



G-07/2020 – Revised circular relating to Entry into force of the Regulations relating to rejection etc. of foreign nationals without a residence permit in the realm, out of concern for public health

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

No: G-07/2020

Status: **INVALID/CANCELLED** - replaced by [G-08/2020 – Revised circular relating to Entry into force of the Regulations relating to rejection etc. of foreign nationals without a residence permit in the realm, out of concern for public health](#)

(<http://www.regjeringen.no/en/historical-archive/solbergs-government/andre-dokumenter/jd/2020/g-082020/id2697230/>)

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 without a residence permit in the realm, out of concern for public health (last amended 30 March 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 Norwegian nationals or foreign nationals with residence permits from entering Norway. It is also pointed out that a foreign national is no longer a 'foreign national without a residence permit' when a residence permit application has been approved. This is the case even if the permit has not yet been effected. Additionally, foreign nationals whose application for a residence permit was approved after 16 March at 8 a.m. will fall outside the category 'foreign national without a residence permit'. The Ministry will soon address whether there is a need, given the situation, to defer the time from which new permits shall be valid, etc.

This circular replaces Circular G-05/2020 of 18 March 2020. It is unclear how the situation is developing, and it is changing rapidly. 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.

The Regulations establish exemptions for:

1. EEA nationals, and their family members as defined under section 110 of the Immigration Act, who reside or work in Norway; see section 1, third paragraph a) of the Regulations
2. EEA nationals who are to begin a work relationship in an industry where there is a critical need for labour; see section 1, third paragraph b) of the Regulations
3. posted workers from an EEA country who have begun a work assignment in Norway or are to begin an assignment that will last for three months or more; see section 1, third paragraph c) of the Regulations

4. Foreign nationals who will only be staying in airport transit before departing Norway; see section 2 a) of the Regulations
5. 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
6. Foreign nationals seeking protection (asylum) in the realm; see section 2 c) of the Regulations
7. 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.

Regarding point 1 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.

With regard to family members of EEA nationals, it is pointed out that only family members already resident in Norway are exempt; see section 1, third paragraph a) of the Regulations. Family members who are not resident in Norway may be rejected, unless 'special reasons' indicate that they are not be rejected; see section 2 d) of the Regulations and subheading 4 below.

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.

Regarding point 2, on businesses with a critical need for labour

'An industry where there is a critical need for labour' in this context refers to agriculture, landscaping, forestry, fishing, the fish industry, the food industry, the petroleum industry, development of hydropower and wind power and power grids.

Regarding point 3, on posted workers

'Posted workers' (see section 1, third paragraph c), of the Regulations) in this context refers to self-employed contractors or employees of a company in an EU/EEA country that have a contract with a Norwegian company to carry out an assignment in Norway.

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 on their way to work or residence in Svalbard.
- b. EEA nationals 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 spouse, cohabitant or children who are registered with and accepted by the Ministry of Defence.
- 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.

Regarding point above on Svalbard

An exemption has been established for foreign nationals on their way to work or residence in Svalbard (see section 2a a) of the Regulations) to ensure that foreign nationals who live or work in Svalbard will be able to pass through the Norwegian mainland when travelling between other countries and Svalbard. This exemption must be seen in connection with section 10 of the COVID-19 Regulations, under which everyone arriving from abroad must undergo quarantine on the Norwegian mainland before onward travel to Svalbard can take place. It is pointed out for emphasis that this requirement continues to apply.

Departure from Svalbard to a foreign country via the Norwegian mainland is covered by the exemption for airport transit contained in section 2 a) of the Regulations. Reference is also made to the section below, where it is stated that EEA nationals and their family members who need to travel through Norway to get home may not be rejected; see section 2a b) of the Regulations. This exemption covers all transport.

Regarding point b above, on EEA nationals etc. who need to travel through Norway