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## **The Act on Norwegian nationality (the Norwegian Nationality Act)**

### **Chapter 1. Introductory provisions**

#### **Section 1.** *The substantive scope and territorial extent of the Act*

This Act regulates the acquisition and loss of Norwegian nationality.

This Act also applies to Svalbard and Jan Mayen.

#### **Section 2.** *Exercise of authority pursuant to this Act*

This Act is to be implemented by the King, the Ministry, the Immigration Appeals Board, the Directorate of Immigration, the police and Norwegian foreign missions.

The King may by regulations make provisions to supplement this Act.

#### **Section 3.** *The relationship to international law*

This Act shall apply subject to the limitations that follow from agreements with other states and all other international law.

### **Chapter 2. Acquisition of nationality by birth and adoption**

#### **Section 4.** *Acquisition by birth*

A child becomes a Norwegian national at birth if his or her father or mother is a Norwegian national. If the father dies before the child is born, it is sufficient that the father was a Norwegian national when he died.

A foundling who is found in the realm is a Norwegian national until it is otherwise established.

#### **Section 5.** *Acquisition by adoption*

A child who is adopted by a Norwegian national becomes a Norwegian national by adoption if the child is under the age of 18 at the time of adoption. The adoption order must be issued by Norwegian authorities pursuant to the Adoption Act, or through a foreign adoption that shall be valid in Norway pursuant to the provisions of chapter 4 of the Adoption Act.

#### **Section 6.** *Significance of a change in the basis for nationality*

In the event of a decision or admission that the circumstances that formed the basis for acquisition of nationality pursuant to section 4 or 5 of the Act do not subsist, the child shall be regarded as never having been Norwegian. However, this shall not apply if the child thereby becomes stateless, or if the decision or admission is made after the person concerned reaches the age of 18.

When there are particular reasons for doing so, an administrative decision may upon application be made to the effect that such decision or admission as is mentioned in the first paragraph shall have no significance. The applicant shall then be regarded as having been Norwegian from the date of the originally presumed acquisition of Norwegian nationality. When making the decision, importance shall be attached to the length of time that has elapsed from the presumed date of acquisition to the time the real situation was ascertained, and to whether the applicant and his or her parents acted in good faith.

### **Chapter 3. Acquisition of nationality by application**

#### **Section 7. *The main rule regarding acquisition by application***

Any person has a right, upon application, to Norwegian nationality if the applicant at the time the administrative decision is made

- a) has provided documentary evidence of or otherwise clearly established his or her identity, cf. fourth paragraph,
- b) has reached the age of 12,
- c) is and will remain a resident of the realm,
- d) fulfils the conditions for a settlement permit laid down in section 12 of the Immigration Act,
- e) has spent a total of seven years in the realm in the last ten years, with residence or work permits of at least one year's duration, residence during one or more application-processing periods to be included in the seven-year period, cf. fifth paragraph,
- f) satisfies the requirement regarding Norwegian language training laid down in section 8,
- g) has not been sentenced to a penalty or special criminal sanction or has observed the waiting period, cf. section 9, and
- h) satisfies the requirement regarding release from another nationality laid down in section 10.

The applicant is not entitled to Norwegian nationality pursuant to the first paragraph if this is contrary to the interests of national security or to foreign policy considerations.

The application for nationality shall be accompanied by a comprehensive certificate of good character issued by the police. The said certificate shall also show any offences for which the applicant has been charged or indicted.

The King may by regulations make supplementary provisions regarding the identification requirement and regarding a police certificate of good character.

The King may by regulations make provisions regarding the calculation of the period of residence pursuant to the provisions of this chapter.

#### **Section 8. *The requirement regarding completion of Norwegian language training***

For applications lodged after 1 September 2008, applicants between the ages of 18 and 55 are required to have completed 300 hours of approved Norwegian language training or to be able to document that they have adequate knowledge of Norwegian or Sami. The King may by regulations make further provisions regarding the requirement of completion of

Norwegian language training, including exemptions, and regarding the requirement of adequate knowledge of Norwegian or Sami.

**Section 9.** *The significance of criminal offences*

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.

If the person was given a custodial sentence or a special criminal sanction, the waiting period shall be calculated from the end of the sentence or sanction. In the case of a suspended sentence of imprisonment the waiting period shall be calculated from the expiry of the probation period. The waiting period shall otherwise be calculated from the date of the criminal act.

**Section 10.** *The requirement regarding release from any other nationality*

If the applicant does not automatically lose any other nationality as a result of being granted Norwegian nationality, the applicant must be released from any other nationality before the application may be granted. If the applicant cannot be released from any other nationality before the application is granted, the applicant must, within one year of being granted Norwegian nationality, document that he or she has been released from any other nationality. If the applicant cannot be released from any other nationality before reaching a certain age, the applicant must within one year after reaching this age document that he or she has been released from any other nationality. An exemption may be granted from the requirement regarding release if release is deemed to be legally or practically impossible or for other reasons seems to be unreasonable.

If release from any other nationality is documented before the expiry of the time limit pursuant to the first paragraph, written confirmation shall be given that the Norwegian nationality is valid. If release from any other nationality is not documented before the time limit expires, the provisions regarding revocation set out in section 26, first paragraph, shall apply.

**Section 11.** *Persons who arrived in the realm before reaching the age of 18*

In the case of applicants who arrived in the realm before reaching the age of 18, the condition in section 7, first paragraph (e) shall not apply. However, the applicant must have spent a total of five years in the realm in the course of the seven last years, with residence or work permits of at least one year's duration. Residence during one or more application-processing periods shall be included when calculating the five-year period.

**Section 12.** *Persons who are married to, a registered partner of or cohabitant with a Norwegian national*

In the case of an applicant who is married to a Norwegian national and shares a residence with his or her spouse, the condition set out in section 7, first paragraph (e) shall not apply. However, the applicant must have spent at least three years in the realm in the course of the last ten years with residence or work permits of at least one year's duration. Residence

during one or more application-processing periods shall be included when calculating the three-year period. Furthermore, the period of residence in the realm and the period of marriage to a Norwegian national with a shared residence must add up to a total of at least seven years. The period of residence and the period of marriage to a Norwegian national may be concurrent.

The first paragraph shall apply correspondingly to registered partners and cohabitants.

**Section 13. *Nordic nationals***

In the case of applicants who are nationals of another Nordic country, the conditions set out in section 7, first paragraph (d) and (e) shall not apply. However, the applicant must have resided in the realm for the last two years.

**Section 14. *Applicants who are covered by the EEA Agreement or the EFTA Convention***

In the case of an applicant who has a permit pursuant to Chapter 8 of the Immigration Act regarding special provisions for foreign nationals who are covered by the Agreement on the European Economic Area (the EEA Agreement) and the Convention establishing the European Free Trade Association (the EFTA Convention), the condition set out in section 7, first paragraph (d) shall not apply. However, the applicant must have resided in the realm for the last three years and have a residence permit that was granted for five years pursuant to section 54, first paragraph, or section 55 of the Immigration Act.

**Section 15. *Former Norwegian nationals***

In the case of applicants who were formerly Norwegian nationals, the conditions of section 7, first paragraph (d) and (e) shall not apply. However, the applicant must have resided in the realm for the last two years with work or residence permits of at least one year's duration. Residence during one or more application-processing periods shall be included when calculating the two-year period.

**Section 16. *Stateless persons***

For applicants who are stateless, the conditions set out in section 7, first paragraph (b), (e) and (h) shall not apply. A person 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, is not deemed to be stateless. However, a stateless applicant who has reached the age of 18 must have resided in the realm for the last three years with work or residence permits of at least one year's duration. Residence during one or more application-processing periods shall be included when calculating the three-year period.

**Section 17. *Children's acquisition of nationality as secondary persons***

Children under the age of 18 of the person who is acquiring or has acquired Norwegian nationality pursuant to the provisions of this chapter have the right, upon application, to become Norwegian nationals provided they satisfy the conditions set out in section 7, first paragraph (a), (c), (g) and (h), and there are no such circumstances as are mentioned in section 7, second paragraph. The same applies to children of parents who have acquired Norwegian nationality in pursuance of sections 20 or 21.

The child must however have resided in the realm for the last two years with residence or work permits of at least one year's duration. Residence during one or more application-processing periods shall be included when calculating the two-year period. However, the requirement of a residence or work permit shall not apply to children who are nationals of another Nordic country.

Children who are married or registered partners are not covered by this section.

**Section 18.** *Special groups of applicants*

The King in Council may by regulations make provisions regarding exemption from the conditions for acquiring nationality laid down in this chapter for special groups of applicants.

**Section 19.** *Dispensation*

If there are particularly strong reasons, an exception in favour of the applicant may in an individual case be made from the conditions for acquiring nationality laid down in this chapter.

**Chapter 4. Acquisition of nationality by notification pursuant to a Nordic agreement**

**Section 20.** *Acquisition by notification*

Danish, Finnish, Icelandic and Swedish nationals are entitled, upon notification, to become Norwegian nationals provided the person concerned has reached the age of 18, been resident in the realm for the last seven years and during that period has not been given a custodial sentence or special sanction as a result of a criminal act. The notifier must prove that he or she has been released from any other nationality at the latest at the time of acquisition.

A certificate of good character issued by the police which shows whether the notifier has been given a custodial sentence or a special criminal sanction in the last seven years shall be enclosed with the notification of acquisition of nationality. The King may by regulations make provisions regarding the police certificate.

**Section 21.** *Recovery of Norwegian nationality by notification*

A person who has lost his or her Norwegian nationality and subsequently only been a national of another Nordic country is entitled, by notification, to recover his or her Norwegian nationality provided that the notifier has taken residence in the realm and proves that he or she has been released from any other nationality at the latest at the time of acquisition.

**Section 22.** *Acquisition in the case of children*

Children under the age of 18 of the person acquiring Norwegian nationality pursuant to the provisions of sections 20 or 21 shall automatically receive Norwegian nationality through their parents' acquisition, provided that the child is resident in Norway and has been released from any other nationality at the latest at the time of acquisition.

Children who are married or registered partners are not covered by the first paragraph.

Section 6 shall apply correspondingly.

## **Chapter 5. Loss of nationality**

### **Section 23. *Loss in the event of acquisition of another nationality***

A person who acquires another nationality by application or explicit consent shall lose his or her Norwegian nationality.

Children under the age of 18 who automatically acquire another nationality because one of their parents who shares parental responsibility acquires another nationality shall lose their Norwegian nationality. However, such loss shall not occur if the other parent is a Norwegian national, or if the child is married or a registered partner.

### **Section 24. *Loss in the event of absence from the realm***

A person who acquired Norwegian nationality at birth, but who has not resided in Norway for a total of two years or in Norway and other Nordic countries for a total of seven years shall lose his or her Norwegian nationality upon reaching the age of 22.

A person who would otherwise lose his or her Norwegian nationality pursuant to the first paragraph may, upon application, be given the right to retain it provided that the applicant has sufficient ties with Norway. An application for such retention must be lodged before the person concerned reaches the age of 22.

An application may be dealt with even if it was lodged too late if the applicant is not essentially to blame for this, or if it would be unreasonable that the nationality were to be lost on account of the omission.

If a person loses his or her Norwegian nationality pursuant to this section, his or her children shall also lose their nationality. However, this shall not apply if one of the parents is still Norwegian, or if the child himself or herself satisfies the conditions laid down in the first paragraph for retaining the nationality.

Loss of nationality pursuant to this section shall not occur if the person concerned will thereby become stateless.

The King may by regulations make further provisions regarding the conditions for retaining Norwegian nationality pursuant to this section.

### **Section 25. *Loss upon application***

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.

#### **Section 26. *Revocation***

Norwegian nationality shall be revoked if the requirement of release from another nationality has not been fulfilled. However, this shall not apply if an exception is made from the requirement of release pursuant to section 10, first paragraph, fourth sentence. If release from another nationality is documented after expiry of the time limit prescribed in section 10, first paragraph, revocation may be waived unless special reasons warrant not doing so. If no administrative decision is made regarding revocation, it shall be confirmed in writing that the Norwegian nationality is valid.

An administrative decision regarding nationality may be revoked if it is possible to reverse it pursuant to section 35 of the Public Administration Act or general rules of administrative law. However, revocation of nationality that is based on incorrect or incomplete information may only be carried out if the applicant has furnished the incorrect information against his or her better judgment or has suppressed circumstances of substantial importance for the decision.

### **Chapter 6. Administrative procedures, etc.**

#### **Section 27. *Procedure etc.***

An application for Norwegian nationality shall be lodged with the police or a Norwegian foreign mission which will prepare the case. The Directorate of Immigration will make a decision on the application. Notification of Norwegian nationality shall be given to the police who will prepare the case. The Directorate of Immigration will make the administrative decision as to whether or not the notification shall be approved.

Administrative decisions regarding revocation of nationality will be made by the Directorate of Immigration.

Such administrative decisions as are mentioned in the first and second paragraphs may be appealed to the Immigration Appeals Board. The King in Council is the administrative appeal body in cases where the Ministry has exercised its authority to give instructions pursuant to section 28, second paragraph. Sections 38 a and 38 b of the Immigration Act shall apply correspondingly in connection with the processing of cases pursuant to this Act.

The Ministry may decide that administrative decisions made by the Directorate of Immigration in favour of the person whom the case concerns shall be reviewed by the Immigration Appeals Board. Such decision shall be made not later than four months after the administrative decision was made and shall be in writing, stating the grounds. Chapters IV to VI of the Public Administration Act regarding preparatory proceedings, administrative decisions and administrative appeals shall not apply to such decisions.

If, in a case pursuant to the fourth paragraph, the Immigration Appeals Board concludes that the administrative decision made by the Directorate of Immigration is invalid, it shall quash the decision and send the case back to the Directorate to be wholly or partly dealt with anew. Section 26, second paragraph, second sentence, shall apply correspondingly. Valid administrative decisions may not be quashed or altered, but the Board may state its opinion regarding the principles involved in the case. Administrative decisions made by the Immigration Appeals Board may not be appealed.

When the Immigration Appeals Board has made an administrative decision pursuant to this Act in favour of the person whom the case concerns, the Ministry may bring an action to have the validity of the decision reviewed. Such action must be brought within four months of the decision being made. The action shall be brought against the person in favour of whom the decision was made. There shall be no mediation by the Conciliation Board.

In such cases as are mentioned in the fourth paragraph, the person whom the case concerns is entitled to free legal advice without a means test. In such cases as are mentioned in the sixth paragraph, the person concerned is entitled to free conduct of a case without a means test.

The King may make rules regarding which cases shall be dealt with by a grand board, and regarding authority to decide whether a case that has been brought before the grand board shall be dealt with. The King may by regulations make further rules regarding preparatory proceedings and regarding the jurisdiction of the Immigration Appeals Board in cases pursuant to the fourth paragraph. The King may also make rules regarding the Board's further processing of cases pursuant to this Act.

**Section 28.** *The instructing authority*

The Ministry may not give instructions regarding decisions on individual cases. Nor may the Ministry give instructions to the Immigration Appeals Board regarding the interpretation of legislation or the exercise of discretion. The Ministry may give instructions regarding the prioritisation of cases.

In the interests of national security or in consideration of foreign policy, the Ministry may give instructions regardless of the limitations laid down in the first paragraph.

**Section 29.** *The duty to provide information and documentation and to appear in person*

In connection with the processing of a case pursuant to this Act, the person whom the case concerns may be ordered to provide information that may be of importance for the administrative decision, to furnish necessary documentation and appear in person.

At the request of the Directorate of Immigration, the Immigration Appeals Board or the Ministry, the police have a duty to provide information as to whether the person whom the case concerns has been charged with, indicted for or sentenced to a penalty or special sanction for a punishable offence, if such information is necessary for dealing with the case pursuant to this Act. The King may by regulations make further provisions regarding the procurement of such information.

**Section 30.** *Power to suspend processing of an application*

Processing of an application may be suspended if there is a question of making an administrative decision pursuant to the Immigration Act and the decision will have significance for the application for nationality.

Processing may also be suspended if the applicant is under investigation for a criminal offence that may have significance for the application, cf. section 9.

**Section 31.** *Applications for the acquisition or loss of nationality for children*

Applications for the acquisition or loss of nationality for children may only be lodged by parents jointly or by the parent who has sole parental responsibility. If the whereabouts of one of the parents are unknown, an application may nevertheless be lodged by the other. If the parents have been deprived of parental responsibility or if the parents are dead, the guardian shall act on behalf of the child.

In the case of children who have reached the age of 12, their consent to the application is required. No consent is required if the child is permanently unable to give consent on account of illness or disability.

Children who have not reached the age of 12 shall be given the opportunity to express their opinion. Importance shall be attached to the child's opinion in accordance with the age and maturity of the child.

The provisions of this section shall apply correspondingly to the acquisition of Norwegian nationality pursuant to section 21.

**Chapter 7. Fees and penalties**

**Section 32.** *Fees*

A fee may be charged for processing applications for and notifications of nationality. The King may by regulations make provisions regarding the amount of the fee, collection and exemption from the obligation to pay a fee.

**Section 33.** *Penalties*

Any person who wilfully or through gross negligence gives substantially incorrect or obviously misleading information in a case pursuant to this Act, or is an accessory thereto, shall be liable to fines or imprisonment for a term not exceeding six months or both.

A contravention of this section shall be regarded as a misdemeanour and shall only be prosecuted when this is required in the public interest.

**Chapter 8. Final provisions**

**Section 34.** *Commencement*

This Act shall come into force from the date decided by the King. From the same date the Act of 8 December 1950 No. 3 relating to Norwegian nationality shall be repealed.

**Section 35. *The European Convention on Nationality***

The Storting consents to ratification of the European Convention on Nationality of 6 November 1997.

**Section 36. *Transitional provisions***

Applications and notifications shall be dealt with pursuant to this Act if they are lodged after it comes into force. Applications and notifications that are lodged before this Act comes into force shall be dealt with pursuant to this Act if this benefits the applicant or notifier.

Section 27, third paragraph, and section 28 shall also apply to cases that are submitted before, but decided after this Act came into force.

Notifications that have been received by the county governor shall be sent to the Directorate of Immigration for decision. Appeals that have been received by the Ministry shall be sent to the Immigration Appeals Board for decision.

**Section 37. *Special transitional rules for children born before the commencement of the Act***

Children between the ages of 12 and 18 who were adopted by a Norwegian national after 1 October 1999, but before this Act comes into force, are entitled upon notification to become a Norwegian national provided

- a) the child was adopted pursuant to an adoption order made by the Ministry, cf. section 1 of the Adoption Act, or
- b) the child was adopted from a foreign country and the Ministry gave its prior consent to the adoption, cf. section 16 e of the Adoption Act.

A child under the age of 18 who was born before this Act came into force and who is not a Norwegian national is entitled upon notification to become a Norwegian national if the father was a Norwegian national when the child was born. If the father died before the child was born, it is sufficient that the father was a Norwegian national when he died.

Section 31 of this Act shall also apply to the acquisition of Norwegian nationality pursuant to the first and second paragraphs.

Section 17 of this Act shall also apply to children under the age of 18 of persons who have acquired Norwegian nationality pursuant to the Act of 8 December 1950 No. 3 relating to Norwegian nationality.