European Network on Statelessness

Contents

International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	YES	UNTC: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=_en
IOB.1.b		If yes, when was ratification/accession?		Ratification: 19/11/1956.	UNTC: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=_en
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No reservations.	UNTC: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=_en
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	YES. The relationship between national and international law is sector-monistic in certain areas of law, including immigration law, nationality law, criminal law and criminal procedure.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 3; Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act) § 3; Straffeloven: https://lovdata.no/dokument/NL/lov/2005-05-20-28 (Penal Act) § 2; Straffeprosessloven: https://lovdata.no/dokument/NL/lov/1981-05-22-25 (Criminal Procedure Act) § 4.
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	YES	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=V-4&chapter=5&clang=_en
IOB.2.b		If yes, when was ratification/accession?		Accession: 11/08/1971.	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=V-4&chapter=5&clang=_en
IOB.2.c		Are there reservations in place? Please list them.	As above	No reservations.	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=V-4&chapter=5&clang=_en
IOB.2.d		Does the Convention have direct effect?	As above	YES. The relationship between national and international law is sector-monistic in certain areas of law, including immigration law, nationality law, criminal law and criminal procedure.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 3; Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act) § 3; Straffeloven: https://lovdata.no/dokument/NL/lov/2005-05-20-28 (Penal Act) § 2; Straffeprosessloven: https://lovdata.no/dokument/NL/lov/1981-05-22-25 (Criminal Procedure Act) § 4.
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	YES, ratification 04/06/2009. No explicit reservation, but one interpretative declaration: “Norway declares that the age referred to in Article 22(b) is, as a general rule, considered to have been reached at the expiry of the calendar year in which the person reaches the age of 28 years. If the delay is due to an omission on his part, the age referred to in Article 22(b) is considered to have been reached at the expiry of the calendar year in which the person reaches the age of 33 years.”	COE Treaty Office: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	YES, ratification 15/01/1952. No reservations.	COE Treaty Office: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=zwRxDMLY
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	YES, ratification 12/10/2006.	COE Treaty Office: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=zwRxDMLY
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)	Legally binding. No reservations.	Stortinget: https://www.stortinget.no/no/Saker-og-publikasjoner/Saker/Sak/?p=47721 (Parliament) (NO)

		Returns Directive)? Please list any relevant reservations.			
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child 1989	YES, ratification 8/1/1991. No reservations in place since 19 September 1995.	UNTC: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights 1966	YES, ratification 13/9/1972. Reservations in place: "Subject to reservations to article 10(2)(b) and (3) "with regard to the obligation to keep accused juvenile persons and juvenile offenders segregated from adults" and to article 14(5)&(7) and to article 20(1)." The reservation to article 14(5) was further specified on 19.09.1995.	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=_en&mtdsg_no=IV-4&src=IND
IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights 1966	YES, ratification 13/9/1972. Reservations in place: "Subject to reservations to article 8(1)(d) "to the effect that the current Norwegian practice of referring labour conflicts to the State Wages Board (a permanent tripartite arbitral commission in matters of wages) by Act of Parliament for the particular conflict, shall not be considered incompatible with the right to strike, this right being fully recognised in Norway."	UNTC: https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-3&chapter=4&clang=_en
IOB.3.h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women 1979 Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness.	YES, ratification 21/5/1981. No reservations.	UNTC: https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-8&chapter=4&clang=_en
IOB.3.i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	YES, ratification 9/7/1986. No reservations.	UNTC: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&clang=_en
IOB.3.j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination 1965	YES, ratification 6/8/1970. No reservations.	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-2&chapter=4&clang=_en
IOB.3.k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990	NO.	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&lang=en&mtdsg_no=IV-13&src=IND
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities 2006	YES, ratification 3/6/2013. Interpretative declarations in regard to articles 12 ("Convention allows for the withdrawal of legal capacity or support in exercising legal capacity, and/or compulsory guardianship, in cases where such measures are necessary, as a last resort and subject to safeguards."), as well as articles 14 and 25 ("Convention allows for compulsory care or treatment of persons, including measures to treat mental illness, when circumstances render treatment of this kind necessary as a last resort, and the treatment is subject to legal safeguards").	UNTC: https://treaties.un.org/Pages/showDetails.aspx?objid=080000028017bf87&clang=_en

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	Gen. Rec. 32, CEDAW: States parties should gather, analyse and make available sex-disaggregated statistical data and trends. Council of the European Union (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness. UNHCR (2014): Improve quantitative and qualitative data on stateless populations. Institute on Statelessness and Inclusion (2014): States should strengthen measures to count stateless persons on their territory.	YES, in 2020 the number of stateless persons according to the Norwegian statistics bureau was 2,118. The data is disaggregated by the following categories: naturalised stateless persons, stateless persons born in Norway, stateless immigrants, stateless emigrants, stateless asylum seekers.	Norwegian statistics bureau: https://www.ssb.no/293074/stateless-persons-in-norway Norwegian statistics bureau: https://www.ssb.no/en/befolkning/artikler-og-publikasjoner/statelessness-many-worldwide-few-in-norway
POP.1.b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	YES, the category of "unknown nationality" has reportedly been used by the Norwegian Directorate of Immigration.	UNHCR's 2015 Mapping Study: http://www.refworld.org/docid/5653140d4.html, p. 19.
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	The total number of persons under UNHCR's statelessness mandate was 2,272 at the end of 2019. UNHCR compiles statistics on statelessness in Norway from data received from Norwegian statistics bureau and the Norwegian Directorate of Immigration.	UNHCR, Global Trends in Forced Displacement 2019, p.74: https://www.unhcr.org/5ee200e37.pdf
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	YES.	Norwegian statistics bureau: https://www.ssb.no/293074/stateless-persons-in-norway Norwegian statistics bureau: https://www.ssb.no/en/befolkning/artikler-og-publikasjoner/statelessness-many-worldwide-few-in-norway UNHCR's 2015 Mapping Study: http://www.refworld.org/docid/5653140d4.html, pp. 16-25.
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	No	
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	YES. There are three main issues. First, there is no definition of statelessness in the Norwegian domestic legislation, as discussed further below. Second, Norway lacks a dedicated statelessness determination procedure. As noted in UNHCR's 2015 Mapping Study (p. 16): "The institutional capacity to produce statistics related to statelessness is somewhat limited. Also, issues relating to registration processes present challenges." Thirdly, as noted by the Norwegian statistics bureau, "The number of stateless persons among those living in Norway without a residence permit, such as those without documentation, is unknown." Since the Norwegian statistics bureau is unable to estimate the number of stateless persons living in Norway without a residence permit, the total stateless population is probably underreported.	UNHCR's 2015 Mapping Study: http://www.refworld.org/docid/5653140d4.html, p. 16 Norwegian statistics bureau: https://www.ssb.no/en/befolkning/artikler-og-publikasjoner/statelessness-many-worldwide-few-in-norway
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Government also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	The Norwegian Directorate of Immigration (UDI) publishes detailed statistics on the number of asylum applicants as well as persons granted protection every year – both disaggregated by nationality, including the category of those registered as stateless. In 2020, there were 70 applicants for international protection registered as stateless (down from 129 in 2019). Of 92 decisions made in 2020 on asylum claims	UDI statistics: https://www.udi.no/statistikk-og-analyse/statistikk/

				lodged by people recorded as stateless, 43 were granted refugee protection, and 7 were granted residence on humanitarian grounds. As noted above, the Norwegian statistics bureau provides disaggregated statistics on the stateless population in Norway. The Norwegian Statistical Bureau's website states that 700 'stateless persons or persons of unspecified nationality' (*statsløse og uoppgitt*) acquired Norwegian nationality in 2019.	Norwegian statistics bureau: https://www.ssb.no/293074/stateless-persons-in-norway Norwegian statistics bureau: https://www.ssb.no/en/befolkning/artikler-og-publikasjoner/statelessness-many-worldwide-few-in-norway
POP.2.a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	Some detention statistics are published, but they are not disaggregated by nationality of the detainees. The data records not the number of people but the number of "*insettelser*" ('detentions'). The same person could have been detained several times during the same year. So, the total number may be higher than the actual number of detainees. NOAS has submitted complaints to the authorities regarding the poor quality of detention statistics.	Annual Report of the Supervisory Council for Trandum, 2019, Table on p.3: https://www.regjeringen.no/contentassets/e19229021ca74bee9f678d1b52b70f4b/arsrapport-2019-politiets-utlendningsinternat.pdf (NO) (*Kvinne*=woman; *Mann*=man; *Barn*=children (accompanied & unaccompanied))
POP.2.b		Does the Government record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	2366 of the 2632 detentions (90%) in 2019 (not detainees) had been deported by 15 May 2019. Data is not available at the time of writing for 2020.	Annual Report of the Supervisory Council for Trandum, 2019, Table on p.4: https://www.regjeringen.no/contentassets/e19229021ca74bee9f678d1b52b70f4b/arsrapport-2019-politiets-utlendningsinternat.pdf (NO) (*Kvinne*=woman; *Mann*=man; *Barn*=children (accompanied & unaccompanied))

Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954: Articles 1(1) & 1(2).	There is no definition of a stateless person in Norwegian domestic legislation, neither in the Nationality Act nor in the Immigration Act. Preparatory works to recent legislative proposals referred to the 1954 Convention definition. Section 16 of the Nationality Act excludes a stateless person from facilitated naturalisation after 3 years of lawful residence (instead of 7 years), "who by his or her own act or omission has chosen to be stateless, or who in a simple way can become a national of another country".	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act); Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act) (NO). Innst. 391 L – 2015–2016: https://www.stortinget.no/globalassets/pdf/innstillinger/stortinget/2015-2016/inns-201516-391.pdf, p. 89, under «Endring i statsborgerloven § 16 som ikke har vært på høring». (NO) See also: NOU 2015: 4: https://www.regjeringen.no/contentassets/cfd58282be3c43a3b244df40f41e5fb3/no/pdfs/nou201520150004000dddpdfs.pdf, p. 40, under section 5.9.3. (NO)
SDS.1.b	Training	Is there training to inform different government bodies about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee (2006): Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	NO. As far as NOAS is aware, neither the Directorate of Immigration (UDI) nor the Immigration Appeals Board (UNE) receive specialised training on statelessness determination.	Norwegian Organisation for Asylum Seekers.
SDS.1.c		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR (2016): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels. UNHCR (2010): It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	NO, there is no training for judges. The Center for Continuing Legal Education (Juristenes Utdanningssenter) in cooperation with NOAS organised on 24.01.2017 a one-day seminar for lawyers, where one of the topics discussed was "Statelessness as a separate ground for a residence permit?". Available courses on asylum and immigration law at Norwegian universities do not touch upon statelessness at all.	Norwegian Organisation for Asylum Seekers.
SDS.1.d	Existence of a dedicated SDP	Which of the following best describes the situation in your country? **Choose only one and then proceed to question indicated**. **1.** There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated stateless status **(proceed to Question 2a).** **2.** There is no dedicated SDP leading to a dedicated stateless status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights **(proceed to Question 10a).** **3.** There is a dedicated stateless status but no formal procedure for determining this	UNHCR (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. UNHCR (2016): Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	# 2 - There is no dedicated SDP but there are other administrative procedures through which statelessness can be identified and other routes to regularisation.	

		(proceed to Question 16a).			
SDS.10.a	Procedures in which statelessness can be identified and other routes to regularisation (Group 2)	**If there is no dedicated SDP leading to a stateless status,** are there any procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)? **If yes, please state the relevant procedures and then proceed to question 11a. If no, proceed to question 10b.**	ENS (2013): For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one. Hoti v. Croatia ECtHR (2018): [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.	There are administrative procedures through which statelessness can be identified, including when applying for international protection, travel documents and nationality.	
SDS.10.b		Are there any other routes through which stateless people could regularise their stay and/or access their rights without their statelessness being identified or determined? **If yes, please describe these and then proceed to question 14a. If no, proceed to question 15a.**	UN Convention Relating to the Status of Stateless Persons, 1954 UNHCR (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.	A foreigner facing practical obstacles preventing return may apply for a residence permit on this ground by requesting the Immigration Appeals Board (UNE) to reassess its final rejection of the asylum application. This may be done at the earliest three years after the asylum application was registered and one year after the asylum application was finally rejected by UNE. Certain additional requirements must be met, including clearing any doubt concerning the applicant's identity and cooperation with the immigration police for return. Where statelessness is alleged to constitute the main reason for the impossibility of return, it is necessary for UNE to determine whether the person is stateless. In NOAS' experience, such decisions are rare and often incompatible with UNHCR guidelines. A residence permit granted on the ground of impossibility of return falls under the category of permits granted on humanitarian grounds.	Utlendingsforskriften: https://lovdata.no/dokument/SF/forskrift/2009-10-15-1286 (Immigration Regulations), § 8-7, (NO).
SDS.11.a	Access to procedures (Group 2)	Please provide details on how statelessness may be identified in other procedures.	UNHCR (2016): Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.	Statelessness is neither consistently registered nor assessed during the asylum procedure. For the purposes of assessing an asylum application, it is the "home country" of the applicant that is of central importance to the Directorate of Immigration (UDI) and the Immigration Appeals Board (UNE), not nationality status. If asylum is granted, but doubt about the applicant's identity persists, the duration of the granted residence permit may be limited (thus requiring more frequent applications for renewal of the permit). Statelessness may thus be determined in some cases by UDI or UNE as part of an identity assessment. However, as noted in UNHCR's 2015 Mapping Study (p.32), "The practice of registering a person as a national of the country of former habitual residence if he or she cannot prove his or her statelessness poses problems under the 1954 Convention" [i.e. the standard of proof to establish statelessness is too high]. If no protection need is evident and the asylum application is rejected, the identity of the applicant, including her nationality status, will be, as a rule, left unassessed both by UDI and UNE. In case one does not comply with a negative decision, it will be up to the immigration police to determine the identity of the individual and the country to which the individual is to be returned to. This would involve an examination of ID-documents, communication with relevant embassies, interrogation of the person and her family members (if present in Norway), detention where necessary combined with extraction and analysis of data from the person's smartphone and other belongings as well as monitoring of the persons' further communication with the outside world. A foreigner facing practical obstacles preventing return may apply for a residence	Utlendingsforskriften: https://lovdata.no/dokument/SF/forskrift/2009-10-15-1286 (Immigration Regulations), § 10-13. (NO) UNHCR's 2015 Mapping Study: http://www.refworld.org/docid/5653140d4.html, p. 32. Utlendingsforskriften: https://lovdata.no/dokument/SF/forskrift/2009-10-15-1286 (Immigration Regulations), § 8-7. Utlendingsforskriften: https://lovdata.no/dokument/SF/forskrift/2009-10-15-1286 (Immigration Regulations), § 12-1. (NO) Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51, (Nationality Act) § 16. (NO) Instruks G-08/2016: https://www.regjeringen.no/no/dokumenter/instruks-om-tolkning-av-statsborgerloven----gjeldende-rett-for-statslose-sokere-som-er-fodt-i-norge/id2518182/?utm_source=www.regjeringen.no&utm_medium=epost&utm_campaign=Rundskriv-28.10.2016 (NO)

				permit on this ground by requesting UNE to reassess its final rejection of the asylum application. This may be done at the earliest three years after the asylum application was registered and one year after the asylum application was finally rejected by UNE. Certain additional requirements must be met, including clearing any doubt concerning the applicant's identity and cooperation with the immigration police regarding her return. Where statelessness is alleged to constitute the main reason for the impossibility of return, it is necessary for UNE to determine whether the person is stateless. In NOAS' experience, such decisions are rare and often incompatible with UNHCR's guidelines. The residence permit pursuant to Immigration Regulations § 8-7 (practical obstacles preventing return) has been granted in less than 10 cases since 2008, as confirmed by the Immigration Appeals Board (UNE) in communications to NOAS. There are no statistics available on the number of residence permits granted pursuant to Immigration Act § 38 (humanitarian grounds) for the reasons of practical obstacles preventing return, where the residence permit was NOT based on Immigration Regulations § 8-7 (hence the waiting periods and other requirements set out in Immigration Regulations § 8-7 do not apply). Some examples where such a permit was granted are known from UNE's practice, but their number is unknown. An internal memo dated 29.05.2018 produced by UNE in connection to a court case mentions a single example concerning a Palestinian family permanently expelled from the United Arab Emirates, which used to be their home country. It is legally possible that a number of such permits have also been granted in the first instance by the Directorate of Immigration (UDI) but whether this has actually happened or in how many cases is unknown. When applying for travel documents (for refugees or for foreigners with another residence permit), there must not be doubt about the applicant's identity. In such cases statelessness may sometimes be determined by UDI or UNE as part of an identity assessment. When applying for nationality, relaxed requirements apply for stateless persons (inter alia three years' lawful residence instead of seven). According to a recent government instruction G-08/2016 to UDI, separate rules apply for persons born stateless in Norway (lawful residence is not required, only three years of continuous residence). In cases where the applicant claims to be stateless, it may thus be necessary for UDI or UNE to determine the applicant's statelessness in order to determine whether the relaxed requirements apply.	
SDS.11.b		Are there obligations in law on authorities to consider a claim of statelessness made within another procedure?	UNHCR (2016): Access to the procedure must be guaranteed.	NO. However, once statelessness is identified in the asylum procedure, it will normally stand when applying for nationality, unless there is new information indicating that the applicant has submitted false information about her identity.	Norwegian Organisation for Asylum Seekers.
SDS.11.c		Are there clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless?	UNHCR (2014): For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR (2016): Information on the procedure and counselling services must be available to potential applicants in a language they understand. UN Convention Relating to the Status of Stateless Persons, 1954	NO.	Norwegian Organisation for Asylum Seekers.

SDS.11.d		Is the examination and/or identification of statelessness conducted by a centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.	UNHCR (2014) : States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. UNHCR (2016): It is important that examiners develop expertise while ensuring that the procedures are accessible.	NO. Applications for asylum, travel documents and nationality are assessed by separate units within the Directorate of Immigration (UDI) as well as within the Immigration Appeals Board (UNE). There is no centralised system for the examination of statelessness separate from these procedures. If the applicant is stateless, his or her statelessness is sometimes – but not always and not in a consistent manner – determined as part of the application process for asylum, travel document or nationality.	Norwegian Organisation for Asylum Seekers.
SDS.11.e		Is there cooperation between agencies that may have contact with stateless people?	UNHCR (2016): Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	There is not much cooperation when it comes to determination of statelessness. There is nevertheless cooperation between several agencies when it comes to general identity assessment in individual cases.	Norwegian Organisation for Asylum Seekers.
SDS.12.a	Assessment (Group 2)	Who has the burden of proof when determining or identifying statelessness (in law and practice)?	UNHCR (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR (2016): SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR Expert Meeting (2010): Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence. Hoti v. Croatia ECtHR (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.	The burden of proof is shared. Applicants for a residence permit, including asylum, are under a general obligation to "document" their identity (asylum is nevertheless granted where the need for protection is established even if identity is not documented or even if the applicant's identity is in doubt, but the obligation to "document" identity will continue to apply). Administrative agencies, including immigration authorities, are under a general obligation "to ensure that the case is clarified as thoroughly as possible before an administrative decision is made."	Utlendingsforskriften: https://lovdata.no/dokument/SF/forskrift/2009-10-15-1286, (Immigration Regulations), § 10-2 (NO) Forvaltningsloven: https://lovdata.no/dokument/NL/lov/1967-02-10 (Public Administration Act), § 37.
SDS.12.b		What is the standard of proof to evidence statelessness?	UNHCR (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). Inter-Parliamentary Union (2018) The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. Hoti v. Croatia ECtHR (2018): If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.	The standard of proof is "preponderance of evidence" ("*sannsynlighetsovervekt*"), which is higher than in asylum applications, where an applicant only has to establish "to a reasonable degree" ("*noenlunde sannsynlig*") that she is a refugee, provided her claims appear generally credible.	UNHCR's 2015 Mapping Study: http://www.refworld.org/docid/5653140d4.html, p. 32.
SDS.12.c		Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	NO. Neither the Directorate of Immigration (UDI) nor the Immigration Appeals Board (UNE) have guidelines on statelessness determination.	
SDS.13.a	Procedural safeguards (Group 2)	Is free legal aid available to stateless people?	UNHCR (2014): Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013): If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	NO. Asylum seekers who get their asylum application rejected in the first instance, by the Directorate of Immigration (UDI), normally have the right to free legal assistance to appeal the decision to the Immigration Appeals Board (UNE). This does not apply in asylum cases that UDI refuses to assess on the merits with reference to the so called "safe third country" provision. As described above, determination of statelessness is at best peripheral to determination of a protection need by Norwegian immigration authorities. There is no right to free legal assistance when applying for travel documents or nationality, irrespective of whether statelessness determination is a necessary part of the assessment. A foreigner claiming to be unable to return can apply for a residence permit on this ground by requesting UNE to reassess its final rejection of the asylum application. As noted above, this may be done at the earliest three years after the asylum application was	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act), § 92; Rundskriv om fri rettshjelp: http://sivilrett.no/getfile.php/3923887.2254.zjwbunjwnklnqk/Rundskriv+SRF-1-2017+om+fri+rettshjelp+-+endret+versjon+1+9+2017.pdf (Circular on Free Legal Aid) (NO).

				registered and one year after the application was finally rejected by UNE. There is no right to free legal assistance in such cases, irrespective of whether statelessness determination is part of the assessment. Assessment of the possibility of return is not subject to a two-instance process. The only administrative authority that considers whether a foreigner is to be granted a residence permit on the grounds of impossibility of return is UNE.	
SDS.13.b		Do stateless people always have an opportunity to claim their statelessness in an interview (whether the purpose of the interview is to identify statelessness or not?)	UNHCR (2014): The right to an individual interview [is] essential.	NO. An interview is always offered when first applying for asylum. However, as stressed above, in an asylum procedure statelessness determination is peripheral at best. There is no right to an individual interview when applying for travel documents or nationality, irrespective of whether statelessness determination is a necessary part of the procedure in an individual case. As noted above, a foreigner claiming to be unable to return can apply for a residence permit on this ground by requesting the Immigration Appeals Board (UNE) to reassess its final rejection of the asylum application. According to the Immigration Act, if a case raises "material questions of doubt" (vesentlige tvilsspørsmål), it is to be assessed in a board meeting, consisting of a board chair and two board members (as opposed to assessment by a single board chair). Only 9% of all asylum cases considered by UNE were assessed in a board meeting in 2017. When a case is assessed in a board meeting, the right to appear in person "shall as a general rule be granted in asylum cases."	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 78 Utlendingsforskriften: https://lovdata.no/dokument/SF/forskrift/2009-10-15-1286 (Immigration Regulations), § 16-9 (NO)
SDS.13.c		Is free interpreting available to stateless people?	UNHCR (2014): The right to assistance with interpretation/translation [is] essential. ENS (2013): Assistance should be available for translation and interpretation.	An interpreter is provided free of charge only in the asylum procedure. No free interpreter is provided for the purposes of applying for travel documents or nationality, irrespective of whether statelessness determination is a necessary part of the procedure in an individual case.	Norwegian Organisation for Asylum Seekers.
SDS.13.d		Are decisions (refusals and grants) given in writing with reasons?	UNHCR (2014): States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	YES. However, the Immigration Appeals Board (UNE) shall not give specific reasons in its reply when a request for reassessment of the final rejection of an asylum application "will manifestly not succeed." This does not apply "if there are special grounds for giving specific reasons."	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 78
SDS.14.a	Protection (Group 2)	Are there any rights granted to stateless people on the basis of their statelessness? If yes, please provide details.	UNHCR (2014): The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	NO. As interpreted and applied by the Norwegian authorities, the 1954 Convention is practically meaningless with respect to stateless persons who do not have a residence permit on a separate ground (e.g. refugee status, humanitarian grounds or family reunification). In other words, neither juridical status nor any rights follow automatically form the sole fact of determining statelessness in an individual case. Stateless persons with a residence permit on a separate ground benefit from relaxed rules when applying for Norwegian nationality, provided that statelessness is determined in the naturalisation procedure.	Norwegian Organisation for Asylum Seekers. Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51, (Nationality Act) § 16 (NO).
SDS.14.b		Are stateless people otherwise able to access their rights under the 1954 Convention? (e.g. right to reside, travel document, work, healthcare, social security, education, housing, family reunification, right to vote, etc.)? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954 UNHCR (2014): The status granted to a stateless person in a State Party must reflect international standards. It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	As interpreted and applied by the Norwegian authorities, the 1954 Convention is practically meaningless with respect to stateless persons who do not have a residence permit on a separate ground (e.g. refugee status, humanitarian grounds or family reunification). In other words, neither juridical status nor any rights follow automatically form the sole fact of determining statelessness in an individual case. Stateless persons with a residence permit on a separate ground benefit from relaxed rules when applying for Norwegian nationality, provided that statelessness is determined in the naturalisation procedure. Stateless people with a residence permit on a separate ground have full access to healthcare and the right to vote in local elections. People without a resident permit	Norwegian Organisation for Asylum Seekers. Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51, (Nationality Act) § 16 (NO).

				only have access to emergency healthcare and are not able to vote.	
SDS.15.a	Access to nationality (Group 2)	In what timeframe do stateless people acquire the right to apply for naturalisation and how does this compare to others with a foreign nationality? Please describe the procedure and note whether this is facilitated for stateless people (e.g. exemption from nationality/language tests, fee waiver).	UN Convention Relating to the Status of Stateless Persons, 1954: Article 32 UNHCR (2016): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. Council of Europe Committee of Ministers (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. ENS (2013): The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	Foreign nationals have a legal right (i.e. not subject to administrative discretion) to acquire Norwegian nationality after seven years of continuous, legal residence (with a qualifying residence permit) in Norway, subject to additional requirements, including passing a language test and a social studies test. Application for nationality is free of charge for children (under 18) and subject to a fee of NOK 3,700 (360 EUR) for adults. Among other requirements, an applicant must further satisfy requirements for permanent residence (unless the applicant is already a permanent resident), including the requirement of self-sufficiency. The self-sufficiency requirement currently demands a gross income of NOK 246,246 (23,972 EUR) in the past 12 months prior to application and no received financial support under the Social Services Act during the same period. The self-sufficiency requirement does not apply to children, persons older than 67, students in primary or secondary school, full time students who pursued higher education in the past 12 months, persons unable to work due to a disabling condition and persons who have left their partner because of mistreatment. A stateless person not born in Norway may acquire Norwegian nationality already after three years of continuous, legal residence, subject to the same application fee and the same additional requirements that generally apply to other foreign nationals. A stateless person born in Norway may acquire Norwegian nationality after three years of factual, continuous residence, even if the person (and/or the parents) has resided in Norway with no residence permit. No additional requirements are imposed in such cases, but an additional waiting period may be imposed if the person has been convicted for a criminal offence.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51, (Nationality Act) § 7 (NO). Utlendingsforskriften: https://lovdata.no/forskrift/2009-10-15-1286/§11-11 (Immigration Regulations) § 11-11 (NO); Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51, (Nationality Act) § 16 (NO); Instruks G-08/2016: https://www.regjeringen.no/no/dokumenter/instruks-om-tolkning-av-statsborgerloven----gjeldende-rett-for-statslose-sokere-som-er-fodt-i-norge/id2518182/?utm_source=www.regjeringen.no&utm_medium=epost&utm_campaign=Rundskriv-28.10.2016 (NO)
SDS.15.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from accessing nationality? If yes, please describe. **[Section complete, proceed to DET]**	Council of Europe Committee of Ministers (1999): States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	YES. A person who has been sentenced to a penalty or a special criminal sanction is not entitled to Norwegian nationality until a certain period of time (waiting period) prescribed by regulations made by the King has elapsed. The duration of the waiting period shall depend on the sanction imposed. Nationality Regulations include a table in § 5-1, according to which the waiting period is to be calculated. The shortest waiting period of 2.5 years is imposed in case of a prison sentence of 10 to 15 days. The longest waiting period of 39 years is imposed in case of a prison sentence of 21 years. According to § 5-2 in the Nationality Regulations, in the case of juvenile punishment, community punishment and in the case of a fine imposed by a fine or sentence, the waiting period is calculated according to the table in § 5-1 on the basis of the subsidiary prison sentence. In other words, a traffic offence, for example, may lead to a waiting period of 2.5 years or more even if the person is not actually sent to jail.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51, (Nationality Act) § 9 (NO); Statsborgerforskriften: https://lovdata.no/dokument/SF/forskrift/2006-06-30-756?q=statsborgerforskriften (Nationality Regulations) Chapter 5 (NO)

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	ICCPR Article 9(1) ECHR Article 5 (1)	YES.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 106
DET.1.b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	ECHR Article 5(1)(f)	Arguably, no. Each ground allowing detention for the purposes of immigration control in Norwegian domestic law can arguably be subsumed under one or both of the limbs of ECHR Art 5(1)(f).	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 106
DET.1.c		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	ICCPR Article 7: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment. Auad v Bulgaria ECtHR (2011): The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant. EU Returns Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.	NO. There is no such requirement in law. Detention for the purposes of establishing identity of a foreigner (whether with a view to removal or preventing an unauthorised entry) is explicitly listed as one of the grounds that may justify detention.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 106
DET.1.d		Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	Auad v Bulgaria ECtHR (2011) Mikolenko v. Estonia ECtHR (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Equal Rights Trust (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. International Commission of Jurists (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.	Provided that statelessness actually constitutes an obstacle to removal in an individual case, it will be relevant if the individual is detained with a view to removal. This presupposes that the police or the legal representative of the detained stateless person becomes aware/convinced that the person is unreturnable because of her statelessness. The primary focus is nevertheless on the possibility of return, not statelessness. The argument may be made at a court hearing, as immigration detention is subject to periodic judicial oversight (every 4 weeks in case of adults).	Norwegian Organisation for Asylum Seekers. Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 106 b.
DET.1.e		Are stateless people detained in practice?		YES. Available statistics as well as anecdotal evidence suggest that persons registered as stateless are often successfully forcefully removed from Norway, including to their country or place of previous habitual residence where they have a valid residence permit, for example stateless Palestinians from Jordan, Lebanon, Egypt or the West Bank. Statistics from the Norwegian Immigration Police for 2020 show that 117 stateless persons were forcefully removed from Norway (7 of those to third countries, including pursuant to the Dublin III Regulation).	Immigration Police: https://www.politiet.no/aktuelt-tall-og-fakta/tall-og-fakta/uttransporteringer/
DET.1.f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	UNHCR (2014): Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. EU Returns Directive: Article 15(1)	NO. There is no requirement to actually "exhaust" alternatives to detention. Alternatives must only be considered as part of the necessity and proportionality assessment.	Grunnloven: https://grunnloven.lovdata.no/ (Constitution) § 94 (NO). Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) §§ 99, 105, 106.
DET.1.g		Are individual vulnerability assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.	ENS (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Returns Directive: Article 16(3) EU Returns Handbook (2017): Attention should be paid to the specific situation of stateless persons. Council of the European Union (2013): European entities should assess the situation of LGBTI persons in detention.	Potential vulnerabilities must be taken into consideration as part of the proportionality assessment. This assessment is carried out by the legal section in the immigration police and is also subject to judicial oversight. However, the immigration police do not have any general guidelines on vulnerability assessment.	Norwegian Organisation for Asylum Seekers (information from the leadership of the National Police Immigration Service at a meeting on 09.12.2016).
DET.2.a	Alternatives to detention	Are alternatives to detention established in law and considered prior to any decision to detain?	ICCPR Article 9 FKAG v Australia HRC (2013): Any decision relating to detention must consider less invasive means of achieving the same ends.	YES. Alternatives to detention are set out in § 105 of the Immigration Act, which contains two options: an obligation to report and an obligation to stay in a specific place.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 105.

			UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. UNHCR (2014): Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient. Human Rights Council (2012) : The obligation to always consider alternatives before resorting to detention should be established by law. EU Returns Directive: Article 15(1) Equal Rights Trust (2012): States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive. International Detention Coalition (2015) : Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.	Both alternatives to detention may be combined with seizure of travel documents, tickets or other material items which may serve to clarify or prove identity. In 2018, the Parliament requested the Government propose further alternatives to detention specifically for families with children and, separately, unaccompanied minors. It also requested the Government examine the possibility of electronic tagging as an alternative to detention for immigration purposes. As of January 2021, there has been little progress on this (aside from a Ministry of Justice proposal that was heavily criticised) and no parliamentary bill has been submitted.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 104. Stortinget: https://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Vedtak/Sak/?p=68711 vedtak 539, 540 (NO). Stortinget: https://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Vedtak/Sak/?p=68711 vedtak 541 (NO). Norwegian Organisation for Asylum Seekers.
DET.2.b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered?	As above.	YES, but only anecdotal. Anecdotal evidence from a number of individual cases indicates that alternatives to detention are in practice not always considered. This applies to police decisions to arrest as well as court decisions to detain.	Norwegian Organisation for Asylum Seekers.
DET.3.a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	UN Human Rights Council (2010) : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. UNHCR (2012) : To guard against arbitrariness, maximum periods of detention should be set in national law. EU Returns Directive: Article 15(5) Equal Rights Trust (2012) : Detention should always be for the shortest time possible.	YES. The maximum time limits correspond exactly to the limits prescribed by the EU Returns Directive, which is binding for Norway. Hence the exceptional, maximum time limit for detention is 18 months. This limit does not apply to national security cases and cases where the foreign national has been expelled on account of a criminal conviction. With respect to the former, the Ministry of Justice and Public Security has argued that the EU Returns Directive is not applicable in "serious" national security cases, referring to Article 72 TFEU. With respect to the latter cases concerning expulsion on account of a criminal conviction, application of the EU Returns Directive is excludable pursuant to Article 2(2)(b) of the Directive. In a recent expulsion case brought before the ECtHR against Norway, the Strasbourg Court ruled that the applicant's extraordinarily long detention with a view to expulsion – two years and almost seven months – was not in breach of the ECHR, declaring the case inadmissible.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 106 b. Prop. 138 L (2010–2011): https://www.regjeringen.no/contentassets/83e2be9d23984bcc8b7d81b3669e47f1/no/pdfs/prp201020110138000ddpdfs.pdf, p. 52 (NO) Jamal v. Norway: http://hudoc.echr.coe.int/eng?i=001-182468
DET.3.b		Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	UN General Assembly (1988) : Anyone who is arrested shall be informed at the time of the reason for his arrest. EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law. Equal Rights Trust (2012) : Stateless detainees shall receive their order of detention in writing and in a language they understand. International Commission of Jurists (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.	YES. The law requires that reasons for arrest be provided in writing by the police. The police must then as soon as possible and at the latest within 72 hours after arrest request a court for permission to detain. A legal representative is automatically appointed to represent the foreigner. A verdict allowing detention is issued by the court in writing. The verdict must refer to the relevant legal provision as well as material grounds justifying detention. The verdict must also state that detention in the given case is not disproportionate.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) §§ 106 a, 106 b.
DET.3.c		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	Equal Rights Trust (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	YES. Detainees are provided with information on their rights upon arrival to the detention centre, along with contact information for NOAS and other relevant organisations.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) §§ 106 a, 106 b.
DET.3.d		Are there regular periodic reviews of detention before a court	Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial	YES. There is a periodic judicial review every 4 weeks (this applies in cases concerning adults; for children it is more frequent). When it becomes evident that forced return is	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 106 b.

		or independent body, which can order release?	supervision of the lawfulness of the measure. Equal Rights Trust (ERT) (2012) : To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities.	impossible, the detainee is released. As to "reasonable timeframe", see the reference to maximum allowed time limits above.	
DET.3.e		What remedies are available to challenge detention? Please mention any obstacles to accessing effective remedies in practice.	ICCPR Article 9(4) ECHR: Article 5(4) Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure. Alimuradov v. Russia ECtHR (2019): The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.	The police must as soon as possible and latest within 72 hours after arrest request a court for permission to detain (48 hours in cases concerning children, irrespective of whether they are accompanied or not). A lawyer is then automatically appointed to represent the foreigner in an oral hearing before the court. If the permission is granted, there is an automatic, periodic judicial review of detention every 4 weeks (in cases concerning children it's every 3 days), which also involves an oral hearing. In principle, the court's decision may be reversed at any time. Release must be effectuated as soon as the police or the court find that reasons for detention have lapsed. The actual benefit of free legal representation by an appointed lawyer is questionable. In practice, the legal representative will normally not spend much time studying the case. The representative meets a detainee in person 30 minutes before the hearing, although a court may grant more time upon request when this is needed. The representative may also be unfamiliar with the specific immigration or statelessness related issues relevant to the case.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) §§ 106 a, 106 b. NOAS 2014 detention report: http://www.noas.no/wp-content/uploads/2014/02/Detention-of-asylum-seekers_web.pdf, p. 81.
DET.3.f		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	Equal Rights Trust (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	NO.	Norwegian Organisation for Asylum Seekers.
DET.3.g		Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	UNHCR (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. EU Returns Directive: Article 13(3)	Yes, a lawyer is automatically provided when the court examines the legality of detention, and there are no barriers to accessing this in practice.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 92.
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?	UN Convention Relating to the Status of Stateless Persons, 1954: Article 27 UNHCR (2014) : Being undocumented cannot be used as a general justification for detention. ENS (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	NO.	Norwegian Organisation for Asylum Seekers.
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatreshnite raboti ECJ (2009): After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	No status is automatically provided upon release, as the impossibility of forced return does not necessarily imply impossibility of voluntary return. In some cases, forced return may become possible at a later time, leading to repeated detention. Every person who has requested asylum, irrespective of the outcome of their claim, is provided with accommodation at asylum reception centres (irrespective of whether they previously were detained or not), basic means of subsistence and access to emergency health care until they leave the country. In rare occasions that we are approached by persons who have not applied for asylum and claim they have a protection need, we advise them to apply for asylum.	Norwegian Organisation for Asylum Seekers.

DET.4.c		If re-detention occurs, is the cumulative time spent in detention counted towards any maximum time limits?	Equal Rights Trust (2012): When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.	YES, as a starting point, the time spent in immigration detention under separate occasions is counted cumulatively towards the maximum time limit. However, a material change of circumstances may in certain circumstances allow for re-detention and thus extend the detention period beyond the allowed maximum limit, as further elaborated in relevant jurisprudence. The Immigration Act sets limits for the "total detention time" (samlet interneringstid) for detention on immigration related grounds. A court cannot prolong detention after an arrest beyond these limits. The Supreme Court held in 1994, pursuant to the old Immigration Act, that even a clear violation of the obligation to report could not justify re-detention in a case where the maximum time limit for immigration detention (at that time 6 months) had already been reached. The Supreme Court's Appeal Committee elaborated further in 2006 that re-detention for the purposes of effectuating a return after the maximum time limit had been reached is permitted when this is not "a mere continuation" (ren fortsettelse) of previous detention. The Committee pointed out that re-detention was justified, since it was based on new grounds, namely that the police newly established the detainee's true identity.	Utlendingsloven: https://lovdata.no/dokument/NL/lov/2008-05-15-35 (Immigration Act) § 106 b. Rt-1994-953: https://www.udiregelverk.no/no/rettskilder/hoyesterettsavgjorelser/rt-1994-953/ (NO) Rt-2006-717: https://www.udiregelverk.no/no/rettskilder/hoyesterettsavgjorelser/rt-2006-717/ (NO)
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	UNHCR (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	NO.	For example: Readmission agreement with Russia: https://www.udiregelverk.no/en/documents/bilateral-agreements/2007-06-08e2/ Readmission agreement with Ukraine: https://lovdata.no/dokument/TRAKTATEN/traktat/2008-02-13-2
DET.5.b		Are you aware of cases of cases of stateless people being returned under such agreements?		YES, for example stateless Palestinian refugees from Syria with and without a residence permit in Russia returned to Russia in 2015 pursuant to a bilateral readmission agreement between Norway and Russia. NOAS has recently also registered and intervened in a case of a stateless Palestinian refugee from Syria accepted by Ukraine, pursuant to a bilateral readmission agreement between Norway and Ukraine, despite him not having a residence permit in Ukraine.	Norwegian Organisation for Asylum Seekers.

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality?	UN Convention on the Reduction of Statelessness, 1961: Article 1 European Convention on Nationality, 1997: Article 2 Convention on the Rights of the Child 1989: Article 7 Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. European Parliament (2018): The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	YES. There is no separate provision in the Nationality Act to grant nationality to stateless persons born on the territory specifically. However, there is a general naturalisation provision, titled "main rule" (§7), which allows for naturalisation subject to application, provided that certain requirements are met. Then there is a separate provision (§16), containing exceptions from the main rule, applicable to stateless persons, irrespective of whether they were born on the territory. According to §3 of the Nationality Act, the Act is "subject to the limitations that follow from agreements with other states and all other international law". To ensure that the Nationality Act is applied in line with the 1961 Convention, the Government issued on 28.10.2016 an instruction, G-08/2016, which is binding for the Directorate of Immigration (UDI), spelling out additional exemptions applicable specifically to persons born stateless under the Norwegian jurisdiction. The instruction covers persons born stateless in Norway irrespective of whether they currently are under or over 18 years old.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), §§ 3, 7, 16 (NO). Instruks G-08/2016: https://www.regjeringen.no/no/dokumenter/instruks-om-tolkning-av-statsborgerloven----gjeldende-rett-for-statslose-sokere-som-er-fodt-i-norge/id2518182/?utm_source=www.regjeringen.no&utm_medium=epost&utm_campaign=Rundskriv-28.10.2016 (NO)
PRS.1.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	UNHCR (2012): The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application. ENS (2015): The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.	Non-automatic, i.e. it is subject to application.	
PRS.1.c		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR (2012): The test is not an inquiry into whether a child's parents are stateless. ENS (2015): Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	NO.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), §§ 3, 7, 16 (NO). Instruks G-08/2016: https://www.regjeringen.no/no/dokumenter/instruks-om-tolkning-av-statsborgerloven----gjeldende-rett-for-statslose-sokere-som-er-fodt-i-norge/id2518182/?utm_source=www.regjeringen.no&utm_medium=epost&utm_campaign=Rundskriv-28.10.2016 (NO)
PRS.1.d		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	UNHCR (2012): A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	NO.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), §§ 3, 7, 16. Instruks G-08/2016: https://www.regjeringen.no/no/dokumenter/instruks-om-tolkning-av-statsborgerloven----gjeldende-rett-for-statslose-sokere-som-er-fodt-i-norge/id2518182/?utm_source=www.regjeringen.no&utm_medium=epost&utm_campaign=Rundskriv-28.10.2016 (NO)
PRS.1.e		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	UN Convention on the Reduction of Statelessness, 1961: Article 1(2) UNHCR (2012): States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. Convention on the Rights of the Child, 1989: Articles 3 & 7 Committee on the Rights of the Child (2015): Recommends the State party ensure that all stateless children born	According to government instruction G-08/2016, issued 28.10.2016, which is binding for the Directorate of Immigration (UDI), lawful residence is not a requirement for persons born stateless under the Norwegian jurisdiction to acquire Norwegian nationality. Factual, continuous residence of three years is sufficient in these cases (usually a birth certificate plus absence of evidence to the contrary is sufficient proof). No residence period is required in cases where a parent of the applicant satisfies the requirements for permanent residence or where the parent is an EU national residing in Norway pursuant to EU rules on free movement.	Instruks G-08/2016: https://www.regjeringen.no/no/dokumenter/instruks-om-tolkning-av-statsborgerloven----gjeldende-rett-for-statslose-sokere-som-er-fodt-i-norge/id2518182/?utm_source=www.regjeringen.no&utm_medium=epost&utm_campaign=Rundskriv-28.10.2016 (NO)

			in its territory, irrespective of residency status, have access to nationality without any conditions. European Convention on Nationality, 1997: Article 6(2)(b)		Norwegian Organisation for Asylum Seekers.
PRS.1.f		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	Committee on the Rights of the Child (2011): The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. ENS (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	NO (see above).	
PRS.1.g		What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?	UN Convention on the Reduction of Statelessness, 1961: Article 1(2) UNHCR (2012): Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. ENS (2015): Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	No age limit.	
PRS.1.h		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR (2012): Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	NO.	
PRS.2.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	UN Convention on the Reduction of Statelessness, 1961: Article 2 European Convention on Nationality, 1997: Article 6(1)(b)	YES. Automatic, rebuttable presumption.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), § 4 (NO).
PRS.2.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR (2012): At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	The provision (§4 of the Nationality Act) applies generally to foundlings, without specifying any explicit age limit. The preparatory works to the provision state that the provision is to apply "even if there are indications that the child does not have Norwegian parents". As further specified in the preparatory works, Norwegian nationality will be granted "until the correct origin of the child becomes known".	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), § 4 (NO). Ot.prp.nr.41 (2004–2005): https://www.regjeringen.no/contentassets/8611c2d8c4644b49937cf26157edfbc4/no/pdfs/otp200420050041000dddpdfs.pdf, p. 217 (NO).
PRS.2.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR (2012): Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	YES. The preparatory works to the provision (§4 of the Nationality Act) explicitly state that "The child's Norwegian nationality also expires if it is later known that the child is stateless." The child will be able to apply for naturalisation pursuant to special rules for stateless persons (§16 of the Nationality Act and the instruction G-08/2016 mentioned above).	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), § 4 (NO). Ot.prp.nr.41 (2004–2005): https://www.regjeringen.no/contentassets/8611c2d8c4644b49937cf26157edfbc4/no/pdfs/otp200420050041000dddpdfs.pdf, p. 217 (NO).
PRS.3.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	UN Convention on the Reduction of Statelessness, 1961: Article 5 ENS (2015): Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	NO.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), chapter V (NO).
PRS.3.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	European Convention on Nationality, 1997: Article 6(4)(d) Committee on the Rights of the Child (2015): Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	YES, a foreign child adopted by a Norwegian parent acquires Norwegian nationality. If it is later revealed that a positive adoption decision was wrongfully decided, the adopted child keeps her Norwegian nationality if she would otherwise be stateless.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), §§ 5, 6 (NO).

PRS.4.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent (*ius sanguinis*) in general and/or if they would otherwise be stateless?	UN Convention on the Reduction of Statelessness, 1961: Article 4 UNHCR (2012): Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	YES, a child born to a national acquires nationality by descent, irrespective of where the child is born.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), § 4 (NO).
PRS.4.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	Genovese v. Malta ECtHR (2011): The state must ensure that the right to nationality is secured without discrimination. CEDAW Gen. rec. No. 32, 2014: Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. UNHCR (2014): Action 4	NO.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), § 4 (NO).
PRS.5.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	Convention on the Rights of the Child, 1989: Article 7 International Covenant on Civil and Political Rights, 1966: Article 24(2) Council of Europe (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. UNHCR (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR (2014): Action 7 UN Sustainable Development Goal 16.9	YES, every birth in Norway must be registered, irrespective of the parents' immigration status.	Barnelova: https://lovdata.no/dokument/NL/lov/1981-04-08-7 (the Children Act), § 1 (NO).
PRS.5.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	UN Human Rights Council, Resolution A/HRC/RES/20/4: Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members. Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.	NO. Since 3 May 2019, Norway no longer issues birth certificates automatically to all children born in Norway. Birth certificates have been replaced by "a confirmation of registered Norwegian national identity number and name", which is automatically sent to the parents' Tax Administration online account, known as "*Altinn*". A person without a residence permit in Norway will not get an Altinn account. Parents can nevertheless order (free of charge) a proper birth certificate, including in English, via the website of the Norwegian Tax Administration (see the link in the right-hand column). Ordering via the website requires that at least one of the parents has an Altinn account and, additionally, a "BankID" or an equivalent. BankID is a specific type of an online login method for accessing bank services as well as certain public services, which requires a bank account at a Norwegian bank. Due to strict interpretation of § 4-3 of the Anti-Money Laundering Regulations (*hvitvaskingsforskriften*) by most Norwegian banks, it is generally impossible for foreigners without a valid passport to open a bank account and get a BankID. If none of the parents has a BankID, they must contact the Tax Administration by phone and request a birth certificate for their child. It is not possible to contact the Tax Administration by email. The National Registry at the Tax Administration will then send the requested birth certificate to the parents' registered address, assuming they have an address registered by the National Registry and live there. If not, they must first request the Tax Administration, which is responsible for the National Registry, to register their current address. It is not possible to collect the birth certificate in person directly at the Tax Administration's office.	Norwegian Tax Administration (Skatteetaten) is responsible for the National Registry (Folkeregister), which issues birth certificates upon request. A birth certificate can be ordered via the following website, assuming the parent has a "BankID": https://www.skatteetaten.no/en/person/national-registry/certificates-and-information/other-certificates/what-certificates-do-you-need/birth-certificates/ If none of the parents have a "BankID" it is necessary to contact the Tax Administration/ National Registry by phone. This was confirmed 25.11.2019 to NOAS in a phone conversation with a representative of the Tax Administration. The contact information is available here: https://www.skatteetaten.no/en/contact/ See also: folkeregisterforskriften https://lovdata.no/forskrift/2017-07-14-1201/§10-7-4 (Population Registry Regulation), § 10-7-4 (NO).

PRS.5.c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	Convention on the Rights of the Child, 1989: Articles 3 & 7	YES, the nationality of the mother, father and the child is recorded by the doctor or the midwife when the child is born in a birth notification form (*fødselsmelding*), which is then submitted to the National Registry *(Folkeregister*). The National Registry registers every child born in Norway as soon as it checks that the submitted information is in accordance with the Act of Population Registration (*folkeregisterloven*) and the Population Registration regulations (*folkeregisterforskriften*). The National Registry's Handbook on population registration provides instructions on registering nationality in different types of cases. In cases where a child is born to non-Nordic parents who do not have the same nationality, the Handbook instructs (p.75, section 8.10.4) that the child be automatically registered with the same nationality as the mother, unless a different nationality of the child is highlighted in the birth notification. According to the Handbook (p. 76, ibid.), if it is subsequently documented that the child has the same nationality as the father or that the child is stateless, the National Registry must correct the record. Furthermore, according to the Handbook (p. 76, section 8.10.5) If a person claims to be stateless, the person must be referred to the immigration authority. The same applies in cases where there is doubt about the correct identity (p. 75, section 8.10.3). In some cases, people have been registered with the nationality code "990 unknown/unspecified" (*statsborgerskapskoden 990 ukjent/uoppgitt*). This applies to a group of people who left Norway between 1960-1975 but also other cases that are not further specified in the Handbook (p. 76, section 8.10.6). Persons belonging to the former group must be registered as Norwegian nationals upon individual request subject to a specific procedure. Others may be registered with a foreign nationality if the nationality is documented (normally by a passport).	Barnelova: https://lovdata.no/dokument/NL/lov/1981-04-08-7 (the Children Act), § 1 (NO). An example of a birth notification form (fødselsmelding): http://fritanke.no/filarkiv/11_skjema_melding_om_foedsel.pdf Folkeregisterloven: https://lovdata.no/lov/2016-12-09-88/§2-1 (Act of Population Registration), § 2-1 letter b (NO); See also folkeregisterforskriften: https://lovdata.no/dokument/SF/forskrift/2017-07-14-1201 (Population Registry Regulation), (NO). Håndbok i folkeregistrering versjon 2.1: https://www.skatteetaten.no/globalassets/rettskilder/handboker/folkeregistrering/handbok-i-folkeregistrering-2.1.pdf (Handbook on population registration, version 2.1, 09.11.2018) (NO).
PRS.5.d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.	Convention on the Rights of the Child, 1989: Articles 3 & 7 UN Convention on the Reduction of Statelessness, 1961: Articles 1 & 4 UNHCR (2012): States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years.	See above. Aside from the general procedures described above, Norway has no special safeguards in place to ensure that a child does not remain with undetermined nationality for a period over 5 years.	
PRS.5.e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed. Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and	NO.	

			ensure that migrants are issued documentation and civil registry documents. European Parliament Resolution (2019): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.		
PRS.5.f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child, JGC No. 4 (2017) and JGC No. 3 (2017): Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes. Council of Europe: ECRI General Policy Recommendation No. 16(2016) on safeguarding irregularly present migrants from discrimination: States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.	NO. Although there is no explicit general firewall, there are very strict confidentiality rules, especially with regards to health-related data.	Norwegian Organisation for Asylum Seekers.
PRS.5.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. UN Human Rights Council, Resolution A/HRC/RES/20/4: Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	YES. The doctor or midwife must give notification of the birth to the National Registry Authority "when a child is born". If a child is born without any assistance from a doctor or a midwife, the mother of the child has the obligation to notify the national registry "within one month" from the date of birth or, in case the child is born abroad, from the date of arrival to Norway. Nothing suggests that a late registration would not be accepted.	Barnelova: https://lovdata.no/dokument/NL/lov/1981-04-08-7 (the Children Act), § 1 (NO).
PRS.5.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	NO.	
PRS.6.a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR (2014): Action 7	Nothing suggests that this is an issue.	
PRS.6.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	UN Convention on the Reduction of Statelessness, 1961: Article 9 UNHCR (2014): Action 4 UN Human Rights Council (2019): States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	YES. Some persons with immigrant background, both with and without a residence permit. See statistics from the Norwegian statistics bureau.	Norwegian statistics bureau: https://www.ssb.no/293074/stateless-persons-in-norway Norwegian statistics bureau: https://www.ssb.no/en/befolkning/artikler-og-publikasjoner/statelessness-many-worldwide-few-in-norway
PRS.6.c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	UN Convention on the Reduction of Statelessness, 1961 UNHCR (2014): Actions 1 & 8 UNHCR (2015): States parties to the 1954 Convention are required to help stateless persons become naturalised nationals.	To ensure that the Nationality Act is applied in line with the 1961 Convention, the Government issued on 28.10.2016 an instruction, G-08/2016, which is binding for the Directorate of Immigration (UDI), spelling out additional exemptions applicable specifically to persons born stateless under the Norwegian jurisdiction. The instruction covers persons born stateless in Norway irrespective of whether they currently are under or over 18 years old. According to the instruction, which is binding for the Directorate of Immigration (UDI), lawful	Instruks G-08/2016: https://www.regjeringen.no/no/dokumenter/instruks-om-tolkning-av-statsborgerloven----gjeldende-rett-for-statslose-sokere-som-er-fodt-i-norge/id2518182/?utm_source=www.regjeringen.no&utm_medium=epost&utm_campaign=Rundskriv-28.10.2016 (NO)

				residence is not a requirement for persons born stateless under the Norwegian jurisdiction to acquire Norwegian nationality. Factual, continuous residence of three years is sufficient in these cases. No residence period is required in cases where the parent of the applicant satisfies the requirements for permanent residence or where the parent is an EU national residing in Norway pursuant to EU rules on free movement. There have been no further Government initiatives to reduce statelessness in recent years.	
PRS.7.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	UN Convention on the Reduction of Statelessness, 1961: Article 8 & 9 European Convention on Nationality, 1997: Article 7(3) Universal Declaration of Human Rights: Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23 UNHCR Guidelines on Statelessness No.5 (2020): the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification).	YES. There is a general safeguard against statelessness, but this does not apply to cancellation of nationality where nationality was obtained by misrepresentation or fraud.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), chapter V (NO).
PRS.7.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	UN Convention on the Reduction of Statelessness, 1961: Article 8(4) European Convention on Nationality, 1997: Article 11 Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.	In cases where nationality has been obtained by misrepresentation or fraud, the competent authority to decide on nationality cancellation is the Norwegian Directorate of Immigration (UDI). The first instance decision from the UDI may be appealed to the Immigration Appeals Board (UNE). A parliamentary initiative to subject all nationality cancellation cases to judicial oversight of a civil court was abandoned by the Government. Appeal to UNE is free of charge and free legal aid is provided. Final instance decision by UNE may be appealed to a civil court, but this is normally not free. Due process in nationality cancellation cases is grossly undermined as a result of insufficient free legal aid. Lawyers only get three hours covered by the state to prepare an appeal. In practice, this also covers answering an advance notice from the UDI. In cases where such advance notice had been answered before the amended rules on nationality cancellation entered into force, a lawyer now in practice only gets 1 hour covered to prepare an appeal under the new rules. An additional 5 hours are covered for personally representing a client at a hearing before UNE, but these hearings usually last longer. The Legal Aid Committee as well as the Norwegian Bar Association have both advised that the number of hours of free legal aid in nationality cancellation cases be increased.	André Møkkelgjerd og Hanne Krogenæs, "Hvor ble det av rettshjelpen?", 11.09.2020, available at: https://www.noas.no/misforstatt-om-rettshjelp-fra-stortinget-i-statsborgersakene/ Stykkprisforskriften, available at: https://lovdata.no/dokument/SF/forskrift/2005-12-12-1442 Rettshjelpsutvalget (The Legal Aid Committee), NOU 2020:05, (see p. 235): https://www.regjeringen.no/contentassets/d585490f628a4504bb450fdf5d92f637/no/pdfs/nou202020200005000dddpdfs.pdf Prop. 141 L (2018–2019), see p. 24: https://www.regjeringen.no/contentassets/bea8209f36f34290ad0539508ef9acb0/no/pdfs/prp201820190141000dddpdfs.pdf
PRS.7.c		Are provisions on deprivation of nationality that may render a person stateless applied in practice?		Yes.	

PRS.7.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	UN Convention on the Reduction of Statelessness, 1961: Article 7 European Convention on Nationality, 1997: Articles 7 and 8	YES, see section 25 of the Nationality Act: "A Norwegian national who is resident outside Norway and has another nationality is entitled, upon application, to be released from his or her Norwegian nationality. If the applicant is resident in Norway and has another nationality, he or she may only be released from Norwegian nationality if it would be unreasonable to refuse to allow this. Regardless of place of residence, the applicant may not be released from his or her Norwegian nationality if this entails that the applicant will become stateless. However, the applicant may be released from Norwegian nationality if he or she is resident outside Norway, and this is necessary for the acquisition of another nationality. In such case a time limit shall be set for when another nationality must be acquired. If another nationality has not been acquired before the time limit expires, the applicant shall be regarded as not having been released from his or her Norwegian nationality."	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), § 25 (NO).
PRS.7.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.	YES, a law amendment in force since 01.01.2019 allows courts, as part of sentencing, to deprive of nationality persons who "exhibit conduct seriously prejudicial to the vital interests of Norway". This only applies in cases where the person is convicted for specific crimes (including terrorism) listed in Section 26a of the Nationality Act. In these cases, deprivation of nationality may not result in statelessness.	Statsborgerloven: https://lovdata.no/dokument/NL/lov/2005-06-10-51 (Nationality Act), § 26 a (NO).
PRS.7.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	ICCPR: Article 26 UN Convention on the Reduction of Statelessness, 1961: Article 9 European Convention on Nationality, 1997: Article 5 Principles on Deprivation of Nationality: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.	NO.	

Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Number of published judgments adjudicating statelessness (broken down by level of jurisdiction). Please list the most relevant ones.		There are seven judgments by the Oslo District Court (Oslo tingrett) and six by the Borgarting Court of Appeal (Borgarting lagmannsrett), where applicants alleged that a refusal from the Immigration Appeals Board to grant international protection was inconsistent with the 1954 Statelessness Convention. A report published by the Norwegian Organisation for Asylum Seekers (NOAS) in November 2020 provides a legal analysis of these decisions. The report is only available in Norwegian. An updated English summary is planned to be published later in 2021.	Marek Linha, Stateless people in Norwegian case law: An analysis of the status of stateless persons in Norway five years after UNHCR's mapping study, November 2021, available in Norwegian at: https://www.noas.no/wp-content/uploads/2020/11/NOAS_Statsløse-i-norsk-rettspraksis_WEB.pdf
RES.1.b		Number of published judgments mentioning statelessness (broken down by level of jurisdiction). Please list the most relevant ones.		N/A	
RES.2.a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR (2014): Applicants must have access to legal counsel.	Some law firms in Norway have developed special competency in statelessness issues, as part of their cooperation with NOAS in related strategic litigation. NOAS provides specialised legal aid to asylum seekers as well as to stateless persons who do not have a residence permit in any country.	Norwegian Organisation for Asylum Seekers: http://www.noas.no/en/
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		NO.	