



# G-16/2020 – Revised circular relating to entry into force of the Regulations relating to entry restrictions for foreign nationals out of concern for public health

Circular | Date: 16/07/2020 | [Ministry of Justice and Public Security](#)

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

No: G-16/2020

Our ref.: 20/3210

## 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 13 July 2020 with effect from 15 July 2020). 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), which regulates the duty of quarantine among other matters.

The effect of infection control measures that have been introduced must be continuously assessed and balanced against important societal and business interests affected by the measures. This circular may be subject to rapid amendments and adjustments.

## **2. Main rules regarding entry restrictions and rejection**

Under the Interim Act of 19 June 2020 No. 83 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. Foreign nationals who have been rejected shall depart the realm without undue delay.

It is pointed out for clarity that even if the foreign national is covered by one of the exemptions specified in the Act or the Regulations relating to entry restrictions, 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.

The Act does not bar entry into Norway of Norwegian nationals and nationals of other Nordic countries who reside in Norway.

Section 2 of the Act establishes additional exemptions for:

- a. foreign nationals residing in Norway with a residence permit or right of residency under the Immigration Act
- b. foreign nationals who seek protection (asylum) in the realm or otherwise invoke a right to international protection due to risk of persecution etc.; see section 73 of the Immigration Act
- c. foreign nationals whose presence in the realm is essential to maintain the proper operation of critical public functions or attend to fundamental needs of the population (see section 3 below)

- d. foreign nationals who have been granted a residence permit without deferred entry; see section 3 of the Act (see section 8 below)
- e. foreign nationals who have been granted an entry visa under section 12 of the Immigration Act
- f. foreign nationals who have been granted a visa under section 10 of the Immigration Act by the Norwegian decision-making authority subsequent to 15 March 2020
- g. cases in which special reasons indicate a right to enter, such as specific care responsibilities for persons in Norway or other compelling welfare considerations (see section 4 below)

### **3. A closer look at exemptions relating to the proper operation of critical public functions**

Section 2 c) of the Act provides exemptions for foreign nationals whose presence in the realm is 'essential to maintain the proper operation of critical public functions or attend to fundamental needs of the population'. This may include foreign nationals invited by the Norwegian authorities for special purposes. Such foreign nationals could, for example, have special expertise in addressing virus outbreaks or other skills required by the health service or other critical public functions.

Reference is made to the following list of critical public functions prepared by the Directorate for Civil Protection:

- Administration and crisis management
- Defence
- Law and order
- Health and care services, including pharmacy and maintenance
- Rescue service
- Digital security in the civilian sector
- Nature and the environment
- Security of supply

- Water and wastewater
- Financial services
- Power supply
- Electronic communications
- Transport
- Satellite-based services

For more information, please see (in Norwegian):

<https://www.regjeringen.no/no/tema/samfunnssikkerhet-og-beredskap/innsikt/liste-over-kritiske-samfunnsfunksjoner/id2695609/>

(<http://www.regjeringen.no/no/tema/samfunnssikkerhet-og-beredskap/innsikt/liste-over-kritiske-samfunnsfunksjoner/id2695609/>).

## 4. A closer look at exemptions for special reasons

Under section 2, second paragraph, of the Act, a foreign national may be granted the right to enter if 'special reasons so indicate, such as specific care responsibilities for persons in Norway or other compelling welfare considerations'. This applies to such cases as:

- Minor children and foster children of Norwegian or foreign nationals who live or work in Norway
- Foreign nationals who have a special care responsibility for persons who live in Norway, including minor children or foster children or others with special care needs.
- Foreign nationals who, due to compelling welfare considerations, need to enter Norway, and the visit cannot wait; an example would be a foreign national who seeks to visit a dying or severely ill close family member in Norway (spouse/cohabitant, sibling or family member in ascending or descending line).
- Foreign national ship passengers who began sailing before 16 March at 8 a.m. and need entry to Norway in order to return to their home country. Clarification is required as to how onward transport out of Norway is to occur in a sound manner that does not violate the COVID-19 Regulations.

- Foreign nationals who are a party to a legal proceeding in Norway, or who are to give evidence in such a proceeding.
- Foreign nationals who have a valid fishing licence for boat fishing in the Tana watercourse; see section 2, first paragraph 1) and 3) and second paragraph a) and c) of the Regulations relating to fishing in the Tana watercourse's border river area. Foreign nationals who set out from the Finnish bank of the river may fish on the Norwegian side of the river but may not go ashore in Norway.

It is pointed out that the list above is not exhaustive in relating examples of what may be regarded as 'special reasons'. The Directorate of Immigration may issue further guidelines.

## **5. Exemptions for foreign nationals covered by the EEA Agreement or the EFTA Convention etc.**

Section 1 of the Regulations provides exemptions for the following foreign nationals:

- a. An EEA national who is a cross-border worker or engaged as an employee; see section 112, first paragraph (a) of the Immigration Act.
- b. An EEA national who is self-employed; see section 112, first paragraph (a) of the Immigration Act.
- c. A service provider in an EEA country; see section 110, fourth paragraph, or section 112, first paragraph (b), of the Immigration Act.
- d. An EEA national who is enrolled at an approved educational institution; see section 112, first paragraph (d) of the Immigration Act.
- e. A family member of an EEA national (see section 110 of the Immigration Act), or an EEA national with corresponding family ties to a Norwegian national, who is to establish residence in Norway.
- f. An EEA national with family ties as specified in section 1 e, who is to visit a family member residing in Norway or travel with a Norwegian family member. Exemption is to be granted from the provision in section 110, third paragraph (c), of the Immigration Act stating that a relative in direct line of descent must be under the age of 21.