



Utlendingsdirektoratet
Norwegian Directorate
of Immigration

Advance notification

RS 2015-010V1

Reference number:

Case number:

Name:

Date of birth:

Nationality:

Date:

Advance notification of expulsion and registration in the Schengen information system (SIS)

The Directorate of Immigration is considering expelling the above mentioned foreign national pursuant to the Immigration Act section 66 first paragraph letter a.

According to the Immigration Act section 66 first paragraph letter a, the Directorate can expel a foreign national who does not hold a residence permit if he or she is guilty of grossly or repeatedly breached one or more provisions of this Act, willfully or through gross negligence has provided materially false or manifestly misleading information in a case coming under the Act, or evades the implementation of an administrative decision requiring him or her to leave the realm.

The Directorate is considering expelling the foreign national for having used false/forged document(s) and/or provided incorrect information when he/she applied for a Schengen Visa at the Norwegian Foreign Service Mission. According to established practice, giving incorrect information and/or using false/forged documents, is considered to be a gross breach of the Immigration Act.

If the foreign national is expelled, he/she may be registered in the Schengen information system (SIS) pursuant to the SIS act section 7 no. 2 cf. the Schengen Treaty section 96. This means that a prohibition of entry will apply to the entire Schengen area.

If the foreign national has children in Norway:

According to the UN convention on the rights of the child article 12 and the Regulations to the Immigration Act section 17-3, a child who is capable of forming his or her own views, or a child who is 7 years old or older, has the right to express his/her views freely in all matters affecting the child. The views of the child shall be given due weight in accordance with the age and maturity of the child. The views of the child might be communicated in writing or orally, directly or through the parents, the child's guardian or another representative of the child. It is the decision of the parents/guardian whether they want to inform the child about the minor's right to be heard, and how the child should be involved.

It is important that the child is allowed to express his or her views, since a consequence of a decision of expulsion might be that the child is separated from one of the parents/guardian. Even though a child will be affected by a decision of expulsion, neither the UN convention on the rights of the child nor the Immigration Act is a hindrance to this. The decision will be based upon an evaluation of all the relevant elements of the case.

We ask the Foreign Service mission to inform the foreign national of this advance notification and the following:

The information should be given in a language the foreign national understands, cf. Immigration Act regulations section 14-5 cf. § 5-4 first paragraph. The Public Administration Act section 11 on the duty to provide guidance applies.

It is requested that the foreign national be informed about his or her rights according to the Immigration Act section 82 cf. section 92 first paragraph. The foreign national may be entitled to free legal aid, cf. the Immigration Act section 92. He or she can address his or her request to the County Governor (fylkesmann), cf. the Legal Aid Regulations section 3-1.

The time limit for submitting any comments regarding the consideration of expulsion is set to 1 -one- week from the time of notification.

Comments must be in writing and signed. We urge the foreign national to submit his/her comments and any supporting documents in Norwegian or English. If they are originally in another language, the foreign national should endeavour to enclose a translated version.

The foreign national has now received an advance notification of expulsion, which means that he/she has a case pending with the Norwegian authorities. The foreign national then has an obligation to notify the Norwegian authorities of his/her current address by notifying the nearest Norwegian Foreign Service mission, cf. Immigration Act section 19. If the foreign national changes his/her address before the case is decided, the foreign national must notify the Foreign Service mission of the change. If the foreign national does not register his/her address, the foreign national will not be notified of the result. However, the legal implications of the decision will take effect even if the foreign national is not notified.

Trying to enter or entering Norway while having a ban on entry is a criminal offence.

If it is not possible for the Foreign Service mission to notify the foreign national, the Directorate should be notified without delay.

The Directorate of Immigration