



ROYAL NORWEGIAN CONSULATE GENERAL

Ms. Jessica Renee Bean
2728 Carolina Blue Ave.
Henderson, CO 89052
dcbean@gmail.com

Your ref.:

Our ref.:
2001 057852 01-010/une-asm

Date:
September 21, 2016

Dear Ms. Bean,

Reference is made to your appeal against the Directorate of Immigration's decision of 2 August 2016. Please be informed that on 19 September 2016, the Immigration Appeals Board (UNE) made the decision to disallow your appeal. Enclosed please find a copy of the rejection letter.

Please note that the decision is final and cannot be appealed.

Yours sincerely

Viviann DiClemente
Consular Officer

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UTLENDINGSNEMNDA
UNE

New York generalkonsulat
10022-7584 New York, USA

Kopi:
Utlendingsdirektoratet
Postboks 8108 Dep.
0032 Oslo

Deres ref: Vår ref: 2016 149224 06 - 001/une-lkh

Oslo, 21.09.2016

Orientering om vedtak/beslutning

Navn: Jessica Renee Bean
Født dato: 27.03.1999
Statsborgerskap: USA

Vedlagt følger Utlendingsnemndas (UNEs) vedtak/beslutning.

Med hilsen
Utlendingsnemnda



UTLENDINGSNEMNDA

UNE

Immigration Appeals Board

The Immigration Appeals Board (UNE) has reached the following decision

Ref. no: 2016 149224 06 Date of decision: 19.09.2016
Case number: 001
Name: Jessica Renee Bean
Date of birth: 27.03.1999
Citizenship: United States

The case concerns an appeal against the decision of 2 August 2016 by the Norwegian Directorate of Immigration (UDI) regarding the rejection of an application for a temporary residence permit.

Pursuant to section 78 third paragraph second sentence of the Immigration Act, the case has been considered and decided by the Legal Secretariat, as it poses no material questions of doubt and the Immigration Appeals Board has delegated decision making power to the Legal Secretariat.

Please note that decisions regarding procedure may not be appealed, cf. section 78 seventh paragraph of the Immigration Act.

The appeal against the decision of UDI is dismissed.

This means that Jessica Renee Bean (hereafter referred to as the appellant):

- is not granted a temporary residence permit to study at Laksevåg upper secondary school.

This decision is final and cannot be appealed.

The facts of the case

On 25 July 2016 the appellant applied for a temporary residence permit via the General Consulate in New York. The purpose of the application was to study one year at Laksevåg upper secondary school. Enclosed with the application were amongst other documents a letter of admission and a letter from Ragnhild L. Muriaas. In the letter Muriaas explained how she and the appellant is related and informed that the appellant was going to live with Muriaas and her family during her stay in Norway.

UDI rejected the application on 2 August 2016 on the grounds that as a general rule,

residence permits are not granted for attending upper secondary schools. The appellant did not fall within any of the grounds for making an exception. Nor did the appellant meet the conditions for subsistence. Moreover, UDI did not find that the appellant had a particular connection to Norway in order for granting her a permit pursuant to section 38 of the Immigration Act.

An appeal was filed by the appellant and her grandmother on 15 August 2016. In the appeal the appellant gave an account for her motivation for staying in Norway and her family relations here. The appellant informed that she was going to attend the International Exchange Program at Laksevåg upper secondary school. She had set up a bank account in Nordea with sufficient funds. Attached to the appeal were a summary of the relatives in Norway, a study plan, a certificate of good conduct and a bank statement from Nordea.

UDI assessed the information in the appeal, but did not find any reason for reversing its initial decision. On 6 September 2016 the case was subsequently sent to UNE for further considerations.

UNE's determination

UNE has not decided whether the stated identity is correct due to the fact that the conditions for a permit are not met.

There are no grounds for granting the appellant a temporary residence permit

Students admitted to an approved educational institution may be granted a residence permit, cf. section 26 first paragraph litra b of the Immigration Act and section 6-19 first paragraph of the Immigration Regulations.

The requirements for a temporary residence permit as a student have not been met.

According to administrative practices, residence permits are as a main rule not granted for attending upper secondary schools. Exceptions can be made if the student falls within any of the exceptions provided by UDI in the UDI Circular regarding residence permit for students (RS 2010-101). UNE is not legally bound by the circular, but agrees with the terms that are set out there. Exceptions may be made if:

- The student is going to attend upper secondary school due to the internationalization of the school organized by the county administration, or
- the international student exchange is organized by non-profit organizations, or
- the student is a foreign national permanently resident in another Nordic country, or if the student is a Russian citizen from the Barents Region, or
- the upper secondary school bases its student admission on specific abilities/skills other than purely theoretical knowledge.

The appellant does not fall within any of the mentioned grounds for making an exception. UNE has noted the statements in the appeal regarding the appellants motivation for coming to Norway to learn the Norwegian language and how the appellant will participate in the same program as other international exchange students. UNE does not give this decisive weight in the assessment because the appellant still has not documented that the internationalization of Laksevåg upper secondary school is organized by the county administration.

Consequently, the appellant does not meet the requirements for a residence permit pursuant to section 26 of the Act, cf. section 6-19 of the Regulations. UNE has not assessed

whether the other conditions for a temporary residence permit have been met, as it does not affect the outcome of the case.

Reference is also made to the assessment and reasoning of UDI, which UNE essentially approves.

Nor does the appellant meet the requirements for a permit pursuant to section 38 of the Act and Chapter 8 of the Regulations. UNE notes that the threshold for being granted a temporary residence permit due to this provision is high. In UNE's opinion, there are no strong humanitarian considerations or a particular connection to the realm that would justify an exception from the general requirements for granting a study permits. UNE has noted the information about how the appellant's grandmother originates from Norway and that the appellant has several relatives in Norway. However, this is not sufficient in order for granting a residence permit under this provision.

Notification

A copy of the decision has been sent to the General Consulate in New York which is requested to notify the appellant of the decision.

Mats Risbakken
Head of Division

Cecilie Plünnecke
Adviser

The document is approved electronically.
You may receive a signed version of the document upon request.

