

This translation is updated as of 1 April 2014. The English version does not have legal status, and is not updated continuously.

## REGULATIONS OF 15 OCTOBER 2009 ON THE ENTRY OF FOREIGN NATIONALS INTO THE KINGDOM OF NORWAY AND THEIR STAY IN THE REALM (IMMIGRATION REGULATIONS)

### **Chapter 1 The scope and extent of the Act and the Regulations**

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

#### **Section 1-1 Exemptions from the requirement of a residence permit in order to take employment**

The following foreign nationals who do not have an employer in the realm are exempted from the requirement of a residence permit for employment relationships of a duration of up to three months:

- (a) commercial and business travellers,
- (b) persons with technical qualifications who are to install, disassemble, inspect, repair, maintain or provide information on the use of machinery or technical equipment, where the need for such labour does not extend beyond three months,
- (c) foreign nationals in the private service of persons visiting the realm for a period of up to three months,
- (d) professional athletes and accompanying support personnel,
- (e) public employees in the pay of another state, when they come to the realm on the basis of a cooperation agreement between foreign and Norwegian authorities,
- (f) journalists and other personnel on assignment for a foreign media institution,
- (g) tourist guides for foreign travel companies in connection with a visit to the realm,
- (h) personnel on foreign trains, aircraft, buses and trucks in international traffic,
- (i) necessary security and maintenance crew on foreign-owned laid-up ships in the realm.

Researchers, lecturers and religious workers are exempt from the requirement of a residence permit for employment relationships of a duration of up to three months. Religious workers are subject to a requirement that the need for such labour does not extend beyond three months.

Foreign nationals who are employed in an international company are exempt from the residence permit requirement when they are to undergo in-house training for a period of up to three months' duration. The Directorate of Immigration may establish

guidelines concerning what is regarded as an international company and concerning the right to stay for the purpose of in-house training on more than one occasion.

A foreign national who has been offered employment as a medical practitioner, see section 48, first paragraph (n), of the Act relating to healthcare personnel, for a period of up to three months' duration in a Norwegian enterprise is exempted from the requirement of a residence permit. It is a condition that the relevant authority has given its approval or authorisation.

Musicians, performers, artists or accompanying necessary auxiliary personnel are exempt from the residence permit requirement for assignments that in total do not exceed 14 days in the course of a calendar year.

Seamen working on board a foreign-registered cruise ship or a foreign ship registered in a ship register in an EEA country are exempt from the residence permit requirement. Seamen who are covered by bilateral shipping agreements are exempt from the residence permit requirement, see Annex 1 to the Regulations.

Russian nationals from the Barents region who have been granted a municipal sales permit to sell wares at a market in North Norway are exempt from the residence permit requirement for stays of up to one day per month.

Russian nationals from the Barents region who are to sell wares at a market in North Norway in connection with a municipal cultural event are exempt from the residence permit requirement for up to 14 days, but for no more than 28 days per calendar year. It is a condition that the municipality in question has consented. The Directorate of Immigration may issue further guidelines.

By decision of the Ministry exceptions may be made from the residence permit requirement for foreign nationals who are to carry out work in connection with a crisis situation in the realm.

Foreign nationals as mentioned in the first paragraph (i), sixth paragraph and seventh paragraph have an obligation to report to the police in the district in which they are staying. Foreign nationals who are exempt from the residence permit requirement under the first paragraph (b) or the fourth paragraph shall, prior to entering the realm, give written notification to the police in the districts concerned. Such notification may also be given by an employer, organiser, tour guide or other responsible person. The Directorate of Immigration may establish further guidelines regarding the implementation of the obligation of notification.

### **Section 1-1A Voluntary unremunerated work that does not require a residence permit**

An exemption from the requirement of a residence permit applies for foreign nationals who are to perform voluntary unremunerated work for humanitarian, non-profit or religious organisations, volunteer centres, sports clubs, etc. It is a condition that such

work is normally performed by members and supporters without remuneration. This work may include, for example, activities such as social services for children, the elderly and disabled persons, home visits or helping with events, flea markets, raffle sales, distribution of information materials, cleaning premises in a communal effort, etc.

Unremunerated work as mentioned in the first paragraph may not include activities that are normally performed by paid employees or services that are normally bought by commercial parties. The work may not include assignments where volunteer organisations, etc. engage in income-generating activities that compete with ordinary commercial activities. Participation in income-generating work such as sporadic cake lotteries, flea markets, cleaning or removal in a communal effort, etc. is acceptable.

Unremunerated work as mentioned in the first paragraph may not total more than four working days (30 hours) per week. However, longer periods of work at holiday camps and conferences organised by organisations are permitted provided that other members and supporters also normally participate in such work.

Participation in unremunerated practical training as part of measures organised by the Directorate of Immigration or an asylum reception centre to promote return are exempt from the requirement of a residence permit.

The Directorate of Immigration may issue further guidelines, including on resident participation at reception centres.

### **Section 1-2 Exemption from the residence permit requirement for skilled jobseekers who do not require a visa**

Foreign nationals who are qualified skilled workers, see section 6-1 first paragraph, who do not require a visa and who are seeking employment, see section 6-1 first paragraph

, may stay without a residence permit for a period of up to six months. It is a condition that the foreign national has sufficient funds for the stay and the return journey, see section 10, first paragraph (b) of the Act and section 3-5 of the Regulations. The foreign national must also have such travel or sickness insurance as is mentioned in section 3-4a, second paragraph, of the Regulations.

Foreign nationals as mentioned in the first paragraph have an obligation to report to the police in the district in which they are staying after three months. They shall provide proof of their identity and information to the effect that they are jobseekers. The notification shall be registered in the Norwegian Computer System for Immigrant and Refugee Cases (DUF). The Directorate of Immigration may establish further guidelines.

### **Section 1-3 Exemption from the residence permit requirement for foreign nationals who have the right to work until their application has been processed**

Foreign nationals who have received confirmation that a fully completed application has been submitted and that they have a right to start work for the specified employer before the application has been processed, see section 10-4, are exempt from the residence permit requirement until processing of the application has been completed if they are:

- a) skilled workers applying for a permit under section 6-1 first paragraph,
- b) seamen applying for a permit under section 6-6, or,
- c) employees of international companies applying for a permit as seconded employees, see section 6-13, or trainees, see section 6-21. The Directorate of Immigration may establish guidelines regarding what is to be considered an international company.

#### **Section 1-4 Exemption from the residence permit requirement for diplomats, etc.**

Subject to the limitations that are approved in international law or that follow from an agreement with a foreign state, exemptions are made from the residence permit requirement for foreign nationals who are

- a) attached to diplomatic or paid consular missions (representations) in the realm,
- b) employees in intergovernmental organisations or treaty bodies, and
- c) persons carrying out an assignment for intergovernmental organisations or treaty bodies.

It is a condition that the foreign national has been notified to and accepted by the Ministry of Foreign Affairs, or another Norwegian authority, if relevant. Foreign nationals who are attached to diplomatic or paid consular missions must also have been seconded to the position by an authority of the sending state in accordance with a posting or a time-limited service agreement. No permit is granted for the performance of other work in addition to this employment relationship, see section 60 of the Act.

The provisions of the first paragraph also apply to foreign nationals who are service staff at a diplomatic or consular mission or in the private service of a foreign national as mentioned in the first paragraph. The same applies to the provision of the second paragraph to the effect that the foreign national must be notified to and accepted by the Ministry of Foreign Affairs, or, if relevant, by another Norwegian authority, and that no permit is granted for other work in addition to the employment relationship in question. Foreign nationals who are service staff at a diplomatic or consular mission are further subject to the condition in the second paragraph to the effect that the foreign national must be seconded to the position by an authority of the sending state in accordance with a posting or a time-limited service agreement.

#### **Section 1-5 Residence for the spouse or cohabitant and children of diplomats, etc.**

The spouse or cohabitant and dependent children of diplomats, etc. as mentioned in section 1-4, first paragraph, are exempt from the requirement laid down in section 55, second paragraph, of the Act of a residence permit in order to stay in the realm for a period exceeding three months without taking employment. It is a condition that the family member is notified to and accepted by the Ministry of Foreign Affairs, or another Norwegian authority, if relevant.

A residence permit that confers the right to take employment and carry on business in the realm may be granted to foreign nationals as mentioned in the first paragraph. Such a permit shall be granted if this is provided by a treaty with a foreign state. A declaration from the Ministry of Foreign Affairs, or another Norwegian authority, if relevant, documenting the applicant's status must be presented in connection with the application. The application may be submitted from the realm. The permit is not granted for a period exceeding the duration of the sponsor's employment relationship at the mission or in the organisation, and lapses upon termination of the employment relationship. The permit does not form the basis for a permanent residence permit, but may be renewed.

The spouse or cohabitant, see section 40 to section 41 of the Act, and children, see section 42, first and second paragraphs, of the Act, of foreign nationals as mentioned in section 1-4, third paragraph, of the Regulations may be granted a residence permit when strong humanitarian considerations argue for doing so. It is a prerequisite that means of subsistence and accommodation are assured. The permit is not granted for a period exceeding the duration of the sponsor's employment, and lapses upon termination of the employment relationship. The permit does not form the basis for a permanent residence permit, but may be renewed.

### **Section 1-5A Residence card for personnel at foreign missions in Norway**

Persons who are exempted from the requirement of a residence permit under section 1-4, first and third paragraphs, or section 1-5, first paragraph, may be issued with a residence card (Residence Card Foreign Missions) containing biometric personal data, see section 64a, section 110a and section 100b of the Act.

The provisions of section 12-16 of the Regulations regarding the obligation to present a residence card, section 12-17 regarding the obligation to take care of the residence card, notification of the loss of a card, etc., and section 12-18 regarding surrender of the residence card, etc., do not apply to personnel at foreign missions as mentioned in the first paragraph.

The Ministry of Foreign Affairs may draw up more detailed guidelines regarding the issue, keeping and surrender of the residence card to persons as mentioned in the first paragraph. The Ministry of Foreign Affairs may also exempt persons who come within the scope of section 1-4, first paragraph, and section 1-5, first paragraph, from the requirement of fingerprinting where this is warranted by diplomatic or consular rights or privileges under international law or agreements entered into by the host country.