



DET KONGELIGE
JUSTIS- OG BEREDSKAPSDEPARTEMENT

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National Police Directorate
Directorate of Immigration
Immigration Appeals Board

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G-01/2022 – Revised circular relating to entry into force of the Regulations relating to entry restrictions for foreign nationals out of concern for public health

1 Introduction

The Ministry of Justice and Public Security refers to the Interim Act of 19 June 2020 No. 83 relating to entry restrictions for foreign nationals out of concern for public health and the Regulations of 29 June 2020 No. 1423 relating to entry restrictions for foreign nationals out of concern for public health (last amended on 21 February 2022). The Act and the Regulations replace the Regulations of 15 March 2020 No. 293 relating to rejection etc. of foreign nationals out of concern for public health.

The Act and the Regulations must be seen in connection with the Regulations of 27 March 2020 No. 470 relating to infection control measures etc. in connection with the coronavirus outbreak (COVID-19 Regulations).

2 Main rules regarding entry restrictions and rejection

In general, under the Interim Act relating to entry restrictions for foreign nationals out of concern for public health all foreign nationals not covered by exemptions specified in the Act or in regulations issued pursuant to the Act will be rejected without further consideration of the risk of infection posed by each individual.

With effect from 26 November 2021, entry becomes available to all foreign nationals with right of entry under the general rules provided by the Immigration Act. This follows from

section 1 of the Regulations relating to entry restrictions for foreign nationals out of concern for public health.

It is pointed out for clarity that the conditions for entry established by the Immigration Act must be fulfilled. As an example, foreign nationals for whom a visa is mandatory will still face a visa requirement even though practical challenges now exist in submitting a visa application. Also applicable are provisions of the Immigration Act that address when a residence permit is required.

3 Relationship to the COVID-19 Regulations

A legislative amendment that entered into force on 22 January 2021 introduced statutory authority – in section 2, third paragraph, second sentence, of the Interim Act relating to entry restrictions – to reject foreign nationals for clear and serious violations of the entry quarantine rules contained in the COVID-19 Regulations. With effect from 26 January 2022, section 4 of the COVID-19 Regulations was repealed, so an entry quarantine requirement is no longer needed. The rejection provision in section 2, third paragraph, second sentence, of the Act relating to entry restrictions is therefore not relevant at this time.

With effect from 12 February 2022, the requirement in the COVID-19 Regulations of a negative test result prior to arrival and registration was repealed. Accordingly, there is no longer a basis for rejecting foreign nationals who do not comply with these rules. Section 4c of the Regulations relating to entry restrictions is therefore repealed.

As a consequence of the above, no foreign nationals at the present time may be refused entry or rejected pursuant to the body of rules relating to entry restrictions.

The Ministry points out that foreign nationals may still be rejected pursuant to the rules of the Immigration Act, including on public health grounds under section 17, first paragraph (l) and section 121 (see also section 123), provided that the conditions are in place and ordinary procedural rules are followed.

4 Rules on administrative procedures

Please note that that even though no foreign nationals at this time may be refused entry or be rejected pursuant to the rules relating to entry restrictions, the rules on administrative procedures will still be relevant in the processing of appeals cases.

According to section 5, first paragraph, of the Act relating to entry restrictions, neither Chapter IV of the Public Administration Act (concerning case preparation for individual decisions) nor Chapter V (concerning the formulation of decisions) is applicable to rejection decisions. Those rules will, however, apply to expulsion decisions made under section 7 of the Act.

Section 5-4 of the Immigration Regulations, concerning guidance and information, does not apply in rejection cases under the Act relating to entry restrictions. The procedural rules contained in Chapter 11 of the Immigration Act and Chapter 17 of the Immigration