



MINISTRY OF JUSTICE AND  
ECCLESIASTICAL AFFAIRS



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*This is an official translation of the regulation. The original Icelandic text published in the Law Gazette is the authoritative text.*

## **Laws and Regulations**

### **Regulation on Foreigners**

*(No. 53 of January 23rd 2003 with amendments of July 8th 2003 since amended by regulation 769/2004 of September 20th 2004)*

## **CHAPTER I**

### **General Provisions**

#### **Article 1**

##### *Sphere of Application*

This Regulation shall apply to the right of foreigners to enter Iceland and to their stay in Iceland.

The provisions of Chapter XII of this Regulation shall apply to foreigners subject to the Agreement on the European Economic Area and to the Agreement establishing the European Free Trade Association. The other provisions of this Regulation shall also apply to them as applicable.

Icelandic nationals may also bear duties under this Regulation.  
This Regulation shall not apply to Icelandic ships in foreign waters.

## **Article 2**

### *Purpose*

This Regulation provides for power to control the entry of persons into Iceland, their departure from Iceland, and their stay in Iceland, in accordance with government policies at any particular time.

This Regulation provides for the legal status of foreigners who enter or leave Iceland, stay in Iceland, or apply for permits according to the Act on Foreigners and this Regulation.

## **CHAPTER II**

### **Passport Control**

## **Article 3**

### *Duty to report to passport control on arrival and departure*

Any person entering Iceland shall immediately report to passport control or, if this is not possible, the nearest police authority. Any person leaving Iceland shall report to passport control or, if this is not possible, the nearest police authority.

When crossing the external borders of the Schengen Area any foreigner shall, if requested, provide passport controllers with any information necessary for effective control.

The duty according the first paragraph above shall not apply when crossing the internal borders of the Schengen Area, except if a decision is made to implement temporary internal border control in accordance with Article 2, the second paragraph, of the Schengen Agreement.

## **Article 4**

### *Border posts*

When crossing the external borders of the Schengen Area, Iceland shall be entered and departed from at the locations and service hours listed in Appendix 1. The internal borders of the Schengen Area may be crossed

outside accredited border posts. This shall however not apply if a decision is made to implement temporary internal border control within the Schengen Area in accordance with Article 2, the second paragraph, of the Schengen Agreement.

Any maritime traffic to or from Iceland shall be regarded as crossing the external borders of the Schengen Area. The following shall however be exempted:

- a. Icelandic fishing vessels that have not called at a foreign harbour, come alongside a ship at sea, or received or discharged crew members or passengers;
- b. passenger ferries on regular routes with the last port of call within the Schengen Area, and
- c. ships on tourist cruises whose last port of call was within the Schengen Area.

Any air traffic to or from Iceland or from the territory of any state not taking part in the Schengen co-operation shall be regarded as crossing the external borders of the Schengen Area.

In special circumstances external borders may be crossed, with the permission of the relevant commissioner of police, outside border posts and outside their service hours.

## **Article 5**

### *Provisions particular to arrival and departure of ships*

The captain of a ship bound for Iceland across external borders shall notify the Icelandic Coast Guard of the ship's arrival at least 24 hours before entering Icelandic territorial waters. Notification of planned departure shall be made at the same time. Confirmation of departure shall be sent the Icelandic Coast Guard at least six hours before departure.

The notification shall contain the following information on the ship in the following order:

- a. Name;
- b. registration letters;
- c. radio call sign;
- d. nationality;
- e. type;
- f. date;
- g. time;
- h. position;
- i. last port of call (place and state);
- j. first planned place of arrival in Iceland;
- k. estimated time of arrival;
- l. other ports of call in Iceland;
- m. port of departure from Iceland;
- n. estimated time of departure;
- o. next destination (place and state), and
- p. identity of agent.

A list of crew members and passengers as provided for in Article 109 shall accompany the notification.

Police shall immediately be notified of the presence of stowaways on board, if possible before entering harbour.

The Coast Guard may be sent the list of crew members and passengers through a shipping company or a broker; however, the captain shall remain responsible for its delivery. The Coast Guard shall be informed of any planned changes in the composition of crew without delay.

The notification requirements of this Article may be waived by permission of the relevant commissioner of police.

The Coast Guard receives notifications and lists of crew members and passengers as provided for in Article 109 in electronic form. The information shall be sent to the Coast Guard's electronic mail address or Immarsat C number. The information may only be sent by facsimile printer or voice radio if few persons are on board and the data can not be sent in electronic form.

The Coast Guard shall confirm the reception of information sent pursuant to Article 109. The Coast Guard shall forward the information to the National Commissioner of Police, who also shall confirm its reception.

Following an examination in the Schengen Information System, the National Commissioner of Police shall send its conclusions to the relevant commissioner of police.

The Minister of Justice shall issue provisions in further detail on the manner in which co-operation between the Icelandic Coast Guard, the National Commissioner of Police and local commissioners of police on personal control in harbour areas shall be carried out.

## **Article 6**

### *Provisions particular to arrival and departure of aircraft*

The captain of an aircraft arriving from abroad or leaving Iceland shall, if requested by police, deliver to police a list of passengers and crew in accordance with the provisions of Article 108. Police may, in consultation with other authorities, order the captain to deliver the list to those authorities.

In special cases police may, as the National Commissioner of Police may decide in further detail, order delivery of the list prior to the aircraft's arrival.

## **Article 7**

### *Control locations and controllers*

Arrival and departure control shall be exercised at the border posts listed in Appendix 1, cf. Article 4, the first paragraph. This may be waived if a commissioner of police decides to exercise the authority provided for in Article 4, the fourth paragraph, or when a decision is taken to exercise arrival control of foreign crew members or passengers of a ship prior to its arrival in port, cf. Article 30, the fifth paragraph.

Police shall be responsible for passport control.

## **Article 8**

### *Implementation of passport control*

When a foreigner arrives, it shall be ascertained that he or she is in possession of a valid passport or other identification document recognised as a travel document. As regards foreigners subject to visa requirements, it shall be ascertained that he or she has a valid visa to enter Iceland. It shall furthermore be ascertained, by further investigation if necessary, that there are no reasons to deny the foreigner entry to Iceland as provided for in Section 18 of the Act on Foreigners.

When a foreigner departs, it shall be ascertained that he or she is in possession of a valid passport or other identification document recognised as a travel document. With respect to foreigners other than nationals of Schengen states, control shall also be exercised in the purpose of averting any threats to national security and public order among the parties to the Schengen Agreement, cf. its Article 6, second paragraph, subparagraph (d).

## **Article 9**

### *Making copies of travel documents*

Police may make copies of a foreigner's travel documents and related documentation if deemed necessary in order to preserve information contained therein concerning the foreigner's identity, his travel arrangements, and his right to enter Iceland.

## **Article 10**

### *Control of travel documents by operators of transport conveyances*

Persons in charge of ships and aircraft shall make certain that their passengers are in possession of valid travel documents.

Before a passenger comes on board, an examination shall take place of whether he or she has a passport or other identification document recognised as a travel document, and whether passengers subject to visa requirements have a valid visa to enter Iceland.

The duty provided for under the first and second paragraphs shall not apply when crossing the internal borders of the Schengen Area; however, the identity of any registered passenger shall be ascertained.

A captain of a ship or aircraft shall, when arriving at an Icelandic harbour or airport from a state not participating in the Schengen co-operation, keep their passengers on board until passport control can take place.

## **CHAPTER III**

### **Passports**

#### **Article 11**

##### *Passport requirement*

Any foreigner entering or leaving Iceland shall have a passport or other identification document recognised as a travel document. The identification documents listed in Appendix 2 are recognised as travel documents when

entering or leaving the country. Any foreigner who surrenders his passport to police or other authorities in Iceland shall be provided with a receipt evidencing its delivery.

The passport requirement does not apply to Danish, Finnish, Norwegian or Swedish nationals who come to Iceland directly from Denmark, Finland, Norway or Sweden, or travel to those countries directly from Iceland.

Any foreigner who has attained the age of 18 years, who is not a national of any of the Nordic countries, shall, while staying in Iceland, at all times either carry a passport or other travel document, a competent authority's receipt for delivery as provided for in the first paragraph, or a document issued to the foreigner by Icelandic authorities, such as a certificate evidencing a permit to stay.

## **Article 12**

### *Conditions of validity relating to passports as travel documents*

Every passport shall have been issued by a competent authority of the state of the holder's nationality, and shall be valid for travel to Iceland. A passport shall furthermore be valid for travel back to the issuing state or to a third state.

Subject to the provisions of Articles 13 and 14, a passport shall be issued to the name of a single individual.

In each passport, the holder's full name, sex, date of birth, place of birth and nationality shall be written, and the time when its validity expires. The passport shall contain a sample of the holder's handwritten signature.

A recent, good quality photograph of the holder shall be fixed in each passport. The passport shall contain the stamp or seal of the issuing authority. Any corrections in its text must have been inserted by a competent authority.

A passport shall be in Icelandic, Danish, Norwegian, Swedish, English, French, Italian, Spanish or German, or contain a translation to one of these languages.



The period of validity of a passport shall extend at least three months past the planned stay in Iceland.

### **Article 13**

#### *Joint passports for Spouses, and exemption from passport duty for children*

Spouses, whether they travel singly or together, may use a passport issued for them both jointly. Such a passport shall contain personal descriptions, photographs of both spouses, and samples of the handwritten signatures of both. In any other respects such a joint passport shall be as passports issued to individuals.

A foreign child within 18 years of age, who travels with a close relative or custodian, may enter and leave Iceland without a separate passport, provided the child's name, sex and age is written in the passport of the relative or custodian.

### **Article 14**

#### *Collective passports (Group travel passports).*

Foreigners coming to Iceland as members of a group in order to stay in Iceland for a brief period of time only may be allowed the use of a passport issued for them collectively. A group travel passport shall have been issued by a competent authority, with the stamp or seal of that authority affixed, and shall be valid for travel to Iceland. Such a passport may only contain the names of individuals who are nationals of the issuing state. A group travel passport shall be valid for the group's return to the issuing state.

A group travel passport shall be issued for at least five persons, and not more than fifty persons. Its period of validity shall be stated, as well as the full name of each participant, with his or her date of birth, place of birth, nationality and domicile. Each participant shall also possess an identity document issued by a competent authority in the home country. The leader of the group shall have an ordinary passport, but his or her name, and the

number and date of issue of the leader's passport, shall be stated in the common passport.

A group travel passport shall be issued in three copies. One copy shall be delivered to passport control when arriving in Iceland, and a second copy shall be delivered at time of departure.

A collective passport issued in accordance with the European Agreement on Travel by Young Persons on Collective Passports of 16 December 1961 may include, in addition to nationals of the issuing state, stateless persons and refugees within 21 years of age who are lawfully staying in the issuing state.

### **Article 15**

#### *Waiver of passport requirement.*

The Immigration Office may in special cases exempt a foreigner from the duty of carrying a passport or other recognised identity document.

## **CHAPTER IV**

### **Visas**

#### **Article 16**

##### *Visa requirement when entering Iceland*

Subject to the exceptions provided for in Article 17, a foreigner must have a visa in order to be allowed to enter Iceland. A visa issued by a state participating in the Schengen co-operation shall be valid for entry into Iceland and a stay in Iceland for the period of time stated therein.

#### **Article 17**

##### *Exemptions from the visa requirement*

A foreigner possessing a valid passport issued by a state listed in Appendix 3, Part I, is exempted from the visa requirement. The same shall apply to the holder of a travel document listed in Appendix 3, Part II.

A foreigner who has received a permit to stay issued by a state taking part in the Schengen co-operation shall be exempted from the visa requirement. The same shall apply to a foreigner possessing a provisional permit to stay issued by a participating state, provided he or she also possesses a travel document issued by that state.

## **Article 18**

### *Visas effective anywhere within the Schengen Area*

A uniform visa effective anywhere within the Schengen Area can be issued for a stay of up to three months. A uniform visa may be of two kinds:

- a. A visa effective for one or more arrivals into the Schengen Area for staying either continuously or at intervals for a period or periods not totalling more than three months in a period of six months, counted from the day when the Area was first entered. A group visa, cf. Article 14, may be issued for a stay of up to 30 days.
- b. A transit visa, enabling its holder to cross one or two times, or more often in exceptional cases, the territories of the contracting states in order to enter the territory of a third state, provided the transit takes no more than a maximum of five days.

## **Article 19**

### *Conditions for the issue of a visa effective anywhere in the Schengen Area*

A visa effective anywhere within the Schengen Area may be applied for on the following grounds:

- a. For a family visit, a tourist visit, a business visit or other visit, when a permit to stay is not requested. A visa under this subparagraph shall

generally be granted for one arrival to Iceland. A visa effective for one year and for more than one visit may be granted in exceptional cases. A visa granted under this subparagraph permits travel within the Schengen Area if no limitations are stated in the visa.

b. For transit through an airport. A visa for transit through an airport shall generally be granted for one or two flights. A visa valid for more flights may be granted in exceptional cases. A visa granted under this subparagraph permits transit through an airport, but does not permit travel within the Schengen Area.

c. For a long-term stay in Iceland on the basis of a permit to stay or a work permit available at the time the visa is granted. A visa under this subparagraph shall be granted for a single arrival, permitting travel within the Schengen Area if no limitations are stated in the visa.

A visa under this Article may only be issued to a foreigner who fulfils the following conditions:

a. Possesses a valid passport or other valid identification document recognised as a travel document for coming to Iceland or other Schengen states, and for departure, which remains in effect at least three months longer than the visa applied for.

b. Possesses a permission to travel back to the home country or some other state, which remains in effect at least three months longer than the visa applied for.

c. Possesses adequate funds for support during the planned stay and for travel back to the home country or some other country which he or she is entitled to enter, or the ability to provide for his or her own sustenance by lawful means.

d. Is not subject to any reason for denial of entry or expulsion according to Sections 18 or 20 of the Act on Foreigners.

e. Fulfils the conditions set for the granting of a visa according to the Schengen Agreement.

The Immigration Office may in exceptional cases waive the conditions set in subparagraphs (a) and (b) concerning the periods of effect of a travel

document or a permission to return to the home country or some other country.

A visa shall generally be granted when the conditions set in the first to third paragraphs above have been fulfilled, unless considerations of foreign policy or public security recommend denial, or if the stated purpose of a visit or the veracity of information provided may reasonably be doubted. When a visa is granted, its holder shall be notified that a stay in Iceland for a period longer than the visa allows may result in expulsion and a return prohibition as provided for in Section 20 of the Act on Foreigners. For working in Iceland, the holder of a visa must have received an Icelandic work permit.

## **Article 20**

### *Visas effective for Iceland only*

A visa may be issued for a foreigner who does not fulfil the conditions set in Article 19 if this is deemed necessary for humanitarian reasons or by reason of national interests or international commitments. Such visa shall be limited to arrival and stay in Iceland for the period stated therein. The other states taking part in the Schengen co-operation shall be notified of the measure.

## **Article 21**

### *Visa for transit through airport*

A national of a state enumerated in Appendix 4, Part I, shall have a valid Icelandic visa for transit through an airport when landing at an Icelandic airport on the way to a another destination or in order to change aircraft. A visa shall however not be required if the traveller is in possession of the permit to stay referred to in Appendix 4, Part II, and has a permit for returning to the country of stay which is effective for at least three months after his or her transit through the Icelandic airport.

## **Article 22**

### *Visa applications*

An applicant for a visa shall personally submit his application on a form made for the purpose. A photograph of the applicant shall be attached, and the applicant shall sign the application by his own hand.

An Icelandic visa may be applied for with the foreign diplomatic or consular offices enumerated in Appendix 5.

When making a visa application with Icelandic authorities, a charge shall be paid as provided for in the Excise Taxes Act. When lodging an application with a foreign diplomatic or consular office, charges shall be paid in accordance with the rules in effect in that state.

### **Article 23**

#### *Procedure when handling visa applications*

An administrative authority handling a visa application, cf. Article 24, shall ascertain that the application form is correctly filled out and that any necessary documents are attached.

The administrative authority shall make certain that the matter is adequately clarified before a decision is taken, and shall for this purpose collect any information on the applicant that is deemed necessary. The applicant may be required to appear for an interview in connection with the handling of his application.

If necessary, the applicant shall submit evidence confirming the purpose of his stay and his situation for the duration of his stay, as well as any other evidence deemed necessary for ascertaining that the conditions set in Article 19 are fulfilled.

### **Article 24**

#### *The issue of a visa*

In the absence of any provisions relating to a different arrangement, the Immigration shall decide on visa applications.

The diplomatic and consular offices enumerated in Appendix 5 are empowered to grant visa applications.

Only the Immigration Office shall however be permitted to grant visa applications in the following instances:

- a. if the applicant is a refugee or a stateless person, or if his nationality is uncertain;
- b. if a diplomatic or consular office is in doubt about whether a particular application shall be granted;
- c. in cases when the central authorities of the state responsible the visa must be consulted in advance.

The Immigration Office alone is empowered to grant a visa application of a foreigner who has been expelled from Iceland or any other Nordic state, or who has been registered in the Schengen Information System for the purpose of denial of entry.

Only the Immigration Office can grant a visa which is only valid for Iceland.

A visa shall be inserted into the applicant's passport or other recognised identification document, or provided in a separate document.

## **Article 25**

### *Extension of a visa's period of effect*

The period of effect of a visa may be extended for up to three months by reason of factors outside the holder's control. An extended visa shall only be effective for Iceland. This may be only be done if the reasons on which an application for extension is based were unknown when the visa was issued, and if the purpose of stay remains unaltered. The conditions set in Article 19 shall also remain fulfilled.

## **Article 26**

### *Revocation of visas*

The Immigration Office may revoke a visa or reduce its period of effect if the considerations on which it was based prove to be incorrect or no longer pertinent.

A decision on revocation or reduction of a visa's period of effect shall enter into effect when a foreigner's passport, other recognised identification document or the document in which the visa has been entered is stamped or inscribed to that effect by police or by the Immigration Office, or when the holder of the visa receives the Immigration Office's notification of its decision.

## **Article 27**

### *Issue of visas at border*

The Immigration Office may permit the issue of a visa to a foreigner subject to visa requirements who declares himself to passport control without a valid visa, provided he fulfils the requirements of Article 19 and urgent and unforeseen reasons recommend this.

## **CHAPTER V**

### **Crews of Ships and Aircraft**

## **Article 28**

### *Control of entry of foreign seamen and their discharge as crew members while in an Icelandic harbour*

If a foreigner registered as a crew member of an Icelandic or foreign ship wants to leave the employment while the ship is in an Icelandic harbour, the captain shall notify the local commissioner of police, who shall decide



whether permission shall be granted to sign off the foreigner, and whether his entry shall be permitted.

The ship's agent shall immediately notify the commissioner of police if a permit to sign off a foreign crew member is desired.

Signing off a foreign crew member may be permitted if:

- a. the foreigner is in possession of a valid passport, a seaman's book or other identification document recognised as a travel document;
- b. a foreigner subject to visa requirements has a valid visa or the Immigration Office has granted a particular approval, and
- c. there are no grounds for denial of entry as provided for in Section 18, the first paragraph, subparagraphs (d), (i) or (j), of the Act on Foreigners.

A foreigner intending to travel to a destination outside Iceland must also have a visa or a particular permit to travel through other countries as necessary in order to reach his destination, and, as the case may be, a permit to travel to the country of his destination.

In the following cases a commissioner of police may grant a foreigner holding a seaman's book or a passport a permission to enter Iceland, even if the conditions enumerated in the third paragraph are not fulfilled:

- a. if it is established that he will be registered as a crew member on board a ship already berthed or about to enter a harbour within the Schengen Area, or
- b. when a permission to enter Iceland is necessary by reason of uncontrollable exterior circumstances.

The permission shall be granted with a view to a period no longer than deemed reasonable if a wait for a suitable travel opportunity from Iceland is necessary. If the foreigner plans to stay longer in Iceland permission shall be sought from the Immigration Office.

When a foreigner has been granted a permit to sign off as a crew member it shall be entered into his passport or seaman's book, or stated in a separate document, that he is permitted to enter Iceland on the condition that he

leaves Iceland within a specified period of time or on board a particular ship or aircraft.

The captain of a ship has the duty of receiving back on board foreign crew members whose application for a permission to sign off or to enter Iceland has been denied, or otherwise to arrange for the crew member's departure from Iceland as police may decide in further detail.

When deemed necessary police shall demand, from the ship's owner, lessee, captain or agent, security for the costs for which these parties may be liable in accordance with Section 56, the fourth paragraph, cf. the second paragraph, of the Act on Foreigners, in cases when a foreign seaman leaves his ship without police permission. Such permission may also be made conditional upon security having been provided.

Security on account of a citizen of a Nordic county shall only be required if particular reasons recommend this.

If deemed reasonable the Ministry of Justice may decide to waive the requirement for security or to refrain from invoking personal liability.

## **Article 29**

### *Stowaways*

The provisions of Article 28 shall apply, as applicable, to foreign stowaways on board Icelandic or foreign ships who request permission to enter Iceland, or who leave ship in an Icelandic harbour.

Permission to enter Iceland may be granted for humanitarian reasons or with a view to international obligations, even if the conditions set in Article 28, the third paragraph, are not fulfilled. The Immigration Office shall decide whether to grant such permissions.

## **Article 30**

### *Control of foreign crew members*

A foreign crew member of an Icelandic or foreign ship arriving at an Icelandic harbour may, without a specific permit to that effect, stay at the place of arrival while his ship remains in port, however not longer than three months.

If a foreign crew member plans to travel to some other place in Iceland or to some other Schengen state while the ship remains in port, passport control shall be exercised in the usual manner. This shall also apply if the total period in an Icelandic harbour and some other harbour of the Schengen Area exceeds three months. For a continued stay in Iceland under such circumstances a permit to stay must be issued, cf. Chapter VII.

A commissioner of police may prohibit a ship's crew, or individual crew members, to leave the ship, if this is necessary with a view to public order, security, or other particular reasons.

Police may, as needed, exercise control of the identification documents of foreign crew members, or conduct random checks.

In special circumstances arrival control may be exercised before a ship enters harbour.

### **Article 31**

#### *Control of foreign aircraft crew members arriving in Iceland*

The provisions of this Chapter shall also apply to aircraft pilots and crew, as applicable.

## **CHAPTER VI**

### **Stay without the issue of a permit**

#### **Article 32**

##### *Stay without the issue of a permit*

A foreigner needing a visa in order to be permitted entry to Iceland may not stay in Iceland longer than specified in his visa, unless a particular permit is issued to that effect. Other foreigners may not stay in Iceland for a period longer than three months from their arrival. A stay in another Schengen state shall for this purpose be regarded as a stay in Iceland.

The total stay within the Schengen Area must not exceed three months in any period of six months. The period of stay of a foreigner not subject to visa requirements, cf. Article 17 and Appendix 3, shall be calculated from the day of his entry into the Schengen Area. If a foreigner has a permit to stay in another Schengen state, the period of his stay shall be calculated from the day when he crossed the internal borders of the Schengen Area. A foreigner holding a permit to stay in another Schengen state may be obligated to produce travel documents attesting to the date of his arrival in Iceland.

The period of stay of a foreigner holding a permit to stay in another Nordic country, who is exempt from visa requirements on arrival in Iceland by reason of his nationality, cf. Appendix 3, shall be calculated from the date of his arrival in Iceland. In this, only his stay in Iceland during the preceding six months shall be taken into account, cf. Article 5, paragraphs 2 and 4, of the Nordic Passport Convention.

Danish, Finnish, Norwegian and Swedish nationals may stay in Iceland without the issue of a permit to stay.

The issue of a permit to stay is not necessary for a foreigner who is an Icelandic national by birth, if he or she has resided in Iceland for a continuous period of one year.

A foreigner who has an Icelandic parent does not need a permit to stay if he or she has resided in Iceland for a continuous period of two years and the Icelandic parent has been an Icelandic citizen for at least five years.

A foreigner married to an Icelandic national with whom he or she has resided in Iceland for a continuous period of three years following the inception of marriage or confirmation of cohabitation does not need a permit to stay.

## **CHAPTER VII**

### **Permits to stay**

#### **Article 33**

##### *Cases when permits to stay are needed*

In cases where no exemptions are provided for in the Foreigners' Employment Act or the Act on Foreigners, a foreigner who plans to accept employment in Iceland, for payment or without payment, or to pursue self-employment in Iceland, must have an employment permit and a permit to stay.

A foreigner planning to stay in Iceland longer than allowed by Section 8, the first paragraph, of the Act on Foreigners, cf. the first three paragraphs of Article 32 of this Regulation, must have a permit to stay.

#### **Article 34**

##### *General conditions for the issue of a permit to stay.*

Upon his application, a foreigner may be granted a permit to stay subject to the conditions provided for by law, if the conditions provided for in this Chapter are also fulfilled.

A foreigner applying for a permit to stay shall have attained the age of 18 years. A foreigner younger than 18 years can generally only be issued a permit to stay in connection with the issue of such permit to a parent or guardian.

A permit to stay shall not be issued in circumstances where this may affect public security or if this would not be in harmony with the foreign policy or the immigration policy of the Icelandic government.

The permit to stay applied for shall accord with the applicant's purpose of his stay in Iceland.

## **Article 35**

### *Classes of permits to stay*

The Immigration Office shall decide on the issue of permits to stay, which shall be classified as follows:

- a. Permits to stay without employment.
- b. Permits to stay on account of employment, forming a basis for the issue of a residence permit.
- c. Permits to stay on account of employment, with limitations.
- d. Non-renewable permits to stay on account of employment.
- e. Permits to stay for family members according to Section 13 of the Act on Foreigners.
- f. Permits to stay for purposes of study.
- g. Permits to stay on account of au pair engagement.
- h. Permits to stay issued for humanitarian reasons, according to Section 11, the second paragraph, of the Act on Foreigners.
- i. Provisional permits to stay, according to Section 11, the third paragraph, of the Act on Foreigners.
- j. Permits to stay issued to nationals of the EU and EFTA states.
- k. Residence permits according to Section 15 of the Act on Foreigners.

## **Article 36**

### *Permits to stay that may form a basis for residence permits*

Permits to stay issued to foreigners subject to the rules of the Agreement on the European Economic Area (EEA foreigners), or the rules of the Agreement establishing the European Free Trade Association (EFTA

foreigners), cf. Chapter XII, and permits to stay issued for humanitarian reasons according to Section 11, the second paragraph, of the Act on Foreigners, shall form a basis for the issue of a residence permit, subject however to the provisions of Section 12, the second and third paragraphs, of the Act on Foreigners.

Permits to stay issued to family members according to Section 13 of the Act on Foreigners shall form a basis for the issue of a residence permit in the same manner as the permit to stay issued to the applicant in question.

A permit to stay issued to an applicant whose parent was an Icelandic national at the time of the applicant's birth shall form a basis for the issue of a residence permit.

Permits to stay issued on account of employment provided for in Article 35 (b) of this Regulation shall form a basis for the issue of a residence permit. Such a permit to stay may be issued following an applicant's continuous stay of one year in Iceland under a permit to stay provided for in Article 35 (c). An applicant for a permit to stay provided for in Article 35 (b) shall also have been employed during the period of effect of his permit, and shall not have received financial support in accordance with the Act on Municipal Social Services. The condition of not having received such support may however be waived if urgently recommended by considerations of fairness. A permit to stay provided for in Article 35 (b) shall furthermore only be issued if the conditions set for extension of the applicant's employment permit are fulfilled, and if an application to that effect has been lodged.

Within the meaning of this Regulation, permits to stay capable of forming a basis for the issue of a residence permit are not subject to limitations.

### **Article 37**

#### *Permits to stay not forming a basis for the issue of a residence permit*

Permits to stay not relating to employment, non-renewable permits to stay on account of employment, permits to stay on account of employment with limitations, permits to stay for purposes of study or au pair engagements, and provisional permits to stay, shall not form a basis for the issue of a residence permit.

## **Article 38**

### *Issue of a permit to stay*

A permit to stay issued for the first time shall have been issued prior to arrival in Iceland.

This may be waived in cases of an applicant who is:

- a. the spouse or partner in cohabitation or registered partnership of an Icelandic or Nordic national or a foreigner staying or allowed to stay lawfully in Iceland according to a residence permit or a permit to stay which is not subject to limitations;
- b. a child within 18 years of age of an Icelandic or Nordic national or a foreigner staying or allowed to stay lawfully in Iceland according to a residence permit or a permit to stay which is not subject to limitations.

The Immigration Office may also waive the requirement provided for in the first paragraph if urgently recommended by considerations of fairness.

When the Immigration Office has issued a permit to stay, the certificate evidencing the permit shall be sent to the commissioner of police in the area of the holder's domicile, and the holder shall report there in order to have his certificate delivered.

## **Article 39**

### *Procedure when handling applications for permits to stay*

The Immigration Office shall decide on issues of permits to stay.

A permit to stay shall be applied for on a particular printed form. A photograph of the applicant shall be attached, and the applicant shall sign the application in his own hand. The applicant shall submit any documents deemed necessary for handling his application, such as a criminal record certificate, birth certificate, health certificate, marriage certificate,



documents concerning support, social insurance certificate or a certificate of medical insurance, housing certificate and documents relating to custody of children.

When receiving an application for a permit to stay, the Immigration Office shall ascertain that it is correctly filled out and that the necessary documents are attached. The Office shall ensure that the matter is adequately clarified before a decision is taken, and shall collect any necessary information for this purpose. The applicant or his agent may be summoned to appear for an interview in connection with the handling of the application.

The applicant shall prove his identity by submitting a passport or other recognised document issued by competent authorities. If necessary, the applicant may also be required to submit evidence confirming any other information provided, cf. Article 64. The manner in which the applicant has established his identity shall be recorded.

When issuing a permit to stay prior to arrival in Iceland, a foreigner shall be informed of his duty to report to the Immigration Office or a sheriff's office outside Reykjavík within one week from his arrival.

#### **Article 40**

##### *The period of effect of a permit to stay*

A permit to stay issued for the first time shall generally be issued for a period of one year. The permit may be issued for a shorter period, or for up to two years if deemed appropriate with a view to the purpose of the stay, or for other reasons.

The travel documents of a foreigner shall generally be valid for a period not less than three months after the period of effect of the permit to stay expires.

In a permit to stay, the last allowed date of arrival, conforming to the basis on which the permit is granted, shall be stated. In the absence of particular reasons to the contrary, the last allowed date of arrival shall not be later than three months following the decision to issue the permit. The commencement date of a stay on the basis of a permit to stay granted for the first time shall be deemed to be the date of its issue.

## **Article 41**

### *Renewal of a permit to stay*

A foreigner's permit to stay may be renewed upon application if the conditions provided for in Section 11 of the Act on Foreigners and in this Regulation are fulfilled. The Immigration Office shall be responsible for renewals of permits to stay.

A renewed permit to stay shall generally be issued for a period of one year, but may be issued for a different period if deemed appropriate with a view to the purpose of the stay or for other reasons. A renewed permit to stay shall however not be issued for a period longer than two years.

A foreigner applying for a renewal of a permit to stay may be allowed an extension of his stay on the same conditions as before, until a decision has been taken on his application. If a foreigner submits his application at least one month before the period of effect of his permit expires, such extension shall always be granted.

## **Article 42**

### *Security of support*

A foreigner applying for a permit to stay shall demonstrate that he is capable of sustaining himself in Iceland during the period to which his application relates. Minimum support shall be determined with a view to the standard issued by the municipal social services administration at each relevant location, at the point in time when an application is submitted with the necessary attached documentation.

Support shall be deemed secure if the foreigner:

- a. receives wages or income from self-employment adequate for his support;
- b. receives regular payments adequate for support;

c. possesses adequate funds for support during his stay in a currency registered by the Central Bank of Iceland;

d. receives study loans or study grants adequate for his support in a currency registered by the Central Bank of Iceland.

Support may be derived from more than one source enumerated in the second paragraph, and shall be deemed adequate if the foreigner demonstrates that they suffice for support when added together.

Payment of social support from the state or a municipality shall not make a person entitled to a permit to stay.

### **Article 43**

#### *Medical insurance*

A foreigner applying for a permit to stay shall demonstrate medical insurance by submitting a medical insurance policy from an insurance company licensed for business operation in Iceland in the minimum amount of ISK 2,000,000.

A foreigner arriving from a country with which the State Social Security Institution has concluded a bilateral medical insurance agreement may, instead of a medical insurance policy as provided for in the first paragraph, submit an attest or other document evidencing medical insurance with a social security institution or a health insurance plan accepted as adequate by the State Social Security Institution.

In this respect special provisions apply to EEA and EFTA foreigners, cf. Chapter XII.

### **Article 44**

#### *Secure lodging*

A foreigner applying for a permit to stay for 6 months or more shall demonstrate that lodging is available to him during the period to which his application relates, cf. Section 2 of the Legal Domicile Act.

The premises shall satisfy the requirements made for residential housing in the Health and Hygiene Regulation.

The applicant shall submit an officially recorded lease agreement or purchase agreement, a deed of title or other document to prove his right to reside in the premises in question.

### **Article 45**

*Issue of a permit to stay according to Section 11, the second paragraph, of the Act on Foreigners*

A foreigner granted protection against persecution according to Section 45 of the Act on Foreigners, who is not granted asylum on the basis of Section 46, cf. Section 44, of the Act, may be granted a permit to stay on the basis of its Section 11, the second paragraph.

If the first paragraph of this Article does not apply to a foreigner who has been denied an application for asylum in Iceland, the administrative authority that decided on his case shall on its own initiative examine whether the provisions of Section 11, the second paragraph, of the Act on Foreigners shall be applied.

In other cases, a foreigner may be granted a permit to stay on the basis of Section 11, the second paragraph, of the Act on Foreigners, if this is urgently recommended by humanitarian reasons, or on account of a particular relationship of the foreigner to Iceland.

### **Article 46**

*Issue of a provisional permit to stay on the basis of Section 11, the third paragraph, of the Act on Foreigners*

The Immigration Office may, upon the request of a foreigner who has applied for asylum, grant him a provisional permit to stay until a decision has been taken on his application. A provisional permit to stay may be granted according to this Article if:

- a. police have received a statement from the applicant;
- b. the applicant's identity is not open to doubt, and
- c. there are no factors that may lead to the applicant's expulsion, or to a request that he will be taken back by another state.

If the Immigration Office denies a foreigner's application for asylum, a provisional permit to stay granted according to the first paragraph shall remain in effect if appeal which has the effect of suspending a decision to order him to leave Iceland is lodged with a superior administrative authority against the denial, cf. Section 32, the first paragraph, of the Act on Foreigners. The Immigration Office may, upon the request of an applicant for asylum who has lodged an appeal against a denial of asylum and who has not already be granted a provisional permit to stay according to the first paragraph, grant him such permit if the conditions enumerated in the first paragraph are fulfilled and the appeal has the effect of suspending a decision to order him to leave Iceland, cf. Section 32, the first paragraph, of the Act on Foreigners. A permit granted under this paragraph shall remain in effect while the appeal is under consideration by the superior administrative authority.

The Immigration Office may, upon the request of a foreigner whose application for asylum or a permit to stay has been finally denied without the denial however being enforced for the time being, grant him a provisional permit to stay until the denial is to be enforced.

The provisions of Chapters IV, V and VII of the Administrative Procedures Act on right of protest, notification of a decision, reasoning, etc., the provisions of that Act on administrative appeal, and the relevant provisions of the Act on Foreigners do not apply to a decision concerning a provisional permit to stay.

A provisional permit to stay can be issued for a maximum period of one year at a time. Such permits shall not provide a basis for the issue of a residence permit.

## Article 47

### *Permit to stay for family members*

The closest family members of an Icelandic national or other national of a Nordic country residing in Iceland, or of a foreigner who stays or is allowed to stay lawfully in Iceland under a permit to stay which is not subject to limitations or under a residence permit may, upon application, be granted a permit to stay, provided the factors referred to in Section 11, the first paragraph (c), of the Act on Foreigners do not apply, and provided support, medical insurance and lodging has been secured, cf. Section 11, the first paragraph (a) of the Act.

The closest family members, within the meaning of the first paragraph, shall be the following:

- a. A spouse. Both spouses shall have attained the age of 18 years. If the person from whom the family member derives his claim for a permit to stay is married to more than one person, only the first spouse may be granted such permit.
- b. A cohabiting partner. Both parties shall have attained the age of 18 years.
- c. A partner in registered partnership. Both parties shall have attained the age of 18 years and shall be able to demonstrate that they have lived together in registered cohabitation or cohabitation otherwise confirmed for at least two years, and intend to continue their cohabitation. A permit to stay shall only be granted to one person, and neither partner may be married or in confirmed cohabitation.
- d. A child, provided both parents have, or will obtain, a valid permit to stay which may form a basis for a residence permit, or possess a permit to reside in Iceland.
- e. A child, when one parent has a valid permit to reside in Iceland which may form a basis for a residence permit, or possesses a residence permit. The parent staying or residing in Iceland must have custody of the child. In

cases of joint custody, the witnessed approval of the parent residing abroad must be submitted.

f. Relatives of the person in question in the ascending line, or of his or her spouse, who are dependants.

A child is defined as a person who has not attained the age of 18 years who is not married or in cohabitation. All documents and necessary attachments confirming the applicant's age, minority and marital status must have been received by the Immigration Office prior to the applicant's 18<sup>th</sup> birthday. Applications on behalf of minors shall be submitted by a person having their custody.

## **CHAPTER VIII**

### **Residence permits**

#### **Article 48**

##### *Residence permits*

A foreigner who has stayed in Iceland for a continuous period of three years under a permit to stay that is not subject to limitations, and who fulfils the requirements made in Article 50 as regards knowledge of the Icelandic language, may be granted a residence permit upon his application, provided no factors apply that can lead to expulsion in accordance with Section 20, the first paragraph, of the Act on Foreigners. A residence permit can only be issued if the conditions set for the issue of a permit to stay remain fulfilled.

#### **Article 49**

##### *Continuous stay*

The requirement of continuous stay of a foreigner in Iceland shall be regarded as fulfilled if he or she has not stayed abroad for a period longer than nine months in total during the past three years.

The period of stay provided for in Article 48 shall be calculated from the day when a foreigner is issued a permit to stay without limitations. In case of a foreigner granted asylum on the basis of Section 46 of the Act on Foreigners, the period of stay shall be deemed to have commenced when his application was lodged.

## **Article 50**

### *Courses in the Icelandic language*

An applicant for a residence permit shall have attended a course in Icelandic for foreigners of a minimum of 150 hours. The applicant shall submit a certificate evidencing his participation and attendance, which shall have reached 85% at a minimum. A certificate evidencing participation shall have been issued by a tutor approved by the Ministry of Justice.

The provisions of the first paragraph concerning participation in a study course may be waived if the applicant has acquired acceptable knowledge of the Icelandic language and submits a certificate evidencing that he or she has passed an examination in Icelandic for foreigners. The certificate shall be issued by a person or entity with whom the Ministry of Justice has concluded an agreement to conduct such examinations. The course participation requirement may also be waived if an applicant is over 65 years of age and has stayed in Iceland for at least 10 years, and also if an applicant is physically or mentally unable to participate in such a course as confirmed by a physician.

The person or entity conducting a course or examination according to the first and second paragraphs may charge an applicant for the course, the examination and the issue of a certificate.

## **Article 51**

### *The period of effect and the substance of residence permits*

A residence permit grants a right to an indefinite stay, and shall be effective from the date of its issue. A foreigner holding a residence permit may only



be denied entry or expelled in the circumstances referred to in Section 21, the second paragraph, of the Act on Foreigners.

## **Article 52**

### *Application for a residence permit*

An application for a residence permit shall be submitted to the Immigration Office on a form made for the purpose.

An application shall be accompanied by the relevant supporting documentation, such as confirmed copies of tax returns for the past three years, wage slips for the past three months, a criminal record certificate, a confirmation of domicile for the past three years, a certificate of a municipality concerning social support, the passport or passports used by the applicant for the past three years, and a certificate concerning course participation or knowledge of the Icelandic language as provided for in Article 50.

## **Article 53**

### *The administrative authorities*

The Immigration Office shall decide on residence permits. The provisions of Section 14, the third paragraph, of the Act on Foreigners, shall apply to applications for residence permits as applicable.

The Immigration Office shall decide on cancellations of residence permits and on applications submitted by foreigners for a permit to stay abroad for a period exceeding 18 months without cancellation of the residence permit, cf. Article 54.

## **Article 54**

### *Cancellation of a residence permit*

A residence permit is cancelled when its holder has resided or actually stayed abroad for a continuous period exceeding 18 months.

A residence or actual stay abroad shall be deemed continuous even if the foreigner has stayed in Iceland one or more times for a brief period. Residence or actual stay abroad shall furthermore be deemed continuous if the foreigner has stayed abroad for periods totalling more than 18 months in a period of four years.

The Immigration Office may, upon application, decide that a residence permit shall remain in effect even if a foreigner has stayed abroad for a continuous period of 18 months, when he or she:

- a. must serve in the armed forces of, or render other similar service in, the country of nationality;
- b. must stay abroad on account of his or her employment or education, or that of his or her spouse, provided it is clear that the person intends to settle in Iceland again following the stay, or
- c. must stay abroad with his or her spouse or partner in cohabitation or registered partnership, or a parent, who is in paid employment for the Icelandic government or employed by an international institution.

When assessing whether an application under the third paragraph shall be granted, the duration of the foreigner's previous stay in Iceland, and the purpose of his or her stay abroad, shall be taken into consideration. The application shall be submitted in due time before the time limit of 18 months has been attained.

## **CHAPTER IX**

### **Denial of entry and expulsion**

#### **Article 55**

##### *Denial of entry*

A foreigner may be denied entry to Iceland under the conditions provided for in Section 18, cf. Section 19, or Section 21, of the Act on Foreigners, and if the decision to do so does not conflict with the provisions of Section 45 of that Act.

A foreigner younger than 20 years of age who resides permanently in one of the other Nordic countries and comes to Iceland as a member of a group accompanied by an adult person shall not be denied entry to Iceland on the basis of Section 18, the first paragraph (a) of the Act on Foreigners, even if he or she is not in possession of a valid passport or other recognised travel document.

A foreigner planning to cross Icelandic territory and has a permit to stay or a visa for returning issued by a Schengen state shall not be denied entry on the basis of Section 18, the first paragraph, of the Act on Foreigners, except if he or she has been denied entry previously and a return prohibition still remains in effect.

A foreigner planning to cross Icelandic territory on the way to a Schengen state that has granted him a visa for a stay exceeding three months shall not be denied entry on the basis of Section 18, the first paragraph (a), (c) or (d), of the Act on Foreigners, even if he does not have a visa to enter Iceland and has not demonstrated the possession of adequate funds, or has not adequately explained the purpose of the stay in Iceland.

The Immigration Office may issue guidelines on the determination of adequate funds for a stay in Iceland within the meaning of Section 18, the first paragraph (d), of the Act on Foreigners.

## **Article 56**

### *Denial of entry of an applicant for asylum*

If the requirements of Section 18, the first paragraph (a), of the Act on Foreigners, cf. Section 19 of the Act, are fulfilled, a foreigner who has been denied an application for asylum, cf. Section 49 of the Act, who will not be granted a permit to stay on the basis of Section 11, the second paragraph, of the Act, shall be expelled on that basis, provided it is likely that the decision

may be enforced before the foreigner's period of stay in Iceland reaches six months.

In other cases a foreigner in the situation referred to in the first paragraph shall be denied entry on the basis of Section 18, the first paragraph (c), of the Act on Foreigners, cf. its Section 19, if the decision is likely to become enforceable before his period of stay reaches three months. A foreigner who has applied for asylum shall be assumed to intend to stay in Iceland for more than three months, cf. Section 9, the second paragraph, of the Act.

## **Article 57**

### *Expulsion*

A foreigner may be expelled in cases where the conditions set in Sections 20 or 21 of the Act on Foreigners are fulfilled and a decision to that effect does not conflict with Section 45 of the Act.

A decision on expulsion shall be taken by the Immigration Office, cf. Section 22, the first paragraph, of the Act on Foreigners.

Any issued permits to stay, employment permits and residence permits are cancelled when a final decision on expulsion has been taken.

Expulsion has the effect of prohibiting a return to Iceland, cf. Section 20, the third paragraph, of the Act on Foreigners.

An expelled foreigner shall be notified of the prohibition of return, and that a violation of such prohibition is punishable according to Section 57, the first paragraph (a), of the Act on Foreigners.

When expulsion and a return prohibition involves registration in the Schengen Information System, the foreigner shall be notified that the return prohibition is valid for the territories of all Schengen states, unless an individual state grants a special permit for entry into its territory.

If recommended by special considerations a foreigner may, upon application, be allowed to return before the period of a return prohibition

expires, however generally not until two years have passed from the date of his departure.

A return prohibition shall enter into effect on the date of deportation or the foreigner's wilful departure.

Police shall serve a notification of a decision of denial of entry or expulsion to a foreigner. The police shall inform the foreigner of his legal status, cf. Section 25 of the Act on Foreigners, and that he is entitled to have an interpreter present, cf. Section 24, the second paragraph, of the Act.

## **CHAPTER X**

### **Dissemination of information to foreign countries**

#### **Article 58**

##### *Basic information*

When information is sent as provided for in Section 26 of the Act on Foreigners, a foreigner's full name, date of birth and nationality may be revealed.

#### **Article 59**

##### *Dissemination information relating to the issue of a visa valid for Iceland only.*

When a decision has been taken to issue a visa valid only for Iceland, cf. Article 20, the following information may be provided in addition to the information referred to in Article 58:

- a. Where and when the visa was issued, and
- b. why the visa was issued.

## **Article 60**

### *Dissemination of information on account of revocation of a visa*

When notifying Schengen states of the revocation of a visa or a reduction of its period of effect, cf. Article 26, the following information may be provided in addition to the information referred to in Article 58:

- a. Type and number of travel document;
- b. the number of the visa slip;
- c. the class of the visa in question;
- d. the place and date of the issue of a visa, and
- e. when and why the visa was revoked or its period of effect reduced.

## **Article 61**

### *Dissemination of information for purposes of visa co-operation*

When a Schengen state has requested consultation prior to the issue of a visa, the following information may be provided in addition to the information referred to in Article 58:

- a. The identity of the administrative authority that received the application or processes the application;
- b. previous nationality;
- c. the type and number of travel document submitted, and its date of issue and period of effect;
- d. planned duration of the stay, and the purpose of the stay;
- e. planned date of travel;
- f. the address of the applicant, his or her employment and employer;

- g. information from other Schengen states, in particular any prior applications, and any earlier stays within the Schengen Area;
- h. where the applicant plans to enter the Schengen Area, and
- i. any other relevant information, such as concerning a spouse and children travelling with the applicant, any visas previously issued to the applicant, or visa applications concerning the same destination.

## **Article 62**

### *Dissemination of information on account of an application for a permit to stay from a foreigner registered in the Schengen Information System*

In providing obligatory co-operation on the basis of Article 25 of the Schengen Agreement in case of an application for a permit to stay from a foreigner registered in the Schengen Information System, or when a foreigner possessing a valid permit to stay issued by a Schengen state is registered in the Schengen Information System, the following information may be provided in addition to the information referred to in Article 58:

- a. The reason for registration in the Schengen Information System;
- b. the identity of the administrative authority that took a decision on registration;
- c. when the decision was taken;
- d. when notification of the decision was made;
- e. the date when the decision was implemented;
- f. the period of effect of the decision, and
- g. the reason why the foreigner is regarded as unwelcome in the territory of the country of registration.

## **Article 63**

*Dissemination of information relating to the processing of an application for asylum*

The following information may be provided on the basis of Section 26 of the Act on Foreigners when processing an application for asylum, in addition to the information referred to in Article 58:

- a. Previous name if applicable, nickname, alias or cover name, place of birth and previous nationality;
- b. identification and travel documents;
- c. any other information necessary to establish the applicant's identity, including fingerprints as provided for in the Eurodac rules, cf. Article 68;
- d. places of stay and travel routes;
- e. any permits to stay or visas issued by states parties to the Dublin Convention;
- f. the place where asylum was applied for;
- g. when a previous application was lodged, if applicable, when the present application was lodged, the stage of the application procedure, and any decision that may have been taken;
- h. the basis of the applicant's claim for asylum, and
- i. the reasons underlying any decisions that may have been taken concerning the applicant.

The information referred to in the first paragraph may only be provided if necessary in order to determine what state shall consider the application for asylum, in order to make the processing of the application possible, or in order to fulfil any other obligations, for example according to the Dublin Convention or the Eurodac rules. The information referred to under items (h) and (i) of the first paragraph shall only be provided if approved by the applicant.



## CHAPTER XI

### Investigative measures

#### Article 64

##### *A foreigner's identity*

When arriving in Iceland and until such time as when correct personal identity has been established, a foreigner has the duty of assisting in establishing his or her identity. For this purpose, a foreigner may be ordered to:

- a. provide information on personal details, such as name, nationality, date of birth, place of birth, address or place or stay in the home country, marital status, family conditions, identity documents and the route of travel to Iceland;
- b. submit any travel documents or similar documents issued by a public authority in confirmation of the foreigner's identity or to procure such documents if the foreigner does not possess them; the foreigner may also be ordered to provide his or her assistance to have such documentation issued, including by reporting to a diplomatic or consular office of the relevant state and providing there the information necessary to have travel documents issued;
- c. submit any other evidence that may establish his or her identity; the foreigner may be ordered to procure such evidence if not in his or her possession, or to provide assistance to have them procured;
- d. submit travel tickets, baggage slips and similar documents;
- e. undergo a language test, and
- f. provide handwriting samples for comparison analysis.

A foreigner applying for asylum may not be ordered to contact the authorities of the home country or to assist in establishing his or her identity in any manner conflicting with the foreigner's need for protection. This shall however not apply in case of a foreigner whose application for asylum has been denied and who has been ordered to leave Iceland, or to an applicant

for asylum who has been granted a permit to stay for reasons other than a need for protection.

If the identity of a foreigner registered in Iceland becomes open to doubt, the foreigner has the duty of providing assistance in establishing his or her correct identity. The provisions of the first paragraph may be applied in such cases, after the foreigner has been informed of why the identity is doubted and granted an opportunity to express his or her views relating to the reasons in question.

When applying the provisions of the first paragraph the foreigner shall be informed of the duties provided for there, and of the sanctions provided for in case of a failure to heed them or if wrong or misleading information is provided, cf. Section 57, the first paragraph (a) and (b), of the Act on Foreigners.

## **Article 65**

### *Permit to take photographs and fingerprints*

An application for a permit to stay or for a visa shall be accompanied by a photograph of the applicant, cf. Articles 22 and 39.

A photograph and fingerprints shall be taken of a foreigner who:

- a. can not or will not establish his or her identity, or if there is a reason to believe that he or she has provided incorrect identity information;
- b. applies for asylum in Iceland;
- c. is older than 18 years and applies for a permit to stay in Iceland as a family member of a foreigner who has applied for asylum in Iceland;
- d. has been expelled from Iceland, or
- f. has stayed in Iceland illegally.

A photograph and fingerprints may also be taken of a foreigner who:

- a. has been denied an application for a permit according to the Act on Foreigners;
- b. has been denied entry into Iceland, or
- c. is reasonably assumed to be staying illegally in Iceland.

A photograph or fingerprints may however not be taken of a foreigner according to the third paragraph (a) if the reasons for denial are solely that support, medical insurance or lodging has not been secured, cf. Sections 42-44, and Section 11, the first paragraph (a), of the Act on Foreigners. A photograph or fingerprints shall furthermore not be taken of a foreigner according to the third paragraph (b) of this Article if the entry has been denied for the sole reason that the foreigner is unable to demonstrate that he or she possesses adequate funds for staying in Iceland and for return travel, cf. Section 18, the first paragraph (d), of the Act.

When fingerprints are being taken as provided for in the second and third paragraphs, police shall inform of who is responsible for the registration of the fingerprints, of the purpose of taking the fingerprints, and of the handling, storage and deletion of the fingerprint information, cf. Articles 66 and 67.

The provisions of Article 68 shall apply to the taking and processing of fingerprints according to the Agreement between Iceland, Norway and the European Community of 19 January 2001 concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a member State or Iceland or Norway.

## **Article 66**

### *Fingerprints registry*

Fingerprints taken as provided for in Article 65, the second and third paragraphs, shall be preserved in a registry forming a part of the fingerprints collection of the National Commissioner of Police. A reference shall be made there to the provision permitting the taking of the fingerprints, and the fingerprints shall be marked by a particular reference number. When entering fingerprints into the registry, a check shall be made to ascertain

whether the foreigner is already registered there under the same name or in a different name. The general fingerprints registry shall also be checked in order to ascertain whether the foreigner is wanted in Iceland or elsewhere.

If there is a reason to believe that the foreigner has been staying in another country than his home country before coming to Iceland, his or her fingerprints may be sent to the authorities in that country for comparison.

Fingerprints sent to Iceland by foreign immigration control authorities may be used for searches in fingerprint registries. Information registered therein may be provided on the basis of agreements concerning exchange of information with other states, or in other cases as needed. The same shall apply to the fingerprints of foreigners wanted on account of serious crimes that are sent to Iceland by Interpol or directly from the police authorities of other states.

The registry containing the fingerprints of foreigners may be checked in connection with the investigation of crime committed in Iceland.

## **Article 67**

### *Deletion of fingerprints from the registry*

The fingerprints of a foreigner shall be deleted from the registry when he or she has been granted asylum or a permit to stay that may form a basis for a residence permit. This shall however not apply if doubt remains as to the foreigner's identity. In such cases the fingerprints shall be deleted when the foreigner's correct identity has been established, or when he or she has been granted a residence permit.

The fingerprints of a foreigner who has been finally denied an application for asylum or a permit to stay, or denied entry or expelled, shall be deleted when ten years have passed from the date of the decision. This shall however not apply if a decision as referred to in the first sentence has been taken with a view to national security.

The Immigration Office shall notify the National Commissioner of Police of when fingerprints shall be deleted as provided for in the first paragraph, and of the commencement of the period provided for in the second paragraph.

Any fingerprints not deleted shall be deleted when ten years have passed from when they were last registered.

## **Article 68**

### *Provisions concerning Eurodac*

In accordance with Iceland's obligations under the Agreement between Iceland, Norway and the European Community of 19 January 2001 concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a member State or Iceland or Norway, fingerprints may be taken of a foreigner, 14 years of age or older, who:

- a. applies for asylum in Iceland;
- b. has been arrested in connection with an illegal crossing of the exterior borders of the Schengen area and has not been denied entry, or
- c. stays illegally in Iceland.

The Immigration Office shall decide whether fingerprint information shall be sent to foreign countries on the basis of the rules governing Eurodac. The fingerprints shall be taken by police and sent to the international department of the office of the National Commissioner with any necessary information, stating on what basis the fingerprints were taken. The National Commissioner shall be responsible for communications with the Eurodac central database.

Police shall, when fingerprints are taken for registration in the Eurodac system, provide an applicant for asylum or a foreigner who has been arrested in connection with an illegal crossing of the exterior borders of the Schengen Area and who has not been denied entry, with the following information:

- a. the office responsible for the registration;
- b. the purpose of processing the information in the Eurodac system;
- c. where the information will be sent;

- d. that the taking of fingerprints is obligatory, and
- e. on the foreigner's right to access to, and correction of, information concerning the foreigner.

A foreigner staying illegally in Iceland from whom fingerprints have been taken in order to forward them to Eurodac shall be informed as provided for in the third paragraph (a), (b) and (c) not later than when the information is sent to the Eurodac central database. This shall however not apply if provision of the information to the foreigner turns out not to be possible.

The National Commissioner of police shall send fingerprints and the necessary information on a foreigner, and any enquiries relating thereto, to the Eurodac central database as requested by the Immigration Office, and inform the Immigration Office of the conclusion of the search made there.

The National Commissioner of Police shall request the Eurodac Central Unit to block any information on an applicant for asylum who has been registered in accordance with information from his office, if the person is a recognised refugee and has been allowed entry to a member state as a refugee. The National Commissioner shall send Eurodac any information he may receive within ten years from registration to the effect that an applicant for asylum, registered in accordance with information from Iceland, has become a citizen of a member state.

The National Commissioner of Police shall, if he has sent information to Eurodac for registration concerning a person arrested in connection with an illegal crossing of exterior borders, notify Eurodac if he discovers, within two years from registration, that the foreigner:

- a. has been granted a permit to stay;
- b. has left the territory of the member states, or
- c. has become a citizen of any member state.

The National Commissioner of Police may issue rules of procedure relating to the processing of fingerprint information and the co-operation between police, the Immigration office and the international department of his office in the context of the Eurodac database.

## **CHAPTER XII**

### **Stay of foreigners to whom the EEA or EFTA Agreements apply in Iceland**

#### **Article 69**

##### *Permits to stay for foreigners subject to the EEA or EFTA Agreements*

Foreigners subject to the rules of the Agreement on the European Economic Area (EEA foreigners), or the rules of the Agreement establishing the European Free Trade Association (EFTA foreigners) are, with the exception provided for in the second paragraph, allowed to enter Iceland without a specific permit and to stay or work in Iceland for a period of up to three months from arrival, or for up to six months if seeking employment. A stay in another Nordic country shall not be subtracted from the period of stay in Iceland.

A foreigner who is not a national of an EEA or an EFTA state, or the relative of such foreigner, cf. Article 73, who comes to Iceland in order to provide services and is engaged with an enterprise providing services, who is a participant in the general labour market of an EEA or EFTA state and a holder of an unlimited employment permit in that market, may stay in Iceland without a specific permit for up to 90 working days in each calendar year.

An EEA or EFTA foreigner staying in Iceland for a period longer than provided for in the first paragraph must have a permit to stay in Iceland. This shall however not apply to a foreigner who works here but generally returns to a home in another EEA or EFTA state at least once each week.

An EEA or EFTA foreigner who is exempt from the requirement for a permit to stay according to the third paragraph shall, within two weeks from commencing work, report this to the Immigration Office.

#### **Article 70**

### *Requirements for a permit to stay*

EEA or EFTA foreigners to whom Section 36, the first paragraph, of the Act on Foreigners applies are, with the exception of foreigners referred to in Article 69, the second paragraph, of this Regulation, entitled to a permit to stay upon application, provided they submit the travel documents by which they entered Iceland and evidence establishing fulfilment of the further conditions provided for in Article 71 of this Regulation. Application for a permit to stay may however be denied if a situation applies which may provide an occasion to deny the foreigner entry into Iceland, a stay in Iceland, or employment in Iceland, under other provisions of law.

### **Article 71**

#### *Further requirements for the issue of a permit to stay*

For a permit to stay granted under Section 36, the first paragraph (a), of the Act on Foreigners, an applicant must submit an employer's confirmation of engagement or an employment certificate.

For a permit to stay granted under Section 36, the first paragraph (b), of the Act on Foreigners, the applicant's intention must be:

- a. To work as a self-employed person in Iceland. Evidence shall then be submitted to the effect that the applicant will be thus employed, such as information on a Value Added Tax number. The foreigner's aim must be permanent self-employment.
- b. To provide services in Iceland. Information must be provided of the planned duration of the service to be provided. The provision of the service must be the chief purpose of the stay, the service must be provided in the purpose of generating income, and a definite time limit must be set of its duration.
- c. To purchase services in Iceland. Information shall be provided of the planned duration of the enjoyment of the service. The enjoyment of the service must be the chief aim of the stay, the applicant must be charged for the service, and a definite time limit must be set of its duration.



A permit to stay on the basis of Section 36, the first paragraph (c), of the Act on Foreigners shall only be granted if the applicant receives secure support by fixed regular payments of an amount not less than corresponding to the standard issued by the municipal social services administration at each relevant location, possesses own funds in a corresponding amount or demonstrates that his or her support is otherwise secured, and demonstrates medical insurance covering all the risks covered under Icelandic law.

For a permit to stay issued on the basis of Section 36, the first paragraph (c) of the Act on Foreigners, an applicant must submit evidence to the effect that he or she has been enrolled at an accredited educational institution, and that the purpose of the stay is to acquire education or vocational training there. Support during the period to which the application relates shall be secured, and evidenced by a declaration or in other comparable manner. The applicant must also have medical insurance covering all the risks covered under Icelandic law.

## **Article 72**

### *Requirements for a permit to stay issued to a family member of an EEA or EFTA foreigner*

A permit to stay shall, upon application, be granted to a relative of a foreigner who has, or acquires, a permit to stay according to Section 36, the first paragraph, of the Act on Foreigners, if the relative submits the travel documents by which he or she entered Iceland, except if a situation applies which may provide an occasion to deny the foreigner entry into Iceland, a stay in Iceland, or employment in Iceland under other provisions of law. A certificate of the relevant public authority of the home country, or of the most recent country of residence, shall be submitted for demonstrating the family ties.

In the case of a family member of a foreigner to whom Section 36, the first paragraph (a), of the Act on Foreigners applies, the requirements referred to in the first paragraph must be fulfilled and, in addition, the foreigner must have lodging available. In the case of a family member of a foreigner to whom Section 36, the first paragraph (b) or (c), of the Act on Foreigners applies, the requirements referred to in the first paragraph must be fulfilled and, in addition, the family member's support must be secured and he or she

must have medical insurance covering all the risks covered under Icelandic law.

If the requirements of the first paragraph are fulfilled and support has been secured, other family members of a foreigner than those enumerated in Article 73 may be granted a permit to stay, provided they are the foreigner's dependants or have shared a home with the foreigner in the home country, and submit evidence in confirmation of this. The condition may also be set that the foreigner has lodging available and that the applicant has a medical insurance covering all the risks covered under Icelandic law.

A permit issued for the first time to a family member of an EEA or EFTA foreigner, cf. Article 73, shall be issued for the period corresponding to that of the latter's permit, however not exceeding that period.

### **Article 73**

#### *The family members of an EEA or EFTA foreigner*

The following persons shall be deemed to be family members of a foreigner to whom Section 36, the first paragraph, of the Act on Foreigners applies:

- a. His or her spouse or partner in cohabitation or registered partnership;
- b. the descendants of a foreigner who has, or acquires, a permit to stay on the basis of Section 36, the first paragraph (a) or (b), of the Act, and/or any descendants of his or her spouse who have not attained the age of 21 years and who are dependants;
- c. the descendants of a foreigner who has, or acquires, a permit to stay on the basis of Section 36, the first paragraph (c) or (d), of the Act, and/or any descendants of his or her spouse, if they are dependants, and
- c. relatives in the ascending line of a foreigner who has or acquires a permit to stay on the basis of Section 36, the first paragraph (a), (b) or (c) of the Act, or those of his or her spouse, if they are dependants.

## **Article 74**

### *Continued stay following cessation of employment*

The provisions of Articles 75-78 of this Regulation shall govern the right of a foreigner to whom Section 36, the first paragraph (a) or (b) of the Act on Foreigners applies, or that of his or her family members, cf. Section 37 of the Act, to a continued stay following cessation of employment, cf. Regulation of the Commission (EEC) No. 1251/70. The provisions of Articles 75-84 shall similarly apply to EFTA nationals and their family members.

## **Article 75**

### *Regulation of the Commission (EEC) No. 1251/70, Article 1*

The provisions of the present Regulation (i.e. Articles 75-82 hereof) shall apply to nationals of the member states of the EEA who have worked as wage earners in the territory of another EEA member state, and to members of their families, as defined in Article 10 of Council Regulation (EEC) No. 1612/68 on freedom of movement of workers within the Community (cf. the Act on Wage-Earners' Freedom of Work and Residence Within the European Economic Area, No. 47 of 18 May 1993).

## **Article 76**

### *Regulation of the Commission (EEC) No. 1251/70, Article 2*

1. The following persons shall have the right to remain permanently in the territory of an EEA member state:
  - a. Wage earners who, at the time of the termination of their activity, have reached the age laid down by law of that member state for entitlement to an old-age pension, have been employed in that state for at least the last twelve months, and have resided there continuously more than three years.

b. Workers who, having resided continuously in the territory of that Member State for more than two years, cease to work there as an employed persons as a result of permanent incapacity to work. No requirements are made as regards length of residence if such incapacity is a result of an accident at work or an occupational disease entitling a worker to a pension for which an institution of that State is entirely or partially responsible.

c. Workers who, after three years' continuous employment and residence in the territory of that State, work as employed persons in the territory of another EEA State while retaining their residence in the first state, to which they return each day or at least once a week.

Periods of employment completed in this way in the territory of the other EEA State shall, for the purposes of entitlement to the rights referred to in subparagraphs (a) and (b), be considered as having been completed in the territory of the State of residence.

2. The conditions as to the length of residence and employment laid down in paragraph 1 (a) and the condition as to length of residence laid down in paragraph 1 (b) shall not apply if the worker's spouse is a national of the EEA State concerned or has lost the nationality of that State by marriage to that worker.

## **Article 77**

### *Regulation of the Commission (EEC) No. 1251/70, Article 3*

1. The family members (cf. Article 73) of a worker referred to in Article 1 of the Regulation (i.e. Article 75 of this Regulation), who are residing with him in the territory of an EEA state, are entitled to remain there permanently if the worker has acquired the right to remain in the territory of that state in accordance with its Article 2 (i.e. Article 76 hereof), and to do so even after his death.

2. If, however, a worker dies during his working life and before having acquired the right to remain in the territory of the state concerned, his family members are entitled to remain there permanently on condition that:

- a. the worker, on the date of his decease, had resided continuously in the territory of that member state for at least two years, or
- b. his death resulted from an accident at work or an occupational disease, or
- c. the surviving spouse is a national of the state of residence or has lost the nationality of that state by marriage to the worker.

### **Article 78**

#### *Regulation of the Commission (EEC) No. 1251/70, Article 4*

1. Continuity of residence as provided for in Article 2 (1) (i.e. Article 76 hereof) and Article 3 (2) (i.e. Article 77 hereof) may be attested by any means of proof in use in the country of residence. It shall not be affected by temporary absences not exceeding a total of three months per year, nor by longer absences due to compliance with the obligations of military service.
2. Periods of involuntary unemployment, duly recorded by the competent employment office, and absences due to illness or accident shall be considered as periods of employment within the meaning of Article 2 (1) (i.e. Article 76 hereof).

### **Article 79**

#### *Regulation of the Commission (EEC) No. 1251/70, Article 5*

1. The person entitled to a right to remain pursuant to Article 2 (1) (a) and (b) (i.e. Article 76 hereof) and Article 3 (i.e. Article 77 hereof) may exercise it within two years from its acquisition. During this period he may leave the territory of the EEA state without adversely affecting this right.
2. No formality shall be required on the part of the person concerned in respect of the exercise of the right to remain.

### **Article 80**

*Regulation of the Commission (EEC) No. 1251/70, Article 6*

1. Persons coming under the provisions of this Regulation (i.e. Articles 75-82 hereof) are entitled to a residence permit which shall:
  - a. be issued and renewed free of charge or on payment of a sum not exceeding the dues and taxes payable by nationals for the issue or renewal of identity documents;
  - b. be valid throughout the territory of the EEA state issuing it, and
  - c. be valid for at least five years and renewable automatically.
2. Periods of non-residence not exceeding six consecutive months shall not affect the validity of the residence permit.

**Article 81**

*Regulation of the Commission (EEC) No. 1251/70, Article 7*

The right to equality of treatment, established by Council Regulation (EEC) No. 1612/68 (cf. the Act on Freedom of Employment and Residence for Wage Earners within the European Economic Area, No. 47 of 18 May 1993), shall also apply to persons coming under the provisions of this Regulation (i.e. Articles 75-82 hereof).

**Article 82**

*Regulation of the Commission (EEC) No. 1251/70, Article 8*

1. The present Regulation (i.e. Articles 75-82 hereof) shall not affect any provisions laid down by law or administrative action of any EEA state that would be more favourable to nationals of the other EEA member states.
2. The EEA member states shall facilitate re-admission to their territories of workers who have left their territories after having resided there permanently for a long period and having been employed there, and who wish to return

there when they have reached retirement age or are permanently incapacitated for work.

### **Article 83**

#### *EEA foreigners who have been self-employed in Iceland*

The provisions of Articles 76-82 hereof shall likewise apply to persons who have been self-employed in Iceland, cf. Section 36, the first paragraph (b) of the Act on Foreigners, and to their family members, cf. Article 73 hereof. Periods of non-residence as referred to in Article 80 (2) may however exceed six consecutive months if due to the obligations of military service.

### **Article 84**

#### *Exemptions relating to public order, public security, or public health*

Exemptions are permitted from the provisions of Articles 75-83 hereof if necessary for reasons of public order, public security or public health, cf. Article 87.

### **Article 85**

#### *The substance of a permit to stay*

A permit to stay grants a person a right to stay and to accept engagement for work or to work as a self-employed person anywhere in Iceland, subject to any limitations stated in the permit or pursuant to law.

Any conditions or limitations to which a permit is subject shall be stated therein.

A permit to stay issued to an EEA or EFTA foreigner grants that person an unlimited right to return to Iceland while the permit remains in effect.

## **Article 86**

### *Renewal of a permit to stay*

Permits to stay issued according to Sections 36, 37 and 38 of the Act on Foreigners shall be renewed upon application if the conditions set for their issue remain fulfilled, generally for a period of five years, subject however to the provisions of the second and third paragraphs.

The first renewal of a permit issued to an applicant to whom Article 36, the first paragraph (a) applies may be issued for a period of one year if the applicant is unemployed against his will and has been in that situation for more than twelve months. If the applicant remains unemployed on expiry of that period, a permit to stay for a wage earner shall not be renewed.

The provisions of Section 39, the third and fifth paragraphs, of the Act on Foreigners on the substance and period of effect of a permit to stay shall apply as applicable when the permit is renewed.

The period of effect of a renewed permit shall be counted from the date when the earlier period of effect expired.

In any other respects the provisions of Article 85 shall apply, as applicable, to the substance of a residence permit.

## **Article 87**

### *Denial of entry and expulsion by reference to public order and public safety*

An EEA or EFTA foreigner may be denied entry or expelled if necessary with a view to public order and public safety, cf. Section 42, the first paragraph (c), and Section 43, the first paragraph, of the Act on Foreigners.

Denial of entry or expulsion as provided for in the first paragraph is, for example, allowed if a foreigner:

a. is dependent upon drugs of abuse or other illicit substances, and has become thus dependent before his first permit to stay was issued, or



b. suffers from a serious psychiatric disturbance, or a psychiatric disturbance characterised by agitation, delirium, hallucinations or thought disorders, provided this condition developed before his first permit to stay was issued.

A decision on denial of entry or expulsion by reference to public order or public safety shall be exclusively based on the personal conduct of the foreigner in question, and may only be carried out if measures are allowed with respect to Icelandic nationals in comparable situations.

## **CHAPTER XIII**

### **Procedure in cases of applications for asylum**

#### **Article 88**

##### *Application for asylum*

An application for asylum in accordance with Section 46 of the Act on Foreigners shall be made in writing or brought forth orally to police. The application shall be registered on a form prepared for the purpose. The applicant shall, with his application, submit a passport or other travel documents he may have in his possession. The same shall apply to a spouse or partner in cohabitation or registered partnership and his or her children who may apply for a permit following arrival in Iceland as provided for in Section 13 and Section 46, the third paragraph, of the Act.

The person registering the application shall inform the applicant of the rights provided for in Section 25, the first paragraph, of the Act on Foreigners, and summon an interpreter if necessary, cf. Section 24, the second paragraph, of the Act. A determination shall be made of whether the spouse or the partner in cohabitation or registered partnership, and any children arriving with the applicant, also apply for asylum.

#### **Article 89**

##### *The processing of an application for asylum*

A statement shall be received from an applicant for asylum as soon as possible. If the applicant and the person interviewing him on the occasion of his application are unable to converse in a language known to both, an interpreter shall be summoned. The person interviewing the applicant shall ensure that his situation, as relevant to his application, is clarified to the extent possible. The applicant shall be informed that the decision on his application will be based on the information provided by him. The applicant shall be asked whether he approves that information concerning him will be obtained from other administrative authorities, including from foreign authorities in states other than those of his home state, if this is necessary for processing his application.

Generally a statement shall be received from the applicant's spouse or partner in cohabitation or registered partnership, even if he or she does not apply for asylum.

During the interview, information on the situation of any children accompanying the applicant shall be requested in detail, if the applicant is not referred to the first country of protection or to a state party to the Dublin Convention of 15 June 1990. For this purpose the children shall be interviewed, unless this is regarded as definitely unnecessary or if the parents object to their being interviewed. The presence during the interview of at least one parent shall be ensured and, as applicable, the presence of a representative of the child welfare authorities. The Immigration Office may issue rules in further detail on this procedure.

If an applicant under the age of 18 years has come to Iceland without a parent or a guardian, the child welfare authorities where his application is being processed shall be contacted. A representative of the child welfare authorities shall be present during the interview and act as the applicant's representative. The interview shall, if at all possible, take place within two weeks from when the application is lodged.

Before the interview commences the applicant shall be called upon to provide true, correct and detailed replies, and warned that provision of incorrect information, or a wilful failure to provide information of significance, may adversely affect his application. The applicant shall also be informed that provision of information that is in significant points incorrect or obviously misleading is punishable, cf. Section 57, the first paragraph (b) of the Act on Foreigners.

When it comes to light during the first police interview that the situation referred to in Section 32, the second sentence of the first paragraph, of the Act on Foreigners applies, i.e. that the applicant has an application for asylum pending in another state or that such an application has been denied there, or if the Immigration Office deems obvious that the foreigner does not fulfil the conditions set in Section 45, the first paragraph, of the Act, a decision to order the foreigner to leave Iceland may be implemented as soon as possible. The Immigration Office may issue rules in further detail on the procedure to be employed.

## **Article 90**

### *The deciding administrative authority*

The Immigration Office shall decide on applications for asylum lodged according to Section 46, the first paragraph, of the Act on Foreigners, cf. Section 50, the first paragraph, of the Act. If an application is granted the applicant shall be informed in writing of the legal sequels of asylum, and of the fact that asylum can be revoked, cf. Section 47 of the Act.

If an applicant does not fulfil the legal requirements for granting of asylum provided for in Section 46, the first paragraph, of the Act on Foreigners, the Immigration Office shall decide on whether a permit according to Section 11, the second paragraph, of the Act shall be granted, cf. Article 45 of this Regulation.

If an applicant is not granted a permit to stay in Iceland the Immigration Office shall decide on denial of entry according to Article 56 of this Regulation.

## **Article 91**

### *Applications for asylum according to Section 12 of the Act on Foreigners*

The processing of an application of asylum according to Section 12 of the Act on Foreigners may be suspended for up to three years from the date of

an applicant's first permit granted in accordance with Section 12, the fourth paragraph, of the Act.

When the processing of an application for asylum is suspended, the applicant shall be delivered his passport and, as the case may be, any other travel documents submitted with his application.

When the authorisation to grant common protection is cancelled or when three years have passed since an applicant was granted a permit for the first time, he shall be notified that his application for asylum will only be proceeded with again if he declares his clear desire to this effect within one month from receiving the notification.

## **Article 92**

### *Registration certificates for asylum applicants*

An applicant for asylum and any members of his family that may have accompanied him, cf. Article 88, the fourth sentence of the first paragraph, shall, if denial of entry according to Section 18, cf. Section 19, of the Act on Foreigners is not being considered and if there are no specific reasons to the contrary, be delivered registration certificates for asylum applicants as soon as possible following their arrival in Iceland.

A registration certificate shall be valid for a definite period of time, no longer than six months.

A registration certificate shall be surrendered to police or the Immigration Office when the applicant receives a certificate of a permit to stay, a refugee's travel document or a passport for a foreigner, or if he is ordered to leave Iceland or receives, for any reason, a passport issued by his home state.

A registration certificate does not confirm the veracity of any personal information provided. A registration certificate is not valid as a travel document.

### **Article 93**

#### *Procedure, etc*

Registration certificates shall be issued by the Immigration Office. An applicant shall be informed of the limitations to which his certificate is subject, cf. Article 92, the fourth paragraph.

Any amendments to registration certificates, and their renewals, shall be carried out by the Immigration Office.

An applicant shall himself be responsible for applying for a renewal of his certificate if a decision on his application for asylum has not been taken before its period of effect expires.

### **Article 94**

#### *The place of stay of an asylum applicant while his application is being processed*

While the application of an asylum applicant is being considered, the applicant and his family shall stay at a particular reception facility as police and/or the Immigration Office may decide. The Ministry of Justice will decide what facilities shall serve this function, in conformity with an agreement concluded with the party or parties to whom the Ministry has entrusted the care of asylum applicants at any particular time. At the commencement of an investigation police may have an applicant and his family stay at a place outside a reception facility, for example at a hostel, if this is deemed advisable.

Appeal can not be lodged against a decision on a place of stay taken in accordance with this Article.

## **CHAPTER XIV**

### **The legal effects of asylum and revocation of asylum**

## **Article 95**

### *The legal effects of asylum*

The granting of asylum entails that the applicant has the status of a refugee and a permit to stay that may form the basis of a residence permit. The legal status shall be as leading from Icelandic law and the Convention relating to the Status of Refugees or other international agreements concerning refugees.

The spouse of a refugee or his or her partner in cohabitation or registered partnership, and his or her children, are, upon application, entitled to asylum as provided for in Section 13 and Section 46, the third paragraph, of the Act on Foreigners.

The provisions of Article 36, the first and second paragraphs, of this Regulation shall apply to a the permit to stay of a refugee and his or her family. Such a permit shall be renewed in conformity with the considerations on which its issue was based, provided they still apply.

## **Article 96**

### *Revocation of asylum*

Asylum may be revoked when a person no longer comes under the definition of a refugee in accordance with Section 44 of the Act on Foreigners, or if this otherwise follows from the general principles of administrative law, cf. Section 47, the second paragraph, of the Act.

A refugee shall be notified in advance if an assessment takes place of whether to revoke the granting of asylum, cf. Section 14 of the Administrative Procedures Act. The reason why revocation is to be considered shall be stated in the notification, and the refugee shall be granted an opportunity to express his views on the matter.

The Immigration Office shall decide on such revocations, cf. Section 47, the second paragraph, of the Act on Foreigners. At the same time, an examination shall take place of whether a refugee shall be granted a permit

for continued stay without asylum. This shall chiefly be determined with a view to the person's connections to Iceland.

## CHAPTER XV

### Travel documents for refugees and passports for foreigners

#### Article 97

##### *Conditions for the issue of a travel document*

A refugee who stays or is allowed to stay lawfully in Iceland shall, upon application and if there are no specific reasons to the contrary, be provided with a travel document for refugees for travel abroad.

An application for the issue of a travel document may be denied:

- a. in a situation where an Icelandic national would be denied a passport by reference to Section 5 of the Passports Act;
- b. in a situation where parents have joint custody of their child and one parent plans to leave Iceland with the child without the other parent's approval, cf. Section 39, the second paragraph, of the Children's Act;
- c. in a situation such as described in Article 1 (F) of the Refugee Convention;
- d. if the foreigner has been finally sentenced on account of a very serious criminal offence and presents a danger to society for that reason;
- e. if there is doubt about the foreigner's identity, or
- f. if this is advisable with a view to considerations of state security or government foreign policy.

A refugee who has a travel document issued by another state shall only be issued a travel document if he has been granted asylum or a permit to reside in Iceland.

## **Article 98**

### *A travel document's validity*

A travel document for a refugee shall only be valid for a single individual.

Such document shall generally be valid for the same period as the permit to stay, however not for a period exceeding two years.

Such document shall be valid for a return to Iceland during the period of its validity.

Such document shall be valid for travel to any state except for the refugee's home state or country of origin.

In a situation such as referred to in Article 97, the second paragraph, or if recommended by special reasons, a travel document may be given a period of validity shorter than provided for in the second paragraph of this Article. The validity of a travel document may also be limited to particular travels, and exemptions may be made as regards its validity with respect to states other than the refugee's home country or country of origin.

## **Article 99**

### *Renewal of a travel document*

Subject to the conditions leading from the provisions of Article 97 and if application of the provisions of Article 100 on revocation is not foreseen, a travel document may be renewed upon application. Renewal of a travel document may also be withheld if its holder has lost it and is unable to provide a plausible account of what has become of it.

The provisions of Article 98 shall apply to renewed travel documents.

## **Article 100**

### *Revocation of a travel document*



A travel document shall be revoked when:

- a. its holder is denied entry on the basis of Section 18, the first paragraph (i) or (j), or Section 21, the second paragraph (a), of the Act on Foreigners;
- b. its holder is expelled on the basis of Section 20, the first paragraph (d), or Section 21, the second paragraph (a), of the Act on Foreigners;
- c. its holder acquires a travel document from his or her home state, cf. Section 48, the third paragraph, of the Act on Foreigners;
- d. its holder loses his or her refugee status by becoming an Icelandic national or the national of some other state, or for any other cause, cf. Section 47, the second paragraph, of the Act on Foreigners;
- e. its holder is lawfully prohibited from leaving Iceland, or
- f. if departure from Iceland would constitute a violation of a judgment or other judicial resolution.

A travel document may for example be revoked if:

- a. the situation referred to in Article 97, the second paragraph (a), (b) or (e) applies;
- b. its appearance or provisions have been unlawfully altered;
- c. it has been mutilated or otherwise has become unusable;
- d. a photograph or written information contained in the document does no longer correspond to the facts pertaining to the holder;
- e. it is found in the possession of an unrelated person, or
- f. if its holder is no longer permitted to stay in Iceland.

Police or foreign service officials may revoke a travel document provisionally, but shall send each case to the Immigration Office for a decision to be taken there.

When a travel document is revoked by reference to the first paragraph (e) or (f), or the second paragraph (a) - (e), of this Article, the Immigration Office shall register the decision of revocation in the passports registry.

## **Article 101**

### *Conditions for issue of passports to foreigners*

A passport for a foreigner for travelling abroad may be issued to a foreigner who has received or receives a permit to stay in Iceland on the basis of an application for asylum, although asylum has not been granted, if the foreigner can not obtain a travel document issued by his home state. His or her closest relatives who have received, or receive, a permit to stay in Iceland may also be granted such passport upon application if they surrender the passports or travel documents in their possession.

In other cases a foreigner who can not obtain the issue of a travel document in his home state or any other state, who has received or receives a permit to stay in Iceland, may, upon application, be issued a passport for a foreigner. A passport for a foreigner may also be issued if the measure is recommended by special considerations.

The issue of a passport for a foreigner may be denied if the reasons for denial enumerated in Article 97, the second paragraph, apply.

## **Article 102**

### *The sphere of validity of a passport for a foreigner*

A passport for a foreigner shall be valid for one individual person.

A passport for a foreigner shall be issued for a definite period of time as determined by the Immigration Office in each case. Its period of validity shall generally be the same as the foreigner's permit to stay, however not exceeding two years.

A passport for a foreigner shall be valid for a return to Iceland during its period of validity.

A passport for a foreigner shall be valid for travel to any state except the holder's home state or state of origin. When recommended by urgent considerations of fairness the validity of a passport for a foreigner may however be made to extend to travel to his home state.

In the circumstances enumerated in Article 97, the second paragraph, or when recommended by particular reasons, a passport for a foreigner may be issued for a period of validity shorter than provided for in the second paragraph. The sphere of validity may also be limited to particular travels or to arrival in Iceland from particular countries, or limited by providing that the passport shall not be valid for a return to Iceland. Exceptions as regards validity may also be made with regard to states other than the holder's home state.

### **Article 103**

#### *Renewal of a passport for a foreigner*

Subject to the conditions leading from the provisions of Article 101 and if application of the provisions of Article 104, cf. Article 100, on revocation is not foreseen, a passport for a foreigner may be renewed upon application. Renewal of a passport for a foreigner may furthermore be withheld if its holder has lost it and is unable to provide a plausible account of what has become of it, cf. Article 106, the second paragraph.

### **Article 104**

#### *Revocation of a passport for a foreigner*

The provisions of Article 100 shall apply to the revocation of a passport for a foreigner.

## **Article 105**

### *Procedure*

The Immigration Office shall decide on the issue of travel documents for refugees and passports for foreigners. An application for such documents shall be submitted on a form made for the purpose. A photograph of the applicant shall be submitted with the application, and the applicant shall sign the application in his own hand.

Before issuing a travel document or a passport for a foreigner to an applicant within 18 years of age, the written approval of the persons exercising custody must have been obtained.

A passport or other travel document the applicant may have in his possession shall be submitted with his application. If necessary the applicant can be required to submit any documents he may possess or be able to procure, and, as the case may be, documents relating to the applicant's status as a refugee.

When a travel document or a passport for a foreigner is delivered, the foreigner shall be informed that the document or passport will be revoked if travel documents are issued by his home state.

The Immigration Office shall decide on renewals of travel documents and passports for foreigners. When a new travel document or passport for a foreigner is issued, the foreigner shall be required to surrender the old one.

If a travel document or passport for a foreigner has been lost, the Immigration Office shall decide whether to issue a new travel document or passport for the foreigner.

An Icelandic diplomatic or consular office empowered to issue passports for Icelandic nationals may, having received the permission of the Immigration Office, extend the period of effect of a travel document or passport for a foreigner by up to six months if recommended by special reasons, provided the holder has a permit to stay in Iceland for that period. The Immigration Office shall be notified of any such extension, which shall be registered in the passports registry.

## **Article 106**

### *Duty to report on the loss of a travel document or passport for a foreigner*

The holder of a travel document or a passport for a foreigner shall safely keep the document or the passport in his possession and prevent any danger of its loss or unauthorised possession.

Police, the Immigration Office, or Icelandic diplomatic or consular offices abroad shall immediately be notified if a travel document or passport for a foreigner is lost or otherwise disappears, and in such a case an explanation shall be made of the circumstances of its disappearance.

## **CHAPTER XVI**

### **Duty to report on foreigners**

## **Article 107**

### *Duty to report by persons providing lodging*

Any person operating a hotel, a camping site or any form of lodging for payment shall keep a registry of foreigners staying there. The registry shall be kept on forms made for the purpose as the National Commissioner of Police may decide in further detail. Police shall have ready access to information from the registry at any time.

A registry kept as provided for in the first paragraph shall provide the following information:

- a. A foreigner's full name and the full name of a spouse or children travelling with the foreigner;
- b. a foreigner's date of birth and the birth dates of a spouse or children travelling with the foreigner;
- c. nationality;
- d. place of permanent residence;

- e. date of arrival, and
- f. type and number of travel document.

A foreigner shall fill the form in his own hand and sign his name, at the same time evidencing this by showing a valid identity document. A spouse and children of minor age, or group travellers, do not need to fill the form in their own hand or to sign the form. Group travellers may be entered jointly to a registry signed by their leader.

A registry as provided for in the first paragraph shall be kept for two years after having been filled out.

### **Article 108**

#### *Duty to report by the captain of an aircraft*

The captain of an aircraft arriving from abroad or leaving Iceland shall, upon request, deliver to police a list of passengers and crew, cf. Article 6. The National Commissioner of Police shall issue rules in further detail on the contents of such lists.

### **Article 109**

#### *Duty to report by the captain of a ship*

A notification by the captain of a ship entering Icelandic territorial waters on the way to or from an Icelandic harbour across external borders, cf. Article 5, shall be accompanied by a list of the ship's crew and passengers. The list shall contain the following information on the crew and passengers in the following order:

- a. Nationality;
- b. family name;
- c. first name;

- d. date of birth;
- e. sex;
- f. number of passport or seaman's book;
- g. position of crew member.

## **Article 110**

### *Duty to report on a foreigner coming to work in Iceland*

Whoever engages a foreigner in his service, sends a foreigner to work in Iceland or engages a foreigner for work in Iceland shall notify this to the Immigration Office before the work commences. This shall specify the foreigner's name, date of birth, residence, nationality, the work or service the foreigner is engaged to provide in Iceland, and the duration of the foreigner's expected stay in Iceland.

If a foreigner comes to Iceland under the auspices of a foreign enterprise that is to perform work under contract for an enterprise in Iceland, the domestic enterprise shall notify this to the Immigration Office in advance and specify the foreign employer's name. Following such notification the Immigration Office shall ensure that the foreign enterprise is informed of its duty of notification as provided for in the first paragraph.

Duty of notification as provided for in the first and second paragraphs shall not apply to foreigners who are nationals of the Nordic states or to foreigners who have received a permit to reside in Iceland.

The co-operation committee of the Immigration Office and the Directorate of Labour provided for in Section 19 of the Foreigners' Employment Rights Act shall issue rules of procedure concerning the notifications received by the Immigration Office as provided for in the first and second paragraphs.

## **Article 111**

*Duty of notification of employment reference services*

Employment services, regional employment offices and other employment reference services shall notify the Immigration Office of any foreigner who seeks their assistance in obtaining employment and/or is referred to some employment by them. The notification shall specify the foreigner's name, National Registry number or date of birth, place of residence and nationality, and the employment sought or referred to.

**Article 112**

*Duty of notification of the National Registry*

The National Registry shall notify the Immigration Office of any foreigners registered in, or removed from, the Registry. The notification shall state the manner of the foreigner's registration.

**Article 113**

*Duty of notification of educational institutions*

Educational institutions shall, upon request, provide the Immigration Office with a list of foreign students. This shall state the foreigners' names, dates of birth, places of residence and nationalities.

**Article 114**

*Duty of notification of other administrative authorities*

Administrative authorities shall, upon request, provide the Immigration Office or police with information on the names and residences of foreigners for the purposes of procedure in cases coming under the Act on Foreigners, notwithstanding the provisions on confidential information in the Municipal Social Services Act and the Child Protection Act.



If the name of a foreigner is entered into the State Criminal Registry, this shall be notified to the Immigration Office.

## **CHAPTER XVII**

### **Penalties, entry into effect, etc.**

#### **Article 115**

##### *Penalties*

Violations of the provisions of this Regulation shall be punishable as provided for in Section 57 of the Act on Foreigners.

#### **Article 116**

##### *Entry into effect.*

This Regulation, issued as provided for in Section 58, cf. Sections 3-8;11; 15; 18; 26; 29; 35-38; 40; 46 and 53-55 of the Act on Foreigners, No. 96 of 15 May 2002, and for implementation of Council Directive 64/221/EEC; Council Regulations (EEC) 1612/68 and 312/76; Council Directive 68/360/EEC; Council Regulation (EEC) 1251/70, and Council Directive 72/194/EEC, referred to in paragraphs (1) to (5) of Annex V to the EEA Agreement, Council Directives 73/148/EEC; 75/34/EEC; 75/35/EEC; 90/364/EEC; 90/365/EEC and 93/96/EEC, referred to in paragraphs (3)-(8) of Annex VIII to the EEA Agreement, and Council Regulation (EC) No. 2725/2000, cf. the Agreement of 19 January 2001 between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a member State or Iceland or Norway, shall enter into effect immediately.

At the same time the following administrative provisions are removed from effect:

- 1) Regulation on Control of Foreigners, No. 148 of 3 September 1965, as later amended.
- 2) Regulation on the Stay in Iceland of Foreigners Subject to the Agreement on the European Economic Area, No. 674 of 20 December 1995, as later amended.
- 3) Regulation on Border Posts and Carriers' Duty of Notification, No. 223 of 14 March 2001, as later amended.
- 4) Chapter VIII of the Regulation on Icelandic Passports, No. 624 of 27 September 1999.
- 5) Announcement on the Recognition of Foreign Identity Documents and on Exemption from Visa Requirements, No. 234 of 23 March 2001, as later amended.

The EEC acts referred to are published in the special publication EEA Acts S23 and S25, cf. Announcement No. 31/1993 in Division C of the Law Gazette, and in the EEA Supplement to the Official Journal of the European Communities, Special Publication, Book 4, pages 135-136, cf. the EEA Supplement, 17th issue, 1994.

#### Temporary provisions

Permits to stay issued on the basis of the Control of Foreigners Act, No. 45/1965, shall remain in effect when this Regulation enters into effect. A permit issued for a definite period of time shall remain in effect for the period originally specified. Renewal of a time-limited permit shall take place subject to the provisions of this Regulation and the Act on Foreigners.

An unlimited permit to stay and work in Iceland issued according to the Control of Foreigners Act shall constitute an unlimited permit to stay according to this Regulation, cf. Article 36, the fifth paragraph. The holder of such a permit shall receive a residence permit upon application, subject to the requirements provided for in Chapter VIII of this Regulation, cf. Section 15 of the Act on Foreigners.

The Immigration Office shall decide how other permits to stay issued during the period of effect of the older Act shall be deemed to correspond to unlimited permits to stay as provided for in the Regulation, cf. Article 36, the fifth paragraph.

Foreigners who prior to the entry into effect of this Regulation were allowed to stay in Iceland without a specific permit by virtue of Article 25 of the Regulation on Control of Foreigners, No. 148/1965, cf. Regulation No. 514/1989, Article 1, shall not need a particular permit to stay while they reside in Iceland.

*The Ministry of Justice and Ecclesiastical Affairs, 23 January 2003*

**Sólveig Pétursdóttir**

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Stefán Eiríksson

## **APPENDIX 1**

### **Border Posts in Iceland**

The airports at the following locations shall be border posts:

Akureyri

Egilsstaðir

Höfn.

Keflavík

Reykjavík

The harbours at the following locations shall be border posts:

Akranes

Akureyri

Bolungarvík

Fáskrúðsfjörður

Fjarðabyggð

Grindavík

Grundarfjörður

Grundartangi

Hafnarfjörður

Höfn

Húsavík

Ísafjörður

Kópavogur

Litlisaundur

Patreksfjörður

Raufarhöfn

Reykjanesbær

Reykjavík

Sandgerði

Sauðárkrókur

Seyðisfjörður

Siglufjörður

Skagaströnd

Vestmannaeyjar

Vopnafjörður

Þorlákshöfn

Þórshöfn.

Service shall be provided at Keflavík Airport 24 hours a day, but the service hours at other border posts shall be as requested.

## **APPENDIX 2**

**Identification documents recognised as travel documents in place of  
passports when entering or leaving Iceland**

The following foreign identity documents are recognised as travel documents in place of passports when entering or leaving Iceland:

1. Refugees' travel documents issued in conformity with the Convention relating to the Status of Refugees of 28 July 1951. Such travel documents must be valid for a return travel to the issuing state.
2. Identity documents issued by a competent authority to a stateless person or person who is not a national of the issuing state, provided such documents fulfil in any other respects the requirements made in Chapter III of this Regulation.
3. The following identity documents issued to nationals of the following states:

Austria: Personalausweis.

Belgium: Carte d'Identité (Identiteitskaart, Personal-ausweis, Identity card).

France: Carte Nationale d'Identité.

Greece: Deltio Taytotitas.

The Netherlands: Identiteitskaart A and B (Toeristenkaart), issued prior to 1 January 1995.

Europese identiteitskaart (European Identity Card, Carte d'Identité Européenne), issued after 31 December 1994.

Italy: Carta d'Identità. "Italiana" shall be inscribed in the "Cittadinanza" square on page 2. A Carta d'Identità for a child shall however only be valid if the child is in the company of a custodian.

Liechtenstein: Identitätskarte (Carte d'Identité, Carta d'Identità).

Luxembourg: Carte d'Identité (Identitätskarte, Identity Card).

Titre d'Identité et de Voyage (Kinderausweis).

Portugal: Bilhete de Identidade de Cidadao Nacional.

Spain: Documento Nacional de Identidad.

Switzerland: Carte d'Identité Citoyen Suisse (Identitätskarte Schweizerbürger, Carta d'Identità Cittadino Svizzero, Carta d'Identidad Burgais Svizzer).

Identitätskarte (Carte d'Identité, Carta d'Identità, Carta d'Identidad, Identity Card), issued after 30 June 1994.

Germany: Personalausweis.

Kinderausweis.

Behelfsmässiger Personalausweis.

Reiseausweis als Passersatz. If the travel document does not contain a photograph of its holder, an expired passport or a "Personalausweis" must also be submitted.

4. A seaman's book (a seafarer's identity document) issued by a state mentioned in Appendix 6 and conforming to ILO Convention No. 108 of 1958 on Seafarers' Identity Documents, with documents evidencing registration or discharge as crew member in an Icelandic or foreign harbour.

5. An aircrew identity document issued by a competent authority of a member state of the International Civil Aviation Organisation (ICAO), provided the holder establishes registration as a crew member of an aircraft in Iceland.

6. NATO „Travel Order – Ordre de Mission OTAN“ (for NATO military personnel), provided the holder possesses a military identity document and special or common NATO travel orders.

7. NATO "Leave order", provided the holder possesses a military identity document and a valid permit to travel to Iceland. The document permits the holder to stay in Iceland for up to three months.

8. A United Nations travel document ("Laissez-passer") for personnel of the United Nations, United Nations special organisations or the International

Atomic Energy Authority, provided the holder is travelling for the purposes of these organisations and also submits a travel order, a declaration by the UN or the organisation represented that the holder is travelling for the purposes of the United Nations or the relevant organisation.

9. Valid travel documents (Ausweis, Laissez-passer, Lascia-passare) issued by the European Union.

10. Valid travel documents for the people of Kosovo (UNMIK Travel Document) issued by UNMIK – United Nations Mission in Kosovo.

### **APPENDIX 3**

#### **Exemptions from visa requirements when entering Iceland**

I. The nationals of the following states are exempted from the requirement of possessing a visa when entering Iceland.[1](#))

Andorra

Argentina

Austria

Australia

United States of America

Belgium

Bolivia

Brazil



Brunei

Bulgaria

Chile

Denmark

Estonia

El Salvador

Finland

France

Greece

Guatemala

The Netherlands

Honduras

Hong Kong<sup>1)</sup>

Ireland

Israel

Italy

Japan

Canada

Costa Rica

Croatia

Cyprus

Latvia

Liechtenstein

Lithuania

Luxembourg

Macao1)

Malaysia

Malta

Mexico, except the holders of diplomatic and service passports

Monaco

Nicaragua

Norway

New Zealand

Panama

Paraguay

The Vatican

Portugal

Poland

Romania

San Marino

Singapore

Slovakia

Slovenia

Spain

Great Britain, including Bermuda, Turks and Caicos Islands, Cayman Islands, Anguilla, Montserrat, British Virgin Islands, St. Helena, the Falkland Islands and Gibraltar

South Korea

Switzerland

Sweden

Czech Republic

Hungary

Uruguay

Venezuela

Germany

II. The following holders of valid travel documents are exempted from visa requirements when entering Iceland:

1. Holders of travel documents for refugees, cf. item (1) of Appendix 2, if issued by Belgium, Cyprus, Denmark, Finland, the Netherlands, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Norway, Portugal, Switzerland, Spain, Sweden, the Czech Republic, or Germany, and the holder resides lawfully in the issuing state.
2. The holders of aircrew identity documents, cf. item (5) of Appendix 2.
3. Holders of a NATO "Travel Order – Ordre de Mission OTAN" (for NATO military personnel) cf. item (6) of Appendix 2.
4. Holders of a NATO "Leave Order", cf. item (7) of Appendix 2.

5. Holders of United Nations travel documents (“Laissez-passer”) for personnel of the United Nations, United Nations special organisations or the International Atomic Energy Authority, cf. item (8) of Appendix 2.
6. Holders of travel documents issued by the European Union, cf. item (9) of Appendix 2.
7. Holders of Turkish diplomatic passports, official passports and service passports, and holders of Pakistani or South African diplomatic passports and service passports.
8. Holders of Danish, Finnish, Norwegian or Swedish passports for foreigners, provided such passports allow return to the issuing state.
9. Stateless persons and refugees within 21 years of age who are registered in a group passport issued in conformity with the European Agreement on Travel by Young Persons on Collective Passports of 16 December 1961, and who stay lawfully in the issuing state.
10. United States military personnel and family members subject to the Defense Agreement, who are holders of a movement order or a transport agreement.
11. Holders of valid and recognised permits to stay issued by Icelandic authorities or the authorities of any other state taking part in the Schengen co-operation.
12. Holders of valid seamen’s identity documents issued by the authorities of any state party to ILO Convention No. 108, cf. Appendix 6.

## **APPENDIX 4**

### **Visa requirement for transit through airport**

I. Nationals of the following states shall, on transit through an Icelandic airport and irrespective of whether a change of aircraft takes place, have a valid Icelandic visa for transit through an airport, unless they are holders of a permit to stay referred to in Part II of this Appendix, cf. Article 21 of the Regulation:

Afghanistan

Bangladesh

Congo (People's Republic)

Eritrea

Ethiopia

Ghana

Iraq

Iran

Nigeria

Pakistan

Somalia

Sri Lanka

## II.

a. The nationals of the states mentioned in Part I of this Appendix who are holders of permits to stay issued by a Schengen state or the following permits to stay issued in Great Britain, Ireland or Liechtenstein, are exempted from the visa requirement for a transit through an airport, cf. Article 21 of the Regulation:

Great Britain: "Leave to remain in the United Kingdom for an indefinite period"

"Certificate of entitlement to the right of abode"

Ireland: "Residence Permit" with "re-entry visa"

Liechtenstein: “Livret pour étranger B”

“Livret pour étranger C”

b. The nationals of the states mentioned in Part I of this Appendix who are holders of the following permits to stay issued in the following states are, if they are entitled to return to the country of stay, exempted from the visa requirement for a transit through an airport, cf. Article 21 of the Regulation:

Andorra: “Tarjeta provisional de estancia y de trabajo”

“Tarjeta de estancia y de trabajo”

“Tarjeta de estancia”

“Tarjeta temporal de residencia”

“Tarjeta ordinaria de residencia”

“Tarjeta privilegiada de residencia”

“Autorización de residencia”

“Autorización temporal de residencia y de trabajo”

“Autorización ordinaria de residencia y de trabajo”

“Autorización privilegiada de residencia y de trabajo”

United States: “Form I-551 permanent resident card”

“Form I-551 Alien registration receipt card” (for 2-10 years)

“Form I-551 Alien registration receipt card” (unlimited in time)“

“Form I-327 Re-entry document”

“Resident alien card”

	“Permit to re-enter”
	“Valid temporary residence stamp in a valid passport”
Japan:	“Re-entry permit to Japan”
Canada:	“Returning Resident Permit”
Monaco:	“Carte de séjour de résident temporaire de Monaco”
	“Carte de séjour de résident ordinaire de Monaco”
	“Carte de séjour de résident privilégié”
	“Carte de séjour de conjoint de ressortissant monégasque”
San Marino:	“Permesso di soggiorno ordinario (validità illimitata)”
	“Permesso di soggiorno continuativo speciale (validità illimitata)”
	“Carta d’identità de San Marino (validità illimitata)”
Switzerland:	“Livret pour étranger B”
	“Livret pour étranger C”

## **APPENDIX 5**

### **States and places where Icelandic visas may be applied for**

D-visas, i.e. visas for stays exceeding three months, may be issued by Danish and Norwegian diplomatic and consular offices. Visas for stays exceeding three months can not be obtained from any other diplomatic or consular offices representing Iceland.

<b>State</b>	<b>City</b>	<b>Diplomatic or consular office</b>
Albania	Tirana	Danish Embassy
Algeria	Algiers	Danish Embassy
Angola	Luanda	Norwegian Embassy
Argentina	Buenos Aires	Norwegian Embassy
Armenia	Yerevan	French Embassy
Azerbaijan	Baku	Norwegian Embassy
East Congo	Kinshasa	Swedish Embassy
Australia	Sydney	Danish Embassy
Australia	Canberra	Norwegian Consulate
The Bahamas	Nassau	Dutch Embassy
United States	New York	Danish Consulate
United States	Minneapolis	Norwegian Consulate
Bangladesh	Dacca	Danish Embassy
Bahrain	Manama	German Embassy
Benin	Cotonou	Danish Embassy
Bosnia and Herzegovina	Sarajevo	Danish Embassy
Botswana	Gaborone	Swedish Embassy
Bolivia	La Paz	Danish Embassy
Brazil	Brasilia	Danish Embassy
Brazil	Sao Paulo	Danish Consulate
Brazil	Rio de Janeiro	Norwegian Consulate
Great Britain	London	Danish Embassy
Great Britain	Edinburgh-	
Great Britain	Glasgow	Norwegian Consulate
Bulgaria	Sofia	Danish Embassy
Burkina Faso	Ouagadougou	Danish Embassy
Bhutan	Thimphu	Danish Embassy
Chile	Santiago	Danish Embassy
Dominican Republic	Santo Domingo	French Embassy
Egypt	Cairo	Danish Embassy
Estonia	Tallin	Danish Embassy
Eritrea	Asmara	Dutch Embassy
Ethiopia	Addis Ababa	Finnish Embassy
The Philippines	Manila	Norwegian Embassy
Fiji	Suva	French Embassy
Ivory Coast	Abidjan	Swedish Embassy



<b>State</b>	<b>City</b>	<b>Diplomatic or consular office</b>
Ghana	Accra	Danish Embassy
Georgia	Tbilisi	French Embassy
Guatemala	Guatemala	Swedish Embassy
White Russia	Minsk	French Embassy
India	New Delhi	Danish Embassy
India	Calcutta	Italian Consulate
Indonesia	Jakarta	Danish Embassy
Iran	Tehran	Danish Embassy
Ireland	Dublin	Danish Embassy
Israel	Tel Aviv	Danish Embassy
Japan	Tokyo	Danish Embassy
Jordan	Amman	Norwegian Embassy
Yugoslavia	Belgrade	Danish Embassy
Cambodia	Phnom Penh	French Embassy
Canada	Ottawa	Danish Embassy
Canada	Toronto	Finnish Consulate
Kazakhstan	Almaty	Dutch Embassy
Qatar	Doha	French Embassy
Kenya	Nairobi	Danish Embassy
China	Guangzhou	Danish Consulate
China	Shanghai	Danish Consulate
China	Hong Kong	Danish Consulate
China	Beijing	Danish Embassy
Costa Rica	San José	French Embassy
Colombia	Bogotá	Swedish Embassy
Croatia	Zagreb	Norwegian Embassy
Cuba	Havana	Swedish Embassy
Cyprus	Nicosia	German Embassy
Laos	Vientiane	Swedish Embassy
Latvia	Riga	Danish Embassy
Lithuania	Vilnius	Danish Embassy
Lebanon	Beirut	Finnish Embassy
Libya	Tripoli	Finnish Embassy
Madagascar	Antananarivo	French Embassy
Madagascar	Diego Suarez	French Consulate
Madagascar	Tamatave	French Consulate
Madagascar	Majunga	French Consulate
Macedonia	Skopje	French Embassy
Malaysia	Kuala Lumpur	Danish Embassy

<b>State</b>	<b>City</b>	<b>Diplomatic or consular office</b>
Malawi	Lilongwe	Norwegian Embassy
Morocco	Rabat	Swedish Embassy
Mauritius	Port Louis	French Embassy
Mexico	Mexico	Danish Embassy
Myanmar/Burma	Rangoon	German Embassy
Mongolia	Ulan Bator	German Embassy
Mozambique	Maputo	Danish Embassy
Namibia	Windhoek	Finnish Embassy
Nepal	Kathmandu	Danish Embassy
Nigeria	Abuja	Norwegian Embassy
Nicaragua	Managua	Danish Embassy
North Korea	Pyongyang	Swedish Embassy
Pakistan	Islamabad	Danish Embassy
Papua	Port Moresby	French Embassy
Peru	Lima	Finnish Embassy
Poland	Warsaw	Danish Embassy
Romania	Bucharest	Danish Embassy
Russia	Moscow	Danish Embassy
Russia	St. Petersburg	Danish Consulate
Russia	Murmansk	Finnish Consulate
Zambia	Lusaka	Danish Embassy
United Arab Emirates	Abu Dhabi	Norwegian Embassy
Saudi Arabia	Riyadh	Danish Embassy
Senegal	Dakar	Swedish Embassy
Singapore	Singapore	Danish Embassy
Slovenia	Ljubljana	Swedish Embassy
Sri Lanka	Colombo	Norwegian Embassy
South Africa	Pretoria	Danish Embassy
South Korea	Seoul	Danish Embassy
Switzerland	Bern	Danish Embassy
Syria	Damascus	Danish Embassy
Thailand	Bangkok	Danish Embassy
Tanzania	Dar es Salaam	Danish Embassy
The Czech Republic	Prague	Danish Embassy
Trinidad and Tobago	Port-of-Spain	Dutch Embassy
Tunisia	Tunis	Finnish Embassy
Turkey	Ankara	Danish Embassy

<b>State</b>	<b>City</b>	<b>Diplomatic or consular office</b>
Hungary	Budapest	Danish Embassy
Uganda	Kampala	Danish Embassy
Ukraine	Kiev	Norwegian Embassy
Uzbekistan	Tashkent	French Embassy
Venezuela	Caracas	Norwegian Embassy
Viet Nam	Hanoi	Danish Embassy
Zimbabwe	Harare	Norwegian Embassy

## **APPENDIX 6**

### **States parties to ILO Convention (No. 108) Concerning Seafarers' National Identity Documents**

Algeria

Angola

Antigua and Barbuda

Azerbaijan

Barbados

Belize

Brazil

Great Britain

Bulgaria

Denmark

Djibouti

Dominica

Estonia

Finland

Fiji

France

Ghana

Guinea-Bissau

Grenada

Greece

Guatemala

Guyana

Honduras

White Russia

Iraq

Iran

Ireland

Iceland

Italy

Cameroon

Canada

Kyrgyzstan

Cuba

Latvia

Lithuania

Liberia

Luxembourg

Malta

Morocco

Mauritius

Mexico

Moldova

Norway

Panama

Portugal

Poland

Romania

Russia

Solomon Islands

Saint Lucia

Saint Vincent and the Grenadines

Seychelles

Spain

Sri Lanka

Sweden

Tajikistan

Tanzania

The Czech Republic

Tunisia

Ukraine

Uruguay

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1) Special administrative areas; holders of passports issued by the authorities of the special administrative area.

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