

Migration and legal family formats in Norway

by Halvor Frihagen¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 4 – Migration)

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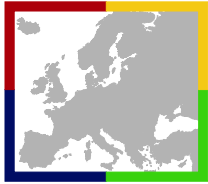
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



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This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](http://www.familiesandsocieties.eu) is based on the [LawsAndFamilies questionnaire](http://www.familiesandsocieties.eu), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](http://www.familiesandsocieties.eu), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](http://www.familiesandsocieties.eu) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](http://www.familiesandsocieties.eu) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](http://www.familiesandsocieties.eu).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Norway

The answers concerning Norway can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Norway by Thomas Eeg (Section 1)

Income, troubles and legal family formats in Norway by Halvor Frihagen (Section 2)

Parenting and legal family formats in Norway by Thomas Eeg (Section 3)

Migration and legal family formats in Norway by Halvor Frihagen (Section 4)

Splitting up and legal family formats in Norway by Thomas Eeg (Section 5)

Death and legal family formats in Norway by Thomas Eeg (Section 6)

So this paper is based on **Section 4 (Migration)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 4.1 Partner of national citizen
- 4.2 Partner of national citizen (foreign status)
- 4.3 Partner of (non-EU) foreigner
- 4.4 Partner of EU citizen (foreign status)
- 4.5 Foreign status as impediment to marry
- 4.6 Foreign status and inheritance
- 4.7 Citizenship
- 4.8 Recognition of joint adoption
- 4.9 Recognition of second-parent adoption
- 4.10 General background regarding migration

In the following pages of this paper, first the answer to question 4.10 is presented, followed by the answers to questions 4.1 to 4.9.

4.10 - General background regarding migration (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding migration, then please do so here.

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Jurisdiction: **Norway**

Source: H. Frihagen, "Migration and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.01 - Partner of national citizen**

When one partner is a residing national citizen, while the other is a foreigner from another continent, will the foreign partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside. As to the meaning of 'residing', see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1956	2015 Yes 2009	2015 N/A 0000	2015 Yes 1993	2015 Yes 1988	2015 Yes 1988
	N/A 0000		N/A 0000	No, but 0000	No, but 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 40 of Utlendingsloven (Immigration Act) 2008-05-15-35, previously art. 9 of utlendingsloven 1988 (Immigration Act 1988) 1988-06-24-64.</p> <p>See also art. 22 and 23 of utlendingsforskriften 1990 (Immigration Regulation 1990), again previously fremmedloven 1956 (Immigration Act 1956), with practice set in circulars.</p>		<p>References to legal sources: Art. 40 of Utlendingsloven (Immigration Act) 2008-05-15-35, previously art. 9 of utlendingsloven 1988 (Immigration Act 1988) 1988-06-24-64.</p> <p>See also art. 22 and 23 of utlendingsforskriften 1990 (Immigration Regulation 1990).</p> <p>See also art. 95 of ekteskapsloven (Marriage act) 1991-07-04-47 art. 95 (as amended 2008-06-27, in force 2009-01-01), previously art. 2 of partnerskapsloven (Registered partnership act) 1993-04-30-40.</p>		<p>References to legal sources: Art. 41 of Utlendingsloven (Immigration Act) 2008-05-15-35, previously art. 9 of utlendingsloven 1988 (Immigration act 1988) 1988-06-24-64.</p> <p>See also art. 22 and 23 of utlendingsforskriften 1990 (Immigration Regulation 1990).</p>	
<p>Explanations and nuances: The Marriage act 1991-07-04-47 was amended 2008-06-27, in force 2009-01-01, to include same-sex marriage. I am uncertain of the legal situation before 1956.</p> <p>A same-sex couple married abroad between 2001 and 2009 would be considered as registered partners.</p>		<p>Explanations and nuances: Same-sex marriages were, before 1.1.2009 given validity as registered partnerships.</p> <p>A couple having registered partnership abroad prior to 1993, would be considered cohabitants, see under cohabitation.</p>		<p>Explanations and nuances: The entitlement is on condition of two years prior cohabitation or of expecting or having a common child. Before 1988, it was under the discretion of the administrative authority. Practice was vague and unclear.</p>	

Jurisdiction: **Norway**

Source: H. Frihagen, "Migration and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.02 - Partner of national citizen (foreign status)**

When one partner is a residing national citizen, while the other partner is a foreigner from another continent, and this couple married/registered in the country of the foreigner, will the foreign partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1956	2015 Yes 2009	2015 Yes 1998	2015 Yes 1993	X	X
	Yes, but 2001	N/A 0000	No, but 1989	X	X
	N/A 0000		N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 40 of Utlendingsloven (Immigration Act) 2008-05-15-35, previously art. 9 of utlendingsloven 1988 (Immigration Act 1988) 1988-06-24-64.</p> <p>See also art. 22 and 23 of utlendingsforskriften 1990 (Immigration Regulation 1990), again previously fremmedloven 1956 (Immigration Act 1956), with practice set in circulars.</p>		<p>References to legal sources: Art. 40 of Utlendingsloven (Immigration Act) 2008-05-15-35, previously art. 9 of utlendingsloven 1988 (Immigration Act 1988) 1988-06-24-64.</p> <p>See also art. 22 and 23 of utlendingsforskriften 1990 (Immigration Regulation 1990).</p> <p>See also art. 95 of ekteskapsloven (Marriage act) 1991-07-04-47 art. 95 (as amended 2008-06-27, in force 2009-01-01), previously art. 2 of partnerskapsloven (Registered partnership act) 1993-04-30-40.</p>			
<p>Explanations and nuances: Marriage must be registered in the Norwegian National Registry (Folkeregister).</p> <p>2001 - 2009: Same-sex couples married abroad will have been considered as registered partners. See under Registered partnership.</p> <p>I am unsure of the legal situation before 1956.</p>		<p>Explanations and nuances: Partnership must be registered in the Norwegian National Registry (Folkeregister).</p> <p>Before 1993: Registered partners registered abroad were considered as cohabitants. See question 4.01.</p>			

Jurisdiction: **Norway**

Source: H. Frihagen, "Migration and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.03 - Partner of (non-EU) foreigner**

When both partners are foreigners from another continent, and one of them is residing in the country, will the other partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2010	2015 Yes, but 2010	2015 N/A 0000	2015 Yes, but 2010	2015 Yes, but 2010	2015 Yes, but 2010
Yes 1956	Yes 2009		Yes 1993	Yes 1988	Yes 1988
	N/A 0000		N/A 0000	Doubt 0000	Doubt 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 40 of Utlendingsloven (Immigration Act) 2008-05-15-35, art. 40a of Utlendingsloven (Immigration Act) amended by act 2009-05-08-23, in force 2010-01-01, previously art. 9 of utlendingsloven 1988 (Immigration Act 1988) 1988-06-24-64.</p> <p>See also art. 22 and 23 of utlendingsforskriften 1990 (Immigration Regulation 1990), again previously fremmedloven 1956 (Immigration Act 1956), with practice set in circulars.</p>		<p>References to legal sources: Art. 40 of Utlendingsloven (Immigration Act) 2008-05-15-35, art. 40a of Utlendingsloven (Immigration Act) amended by act 2009-05-08-23, in force 2010-01-01, previously art. 9 of utlendingsloven 1988 (Immigration Act 1988) 1988-06-24-64.</p> <p>See also art. 22 and 23 of utlendingsforskriften 1990 (Immigration Regulation 1990).</p> <p>Cf art. 95 of ekteskapsloven (Marriage act) 1991-07-04-47 art. 95 (as amended 2008-06-27, in force 2009-01-01), previously art. 2 of partnerskapsloven (Registered partnership act) 1993-04-30-40.</p>		<p>References to legal sources: Art. 41 of Utlendingsloven (Immigration Act) 2008-05-15-35, art. 40a of Utlendingsloven (Immigration Act) amended by act 2009-05-08-23, in force 2010-01-01, previously art. 9 of utlendingsloven 1988 (Immigration act 1988) 1988-06-24-64.</p> <p>See also art. 22 and 23 of utlendingsforskriften 1990 (Immigration Regulation 1990).</p>	
<p>Explanations and nuances: Several conditions may apply, including 4 years of studies/full time employment for certain groups of reference person (art. 40a of Utlendingsloven (Immigration Act) 2008-05-15-35.</p> <p>Marriage must be registered in the Norwegian National Registry (Folkeregister).</p> <p>2001-2009: Same-sex couples married abroad will have been considered as registered partners, see under Registered partnership. I am unsure of the legal situation before 1956.</p>		<p>Explanations and nuances: Partnership must be registered in the Norwegian National Registry (Folkeregister).</p> <p>Several conditions may apply, including 4 years of studies/full time employment for certain groups (art. 40a of Utlendingsloven (Immigration Act) 2008-05-15-35.</p> <p>Before 1993 registered partners registered abroad were considered as cohabitants. See question 4.01.</p>		<p>Explanations and nuances: The entitlement is on condition of two years prior cohabitation or of expecting or having a common child. Before 1988, it was under the discretion of the administrative authority. Practice was vague and unclear.</p>	

Jurisdiction: **Norway**

Source: H. Frihagen, "Migration and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.04 - Partner of EU citizen (foreign status)**

When one partner is a foreign EU citizen who is residing in the country, while the other is a foreigner from another continent, and this couple married/registered/cohabited in the country of the EU citizen, will the non-EU partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1994	2015 Yes 2001	2015 Yes 1998	2015 Yes 1994	2015 Yes, but 1994	2015 Yes, but 1994
Yes, but 1956	N/A 0000	N/A 0000	No, but 1993	No, but 0000	No, but 0000
			No, but 1989		
			N/A 0000		
References to legal sources: Art. 114 of Utlendingsloven (Immigration Act) 2008-05-15-35, previously art. 52 ff of utlendingsloven 1988 (Immigration Act 1988) 1988-06-24-64.		References to legal sources: Art. 114 of Utlendingsloven (Immigration Act) 2008-05-15-35, previously art. 52 ff of utlendingsloven 1988 (Immigration act 1988) 1988-06-24-64.		References to legal sources: Art. 114 of Utlendingsloven (Immigration Act) 2008-05-15-35, previously art. 52 ff of utlendingsloven 1988 (Immigration Act 1988) 1988-06-24-64.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The EEA agreement came into force in 1994. Before that the third country citizen rules would apply. See questions 4.02 and 4.03.</p> <p>The earliest same-sex marriage in the EU was in the Netherlands in 2001.</p>		<p>Explanations and nuances: The EEA agreement came into force in 1994. Before that see questions 4.02 and 4.03.</p>		<p>Explanations and nuances: The entitlement is on condition of two years prior cohabitation or of expecting or having a common child.</p> <p>The EEA agreement came into force in 1994. Before that, see questions 4.02 and 4.03.</p>	

Jurisdiction: **Norway**

Source: H. Frihagen, "Migration and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.05 - Foreign status as impediment to marry**

When the couple got married or registered abroad, will this relationship then be recognised as an impediment to marry someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2009	2015 Yes 1998	2015 Yes 1993	X	X
	Yes 2001	N/A 0000	Doubt 1989	X	X
	N/A 0000		N/A 0000	X	X
References to legal sources: Art. 4 of ekteskapsloven (Marriage act) 1991-07-04-47.		References to legal sources: Art. 4 of ekteskapsloven (Marriage act) 1991-07-04-47, previously partnerskapsloven (Registered partnership act) 1993-04-30-40.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances:</p>		<p>Explanations and nuances: The Registered partnership act was in force 1993-2009. In the document proposing the registered partnership act to the National Assembly (Ot.prp.nr.32 (1992-1993) Om lov om registrert partnerskap), chapter 6.3, it was assumed that a Norwegian registered partnership would not be seen as an impediment to marry someone else abroad. It is unclear whether Norwegian authorities at that time considered a Danish registered partnership an impediment, and I assume that the question never arose in practice.</p>			

Jurisdiction: **Norway**

Source: H. Frihagen, "Migration and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.06 - Foreign status and inheritance**

When the couple got married or registered abroad, will this relationship then be recognised as regards inheritance in the absence of a testament?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2001	2015 Yes 1998	2015 Yes 1993	X	X
	N/A 0000	N/A 0000	Doubt 1989	X	X
			N/A 0000	X	X
References to legal sources: Art. 6 of arveloven (Inheritance act) 1972-03-03-5.		References to legal sources: Art. 6 of arveloven (Inheritance act) 1972-03-03-5 cf art. 95 of ekteskapsloven (Marriage act) 1991-07-04-47 art. 95 (as amended 2008-06-27, in force 2009-01-01), previously art. 2 of partnerskapsloven (Registered partnership act) 1993-04-30-40.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: There is no condition of national registration of marriage for inheritance, but the spouse will have to document the relationship.</p>		<p>Explanations and nuances: There is no condition of national registration of registered partnership for inheritance, but the partner will have to document the relationship. I am not able to clarify if a foreign registered partnership would give grounds for inheritance before the registered partnership act was in force. There is no indication in the preparatory works for the partnership act, and no published jurisprudence on the topic.</p>			

Jurisdiction: **Norway**

Source: H. Frihagen, "Migration and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.07 - Citizenship**

Does a relationship of this type make it easier for a foreign partner to obtain citizenship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1951	2015 Yes 2009	2015 N/A 0000	2015 Yes 1993	2015 Yes 2005	2015 Yes 2005
	N/A 0000		N/A 0000	No 0000	No 0000
<p>References to legal sources: Art. 12 of Statsborgerloven (Citizenship Act) 2005-06-10-51, previously art. 6 of riksborgarrettslova (Citizenship Act 1950) 1950-12-08-3.</p>		<p>References to legal sources: Art. 12 of Statsborgerloven (Citizenship Act) 2005-06-10-51, previously art. 6 of riksborgarrettslova (Citizenship Act 1950) 1950-12-08-3. See also art. 95 of ekteskapsloven (Marriage act) 1991-07-04-47 art. 95 (as amended 2008-06-27, in force 2009-01-01), previously art. 2 of partnerskapsloven (Registered partnership act) 1993-04-30-40.</p>		<p>References to legal sources: Art. 12 of Statsborgerloven (Citizenship Act) 2005-06-10-51.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A foreign same-sex marriage will have been considered a registered partnership before 2009. Same-sex marriage was first possible 2001.</p> <p>I am unsure of the legal situation before 1951.</p>		<p>Explanations and nuances: Before the Norwegian Registered partnership act, a foreign registered partnership would not have been taken into consideration.</p>		<p>Explanations and nuances: Cohabitants are treated equal to spouses according to the 2005 act.</p>	

Jurisdiction: **Norway**

Source: H. Frihagen, "Migration and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.08 - Recognition of joint adoption**

When the partners have jointly adopted a child while residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1917	2015 Yes 2009	2015 N/A 0000	2015 Yes 2009	2015 Yes 2014	2015 Yes 2014
	N/A 0000		Doubt 1993	Doubt 0000	Doubt 0000
References to legal sources: Art. 19 of adopsjonsloven (Adoption act) 1986-02-28-8. Previously art. 31 of adopsjonsloven 1917 (Adoption act 1917) 1917-04-02-1.		References to legal sources: Art. 19 of adopsjonsloven (Adoption act) 1986-02-28-8.		References to legal sources: Art. 19 of adopsjonsloven (Adoption act) 1986-02-28-8, as amended LOV-2014-04-25-13, in force 2014-10-1. 8. Previously art. 31 of adopsjonsloven 1917 (Adoption act 1917) 1917-04-02-1.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: I am not aware of any case where a same-sex married couple immigrated to Norway after having adopted a child prior to 2009. There is no article of law or jurisprudence that I am aware of to indicate what the result would be. It is possible that the "ordre public" reservation in the Adoption Act §20 would apply.</p> <p>A couple temporarily living outside Norway for work or education will for the purposes of the adoption act be considered to reside in Norway, and prior recognition of the adoption by Norwegian authorities is required. Recognition without prior consent will only be given in exceptional circumstances (see circular Q-28/2015).</p> <p>I am unsure of the situation before 1917.</p>		<p>Explanations and nuances: I am not aware of any case where registered partners immigrated to Norway after having adopted a child prior to 2009. There is no article of law or jurisprudence that I am aware of to indicate what the result would be. It is possible that the "ordre public" reservation in the Adoption Act §20 would apply. However, the best interest of the child would indicate that a stable family relationship was respected. This goes along with the words of the Adoption act, not mentioning any reservations. The period spent abroad, the citizenship of the couple and other aspects would probably come into consideration.</p> <p>To my knowledge, the question never arose, and thus never needed a solution.</p> <p>At present, registered same-sex partners, who have chosen not to change their relationship into a marriage, are still not allowed to adopt jointly in Norway. An adoption made while residing abroad would however probably be recognised.</p> <p>A couple temporarily living outside Norway for work or education will for the purposes of the adoption act be considered to reside in Norway, and prior recognition of the adoption by Norwegian authorities is required. Recognition without prior consent will only be given in exceptional circumstances (see circular Q-28/2015).</p>		<p>Explanations and nuances: Neither the 1986, nor the 1917 adoption act mentions a reservation against recognising an adoption made by an unmarried couple having adopted while residing abroad, despite the Norwegian rule that only married couples can adopt jointly, in force until 2014.</p> <p>However, cohabitation was not common in Norway before the 1970s. I am not aware of any jurisprudence or other sources of law mentioning the situation.</p> <p>I am not aware of any case where same-sex cohabitants immigrated to Norway after having adopted a child prior to 2014. There is no article of law or jurisprudence that I am aware of to indicate what the result would be. It is possible that the "ordre public" reservation in Adoption Act §20 would have been applied. However, the best interest of the child would indicate that a stable family relationship was respected. The period spent abroad, the citizenship of the couple and other aspects would probably come into consideration.</p> <p>A couple temporarily living outside Norway for work or education will for the purposes of the adoption act be considered to reside in Norway, and prior recognition of the adoption by Norwegian authorities is required. Recognition without prior consent will only be given in exceptional circumstances (see circular Q-28/2015).</p>	

Jurisdiction: **Norway**

Source: H. Frihagen, "Migration and legal family formats in Norway". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-NO-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.09 - Recognition of second-parent adoption**

When one partner has become the second parent of a child of the other partner, by way of adoption while the partners were residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1917	2015 Yes 2009	2015 N/A 0000	2015 Yes 2002	2015 Yes 2014	2015 Yes 2014
	N/A 0000		Doubt 1993	Yes 0000	Doubt 0000
			N/A 0000		
References to legal sources: Art. 19 of adopsjonsloven (Adoption act) 1986-02-28-8. Previously art. 31 of adopsjonsloven 1917 (Adoption act 1917) 1917-04-02-1.		References to legal sources: Art. 19 of adopsjonsloven (Adoption act) 1986-02-28-8, as amended by LOV-2001-06-15-36.		References to legal sources: Art. 19 of adopsjonsloven (Adoption act) 1986-02-28-8, as amended by LOV-2014-04-25-13, in force 2014-10-1. Previously art. 31 of adopsjonsloven 1917 (Adoption act 1917) 1917-04-02-1.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A married same-sex couple immigrating between 2001 and 2009 would legally be considered registered partners in Norway. See under registered partnership.</p> <p>A couple temporarily living outside Norway for work or education will for the purposes of the adoption act be considered to reside in Norway, and prior recognition of the adoption by Norwegian authorities is required. Recognition without prior consent will only be given in exceptional circumstances (see circular Q-28/2015).</p> <p>I am unaware of the law prior to 1917.</p>		<p>Explanations and nuances: In 2002 the Adoption Act was changed to allow a registered partner to adopt the registered partner's child. I am not aware of any case where registered partners immigrated to Norway after one spouse having adopted the other spouse's child prior to 2002. There is no article of law or jurisprudence that I am aware to indicate what the result would be.</p> <p>It is possible that the "ordre public" reservation in the Adoption Act §20 would apply. However, the best interest of the child would indicate that a stable family relationship was respected. This goes along with the words of the Adoption act, not mentioning any reservations. The period spent abroad, the citizenship of the couple and other aspects would probably come into consideration.</p> <p>A couple temporarily living outside Norway for work or education will for the purposes of the adoption act be considered to reside in Norway, and prior recognition of the adoption by Norwegian authorities is required. Recognition without prior consent will only be given in exceptional circumstances (see circular Q-28/2015).</p>		<p>Explanations and nuances: Until 2014 cohabitants were not able to adopt their cohabitant's child in Norway. However, an adoption made while residing abroad should be recognised, according to the law. Neither the 1986, nor the 1917 adoption act mentions a reservation against recognising an adoption made by an unmarried couple having adopted while residing abroad. It is possible that, if the question arose, the authorities at some point would consider the adoption invalid because of the "ordre public" reservation in the Adoption act §20. I am not aware of any jurisprudence and it is possible that the question never arose as a family immigrating to Norway would not need to inform Norwegian authorities that the child was adopted. However, regarding a same sex couple, where biology indicates that adoption is the only possibility it is possible that authorities would have looked into the case. A parallel can be found in the way authorities in 2011 reacted against same-sex couples having used surrogacy, but not against different sex couples as they were not identifiable unless they volunteered the information.</p> <p>A couple temporarily living outside Norway for work or education will for the purposes of the adoption act be considered to reside in Norway, and prior recognition of the adoption by Norwegian authorities is required. Recognition without prior consent will only be given in exceptional circumstances (see circular Q-28/2015).</p>	