



# Immigration Act

## **Act of 15 May 2008 On the entry of foreign nationals into the kingdom of Norway and their stay in the realm (Immigration Act)**

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## **ACT OF 15 MAY 2008 ON THE ENTRY OF FOREIGN NATIONALS INTO THE KINGDOM OF NORWAY AND THEIR STAY IN THE REALM (IMMIGRATION ACT)**

### **Chapter 1 General provisions**

#### **Section 1 Purpose of the Act**

The Act shall provide the basis for regulating and controlling the entry and exit of foreign nationals and their stay in the realm, in accordance with Norwegian immigration policy and international obligations.

The Act shall facilitate lawful movement across national borders, and ensure legal protection for foreign nationals who are entering or leaving the realm, who are staying in the realm, or who are applying for a permit under the Act.

The Act shall provide the basis for protecting foreign nationals who are entitled to protection under general international law or international agreements by which Norway is bound.

#### **Section 2 Scope of the Act**

The Act concerns the entry of foreign nationals into the kingdom and their stay in the realm. Obligations under the Act may also be imposed on Norwegian nationals and legal entities.

### **Section 3 Relationship of the Act to international provisions**

The Act shall be applied in accordance with international provisions by which Norway is bound when these are intended to strengthen the position of the individual.

### **Section 4 Legal status of foreign nationals**

Unless otherwise provided by legislation currently in force, foreign nationals shall have the same rights and obligations as Norwegian nationals during their lawful stay in the realm.

### **Section 5 Further details of whom the Act applies to**

For the purposes of this Act, a foreign national means any person who is not a Norwegian national.

Nordic nationals are exempt from the requirement of a residence permit in order to take up residence or employment in the realm, see section 55, first paragraph. The King may also by regulations make further exemptions regarding other foreign nationals.

In the case of foreign nationals attached to diplomatic or paid consular missions in the realm, their spouses or cohabitants and dependent children, the King will decide which of the provisions of the Act shall apply. The King may make special regulations for this group. The same applies to employees of intergovernmental organisations, persons working under contract for intergovernmental organisations or treaty bodies and personal staff of foreign representatives.

In the case of foreign nationals who will be staying in the realm in connection with the implementation of an agreement on intergovernmental cooperation by which Norway is bound, the provisions regarding control of entry, travel documents, visas and residence permits shall apply, subject to the exemptions that follow from the agreement.

## **Section 6 Territorial extent of the Act**

The Act shall apply to the kingdom, including installations and devices that are used on or connected with the Norwegian part of the Continental Shelf.

The King may by regulations depart from the provisions of the Act regarding such devices and installations as are mentioned in the first paragraph, and may make regulations regarding passport and border checks in connection with travel between them and Norwegian land territory.

The Act shall also apply to Jan Mayen. The King may make regulations regarding the entry of foreign nationals to Jan Mayen which depart from the provisions of the Act.

The Act shall not apply to Svalbard. The King may by regulations make further provisions in respect of control of travellers who come from or travel to Svalbard.

The Act shall not apply to Norwegian ships in foreign trade. The King may by regulations make further provisions in respect of when the Act or provisions laid down under the Act shall apply to Norwegian ships in foreign trade that call at Norwegian ports.

## **Section 7 (Repealed by Act of 21 June 2013 No. 92)**

### **Chapter 2 Visa, entry and exit control and rejection, etc.**

#### **Section 8 Travel document**

Unless otherwise provided, a foreign national who comes to the realm must have a passport or other identity document that has been recognised as a travel document.

The Ministry shall lay down the requirements for accepting passports or other identity documents as being valid for entry into and stay in the realm.

The Directorate of Immigration may in particular cases exempt a foreign national from the passport requirement or accept a document other than that which follows from the general provisions.

## **Section 9 Visa requirement and visa-free entry**

Foreign nationals must hold a Norwegian visa to be able to enter the realm, unless the King has by regulations granted exemption from this requirement. A foreign national who is at the Norwegian border and who is seeking protection (asylum) under the provisions of chapter 4, or who otherwise provides information that indicates that the protection against refoulement under section 73 will be applicable, shall nevertheless have the right to enter the realm without a visa.

Foreign nationals holding a residence permit issued by a country that participates in cooperation under the Schengen Agreement (a Schengen country), as defined by regulations, and who have a valid travel document, shall be exempt from the visa requirement.

A visa issued by a Schengen country entitles the holder to enter into and stay in the realm during the period of validity of the visa, where such right is stated in the visa.

The total period of stay in the Schengen territory for a foreign national who is exempt from the visa requirement under the first or second paragraphs, or who is entitled to enter and stay under the third paragraph, may not exceed three months in the course of a six-month period.

The King may by regulations make further provisions, including who is exempt from the visa requirement under the second paragraph and in respect of the calculation of time in the fourth paragraph.

## **Section 10 Schengen visa**

An applicant shall be entitled to a visa for a visit not exceeding three months in any six-month period when the following conditions are satisfied:

(a) the foreign national is in possession of a valid travel document or documents that permit him or her to cross the border,

(b) the foreign national can produce documents justifying the intended purpose of the stay and has sufficient means of subsistence, both for the period of the stay and for the return to his or her country of origin or transit to a third country into which the foreign national is certain to be admitted, or is in a position to acquire such means lawfully,

(c) the foreign national has not been registered in the Schengen Information System (SIS) for the purpose of refusing him or her entry,

(d) the foreign national is not considered to be a threat to public order, national security, public health or the international relations of Norway or any other Schengen country, particularly if no notification has been entered in the member states' national data registers for the purposes of refusing entry on the same grounds.

Exceptions may be made from the right to a visa pursuant to the first paragraph if considerations of immigration regulation argue against granting a visa, or if there are circumstances that would have given grounds for refusing the foreign national the right to enter into or stay in the realm under other provisions of the Act.

The visa issuance criteria that follow from the Schengen cooperation must otherwise be satisfied. The King may by regulations make supplementary provisions, including the requirements regarding travel and health insurance that follow from the Schengen cooperation.

Exceptions may be made from the right to a visa under the first paragraph if foreign policy considerations, fundamental national interests or considerations of immigration regulation argue against granting a visa, or if there are circumstances that would have given grounds for refusing the foreign national the right to enter into or stay in the realm under other provisions of the Act.

When weighing considerations under the second paragraph, particular emphasis shall be placed on children's need for contact with their parents.

A visa may be refused if it is likely that the applicant or the latter's child from a previous relationship will be mistreated or grossly abused.