



G-12/2020 – Revised circular relating to Entry into force of the Regulations relating to rejection etc. of foreign nationals out of concern for public health

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(<http://www.regjeringen.no/en/dep/jd/id463/>)

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1. Introduction

The Ministry of Justice and Public Security refers to the Regulations of 15 March 2020 No. 293 relating to rejection etc. of foreign nationals out of concern for public health (last amended 12 June 2020 with effect from 15 June 2020). Foreign nationals arriving in the realm after 16 March at 8 a.m. are subject to implementation of the Regulations.

It is pointed out for clarity's sake that the Regulations do not prevent the entry into Norway of Norwegian nationals, foreign nationals who have a residence permit and no special entry restriction, and other designated groups.

This circular replaces Circular G-11/2020 of 31 May 2020. The impact of infection control measures that have been introduced must be assessed continuously and weighed against important societal and business interests affected by the measures. This circular could be subject to rapid amendments and adaptations.

2. Main rules regarding rejection

The Regulations stipulate that foreign nationals without a residence permit may be rejected for reasons of public health, due to the outbreak of the hazardous and widely infectious disease COVID-19. This means that all foreign nationals without a residence permit, who are not covered by any of the exemptions cited below, will be rejected without further consideration of the risk of infection posed by each individual.

It is pointed out that even if the foreign national is covered by one of the exemptions contained in the Regulations relating to rejection etc., the conditions for entry established in the Immigration Act must be fulfilled. For example, there is a visa requirement for foreign nationals requiring such visa, and this condition will still apply even though there are currently practical challenges associated with submitting a visa application. Likewise, the Immigration Act provisions governing when a residence permit is required are applicable in the normal way.

The Regulations establish exemptions for:

1. EEA nationals who reside in Norway; see section 1, third paragraph a) of the Regulations
2. family members of EEA nationals (see section 110, third and fifth paragraphs, of the Immigration Act) when such a family member resides or is to reside in Norway; see section 1, third paragraph b) of the Regulations
3. EEA nationals who are employed and who have entered into or are to enter into a work relationship in Norway; see section 112, first paragraph (a), of the Immigration Act; see also section 1, third paragraph c), of the Regulations
4. EEA nationals who are self-employed who have established or are to establish business activity in Norway; see section 112, first paragraph (a), of the Immigration Act; see also section 1, third paragraph d) of the Regulations
5. Service providers from an EEA country that are covered by section 110, fourth paragraph, or section 112, first paragraph (b), of the Immigration Act (independent contractors and posted workers) who have begun or are to begin a work assignment in Norway; see section 1, third paragraph e) of the Regulations
6. EEA nationals with family ties as specified in section 1, third paragraph b), who are family members of a Norwegian national; see also section 1, third paragraph f) of the Regulations

7. EEA nationals with family ties as specified in section 1, third paragraph b), who are to visit family members resident in Norway; see also section 1, third paragraph g) of the Regulations
8. EEA nationals who own real property in Norway, including a holiday residence, and who are to visit it; see section 1, third paragraph h), of the Regulations
9. Foreign nationals who will only be staying in airport transit before departing Norway; see section 2 a) of the Regulations
10. Foreign nationals covered by exemption from the duty of quarantine pursuant to section 6 of the Regulations of 27 March 2020 No. 470 relating to infection control measures etc. in connection with the coronavirus outbreak (COVID-19 Regulations); see section 2 b) of the Regulations
11. Foreign nationals seeking protection (asylum) in the realm; see section 2 c) of the Regulations
12. When special reasons so indicate, such as specific care responsibilities for persons in Norway or other compelling welfare considerations; see section 2 letter d) of the Regulations
13. Foreign nationals who have a residence permit as a seasonal worker (see section 6-3 of the Immigration Regulations) and are to work in agriculture or the fruit and vegetable sector; see section 2 e) of the Regulations
14. Foreign nationals who have been granted a residency permit in Norway under the Immigration Act's provisions on family immigration, and whose sponsor is a Norwegian national or foreign national resident in Norway or is otherwise entitled to entry under the Regulations relating to rejection etc.; see section 2 f) of the Regulations

Regarding the points above, on EEA nationals and their family members who reside or work in Norway

EEA nationals who work in Norway also include commuters. However, it is emphasised that only certain defined groups are exempted from the duty of quarantine; see section 6 of the Regulations of 27 March 2020 No. 470 relating to infection control measures etc. in connection with the coronavirus outbreak (COVID-19 Regulations). See also subheading 3 in this circular.

The term “cohabitant” in section 1, third paragraph g), refers to a permanent, established cohabitation relationship of at least two years or a relationship in which the parties jointly have or are expecting a child and intend to live together. This corresponds to the Immigration Act’s definition of “cohabitant”.

For EEA nationals who are to visit family in Norway, exemption is to be made from the stipulation in section 110, third paragraph, that a relative in direct line of descent must be under the age of 21.

An exemption is made for EEA nationals who own real property in Norway, including a holiday residence, and who intend to visit it. This exemption applies to the owner and the owner’s household members.

EEA nationals and their family members who reside or work in Norway do not include, in this context, EEA nationals or family members who live or work in Svalbard.

The stipulations of these Regulations concerning EEA nationals apply correspondingly to Swiss nationals; see section 1, fourth paragraph, of the Regulations.

Section 2a of the Regulations establishes exemptions for other specific groups of persons:

The following foreign nationals covered by section 1, first paragraph, may not be rejected:

- a. Foreign nationals who have a need to travel through the Norwegian mainland on their way to or from work or residence in Svalbard.
- b. EEA nationals and nationals of Andorra, Monaco, San Marino and Vatican City State and their family members who need to travel through Norway to get home.
- c. Nordic nationals from the Faroe Islands, Greenland or Åland, and their family members, who reside or work in Norway.
- d. Members of the Sami community in the exercise of reindeer herding.

- e. Foreign nationals who perform commercial transport of goods and passengers for payment, or are en route to or from such an assignment.
- f. Journalists and other personnel on assignment for a foreign media institution.
- g. Foreign nationals as specified in sections 1-4 and 1-5 of the Immigration Regulations, and who can present a diplomatic or service passport, or possibly a national passport in combination with a Norwegian ID card issued by the Ministry of Foreign Affairs, or in combination with a Schengen residence card for embassy personnel. The same applies to dual-accredited diplomats and diplomatic couriers.
- h. Military personnel as specified in section 1-7, second and third paragraphs, of the Immigration Regulations and their spouses, cohabitants or children who are registered with and accepted by the Ministry of Defence, as well as members of a civilian component and civilian personnel working for military staffs or headquarters in Norway (including NATO departments in Norway), as well as their spouses, cohabitants or children.
- i. Foreign nationals who work on mobile or fixed installations; see sections 1-10 and 1-11 of the Immigration Regulations.
- j. Holders of a valid aviation personnel licence (see section 2-9 of the Immigration Regulations) en route to or from active service.
- k. Seamen, en route to or from active service, with an identity card as specified in section 2-8 of the Immigration Regulations or a Philippine Seafarer's Identification and Record Book or a Philippine national passport as specified in section 3-1 (j) of the Immigration Regulations
- l. Foreign nationals who have been granted a visa by the Norwegian decision-making authority after 15 March 2020; see Ministry of Justice and Public Security instruction GI-08/2020.
- m. A spouse, cohabitant or child of a posted foreign service officer at a Norwegian foreign service mission.
- n. Employees of international organisations or employees in organisations that perform international humanitarian efforts, who are on assignment or en route to or from such assignment.
- o. Foreign nationals who are resident in Svalbard.