Within one (1) year after this date the family member (your spouse, cohabitant partner or child) must attend in person at the embassy or application centre (VFS) to submit the necessary enclosures to the application.

The requirement that the application must be registered electronically via the Internet and the application fee paid within six months, only applies if you have been granted protection after 1st August 2017. If you were granted a residence permit for the first time prior to this date, there is only a requirement that the family member (your spouse, cohabitant partner or child) must attend in person at the embassy or application centre (VFS) within one (1) year to submit the enclosures to the application



POWER OF ATTORNEY

In order for you to follow up your case from Norway in the best possible way, we recommend that the family member abroad provides you with Power of Attorney in the case. After you have received Power of Attorney you will be able to have the ruling sent to you by post when the application has been dealt with. The simplest and best way is that your family member provides you with Power of Attorney when he or she submits the application to the embassy.

APPLICATION FEE

UDI requires that an application fee is paid when one registers an application for family reunification via the Internet. The fee has to be paid for the application to be accepted by the embassy and later processed by UDI. Application fees apply only to adults; children under the age of 18 are exempted.

The application process step by step



1. REGISTER THE APPLICATION VIA UDI'S APPLICATION PAGES

If the person you are applying for reunification with you cannot complete this registration, it is perfectly acceptable that you, as the sponsor in Norway, complete the registration. Remember that it is the person you seek reunion with who is the applicant.

- You must register the name, address and background of the person you are seeking reunion with, family details and your own personal details. Keep in mind that all names and dates must correspond to the information shown in passports and other relevant documents.

- To complete the registration, you must book an appointment with the Embassy / Application Centre (VFS). An exception is made for countries where another country's embassy represents Norway, and attendance is to be at for example a Swedish or Danish embassy.

- To complete the application you must pay the application fee to UDI. This payment must be executed using an Asept Visa Card.

- Remember to register a separate application for each family member for whom you are seeking reunion.

2. KEEP THE APPOINTMENT AT THE EMBASSY AT THE AGREED TIME

Your family member must attend in person at the embassy or visa centre, submit all documents required by UDI, answer questions from the embassy and in some cases also supply a sample for a DNA test.

3. AWAIT THE REPLY FROM UDI

UDI processes all the applications for family reunification electronically. All the applications are filed in queue system and processed in chronological order. In some cases the case has to be returned to the embassy for further investigation or to the police if UDI wishes for the police to interview you or to obtain a DNA test. In such cases the application may take longer to process.

When a case manager is appointed to deal with your application, the case manager will review all the papers submitted, compare the information in the case with the rules and on the basis of these investigations will assess whether or not you meet the requirements for family reunification.

4. THE REPLY FROM UDI

If you receive a positive response, and the application for family reunification is granted, you will receive the ruling via the postal service. In many cases, the family member is also contacted by the embassy. The next step is that the family member must make a new appointment with the embassy so that an entry visa to Norway can be granted. The family member must travel to Norway within 6 months after UDI has granted the application for family reunification. If anything prevents the family member from complying with this rule within this deadline, such as serious illness or because the child must complete the full school year, you must apply for an extension by contacting UDI as soon as possible. You can do this by either telephone or e-mail.

If you receive a negative answer, i.e. if the application is rejected, the grounds for this will be shown in the UDI ruling. You may appeal against the ruling. The deadline for lodging an appeal against the UDI ruling is three weeks from the date on which you received the letter on the ruling from UDI. If you do not appeal within this deadline UDI will not in most cases take the appeal under consideration. If there are special circumstances or reasons why you were prevented from lodging an appeal within the deadline you must state these clearly.

Forming an appeal can be a difficult process, and there are many laws and regulations you must be aware of. You may therefore wish to ask for help. Self-help for immigrants and refugees (SEIF) and www.gratisrettshjelp.no both offer free legal aid. If you need general help and advice about the appeal, you can also contact UDI

A. Information about the applicant

- 1. Where are the applicant going to apply from? (country / embassy / visa center)
- 2. Surname / name
- 3. Date of birth / place of birth and country
- 4. Current nationality and original nationality
- 5. Contact information: Street address, postal code, country / email / telephone number with land code
- 6. Education / disciplines /year and place of education
- 7. Mother tongue/other languages you speak
- 8. If the applicant has done any criminal acts
- 9. If the applicant has travel document: document number, duration, issuing authority and place
- 10. Which country the answer to the application is to be sent to
- 11. Previous stay in Schengen
- 12. Marital status
- 13. Surname/name/date of birth/nationality/ gender of parents
- 14. Surname / name / date of birth / nationality / gender of children

B. Information about the reference person

- 1. Relation to the applicant (spouse/ children/ partner etc.)
- 2. Purpose of the application (for instance family reunion)
- 3. Surname / name / date of birth / email / telephone number / address
- 4. Marital Status

Family reunification with:

- 18 Your spouse**
- 19 Child under 18 years**
- 20 Child over 18 years**
- 21 Parent (and sibling) under the age of 18 years**
- 22 Parents if you are above the age of 18**
- 23 Sibling if you are above the age of 18**
- 24 Other family members**



Your spouse

If you as a sponsor in Norway have refugee status, UDI will not require that the person you apply for a reunion with presents a passport. It is nonetheless an advantage if he or she can present a passport. If you do not have a refugee status in Norway, your spouse must provide proof of identity. If he or she has a valid passport, this is usually acceptable as proof of identity.

REQUIREMENTS APPLICABLE TO BOTH YOU AND YOUR SPOUSE:

› You must produce a Certificate of Marriage (Marriage License), family record book or other documentation of your relationship. You must plan to live together in Norway. Both must have entered into the marriage voluntarily

REQUIRED INCOME IF YOU HAVE REFUGEE STATUS:

› In order to be exempt from the income requirement the marriage must have been entered into before you (the sponsor) arrived in Norway, and the application must be submitted to the embassy within one (1) year from the date on which you were granted your first residence permit as a refugee.

REQUIRED INCOME IF YOU DO NOT HAVE REFUGEE STATUS:

› As the sponsor you must have earned a specific sum in the past year and must be able to document that you will earn approximately the same in the coming year. You will find the exact figures at www.udi.no. This can be documented by your employment contract and your last three wage slips at the date on which you submit the application. UDI will check your tax returns for the previous year.

Child under 18 years

REQUIREMENTS FOR THE CHILD:

› If you as a sponsor in Norway have refugee status, UDI will not require that the person you apply for a reunion with presents a passport. It is nonetheless an advantage if he or she can present a passport. If you do not have a refugee status in Norway, your child must provide proof of identity. If the child has a valid passport, this is usually acceptable as proof of identity.

If the child's other parent does not reside in Norway and will not be part of the reunification in Norway, then this parent must agree to that the child is to live in Norway. This only applies if you and the other parents have joint parental responsibility.

WHAT'S REQUIRED OF YOU (THE SPONSOR):

If the child is below the age of 15 years and both parents reside in Norway, the requirement for income is exempted.

REQUIRED INCOME IF YOU HAVE REFUGEE STATUS, AND ONLY ONE PARENT RESIDES IN NORWAY:

› In order to qualify for the exemption on income, the application form must have been submitted to the embassy within one (1) year after you received your initial residence permit as a refugee.

REQUIRED INCOME IF YOU DO NOT HAVE REFUGEE STATUS:

› As the sponsor you must have earned a specific sum in the past year and must be able to document that you will earn approximately the same in the coming year. You will find the exact figures at www.udi.no.

This can be documented by your employment contract and your last three wage slips at the date on which you submit the application. UDI will check your tax returns for the previous year.

Child over 18 years

REQUIREMENTS FOR THE CHILD (APPLICANT):

› The child must provide documentation of identity; if the child has a valid passport this is usually acceptable as proof of identity

› A child over the age of 18 must comply with one of these three requirements:

The child must be between the ages of 18 and 21 years, be unmarried and not have a cohabitant partner.

You, the child or the child's other parent and all the child's siblings reside in, or will move to, Norway. The child must live at home with you and the other parent, be cared and provided for by you as a couple, and is unmarried and does not have a cohabitant partner. Neither can the child have established an independent life outside the family home in connection with work or studies.

The child has serious health issues. You and the child's other parent are the only ones that can provide personal care for the child. It is important in this connection that you fully explain what other options, if any, are available for the child, and why the child cannot have the necessary follow up / health care where he / she is currently residing. This also applies to any child above the age of 21.

WHAT'S REQUIRED OF YOU (THE SPONSOR):

› Requirement for income regardless of whether or not you have refugee status: must have earned a specific sum in the past year and must be able to document that you will earn approximately the same in the coming year. You will find the exact figures at www.udi.no.

This can be documented by your employment contract and your last three wage slips at the date on which you submit the application. UDI will check your tax returns for the previous year. In such cases it is a good idea and advisable to include a written explanation of the child's situation, and why UDI should grant family reunification.

Parent (and sibling) under the age of 18 years

REQUIREMENTS TO PARENT/SIBLING (APPLICANT):

› As a general rule, applicants for family immigration must document their identity with a valid passport. If the applicant is a refugee in need of protection, the UDI may make an exception to this requirement. On UDI's web pages you will find checklists with an overview of what documents the applicant must show if they are available.

PARENTS MUST MEET WITH ONE OF THE FOLLOWING REQUIREMENTS:

› You, as a child under the age of 18, have been granted protection (asylum) in Norway. Your parent has partial or full parental responsibility for you. Your parent, together with any of your siblings under the age of 18, will be living with you in Norway.

› If your parents are divorced, it is the parent you were living with before you left your home country that has first right of residence. If you were living with both your parents then both have right of residence. It is a requirement that all parties must live together in Norway.

WHAT'S REQUIRED OF YOU (THE SPONSOR):

› You must have been granted protection. The application from your parents and siblings must have been submitted to the embassy before you reach the age of 18.

Parents if you are above the age of 18

PARENTS /SIBLING (THE APPLICANT):

- › Your parent must submit documentation of his or her identity; if he or she has a valid passport this is in most cases sufficient proof of identity.
- › Documentation of your relationship, for example a birth certificate. Read more about the requirements at www.udi.no.
- › Your parent must be over 60 years of age.
- › Your parent must not have a spouse or cohabitant partner.
- › Your parent cannot have parents, a child, grandchildren, or great grandchildren in your home country.

WHAT'S REQUIRED OF YOU (THE SPONSOR):

- › You must have been granted protection, or have another form of permit that provides the basis for granting a permanent residence permit. If you have been granted residence on strong humanitarian considerations, there must be no limitations on your permit.
- › As the sponsor you must have earned a specific sum in the past year and must be able to document that you will earn approximately the same in the coming year. You will find the exact figures at www.udi.no. This can be documented by your employment contract and your last three wage slips at the date on which you submit the application. UDI will check your tax returns for the previous year.
- › You must own or rent a dwelling where your parent will be living with you.

Sibling if you are above the age of 18

WHAT'S REQUIRED OF YOUR SIBLING (THE APPLICANT):

- › The applicant must submit documentation of his or her identity. If he or she has a valid passport, in most cases this will be sufficient proof of identity.
- › Your sibling must be under the age of 18.
- › Your sibling cannot have parents or other care providers in his or her home country or where he or she resides.

WHAT'S REQUIRED OF YOU (THE SPONSOR):

- › You must have been approved as the care provider by the Norwegian Child Welfare Service.
- › You must have been granted protection, or have another form of permit that provides the basis for granting a permanent residence permit. If you have been granted residence on strong humanitarian considerations, there must be no limitations on your permit.
- › As the sponsor you must have earned a specific sum in the past year and must be able to document that you will earn approximately the same in the coming year. You will find the exact figures at www.udi.no. This can be documented by your employment contract and your last three wage slips at the date on which you submit the application. UDI will check your tax returns for the previous year. You must also submit the employment contract you have with your employer.
- › You must own or rent a dwelling where your sibling will live with you.

Other family members

It is very difficult for other types of family members than those described earlier in this hand book to have family reunification. You can only get this if UDI thinks there are strong human considerations in your case. A concrete assessment of each case and UDI can therefore not make any general comments about what it is necessary to gain permission for family reunification for other family members. If you wish to apply for reunification with other family members, please contact UDI or SEIF for advice and guidance.

Questions you may want answers to



Will UDI contact me if there is a document or something else missing?

You cannot count on UDI contacting you to ask for missing documents when the application is being processed.

The application can be rejected if all the documents on the checklist are not included.

Why does it take so long to get an answer to the application?

At www.udi.no you will find a calculator showing the average processing time for different countries. The processing time can nevertheless be influenced by several factors. It may for example be that UDI has received more applications than usual, which means that the processing time will increase. It may also be that the case has been sent to the police or the embassy for an interview and it will take some time before you or your family member is contacted for an interview. In some cases, UDI may wish to verify something in your case, which can also result in that the processing is extended

Why must the family and I submit to a DNA test?

In some countries it is difficult to obtain birth certificates and other documents accepted by the Norwegian authorities.

Therefore, in some cases UDI asks for DNA analysis of the applicant and the sponsor. It is most often in connection with applications from the following countries, that DNA tests are required: Afghanistan, Syria, Iraq, Yemen and all sub-Saharan Africa (except South Africa).

Help, I have been summoned to attend for an interview with the police! Why?

If UDI wants more information in the case, they may ask the police to contact you, the sponsor in the case, for an interview. It is often the case that the family relationship is not sufficiently clarified and that additional information must be supplied. If you are called in for an interview, it is important to answer the questions in detail to clarify any uncertainties.

What if my family member moves to a new address before we receive a reply to the application?

If the person you have applied for a family reunification with moves before you have received a reply from the UDI, it is important that she or he notifies this as soon as possible to the embassy or consulate. Failure to do so may risk that you will not receive the decision from the UDI. This also applies if you, the sponsor in Norway change your address. If you report a move to Folkeregisteret - The Register of Persons - UDI will receive this update automatically

I have not seen my family for a very long time and would like to have my application given priority. Is this possible?

UDI requires that there are very special circumstances in the case in order for your family member to gain priority and go to the front of the queue. Life-threatening or acute illness or a funeral can represent such circumstances. You must then write a letter and upload this to your application portal user, together with a medical certificate. Remember that a medical certificate that is not written in Norwegian or English must be translated by an authorized translator (the name of the translator and on which it was done must be stated). You will be notified by UDI whether or not your case is given priority.

Glossary

Power of Attorney: If you want someone to be able to act on your behalf in connection with your application, you must give this person a Power of Attorney. This may for example be your employer, a family member or other person you trust.

Power of Attorney holder: The person who has received Power of Attorney to act on behalf of someone else.

NAV is the Norwegian government body that is responsible for labour and welfare. NAV works, among other things, with the employee's application, unemployment benefits, work training benefits (AAP), pensions, child support and cash support. NAV's aim is to enable more people to work and that fewer people are on benefit schemes. NAV has an overview of available jobs and offers measures such as courses and work practice.

Fully provable: The content of the document is verifiable. Good fully provable means that the country in question has good procedures for checking information shown in the submitted documents and that the information is registered in the country's official registers.

Sponsor: The person who resides in Norway and whom the family member wishes to be reunited with.

Tax returns: Also known as the tax settlement; shows how much tax you are going to pay, how much tax you have been deducted for or paid, and the amount of income or residual tax. The tax settlement also shows what income and wealth you have had, your tax class and accrued or paid out holiday pay.

The applicant: who is abroad and wishes to be reunited with one or more family members in Norway.

Maintenance Requirements: In many cases where the applicant is reunited with a family member, it is a requirement that the sponsor in Norway can document a fixed income.

Ruling, also sometimes called the decision: The letter from UDI in which you will be informed whether the application has been granted or rejected. If the application is rejected, you will find the reason for the rejection in this letter, and information on how to appeal against the ruling.



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