

Annex 3

## Country Case: Norway

Annex 3 of the Talent Attraction and Work-related Residence Permit Process  
Models in Comparison Countries -report

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# 1 Introduction

Norway imposed a labour migration stop in the early 1970s, but has since gradually lessened the restrictions, particularly for skilled workers. From 1975 to 2004, only specialists and seasonal workers were admitted. Since 2004, the debate has been about non-specialists, while specialists remain uncontroversial. Following an executive White Paper in 2000, the specialist category was expanded, and a job search permit introduced. In 2002, a cap or quota was introduced for skilled workers and specialists. Today's policy is largely unrestrictive for international recruits that are tertiary-educated and those with a vocational education with a craft certificate<sup>1</sup>.

As stated in the latest government White Paper on labour migration from 2008, the main rationale for the labour market policy in Norway is to ensure that recruitment of foreign labour can be done in a simple and efficient manner when the need arises, as defined by employers. At the same time, the benefits of labour immigration need to be realised in a balanced way for employers, individuals and the society. This means that foreign labourers must be ensured equally good conditions in both the working life and their social environment. The labour immigration policy should ensure the sustainability of the Norwegian welfare society<sup>2</sup>.

Legislation and regulations that pertain to work-related residence permits in Norway have thus essentially been geared towards demand-driven immigration. The Norwegian government has tried to facilitate this by simplifying the procedures that employers and job seekers face, when submitting their applications. More supply-driven systems have been considered, but ultimately opted out of. An exception to this is that the regulations for foreign students in Norway wishing to apply for work after graduation were changed. A quarantine provision requiring international students to leave

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<sup>1</sup> OECD (2014): Recruiting Immigrant Workers: Norway 2014, available in: [https://www.oecd-ilibrary.org/social-issues-migration-health/recruiting-immigrant-workers-norway-2014\\_9789264226135-en](https://www.oecd-ilibrary.org/social-issues-migration-health/recruiting-immigrant-workers-norway-2014_9789264226135-en)

<sup>2</sup> Report No. 18 to the Storting (2007–2008): <https://www.regjeringen.no/en/dokumenter/report-no.-18-to-the-storting-2007-2008/id507744/>, p. 24.

Norway for a period of five years following graduation and before entering the Norwegian labour market was eliminated in 2001 and policy changes introduced with the New Immigration Act in 2010 have made it easier for international students to remain in the country after the completion of their studies. However, international students are still considered to be an under-utilized talent pool for Norway by the OECD<sup>3</sup>.

The social partners have largely been satisfied with the regulations in the area. The employers' organizations have long held the view that the regulations should be simplified and have supported the legislative changes that have been made to that end. Labour unions have also been positive towards the existing policy and regulations. This is partly due to the fact that wages and working conditions must be kept in line with collective agreements and practices and partly because the demand-driven recruitment policy has resulted in immigration that has been well adapted to the needs of businesses and, thus, has put little actual pressure on wages<sup>4</sup>.

The authorities have largely left the facilitation of labour immigration to businesses and private actors, apart from offering general public measures aimed at all immigrant groups, such as Norwegian language courses and [the introduction programme](#).

Consequently, the term “talent attraction” has not been used much in the national discussion. Rather, the debate has been about how to “streamline labour immigration”. Apart from the debates following parliamentary motions in 2011 and 2013 on specific suggestions seeking to simplify procedures, improve routines and speed up processing and an initiative from the Conservative prime minister in 2013 to create a fast track for tertiary educated foreigners from outside the EEA area, labour immigration policy has largely been absent from the national political agenda in the last decade. Managed migration has, in large part, been overshadowed by issues related to the refugee crisis and asylum seekers.

## 1.1 Structure and main actors in talent attraction

Labour migration in Norway is subject to national legislation and covers the entire country. Active talent attraction efforts are largely left to businesses and regional or

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<sup>3</sup> OECD (2014): Recruiting Immigrant Workers: Norway 2014, available in: [https://www.oecd-ilibrary.org/social-issues-migration-health/recruiting-immigrant-workers-norway-2014\\_9789264226135-en](https://www.oecd-ilibrary.org/social-issues-migration-health/recruiting-immigrant-workers-norway-2014_9789264226135-en).

<sup>4</sup> Nana Wesley Hansen, Åsmund Arup Seip and Line Eldring (ed.) (2010) «Rekruttering av kompetanse-arbeidskraft fra tredjeland til Norden – Reguleringer, strategier og realiteter», TemaNord 2010:536, Nordisk Ministerråd, København 2010 (Norwegian).

local government levels, although some public sector actors provide financial support or consultation services to companies in branding and reputation building.

### 1.1.1 The national level

On the national level, migration legislation is determined by the **Parliament (Storting)**. Details are largely left to agency regulations, since the Immigration Act gives the directorate a large degree of discretion. The most important national actors include:

The Directorate for Immigration (Utlendingsdirektoratet – UDI), under the Ministry of Justice and Public Security (Justis- og beredskapsdepartementet – JD), administers the migration infrastructure, decides on permit applications, and issues circulars clarifying regulations. Permits submitted from within Norway are initially processed by local police districts that usually have a service or officer appointed to migration procedures. Local police may approve renewals, but only the UDI can reject applications. For applicants abroad, applications are processed abroad by the Norwegian consular representatives or private subcontractors, mainly [VFS Global](#). However, the UDI oversees this activity and establishes the guidelines for permit issuance and classification. The government may propose UDI recommendations to Ministries for legislative action by the Parliament.

**The Ministry of Labour and Social Affairs (Arbeids- og sosialdepartementet – ASD)** is responsible for promoting labour migration legislation through executive White Papers. The Ministry of Labour and Social Affairs is also responsible for regulating and overseeing the UDI in the area of labour migration. Additionally, it is responsible for the **Norwegian Labour and Welfare service (Arbeids- og velferdsetaten – NAV)** and the **Labour Inspection Authority (Arbeidstilsynet)**. The NAV assists jobseekers and employers that seek to hire and helps them find a good fit. The NAV is responsible for the administration of the European Employment Service (EURES) system in Norway. Regional EURES offices work with employers to target recruitment and post-recruitment practices. The NAV also monitors the labour market and conducts employer surveys. The Labour Inspection Authority enforces labour and occupational health and safety law. It also oversees the issuance of ID cards for employment on construction sites and maintains the register for temporary work agencies.

**The Ministry of Education and Research (Kunnskapsdepartementet – KD)** is responsible for the university system. **The Norwegian Agency for Quality Assurance in Education (NOKUT)** is an independent body under the Ministry of Education and Research, responsible for the recognition of qualifications obtained outside Norway. It

works with higher education institutions and vocational higher education providers, as well as individuals seeking to obtain recognition of their foreign qualifications. Its main function is to ensure quality in higher and post-secondary vocational education. The NOKUT examines and approves recognition of foreign higher education by individual applicants. It also assists universities, colleges and authorisation offices in their work with the recognition of foreign qualifications and provides information on education systems in other countries. However, the higher education institutions are themselves responsible for recognition of prior qualifications and for the right to use Norwegian academic titles.

**The Norwegian Directorate of Integration and Diversity (Integrerings- og mangfoldsdirektoratet – IMDi)** provides support and services to further the integration of immigrants and the diversity policy. IMDi cooperates with immigrant organisations and groups, municipalities, government agencies and the private sector. Among the services it provides are the management of the national integration orientation pamphlet and website “New in Norway” and public sector interpretation support.

**Innovation Norway (Innovasjon Norge)** is the Norwegian Government's most important instrument for the innovation and development of Norwegian enterprises and industry. It provides support to companies to develop their competitive advantage and to enhance innovation. Innovation Norway is owned by the **Ministry of Trade, Industry and Fisheries (Nærings- og fiskeridepartementet – NFD** (51%) and the county authorities (49%). Innovation Norway seeks to strengthen the collaboration between enterprises and knowledge communities through its cluster and network programmes in cooperation with **Siva**, a governmental enterprise facilitating a national infrastructure for innovation consisting of incubators, business gardens, catapult centres, innovation enterprises, innovation centres and industrial real estate and the **Research council of Norway (Norges forskningsråd – NFR)**.

## 1.1.2 The regional level

On the regional level, there have been more concerted efforts to increase attractiveness and competitiveness to create economic growth and recruit skilled labour in demand.

**Regional governments** are often active in promoting development plans, which include the recruitment of necessary workers. This is particularly true in rural areas or areas in which local authorities have difficulty finding personnel for certain occupations. Employers and employers' associations may play a role in specific initiatives to increase the attractiveness of their regions. Some regions have established networks

or political collaboration organisations, where both counties and municipalities work towards strengthening their competitiveness internationally, such as “Osloregionen”.

**Chambers of Commerce** actively promote internationalisation and offer their members access to a national and international network of member companies and chambers of commerce. Through “The International Network of Norway (INN)”, they provide relocation services for which businesses contract, as well as introductions to Norwegian society, social meeting places and networking. Their overall goal is to ensure that the various regions of Norway appear attractive to foreign expertise<sup>5</sup>. Other private relocation companies also operate and have made efforts to put talent attraction on the political agenda<sup>6</sup>.

The **Norwegian Innovation Clusters** are a state funded program designed to strengthen collaboration in regional business clusters, to make the clusters more dynamic and attractive and make the enterprises more innovative and competitive. It has three levels: Arena (three-year programme), Arena Pro (five-year programme) And GCE (Global Centres of Expertise – ten-year programme). Norwegian Centres of Expertise is no longer a programme, but a certification and branding instrument – especially the three GCE's that currently operate: GCE Ocean Technology and GCE NODE.

GCE Blue Maritime and some of the larger NCE's, like the Oslo Cancer Cluster and NCE Energy Valley, are important platforms for international branding and recruitment efforts by their member companies, increasing their visibility and attractiveness<sup>7</sup>.

## 1.2 Main target groups of talent attraction

In line with a demand-driven recruitment policy, the authorities have, to a limited extent, discussed measures for special groups, such as engineers or other specialists. In terms of numbers and perceived importance, labour immigration of non-EU/EEA citizens is dwarfed by the immigration of workers from EU/EEA-countries.

Actors on the national level have discussed the choice of specific target groups and countries to a very limited degree. On the regional level, they are currently chosen in

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<sup>5</sup> <https://www.bergen-chamber.no/en/chamber-of-commerce-and-industry/international-network-norway-inn-bergen/> and <https://en.chamber.no/relocation-services-oslo/>

<sup>6</sup> Interview with an advisor in Osloregionen.

<sup>7</sup> Oxford Research (2019): Evaluering av tre GCE-prosjekter: <https://oxfordresearch.no/publications/evaluering-av-tre-gce-prosjekter/> (Norwegian) and interview with an advisor in Oslo Regional Alliance.

an ad hoc fashion by businesses and clusters, leading to path dependency. For instance, in the NCE systems engineering cluster in Kongsberg, a group of Portuguese engineers were successfully recruited and, consequently, it was easier to continue recruiting from that talent pool. The Portuguese expats already present represented a resource useful in getting more Portuguese settled and integrated. A similar example is found in the Hamar gaming collective, where German software developers within gaming and AR/VR have been recruited in a similar fashion<sup>8</sup>.

### 1.3 Major legislative changes related to talent attraction

The last major legislative change occurred in the wake of the Executive White Paper on labour immigration in 2008. The impetus was a perceived future scarcity in labour supply in a situation where the economic conditions were favourable throughout Europe. It seemed that Norway would have to compete for labour abroad to maintain its workforce. The global financial crisis in 2008 altered this outlook. Since Norway rode through the crisis without any widely negative effects on employment, the demand for labour remained high, whereas the supply within the EEA-area increased<sup>9</sup>.

However, according to the director of the managed migration department of UDI, the application processing time for work immigration was untenably slow, being around six months at that time. The application processing for workers' residence permits competed for resources with a broad range of other case-types. The Immigration Act and Immigration Regulations were changed substantively in 2008 and 2009 and the changes took effect in 2010. The new law gave the government increased authority to govern the immigration policy through regulations rather than law. The new regulations were designed to make it easier for highly qualified workers outside the EU/EEA to get work in Norway and a broad range of changes was introduced. A comprehensive review of all the changes would be too lengthy, but some of the measures introduced warrant further elaboration.

A provision to consider a baseline salary of NOK 500 000 as sufficient proof of specialist qualification was implemented in 2010 but eliminated in 2013. Information from the police and the Directorate of Immigration showed that permissions were granted to companies that had no need for qualified labour and who had little financial means

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<sup>8</sup> Interview with an advisor in Osloregionen.

<sup>9</sup> OECD (2014): Recruiting Immigrant Workers: Norway 2014, available in: [https://www.oecd-ilibrary.org/social-issues-migration-health/recruiting-immigrant-workers-norway-2014\\_9789264226135-en](https://www.oecd-ilibrary.org/social-issues-migration-health/recruiting-immigrant-workers-norway-2014_9789264226135-en)



to bear the labour costs, such as the food/restaurant industry. The police also revealed that workers paid back large sums to the employer throughout the working year<sup>10</sup>.

An extension of the jobseeker visa to citizens of non-EEA countries was also introduced. The permit caused relatively little interest and had a high refusal rate, as well as a relatively low rate of transition to employment permits. The provision also did not appear to be used by employers for active recruitment. During the summer of 2012, The Ministry of Labour and Social Affairs was informed by the Directorate of Immigration and several diplomatic missions, including India and Sri Lanka, about the discovery of a large number of fraudulent documents. The scheme seemed to be further abused by agents, who took money from applicants to obtain a residence permit in Norway. As a result, the jobseeker visa was also abandoned in 2013.

An early employment scheme was also introduced. The "Early employment start" gives a foreign worker the possibility to take up employment before receiving their work permit. This option was made available to existing firms that self-certify compliance with prevailing health, safety and environmental options. The employer can apply for a residence permit on behalf of the employee and the employee can travel to Norway and start work while the application is pending. This was considered a superior solution in comparison to employer accreditation models<sup>11</sup>. However, as described in section 3, the processing times at the UDI have been reduced drastically since the scheme was introduced and it has thus decreased in relevance over time.

## 1.4 Talent attraction and COVID-19

The corona crisis creates major problems for the operation of several industries by slowing down labour immigration. This means that, as a result of the pandemic, many companies are in need of labour, in the agricultural sector and in industries, such as building and civil engineering and shipyards, for example. Many workers have lost their jobs and several companies are laying off employees<sup>12</sup>. This is particularly hard on workers from Eastern Europe in quarantine in their home countries<sup>13</sup>. In addition, the right of entry changes almost weekly as a result of the pandemic. The situation

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<sup>10</sup> Letter from the Ministry of Labour and Social Affairs by the Minister to Standing Committee on Local Government and Public Administration, May 14, 2013: <https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Innstillinger/Stortinget/2012-2013/inns-201213-458/> (Norwegian).

<sup>11</sup> Ibid.

<sup>12</sup> <https://www.arbeidslivet.no/Arbeid1/Arbeidsinnvandring/Korona-krisa-Mister-vi-na-vare-godehjelpere--for-godt/>

<sup>13</sup> <https://kommunikasjon.ntb.no/pressemelding/ny-undersokelse-mange-polske-arbeidsinnvandrere-settes-i-korona-skvis?publisherId=13187833&releasId=17883842>

has also led to an increase in the waiting time for attendance in order to have a residence card issued by the police. Waiting time between submitting the application electronically in the application portal to the moment and physically submitting the application to the police has also increased significantly. Similarly, prohibitions on entry, long waiting times and a great pressure on the labour market characterize regional labour markets, such as "Osloregionen". There are fewer workers available, while the competition for jobs is fiercer due to more job seekers.

So far, the Covid-19 situation has not affected the plans for talent attraction or the discussion about work-related immigration in Norway. The challenges mentioned are something the Directorate of Immigration, in collaboration with the police, is trying to solve. With the exception of general Covid-19 measures, no national measures, such as unemployment benefits in connection with layoffs or job losses, have currently been implemented<sup>14</sup>.

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<sup>14</sup> Interview with the director of the managed migration department.

## 2 Residence permit models and talent attraction

Nordic citizens have unrestricted access to residence and the labour market in Norway. EU/EEA citizens have labour market access, although they are subject to certain registration and reporting requirements. EU/EEA citizens must register for a tax number. In the past, the processing times necessary for the tax authorities and police to issue relevant documents were a source of complaint, but these procedures have been accelerated and handled through the Service Centres for Foreign Workers (SUA-centres), lessening these concerns. The permits described in this chapter thus apply to non-EU/EEA citizens.

### 2.1 Work-related residence permit schemes

There is a range of different work or study related permits with a legal basis in section 23–26 of the [Immigration Act](#) and Chapter 6 of the Immigration Regulations. Many of them can be considered irrelevant in the context of talent attraction and highly skilled immigrants, such as permits for working guests in agriculture, seasonal workers, unskilled Russian workers, market traders in the Barents region, seafarers and au pairs.

The general conditions applying to most residence permits for employees are:

- The applicant must have an employer in Norway.
- The employer must:
  - be registered in the Norwegian Central Coordinating Register for Legal Entities
  - be engaged in running a business in Norway
  - have a registered place of business (address) in Norway
  - in connection with a business start-up, it must be substantiated that there is an economic basis for the business.
- It is a requirement that the salary and working conditions are not poorer than the applicable collective agreement or pay scale for the industry in question.
- A concrete and current offer of employment must exist.
- As a rule, the offer of employment must be for full-time work for a single employer.
  - It is possible to be granted an exemption from the requirement for full-time work following a concrete assessment of the nature of the job. Currently, an exception applies to all occupations

when the employee has been offered at least 80% of a full-time position.

**Table 1: Different work-related resident permit schemes**

Permit	Short description	Amount in 2018/2019
Residence permit for skilled workers	The residence permit for skilled workers is the most relevant permit scheme in this context. Specialists or high skilled blue-collar workers must generally apply for the residence permit for skilled workers.	4 391
Residence permits for offshore workers, seconded employees, independent contractors and self-employed persons	These permits are applicable for workers on fixed installations in the North Sea, employees of international companies, who are going on assignment for the Norwegian branch of the company, employees of foreign companies, who are going on assignment in Norway, and self-employed persons with a company abroad or in Norway. The requirements are largely identical to the skilled worker permit, although the enterprise in Norway must also be able to document that the enterprise abroad meets the requirement for salary and working conditions during the assignment. Seconded employees paid from abroad and locally paid secondees employed by a multinational employer located in a WTO signatory country are exempt from the quota for skilled workers.	NA
Permits for working guests in agriculture	This scheme is aimed at cultural exchange for a limited time period and is thus not relevant in the context of talent attraction and highly skilled immigrants. You can only get a residence permit as a working guest once and for up to three months. Conditions in your home country must be such that you are likely to be able to go back when the exchange is over. In order to get this form of permit, you must live as part of the family on the farm <sup>15</sup> . The goal of this scheme is to facilitate cultural exchange.	NA
Seasonal workers	You can get a residence permit as a seasonal worker, if you are going to do seasonal work in the agricultural sector. You must have obtained a job before applying for a residence permit at the Ministry of Foreign Affairs <sup>16</sup> . This permit is not relevant in the context of talent attraction and highly skilled immigrants.	2905 (number from 2018)
Unskilled Russian workers	There are special rules for Russian citizens from the Barents region, who want to work in Northern Norway (Nordland, Troms and Finnmark). To gain an employee requirement, you must pay an application fee and you must have been resident in the Barents region for at least one year <sup>17</sup> . This permit is not relevant in the context of talent attraction and highly skilled immigrants.	NA

<sup>15</sup> <https://www.udi.no/en/want-to-apply/work-immigration/exchange-programmes-culture-and-organisational-work/?c=sgp>

<sup>16</sup> <https://www.udi.no/skal-soke/arbeidsinnvandring/sesongarbeid/>

<sup>17</sup> <https://www.udi.no/skal-soke/arbeidsinnvandring/russiske-arbeidere/#link-848>

Permit	Short description	Amount in 2018/2019
Russian market traders (from the Barents region)	Aimed at Russian workers engaging in sales of Russian products in Northern Norway. You can only engage in market trading for a maximum of 14 days at a time and a maximum of 28 days per calendar year <sup>18</sup> .	NA
Seafarers	The UDI uses "seafarers" as a category for labour immigrants, who need a residence permit to work on Norwegian ships or foreign ships in Norwegian waters.	NA
Au pairs	Au pairs provide services such as light housework and/or childcare for a host family. There are rules regulating working hours per week, as well as a monthly wage minimum combined with board and lodging. This permit is not relevant in the context of talent attraction and highly skilled immigrants.	
Other	In the Norwegian statistics, only the categories "skilled worker", "seasonal worker" and "other" are used. "Unskilled Russian workers" and "seafarers", are not separated in the statistics. Therefore, the category "other" can include all categories, except "skilled workers" and "seasonal workers".	2187 (number from 2018)
<b>Total</b>		<b>9483</b>

## 2.2 International students and researchers

This section focuses on the different types of residence permits for students and researchers.

### Study permit

In order to be granted a residence permit for students, the applicant must provide documentation that they are admitted to a NOKUT-accredited educational institution, they study full-time, have somewhere to live and meet the financial requirements for subsistence and any tuition fees. The required means may consist of student loans, grants, the applicant's own funds on a Norwegian bank account or the deposit account of the educational institution or a combination of the above. If the student has already been offered a part-time job in Norway, the income from this work may be included. The circumstances in their home country must also indicate that it is likely that the student can return home when they have completed their studies.

<sup>18</sup> <https://www.udi.no/en/want-to-apply/work-immigration/russian-workers/?c=irl#link-850>

The first student permit is usually issued for a period of one year. If granted a student permit, the foreigner will also be able to work for up to 20 hours a week while studying and can work full-time during holidays.

In addition, students can bring their family members if certain conditions are met. First, they must be enrolled in a Bachelor, Master or PhD programme and should have more than one year for the completion of studies. Children and spouses are considered family members. Cohabitants are considered family members if they have lived together for at least two years or have/expect a child together. The foreigner should not have received needs-based financial assistance from the NAV the year before their family member applies for the permit. Family members have the right to work full-time for the duration of the permit. However, the period they spend on this permit does not count towards the three-year requirement for permanent residence.

The conditions and terms for renewal of student permits differ slightly from those of the initial entry. Firstly, an account balance from a Norwegian bank from the first day of the preceding six months must be presented. Secondly, satisfactory progress in the studies must be documented. Lastly, the renewal does not give an automatic right to work part time. A permission to work part time may only be given, if the educational institution gives documentary evidence that the applicant's educational progress is acceptable. Most students have no problem meeting this requirement.

### **Researcher with their own funds**

This permit is for researchers who seek to engage in research in Norway but who do not have a Norwegian employer. If the researcher does have an employer in Norway, they should instead apply for the skilled worker permit. To be eligible, the researcher needs an invitation from or an agreement with the research institution with a more detailed description of the research tasks and documentation of financial maintenance with funds equivalent to NOK 121 220 per year, a yearly income equivalent to this sum or a combination of funds and income.

### **Residence permit for a trainee**

This permit is for students who are trainees during higher education, where the purpose of the traineeship/internship is to get practical training as part of their education. Additionally, there is an age restriction and only people between the ages of 18 and 30 are eligible. The permit is valid for six months.

## Residence permit for recently graduated jobseekers in Norway and for researchers

If a person has a permit as a researcher with their own funds or has been a student at university college or university, a vocational school or at upper secondary school and has completed their degree or education in Norway or has taken additional courses in order to have their education recognised in Norway, they can apply for a jobseeker visa to seek employment in Norway. This type of visa is valid for a maximum of one year.

### 2.3 Application forms and fees

The UDI has a digital application portal and, depending on what type of permit a person applying for, they will be guided to the correct application form. A separate form is provided for each permit scheme. The applicant does not advance in the process in the portal without paying the fee. The fee for applying for a work permit (skilled and other work permits) is NOK 6 300<sup>19</sup>.

The UDIs first line (the Foreign Service and the police) ensures that only complete applications are forwarded to processing. Only a small amount of the applications is incomplete. The UDI does not have a specific estimate of the number of incomplete applications. If the applicant has applied for the wrong type of permit for work, the UDI will evaluate the application based on which permit scheme is best suited for the applicant. This may cause the UDI to ask for more information in the case. In the cases where the applicant fulfils the conditions for several permits, the permit considered to give the best rights in Norway is granted <sup>20</sup>.

The UDI does not prohibit applications on paper. However, applications are rarely submitted in this form. The police, the foreign service stations and the UDI's application portal suggest that applicants should use the electronic application portal and not submit the application form on paper. Beyond this, the UDI has no incentives for using digital applications<sup>21</sup>.

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<sup>19</sup> Interview with the director of the managed migration department.

<sup>20</sup> Interview with the director of the managed migration department.

<sup>21</sup> Interview with the director of the managed migration department.

## 2.4 Fast track schemes

Norway has considered the use of fast tracks but discarded the idea. The director of managed migration at the UDI put it this way: “A fast track for some implies a slow track for others”. Instead of allocating more resources to a certain class of applicants, the UDI and the ASD agreed that case processing needed to be sped up across the board. This line of reasoning is described in more detail under section three.

## 2.5 The application process for the residence permit for skilled workers

In most cases, the residence permit for skilled workers will be the most relevant for specialists or high skilled blue-collar workers. In order to be eligible for a skilled worker permit, the following requirements must be met.

- The competence condition: The minimum requirement is a vocational education equivalent to the Norwegian three-year secondary school level. Other types of qualification can be a craft certificate, a university college/university degree or special qualifications. Thorough documentation is needed for a permit to be granted on the basis of special qualifications.
- The relevance condition: The nature of the job offered must be such that a skilled worker is required. Consideration shall be given to the job description in the offer of employment, the employer's statement on what competence the position requires and why the applicant's competence is relevant to the position, as well as the salary level.
- Condition concerning approval by other authorities: One condition of being granted a residence permit as a skilled worker is that approval or authorisation has been obtained from the relevant professional authority in occupations where qualification requirements are set out in law or in regulations. Information about who requires approval of education from abroad in order to practise their profession and about who can grant such approval is available at [www.nokut.no](http://www.nokut.no).
- Condition concerning the quota or labour market assessment: The migration of skilled workers is subject to a cap, or quota, introduced in 2002. Quotas are determined annually by the Ministry of Labour and Social Affairs in consultation with the Ministry of Trade, Industry and Fisheries and the Ministry of Finance. The quota is a ceiling beyond which a labour market test, conducted by the NAV under guidelines from the



Ministry of Labour and Social Affairs, applies. Since 2002, the level has been 5 000 and the quota has never been exceeded.

- Additional conditions for skilled workers planning to work through staffing agencies: The staffing agency must be registered as an enterprise, whose object is to engage in hiring out labour in relevant registries. A signed list of assignments in accordance with the worker's qualifications and their duration must be supplied.
- Special conditions relating to permits for athletes and coaches: It is a condition that the applicant takes part in high-level sport as an athlete, a coach or a player-coach. The level of activity, results and ability to participate in high-level sports need to be documented.

Family members of skilled workers are granted a permit linked to that of the primary applicant but have unrestricted access to the labour market. Family members are bound by general migration regulations, including the requirement to take language and civics instruction – at their own expense.

The number of skilled workers permits that have been granted in the past ten years are displayed in Table 2

**Table 2: work-related permits. Total number of foreign workers from outside EU/EEA that were granted residence permits to work in Norway.**

Type of permit	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
First time work immigration permits – all types	6424	8298	7712	9600	8330	8 513	7 718	7 076	8 046	9 101	10 217
First time work immigration permits – skilled workers	2577	2808	3495	4100	3845	3 737	2 875	2 488	2 815	3 769	4 391
Skilled worker percentage	40 %	34 %	45 %	43 %	46 %	44 %	37 %	35 %	35 %	41 %	43 %

Source: UDI (2019) Årstabeller.

Although processing times fluctuate somewhat, the waiting time for most work-related permits is around two to four weeks, according to the UDI<sup>22</sup>. The counting starts when the UDI receives an application from the police or the foreign service. The stated tar-

<sup>22</sup> Interview with the director of the managed migration department.

get times are updated once a month and are personalised according to the type of application (first-time/renewal/appeal), where the application was handed in and what type of residence permit has been applied for.

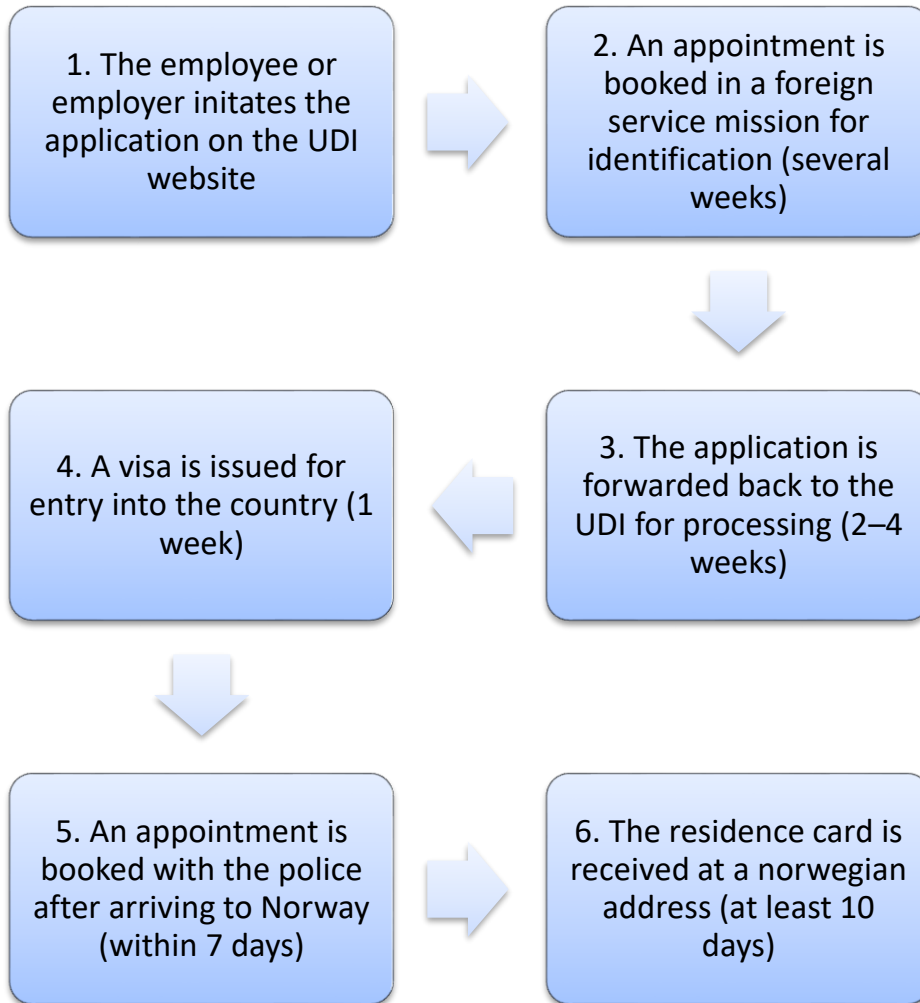
The UDI's letter of assignment from the Ministry states that they will process applications from non-EEA skilled workers, who need a visa to enter Norway "as soon as possible". In practice, this means that the vast majority (80–90%) will be decided within 30 days of the application being submitted. Residence cards are issued by the police/first line administrators only after entering Norway, so this is not a part of the UDI's case processing. For other applications, the processing time varies greatly, so it is not possible to provide an estimate of the average processing time. However, the processing time for other permits can be significantly longer. The application for a skilled worker permit is the type of case that has the highest priority and is dealt with the fastest<sup>23</sup>. A step-by-step description<sup>24</sup> of the application process is portrayed and explained below.

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<sup>23</sup> Interview with the director of the managed migration department.

<sup>24</sup> This description is compiled from several web pages in the UDI web domain and from written answers to more specific questions regarding the application process received via e-mail from the managed migration department.

Figure 1: The application process for a non-EEA skilled worker



## 1. Initiating the process

The application process in work immigration cases will normally be initiated by the foreign national. When applying for residence permits for work, the process can also be carried out by the employer in Norway, if given power of attorney by the foreign national. The employer can then also submit applications for the nearest family members of the foreign national. In this case, the foreign national is still formally the applicant or the "party" in the administrative sense.

The first step is to follow a decision tree in the UDI's website, clicking hyperlink boxes and selecting alternatives from a list of possible options. It is possible to initiate the process on paper. However, in practice paper applications are rarely submitted. The police, foreign service stations and the UDI's application portal suggest that applicants should use the electronic application portal and not submit the application form on paper. This is to ensure that the application is complete when submitted. The applicant first needs to select which type of application to submit, then the type of work immigration residence permit, country of citizenship, what type of work the applicant wishes to perform, whether the employer will submit the application on behalf of the employee and, lastly, whether the applicant is in Norway or wishes to apply from abroad.

At this point, the applicant is prompted to gather the necessary documentation in a customised checklist based on their prior responses, which asks for the following original documents:

- passport and copies of all the used pages in the passport
- a signed cover letter from the Application portal (or application form)
- two new/recent passport size photos with a white background
- documentation that shows the applicant has somewhere to live in Norway
- the UDI's Offer of employment form, completed
- documentation that shows that the salary the applicant has been offered meets the requirements
- documentation of the applicant's education and/or documentation of the applicant's work experience
- CV

Additional documentation is needed for some applications. This includes explanations for deviations from the standard permit (e.g. if the applicant will work less than 80%, for more than one employer, the offer of employment is not continuous), various types of registration and certification, as well as statements. If the applicant requests the early employment scheme and residence permit during application processing, this

needs to be included in writing. The applicant must pay an administrative fee and fill in the appropriate application form. If the UDI's Application Portal is used, the form is digitally sent to the relevant foreign service mission (embassy/consulate) or police station.

## 2. Appointment in the foreign service mission

The next step for the applicant is to book an appointment at the foreign service mission abroad or the local police office or one of the five service centres for foreign workers in Norway through the website of the chosen instance. If the employee lives in a country where a Swedish or Danish embassy represents Norwegian authorities, they can book the appointment there. Booking an appointment can take weeks. How fast you can get an appointment varies widely across different countries and foreign service missions. Note that this is not included in the processing time of the permit, as the counting starts when the UDI receives the application after identification.

The checklist needs to be printed out, filled in, signed and brought to the appointment along with the original documents and copies translated into English or Norwegian. Physical attendance is required from the applicants and biometric identifiers are collected during the appointment. A photograph is either scanned or taken at the time of application and the applicant's ten fingerprints are collected digitally. As a rule, the foreign service mission or the police shall carry out a control of persons and documents (Minimum ID Control). In some cases where doubt arises, they carry out a more comprehensive control of the documents. This (extended) ID control is carried out if the first line administrators (police and foreign affairs) are suspicious of the person's purpose for a residence permit, where there is doubt about the person's identification, or where there is confusion about the person's documentation<sup>25</sup>. If the foreign service mission has entered into an agreement with external service providers for the receipt of applications (normally VFS Global), the external service provider performs the control of persons on behalf of the foreign service mission. In such cases, the documents must normally also be checked by the foreign service mission.

## 3. Application is forwarded to the UDI

After a preparatory processing, the case documents are forwarded digitally to the UDI and registered in their computer system (DUF). The processing time of the UDI is counted from the time the case documents are received at the police/foreign service mission. Normally, the documents are forwarded quickly to the UDI. When the UDI re-

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<sup>25</sup> Interview with the director of the managed migration department.

ceives the application, the applicant will be notified by email or SMS. The case officers consider the cases in the order they are received and make a decision in each case. When the UDI has made a decision, the applicant will be notified by the police, the UDI or the embassy. If the employer has been given power of attorney, this person will always be notified and must notify the foreigner. If applications have been submitted for the nearest family members, the UDI has routines that ensure coordination, so that they are processed in quick succession.

#### **4. Possibility of early employment**

If the application is handed in to the Norwegian police, either by the employer or by the applicant, they can ask for early employment. In order to be eligible, the applicant needs to be tertiary educated and needs to have applied as a skilled worker and not as a religious leader/teacher or ethnic cook. Early employment is not possible if the foreigner hands in their application at a foreign service mission or VFS-office. In case the applicant cannot enter Norway legally beforehand to hand in the application themselves, the application must be done by the employer, who has a written power of attorney from the applicant. The police can then confirm that the applicant can work for the employer until their application for a residence permit has been decided upon. The worker cannot change employer. If the foreigner needs a visa, they have to show the confirmation of early employment at the foreign service mission and have to show their passport to the police no later than seven days after arriving in Norway or at the first available appointment.

#### **5. Entering the country**

At this point, if the foreigner is not already in Norway, they can travel to Norway. If an entry visa is needed, the UDI will ask the embassy responsible for the case to issue this visa. It is not necessary to apply for one. The office where the application was handed in will then contact the foreigner to agree on a time for them to come and collect their visa. Being contacted will take up to a week. The visa will then have to be collected at the same place where the application was handed in. The visa will state the latest date on which travel to Norway is allowed. Therefore, the embassy must be notified of the planned entry date. Visas are issued as physical labels in passports.

#### **6. Appointment with the police in Norway**

Once the entry date is set, the foreign national needs to make an appointment with the local police in order to obtain a physical residence card. This appointment must be pre-booked, normally through the application portal, and the appointment has to be

within the first seven days in Norway or the first available appointment. When the foreigner meets the police to order a residence card, the UDI notifies the Tax Administration that they have been granted a residence permit. The Tax Administration decides whether the foreign national will be given an ID-number or a national identity number.

## 7. Receiving the residence permit card

The residence card is sent to the foreigner to whom the permit applies to an address in Norway. It will not be sent to the employer. The duration of at least ten working days from the appointment with the police to the card arriving in the post is to be expected. Among other things, the card contains the photo, signature and fingerprints of the foreign national. The fingerprints are only stored on the card itself. About two weeks after the meeting with the police, the foreigner will receive a letter from the Tax Administration with their national identity number or ID-number. With this number, they can apply for a tax card, open a bank account, and register for a regular general practitioner. The skilled worker residence permit is valid for one year and should be renewed 2–3 months before expiring. If the foreigner changes their employer or position, they must normally apply for a new residence permit and be granted a new permit before they can start in the new job.

### 2.5.1 Family members of skilled worker permits

The family members of a skilled worker permit holder can usually come and live with the permit holder in Norway (termed the reference person). Family members can apply for “family immigration” at the same time as the skilled worker applicant and they will receive the answer to their applications at the same time. Spouses and registered partners, cohabitants, and children under 18, who are going to live with their parents in Norway, are among the family members eligible for a residence permit. However, there are some requirements and terms for receiving the permit for family members. For example, as a spouse you need to be at least 24 years old and the reference person must have an annual income of at least NOK 264 264 per year, pre-tax. The same earnings threshold for the reference person also applies when children are applying for family immigration. For cohabitants to be able to get a residence permit, the couple must have lived together for at least two years and neither can be married to someone else<sup>26</sup>.

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<sup>26</sup> <https://www.udi.no/en/want-to-apply/work-immigration/skilled-workers/#link-816>

## 2.6 Identified bottlenecks in the permit process and possible solutions to them

The Ministry of Justice and the UDI have focused on different efforts to improve the case processing system and reduce processing time for all types of permits. The reason for this focus is the reduction of a substantial backlog for most types of cases, particularly cases concerning residence and asylum seekers. A long-term goal has been to improve the administration, both in terms of increased coherence and effectiveness. The "EFFEKT-programmet" (translated: Effect programme) is one example of such an initiative. The goal with the programme was to reduce the resources used per case, to make faster decisions, improve the information and communication flow in case management, and to improve usability for the users (see 3.1).

The UDI works continuously to improve case-flow through both small and large measures. In recent years, the main challenge for the UDI has been to establish a good dialogue with employers and the first line administrators (the Foreign Service and the police) in order to identify various improvement measures<sup>27</sup>. The "EFFEKT-programmet" also sought to improve coordination and communication between the immigration administration's agencies by establishing an electronic administrative flow between the UDI, the police, foreign service stations, the UNE (Immigration Appeals) and the IMDi (The Norwegian Directorate of Immigration and Diversity).

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<sup>27</sup> Interview with the director of the managed migration department.



## 3 Focus areas in Norway

There are three specific focus areas in Norway that we took a closer look at. These are the development of the entire permit processing system, the third country health care sector recruitment projects and talent attraction structures in the capital region, Oslo.

### 3.1 Developing the entire permit processing system

There have been discussions concerning fast tracks, employer accreditation systems and tax incentives, but these measures have been discarded. This is largely because the UDI, based on their observations of the ways other countries have adopted them, consider the measures as administratively burdensome systems that are unlikely to have an attraction effect. Employer accreditation is not viewed as necessary in light of the short processing times. Instead, the ASD, the JD and the UDI have put a lot of effort into improving case processing in the immigration administration and cutting processing times down for all case types.

In the period leading up to the New Immigration Act around 2006–2008, case processing times in the immigration administration varied from around four to six months<sup>28</sup>. Case processing was in large part done manually with physical filing of case folders and extensive use of postal carriers for the transport of folders within the UDI and between actors in the immigration administration. There were large backlogs for most cases and, in particular, for residence and asylum cases<sup>29</sup>.

An ambitious goal was set in the 2008 Executive White Paper for a maximum case processing time of four weeks, which has largely been met. This has been achieved partly because the residence permit requirement for EEA workers was lifted on October 1<sup>st</sup> 2009 and replaced with a registration system, lessening the caseload, although Bulgarian and Romanian nationals still had to apply for work permits until June 2012 due to transitional rules. However, it is mostly a result of the legislative and regulative

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<sup>28</sup> Nana Wesley Hansen, Åsmund Arup Seip and Line Eldring (ed.) (2010) «Rekruttering av kompetanse-arbeidskraft fra tredjeland til Norden – Reguleringer, strategier og realiteter», TemaNord 2010:536, Nordisk Ministerråd, København 2010 (Norwegian) and an interview with the director of the of managed migration department.

<sup>29</sup> Menon Economics (2019): «Evaluering av EFFEKT-programmet»: <https://www.ntnu.no/documents/1261860271/1262012574/Evaluering+av+Effekt+programmet.pdf/93130452-b24f-3ac9-4412-386b617a119d?t=1576060321957> (Norwegian).

changes discussed in section 1.3, the EFFEKT programme and a thorough inter- and intra-organisational development process in the Immigration administration.

The EFFEKT programme was a major ICT initiative with a final price tag of about NOK 712 million. The programme was implemented from Autumn 2007 to March 2013 and was initiated to modernize and streamline the immigration administration and contribute to a more holistic administration. It was a collaboration project between the UDI, the National Police Directorate (POD), the National Police Immigration Service (PU), the Immigration Appeals Board (UNE), The Norwegian Directorate of Integration and Diversity (IMDi) and the Ministry of Foreign Affairs (UD). The EFFEKT programme had many objectives and the main objective was to reduce resource use per case, get faster decisions and better information in case processing and to provide better service to applicants and users. The program also had a goal of improving coordination and communication between the immigration administration's agencies by establishing an electronic administrative flow between the UDI, the police, foreign service stations, the UNE and the IMDi. In relation to this, new web-based solutions in communication with the public and other users were introduced. In essence, the EFFEKT programme moved the UDI from paper-based to computer-based case processing and a recent external evaluation concludes that this has given case-workers easier access to information and a more reliable information base on applicants and far better interaction between the agencies in the Immigration administration. EFFEKT has also provided better service to applicants, employers and others using the services of the Immigration administration and has contributed to better and more targeted immigration control<sup>30</sup>.

Building upon the possibilities stemming from the new digital platform, the UDI also adjusted their application portal to minimise the possibility of submitting incomplete applications. If the case processor needs to request additional documentation from the applicant, this naturally leads to large delays in reaching a decision. This is described in more detail in section 2.3.3.

The UDI has also increased their follow-up of the foreign service missions that perform the preparatory case processing. Since the staff is substituted quite often, the turnover makes it challenging to maintain administrative competence. Therefore, the UDI has been providing more thorough and systematic training in regulations and procedures for those that are leaving for a foreign posting and for locally employed staff

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<sup>30</sup> Menon Economics (2019): «Evaluering av EFFEKT-programmet»: <https://www.ntnu.no/documents/1261860271/1262012574/Evaluering+av+Effekt+programmet.pdf/93130452-b24f-3ac9-4412-386b617a119d?t=1576060321957> (Norwegian).

at the foreign service missions, as well as holding regional seminars twice or three times a year, covering all the regions in around two to three years.

## 3.2 The health care sector personnel recruitment project

In the period between 1997 and 2004, a recruitment project was established under the auspices of the Directorate of Labour/Labour market agency (before the establishment of the NAV). Doctors, nurses and dentists were targeted in the following countries:

- Doctors: Germany, France, Austria, Italy
- Nurses: Germany, Poland, Finland, Italy
- Dentists: Germany

The Ministry of Social Affairs assisted employers by arranging Norwegian language courses in the health personnel's home country that lasted three to four months and consisted of four modules, of which the last one had contents concerning health and a final written and oral examination prepared and conducted by the personnel at the University of Oslo. This did not replace publicly approved exams but was considered equivalent to the requirements of the higher-level Norwegian language test (Bergen test) and the universities' exam from the Norwegian course level 3. An ex-post evaluation determined that the professional qualifications of the recruited personnel were generally good, but that the language skills of the participants were considered mediocre by most of the employers, although only one in three considered them as unsatisfactory<sup>31</sup>.

## 3.3 Talent attraction in the Oslo region

The Oslo Regional Alliance, a political membership organisation owned by the municipalities and counties that compose the 2.2 million people in and around the capital,

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31 Ryen, Else (2013): Leger, autorisasjon og språkkrav, presentation: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&cad=rja&uact=8&ved=2ahUKEwjVwMqL9-joAhWy16YKHdL\\_CQkQFjAlegQIChAB&url=https%3A%2F%2Fwww.sprakradet.no%2Fupload%2FOUS2013%2FRyen%2520OUS%25202013.pdf&usg=AOvVaw2k2ey-7PobrAtvJa4zhnqE](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&cad=rja&uact=8&ved=2ahUKEwjVwMqL9-joAhWy16YKHdL_CQkQFjAlegQIChAB&url=https%3A%2F%2Fwww.sprakradet.no%2Fupload%2FOUS2013%2FRyen%2520OUS%25202013.pdf&usg=AOvVaw2k2ey-7PobrAtvJa4zhnqE) and Van Riemsdijk, Micheline (2006): «Rekruttering av polske sykepleiere til Norge: Erfaringer og virkninger», Fafo-notat 2006:27 (Norwegian).

has initiated a process to establish a more comprehensive and integrated talent attraction ecosystem based on the findings of a study that examines international talents' experiences related to working and living in Greater Oslo. The study was based on two main sources of empirical data: In-depth interviews with international talents who live and work in Greater Oslo and an international benchmarking study that looks at Oslo's talent performance in relation to peer regions. The report gave concrete recommendations on how to improve the reception, integration, and retention of international talent<sup>32</sup>, which are being followed up in 2020.

This is achieved through mapping, networking and roundtable meetings with key organizations from the international talent ecosystem and a newly established initiative called Oslo Talent Hub, which brings together a community of internationals exploring study and career opportunities in the Oslo region, provides leads for job opportunities, as well as tips and insights into a lifestyle built on work-life balance, social welfare, equality and sustainability. At the moment, the network is composed mostly of students from the University of Oslo, Oslo Metropolitan University and BI from Australia, Germany, Mexico and Zimbabwe but it will soon be expanded to include more universities and organizations in the region, as well as experienced candidates<sup>33</sup>.

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32 Garman-Johnsen, Ingrid Helene (2019): "Talent Attraction Management in Greater Oslo: How to improve the reception and integration of international talents?"

33 Interview with an advisor in the Oslo Regional Alliance and their website: <https://www.osloregionen.no/prosjekter/profiliering/talentattraksjon/> (Norwegian).