

24 June 1988 No. 64

ACT CONCERNING THE ENTRY OF FOREIGN NATIONALS INTO THE KINGDOM OF NORWAY AND THEIR PRESENCE IN THE REALM (IMMIGRATION ACT)

Updated with amendments, most recently 28 of July 2002.

CHAPTER 1. GENERAL PROVISIONS.

§ 1. *The scope and extent of the Act.*

The Act concerns the entry of foreign nationals into the kingdom and their presence in the realm, cf. § 48 and § 49.

Obligations pursuant to the Act may also be imposed upon Norwegian nationals.

§ 2. *The purpose of the Act.*

The Act shall provide the basis for controlling the entry and exit of foreign nationals and their presence in the realm in accordance with Norwegian immigration policy.

The Act shall secure protection under the law for foreign nationals who are entering or leaving the realm, who are resident here or who are applying for a permit pursuant to the Act.

The Act shall provide the basis for protection against persecution for refugees and other foreign nationals who are being persecuted.

§ 3. *The juridical status of foreign nationals.*

Unless otherwise provided by legislation currently in force, any foreign national has during his lawful stay in the realm the same rights and obligations as Norwegian nationals.

Amended by Act No. 49 of 30 June 1995.

§ 4. *The relationship of the Act to international rules.*

This Act shall be applied in accordance with international rules by which Norway is bound when these are intended to strengthen the position of a foreign national.

§ 5. *The exercise of authority under the Act.*

The Storting approves the main principles for the regulation of immigration.

The King issues regulations concerning the regulation of immigration.

Otherwise the provisions of the Act are put into effect by the King, the Ministry, the Directorate of Immigration, the police and other public authorities. If it is not laid down in the Act, the King decides what tasks and what authority the different public bodies shall have under the Act.

To be amended by Act No. 22 of 30 April 1999 (commencement from such date as the King decides).

CHAPTER 2. WORK, RESIDENCE AND SETTLEMENT, ETC.

§ 6. *Work permits and residence permits.*

Any foreign national who intends to take work with or without remuneration or who wishes to be self-employed in the realm must have a work permit.

Any foreign national who intends to take up residence in the realm for more than 3 months without taking work must have a residence permit. Residence in another Nordic country counts equally with residence in Norway. The King may issue regulations prescribing further rules for the calculation of the total period of residence.

Nordic nationals are exempt from the requirement concerning work or residence permits. The King may issue regulations laying down further exemptions.

The first issue of a work permit and a residence permit must take place before entry. The King may issue regulations to make exceptions for foreign nationals who have a particular connection with Norway or when particularly reasonable grounds so indicate. The King may also issue regulations concerning the procedure for applications.

Decisions concerning work permits and residence permits are made by the Directorate of Immigration. The King may issue regulations conferring the authority to grant applications on the police.

Amended by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999). To be amended by Act No. 67 of 16 July 1999 (commencement from such date as the King decides).

§ 7. *The content of work and residence permits.*

On the first occasion leave to work or to reside is normally granted for one, two or three years. Such leave may be granted for another period of time if the purpose of the work or residence or any other grounds so indicate. The King may by regulations issue further rules.

A permit confers the right to reside in the whole of the realm unless restrictions are stipulated in accordance with rules contained in or issued pursuant to the Act.

A work permit may be restricted to a particular job and a particular place of work, and other restrictions may also be stipulated when this follows from rules contained in or issued pursuant to the Act. When no such restrictions are laid down, the work permit confers the right to take work and to be self-employed anywhere in the realm.

Any foreign national who has a residence permit may be given permission to work part-time and during holidays. The King may issue regulations containing further rules.

Amended by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 8. *When work and residence permits shall be granted.*

Any foreign national has on application the right to a work permit or a residence permit in accordance with the following rules:

- 1) Subsistence and housing must be ensured in accordance with further rules laid down in regulations issued by the King.
- 2) The conditions for work and residence permits laid down in regulations pursuant to § 5 second paragraph must be satisfied.
- 3) There must not be circumstances which will give grounds for refusing the foreign national leave to enter the realm, to reside or work in accordance

with other provisions of the Act.

On the grounds of strong humanitarian considerations, or when a foreign national has a particular connection with Norway, a work or residence permit may be granted even if the requirements are not satisfied. The King may issue regulations containing further rules.

§ 8 a. *Collective protection in a situation of mass outflow.*

If there is a situation of mass outflow, the King in Council may decide that the provisions of this section apply. The King in Council also decides when the power to grant collective protection pursuant to the second paragraph of this section shall cease.

Any foreign national who is included in the situation of mass outflow and who comes to the realm or is here when this section comes into effect, may on application be given protection on the basis of a group assessment (collective protection). This means that the foreign national is granted a work permit or a residence permit pursuant to § 8 second paragraph. Such a permit does not constitute a basis for a settlement permit.

The permit may be renewed or extended for a period not exceeding three years from the date on which the applicant received a permit for the first time. Thereafter a permit may be granted that may constitute a basis for a settlement permit. After one year with such a permit a settlement permit shall be granted provided the conditions for the holding of the permit are still present and the conditions otherwise are satisfied, cf. § 12.

Any application for asylum from any such foreign national as is mentioned in the second paragraph of this section may be suspended for a period not exceeding three years from the date on which the applicant received a permit for the first time. When the power to grant collective protection has ceased, cf. the first paragraph of this section, or a period of three years has elapsed since the applicant received a permit for the first time, the applicant shall be informed that the application for asylum will only be dealt with if the applicant within a prescribed time limit expressly makes known a desire for this.

Any decision to grant a permit and to suspend any application for asylum is to be made by the Directorate of Immigration. The Directorate may give the police the authority to grant any permit and to suspend any application for asylum.

The King may by regulations issue further rules.

Added by Act No. 5 of 10 January 1997 (immediate commencement pursuant to Decree No. 10 of 10 January 1997)

§ 9. *Work or residence permits for family members.*

The closest members of the family of a Norwegian or Nordic national who is resident in the realm or of a foreign national who has or is granted lawful residence in the realm with a work permit or a residence permit without restrictions, have on application the right to a work permit or residence permit provided there are no such circumstances as mentioned in § 8 first paragraph, sub-paragraph 3. As a general rule subsistence must be ensured. The King may by regulations issue further rules.

The King may by regulations lay down who are to be considered as the closest family members under this section, and may issue rules concerning leave to work or leave to reside for the members of the family of a foreign national whose residence is deemed not to be permanent.

Amended by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 10. *Collective work permit.*

Any employer in the realm may apply for leave to take on a fixed number of foreign employees for an assignment of limited duration (collective work permit). Any foreign national who is included in such a permit is after entry into the realm given an individual permit to work unless there are such circumstances as mentioned in § 8 first paragraph, sub-paragraph 3.

The King may issue regulations prescribing further rules concerning such permits and the procedure for applications.

Any decision under this section is made by the Directorate of Immigration unless the power of decision is conferred upon another body.

The Ministry of Justice pursuant to Resolution No. 1017 of 21 Dec. 1990.

§ 11. *Renewal of work and residence permits.*

Any foreign national has on application the right to renew his work and residence permits provided that subsistence is ensured in accordance with regulations laid down by the King, that renewal may not be refused under regulations issued pursuant to § 5 second paragraph, and that there are no such circumstances as mentioned in § 8 first paragraph, sub-paragraph 3.

Any permit is normally renewed for one or two years in accordance with further rules laid down by the King in regulations. The permit may be granted for another period of time if the purpose of the work or residence, or other grounds so indicate. A renewed work permit cannot be restricted to a particular job and a particular place of work unless otherwise provided in regulations issued pursuant to § 5 second paragraph.

Any foreign national who applies for renewal of a work or residence permit may be granted continued residence on the same conditions until the application has been decided, and has a right thereto provided the foreign national applies not later than one month before the permit expires.

Amended by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 12. *Settlement permit.*

Any foreign national who for the last three years has resided continuously in the realm with a residence or work permit without restrictions has on application the right to a settlement permit unless there are such circumstances as are mentioned in § 29 first paragraph. A settlement permit may also be granted in other cases in accordance with further rules in regulations laid down by the King.

A settlement permit confers the right to reside and to take work without any time limit. It confers extended protection against rejection and expulsion, cf. § 30.

Any decision concerning settlement permits is made by the Directorate of Immigration. The King may by regulations confer the power to grant applications on the police. § 11 third paragraph applies correspondingly in the case of any application for a settlement permit.

The permit becomes void when the holder has had his abode, or has in fact been resident, outside the realm for a continuous period exceeding two years. Any decision to declare a permit void is made by the Directorate of Immigration. Any foreign national may on application be granted the right to be absent from the realm for a longer period without the permit becoming void. Further rules may be provided in regulations laid down by the King.

Amended by Act No. 5 of 10 January 1997 (commencement 15 June 1997 pursuant to Decree No. 489 of 23 May 1997) and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 13. *Revocation.*

Leave to work, reside and settle may be revoked if a foreign national has deliberately given incorrect information in an application or suppressed matters of considerable material relevance to the decision, or if this otherwise follows from general rules in public administrative law. Any decision to revoke is made by the Directorate of Immigration.

Amended by Act No. 5 of 10 Jan. 1997 (commencement 15 June 1997 pursuant to Decree No. 489 of 23 May 1997).

§ 14. *Reporting to the authorities.*

Any foreign national who has been granted a work or residence permit before entry shall not later than one week after entry report to the local police. The same applies to any foreign national who intends to apply for, or otherwise needs, such a permit.

Any foreign national who changes his abode while his case is being dealt with under this Act shall notify the police of any such change.

The King may also issue regulations to the effect that any foreign national who does not need a work or residence permit or who holds a settlement permit shall also inform the police of his address in the realm and inform the authority concerned of his work or self-employment.

Amended by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

CHAPTER 3. PROTECTION AGAINST PERSECUTION (REFUGEES, ETC.).

§ 15. *Protection against persecution.*

Any foreign national must not pursuant to the Act be sent to any area where the foreign national may fear persecution of such a kind as may justify recognition as a refugee, or where the foreign national will not feel secure against being sent on to such an area. Corresponding protection shall apply to any foreign national who for reasons similar to those given in the definition of a refugee is in considerable danger of losing his life or of being made to suffer inhuman treatment.

When the authority with the power of decision in a matter under the Act concludes that any foreign national does not come under the provisions of the first paragraph of this section, it shall on its own initiative consider whether the provisions of § 8 second paragraph should be applied.

Protection in accordance with the first paragraph does not apply in the case of any foreign national whom there are reasonable grounds for regarding as a danger to national security or who, having been convicted by a legally enforceable judgement of a particularly serious crime, constitutes a danger to the community. Nor does protection apply when there are circumstances of the kind mentioned in the Convention relating to the Status of Refugees, Article 1 F.

Protection in accordance with the first paragraph applies in the case of all forms of decision under the Act.

§ 16. *Refugee.*

A refugee within the meaning of the Act is any foreign national who falls under Article 1 A of the Convention relating to the Status of Refugees of 28 July 1951, cf. the Protocol of 31 January 1967.

Any refugee who falls under Article 1 C - F of the Convention relating to the Status of Refugees may be totally or partly denied the rights and the protection which are laid down in this Chapter and which do not apply to administrative procedure. Nevertheless any refugee who falls under Article 1 C - E cannot be denied protection against persecution pursuant to § 15.

§ 17. *The right to asylum (refuge) etc.*

Any refugee who is in the realm or at the Norwegian border has on application the right to asylum (refuge) in the realm. This does not however apply to any refugee who

- a) falls under the exceptions to the provisions concerning protection in § 15 third paragraph or § 16 second paragraph,
- b) has been granted asylum in another country,
- c) has travelled to Norway on his or her own initiative after having acquired protection in another country, or after having stayed in a state or area where the refugee was not persecuted nor had any reason to fear repatriation,
- d) at the demand of the Norwegian authorities must be accepted by another Nordic state in accordance with the rules contained in the Nordic Passport Control Convention,
- e) must be denied asylum on the grounds of compelling social considerations.

The power to return a refugee to another state pursuant to sub-paragraphs c and d in the first paragraph of this section shall not be used if the refugee has any connection with the realm which makes Norway the most appropriate country to give the refugee protection.

The refugee's spouse or cohabitant and children under the age of 18 years without spouse or cohabitant also have the right to asylum unless there are particular reasons to the contrary.

Any passport or other travel document of which the applicant is in possession must be submitted together with the application for asylum.

The King may by regulations lay down that any foreign national who applies for asylum must reside in the municipality in which the foreign national is placed until the application has been finally decided.

Any asylum seeker may be granted a temporary work permit or residence permit until the application for asylum has been decided. An asylum seeker who has received final rejection which for the time being is not being implemented may on request be granted temporary leave until the rejection is implemented. The King may lay down further rules by regulations. Such leave is granted by the Directorate of Immigration, which may also empower the police to grant such leave. Chapters IV to VI of the Public Administration Act concerning preparation of cases, decisions and appeals do not apply to any decision concerning temporary leave.

Amended by Act No. 5 of 10 Jan. 1997 (commencement 15 June 1997 pursuant to Decree No. 489 of 23 May 1997) and by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999). To be amended by Act No. 67 of 16 July 1999 (commencement from such date as the King decides).

§ 18. *The effect of asylum.*

The granting of asylum means that the foreign national has the status of a refugee and is granted a work permit or a residence permit. The foreign national has the juridical status that follows from Norwegian law and the Convention relating to the Status of Refugees or any other agreement with a foreign state on refugees.

Asylum granted may be revoked when the refugee no longer falls under the definition of a refugee, cf. § 16, or if this otherwise follows from general rules in public administrative law. Any decision to revoke is made by the Directorate of Immigration.

Amended by Act No. 5 of 10 January 1997 (commencement 15 June 1997 pursuant to Decree No. 489 of 23 May 1997) and by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 19. *Refugee's travel document and immigrant's passport.*

Any refugee who has or is granted lawful residence in the realm shall on application also be granted a refugee's travel document for travel outside Norway unless there are particular reasons to the contrary. If the refugee has a travel document issued by a foreign state, this right only applies when the refugee has been granted asylum or a settlement permit, or Norway has an obligation to issue a refugee's travel document in accordance with an international agreement.

Any foreign national who has or is granted leave to work or leave to reside in the realm on the basis of an application for asylum, but without having been granted asylum, shall be issued with an immigrant's passport for travel outside Norway if the foreign national's relationship to the authorities in his country of origin so indicates. An immigrant's passport may also be issued in other cases in pursuance of further rules laid down by the King.

A passport or other travel document of which the applicant is in possession must be submitted together with the application for a refugee's travel document or immigrant's passport.

The King may issue regulations on the issue, area of validity, renewal and withdrawal of refugee's travel documents and immigrant's passports, and prescribe further conditions applying thereto.

Amended by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 20. *The effect of the determination of refugee status in a foreign state.*

Any foreign national who has been granted asylum or a refugee's travel document by any foreign state shall be regarded as a refugee with fixed abode in that state. If such a refugee applies for asylum or a travel document in Norway, the previous determination of refugee status shall not be overruled unless it is obviously wrong or there are other particular reasons for overruling it.

§ 21. *The power of decision and rules of procedure in asylum and refugee cases.*

The Directorate of Immigration decides questions concerning protection against refoulement, refugee status and asylum as well as refugee's travel documents and immigrant's passports. The King may by regulations empower the police to grant an application for a refugee's travel document or immigrant's passport for a child under the age of 16 years.

The Directorate of Immigration also decides whether any person who has entered the realm as a resettlement refugee, cf. § 22, shall be given refugee status. In such cases the Directorate shall give due weight to whether the applicant had reason to anticipate being treated as a refugee.

In dealing with cases pursuant to the first and second paragraphs of this section the Directorate of Immigration shall on its own initiative obtain information which is necessary and available, cf. the Public Administration Act § 17. Notwithstanding the rules concerning confidentiality, the United Nations High Commissioner for Refugees may be given access to the documents of the case. To the extent that it is necessary in connection with the obtaining of information, access may also be granted to any refugee or human rights organisation.

Amended by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 22. *Resettlement of refugees etc.*

Within the framework and in accordance with the guidelines that are laid down by higher authority for the resettlement of refugees, the Directorate of Immigration makes decisions on leave to enter. The King may give another authority the power of decision.

Resettlement pursuant to the first paragraph may also include foreign nationals who are not deemed to be refugees.

Chapters IV and V of the Public Administration Act concerning preparation of cases and decisions do not apply to resettlement cases pursuant to the preceding paragraphs of this section. An appeal against a decision of the Directorate of Immigration may only be made to the Ministry by a person whose case is expressly the subject of a decision.

Any foreign national who has been given leave to enter pursuant to the first paragraph of this section is granted leave to work or leave to reside. When a final decision has been made on the question of refugee status, cf. § 21 second paragraph, the foreign national has the right to asylum and to a refugee's travel document in accordance with the provisions of § 17 to § 19.

Amended by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

CHAPTER 4. ENTRY AND EXIT.

§ 23. *Border-crossing and border control.*

Any person coming to the realm shall immediately report to passport control or the nearest police authority. Exceptions apply when agreements on crossing the border have been entered into with other states, and otherwise as laid down by the Ministry.

Entry and exit shall take place at approved border crossings unless otherwise provided. The Ministry decides where there shall be approved border crossings.

The King may issue regulations prescribing further rules concerning entry and exit control. The King may also by regulations confer upon the police the authority to demand passports and other travel documents from any foreign national before entry into the realm and also to order the master of any ship or the commander of any aircraft to check that passengers have valid travel documents.

To be amended by Act No. 67 of 16 July 1999 (commencement from such date as the King decides).

§ 24. *Passport.*

Unless otherwise provided, any foreign national coming to the realm shall have a passport or other identity document recognised as a travel document.

The Ministry lays down the requirements for accepting passports or other identity documents as being valid for entry and residence in the realm.

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

§ 25. *Visa.*

Any foreign national must have a visa to be able to enter the realm unless the King has by regulations made an exception to the visa requirement.

A visa is given in the form of an endorsement in the passport or other identity document or in the form of a separate document in accordance with further rules laid down by the King, who also issues rules for the procedure to be followed for applications.

A visitor's visa is granted for one entry and for a stay of specific duration up to three months. In case of special need such a visitor's visa may be granted with validity for several entries. The King may issue further rules on the processing of applications for a visitor's visa.

Any application for a visa is decided upon by the Directorate of Immigration. Authority to decide upon any application for a visitor's visa may also be conferred upon the foreign service in accordance with further rules laid down by the King.

Amended by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999). To be amended by Act No. 67 of 16 July 1999 (commencement from such date as the King decides).

§ 26. *Leave to terminate an engagement on a ship. Shore leave.*

Any foreign national who leaves an engagement on board a ship or aircraft, or who is a stowaway, must not go ashore in the realm without leave from the police. The rules concerning the power of decision in rejection cases and the rules concerning the right of appeal apply correspondingly.

Rules concerning foreign seamen's shore leave while they are serving on ships in Norwegian ports, and rules concerning the power to refuse shore leave are laid down by the King.

Amended by Act No. 49 of 30 June 1995.

CHAPTER 5. REJECTION AND EXPULSION.

§ 27. *Rejection on entry.*

On entry or within seven days after entry into the realm a decision may be made to reject any foreign national

- a) who does not show a valid passport or other approved travel document or visa when this is necessary,
- b) who has been expelled from the realm or from another Nordic country and who is still subject to prohibition of entry, and has not on application been granted leave to enter the realm,
- c) who lacks such permit as is required pursuant to Chapter 2,

- d) who cannot show evidence of having or being ensured sufficient means for his or her stay in the realm and for the return journey,
- e) who has been sentenced as mentioned in § 29 first paragraph, sub-paragraph b or c, or when other circumstances give particular grounds for fearing that the foreign national will in Norway or in another Nordic country commit an offence or offences punishable with imprisonment for a term exceeding three months,
- f) in accordance with the provisions of Article 6 of the Nordic Passport Control Convention, when it is probable that the foreign national will enter another Nordic country and is likely to be rejected there because a valid passport or visa for entry into the country is lacking, or there are otherwise grounds for rejection in the country concerned,
- g) who according to competent health personnel is obviously seriously mentally disturbed,
- h) who has not covered expenses incurred by the public purse in connection with the fact that the foreign national has previously been conducted out of the realm, cf. § 46 first paragraph,
- i) when consideration for national security or compelling social considerations make this necessary,
- j) when this is necessary out of consideration for national security, public order or international relations in respect of Norway or of any other Schengen state.

The seven-day limit is deemed to have been complied with if administrative proceedings for rejection are instituted within seven days.

If any foreign national claims to be a refugee or otherwise provides information that suggests that the protection rules in § 15 first paragraph will apply, the case shall be referred to the Directorate of Immigration for consideration and decision.

Amended by Act No. 53 of 4 August 1995, by Act No. 5 of 10 Jan. 1997 (commencement 15 June 1997 pursuant to Decree No. 489 of 23 May 1997), by Act No. 67 of 16 July 1999 (first paragraph, new sub-paragraph j in force from 6 August 1999 pursuant to Decree No. 883 of 6 August 1999, the rest of the amendments to take effect from such date as the King decides), and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 28. *Rejection after entry.*

Any foreign national may be rejected pursuant to the provisions of § 27 first paragraph also after the expiry of the 7-day limit.

Any foreign national who has a work permit, residence permit or settlement permit may not be rejected pursuant to this section.

Amended by Act No. 5 of 10 January 1997 (commencement 15 June 1997 pursuant to Decree No. 489 of 23 May 1997) and by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 29. *Expulsion.*

Any foreign national may be expelled

- a) when the foreign national has grossly or repeatedly contravened one or more provisions of the present Act or evades the execution of any decision which means that the person concerned shall leave the realm,
- b) when the foreign national less than five years earlier abroad served a sentence for or was sentenced for an offence which according to

Norwegian law is punishable with imprisonment for a term exceeding three months. The same applies in the case of any special sanction imposed as a result of any such criminal offence as mentioned,

- c) when the foreign national here in the realm has been sentenced or placed under preventive supervision for an offence that is punishable by imprisonment for a term exceeding three months, or has been sentenced to imprisonment on several occasions during the last three years,
- d) when consideration for national security makes this necessary.

Expulsion pursuant to the first paragraph, sub-paragraphs a, b and c of this section, shall not be ordered if in consideration of the seriousness of the offence and the foreign national's connection with the realm, this would be a disproportionately severe reaction against the foreign national himself or the closest members of his family. A foreign national who has a work permit or a residence permit, or a Nordic national who has been resident in the realm for more than three months, may only be expelled if the offence is punishable with imprisonment for a term exceeding one year.

Expulsion is an obstacle to subsequent leave to enter the realm. Prohibition of entry may be made permanent or of limited duration, but as a general rule not for a period of less than two years. On application the person expelled may be granted leave to enter the realm, but as a rule not until two years have elapsed since the date of exit.

Amended by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 30. *Rejection and expulsion of any foreign national holding a settlement permit etc.*

Any foreign national who was born in the realm and who has subsequently without interruption had a fixed abode here may not be rejected or expelled.

Any foreign national who satisfies the requirements for a settlement permit may only be rejected or expelled

- a) when consideration for national security makes this necessary, cf. § 29 first paragraph, sub-paragraph d,
- b) when the foreign national has served a sentence or been sentenced for any offence or offences which according to Norwegian law are punishable with imprisonment for a term of three years or more, or which concern contravention of § 162 and § 317 cf. § 162 of the Criminal Code, and this took place less than five years earlier abroad or less than one year earlier in Norway. The same applies in the case of any special sanction imposed as a result of any such criminal offence as mentioned

Expulsion pursuant to the second paragraph, sub-paragraph b, shall not be ordered if in consideration of the seriousness of the offence and the foreign national's connection with the realm, this would be a disproportionately severe reaction against the foreign national himself or the closest members of his family.

Amended by Act No. 76 of 11 June 1993, by Act No. 49 of 30 June 1995 and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 31. *Power of decision and preparation of cases.*

Any decision to reject pursuant to § 27 first paragraph (a) to (h) is made by the chief of police or any such person as the chief of police empowers. Any decision

otherwise in pursuance of the present Chapter is made by the Directorate of Immigration. The King may by regulations confer the power of decision pursuant to § 28 on the chief of police or on any such person as the chief of police empowers.

Any case that shall be decided by the Directorate of Immigration is to be prepared by the police. If the police find that there is reason to reject or expel any foreign national, the case is to be sent to the Directorate of Immigration for decision.

Amended by Act No. 5 of 10 January 1997 (commencement 15 June 1997 pursuant to Decree No. 489 of 23 May 1997) and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999). To be amended by Act No. 67 of 16 July 1999 (commencement from such date as the King decides).

CHAPTER 6. RULES OF PROCEDURE AND LEGAL AID.

§ 32. *General rules concerning procedure.*

Unless otherwise provided by the present Act, the Public Administration Act applies.

Act of 10 Feb. 1967.

§ 33. *The foreign national's right to make a statement.*

Any foreign national who is entitled to advance notification and information pursuant to § 16 and § 17 of the Public Administration Act shall have the right to make a written or oral statement.

In asylum cases and other cases in which the provisions concerning protection in § 15 apply, as well as in cases concerning rejection or expulsion, the immigration authorities shall ensure that the foreign national is given the opportunity to put forward his views in a language in which the foreign national can communicate satisfactorily. This shall be done as quickly as possible and in any case before a decision on the case is made.

§ 34. *Duty to provide guidance.*

In cases concerning rejection, expulsion and revocation of any permit granted, and when a foreign national applies for asylum, the police shall provide guidance to the effect that the foreign national has the right to a representative (cf. § 12 of the Public Administration Act) and legal aid (cf. § 42) as well as the right to make contact with his country's representation, a representative of the UN High Commissioner for Refugees and a Norwegian refugee organisation. Otherwise the general duty to provide guidance in accordance with § 11 of the Public Administration Act applies.

§ 34 a. *Forwarding of information*

To be added by Act No. 67 of 16 July 1999 (commencement from such date as the King decides).

§ 35. *Disqualification.*

Any public servant who has acted in criminal proceedings against the foreign national concerned may not prepare the basis for or himself make a decision in any administrative proceedings involving rejection, leave to work, leave to reside, leave to settle and expulsion. Excepted from this provision are cases concerning any breach of rules contained in or issued in pursuance of the present Act.

§ 36. *Judicial examination.*

Any foreign national may demand that information which cannot be elicited by any other satisfactory means in any case under this Act shall be obtained by judicial examination in accordance with the procedure in Chapter 20 of the Civil Procedure Act concerning the taking of evidence on commission. The immigration authorities are similarly entitled. The court decides whether the taking of evidence is necessary.

The right to demand a judicial examination does not apply when rejection proceedings against the foreign national are being conducted. Nor does the right apply when the person who shall be examined is abroad.

§ 37. *Identification.*

At the time of entry, and until such time as his presumed correct identity has been registered, any foreign national has a duty to co-operate in clarifying his identity to the extent that any such authority as mentioned in § 5 third paragraph so requires. The authority concerned may also subsequently impose such a duty on a foreign national if there is reason to suppose that the identity registered is not the correct identity. The King issues by regulations further rules concerning what foreign nationals may be required to do in order to fulfil this duty.

If at the time of arrival in the realm or after entry any doubt arises as to the identity of the foreign national, any travel document, tickets and other things that may contribute to clarifying his identity may be seized. The same applies in the case of any doubt about places where the entrant has previously stayed, where this has relevance to the right to reside in the realm.

Where there are reasonable grounds for suspicion that any foreign national, contrary to such requirement as is mentioned in the first paragraph of this section, is withholding or concealing information about his identity or, contrary to such duty as is mentioned in § 44, is withholding or concealing information about any places where he has previously stayed, a search may be conducted of the foreign national's body, dwelling, room or other places of safekeeping.

Photographs and fingerprints may be taken of any foreign national who

- a) cannot produce proof of identity or where there is reason to suppose that the foreign national has given a false identity,
- b) is applying for asylum or a permit pursuant to this Act,
- c) has had an application for asylum or a permit pursuant to this Act rejected,
or
- d) has been rejected or expelled or who is deemed to be staying in the realm unlawfully.

Any fingerprints taken in pursuance of the fourth paragraph may be registered in a computer-based fingerprint register. The King may by regulations issue further rules for the keeping and use of the register.

If a foreign national refuses to state his identity, or there are reasonable grounds for suspicion that any foreign national has given a false identity, the foreign national may be required to report or to stay in a particular place. If such an obligation is not complied with or is deemed to be clearly insufficient, the foreign national may be arrested and remanded in custody, cf. § 37 d. The total period of custody may not exceed 12 weeks unless there are special grounds.

The King may by regulations issue further rules.

Amended by Act No. 94 of 3 July 1992 and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 37 a. *Competence and procedure in the case of seizures for the purpose of identification.*

Any seizure pursuant to § 37 second paragraph is ordered by the prosecuting authority. The order shall as far as possible be in writing and state what the matter concerns, the purpose of the seizure and what it shall cover. An oral order shall be written down as soon as possible. Before the seizure is implemented, the order shall be read aloud or presented to the foreign national. If there is no written order, information shall be provided orally about what the matter concerns and the purpose of the seizure.

In the case of arrival in the realm, in the case of any search pursuant to § 37 third paragraph or in situations in which there is danger associated with any stay, seizure may be carried out by a police officer. If there is no written order, information shall be provided orally about what the matter concerns and the purpose of the seizure. The seizure shall immediately be reported to the prosecuting authority. Where the prosecuting authority upholds the seizure, it issues an order pursuant to the first paragraph of this section.

Any person who is affected by the seizure may immediately or subsequently demand to have brought before the court the question of whether it shall be upheld. The prosecuting authority is to ensure that the person who is affected by the seizure, is made aware of this right. Otherwise the rules in Chapter 16 of the Criminal Procedure Act apply, with the exception of § 210, in so far as they are appropriate.

Added by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 37 b. *Competence and procedure in the case of searches for the purpose of identification.*

Without the written consent of the foreign national concerned such searches as are mentioned in § 37 third paragraph may only be conducted by order of the court. Where there is danger associated with the stay, the order may be made by the prosecuting authority. The provisions of § 37 a first paragraph second to fifth sentences apply correspondingly. Otherwise the rules in § 198 to § 202 of the Criminal Procedure Act apply in so far as they are appropriate.

Added by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 37 c. *Competence and procedure in the case of such measures as are mentioned in § 37 fourth and sixth paragraphs.*

An order that photographs or fingerprints shall be taken as mentioned in § 37 fourth paragraph is made by a police officer or the Directorate of Immigration.

The imposition of an obligation to report or to stay in a particular place as mentioned in § 37 sixth paragraph is ordered by the prosecuting authority. The foreign national may immediately or subsequently demand to have brought before the court the question of whether the conditions for an obligation to report or to stay in a particular place are present, and whether there is reason to uphold precautionary measures that have been taken. The provisions of § 174 first paragraph, § 175 first paragraph second sentence, § 184 and § 187 a apply correspondingly in so far as they are appropriate.

Arrest as mentioned in § 37 sixth paragraph is ordered by the prosecuting authority. The provisions of § 37 a first paragraph second to fifth sentences apply

correspondingly. Where the prosecuting authority wishes to detain the person arrested, it must as soon as possible and as far as possible the day after the arrest bring the person arrested before the court of examination and summary jurisdiction with a petition for a remand in custody. Where there is danger associated with the stay, a police officer may undertake the arrest without a court order or an order from the prosecuting authority. The provisions of § 174 et seq. apply in so far as they are appropriate.

Added by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999). Amended by Act No. 82 of 3 December 1999 (commencement 1 January 2000 pursuant to Decree No. 1202 of 3 December 1999).

§ 37 d.

To be added by Act No. 22 of 30 April 1999 (commencement from such date as the King decides).

§ 38. *Review of decisions.*

An appeal against any decision made by the police or any foreign service mission may be made to the Directorate of Immigration. Otherwise any appeal against any decision may be made to the Ministry, cf. Chapter VI of the Public Administration Act concerning appeals.

To be amended by Act No. 22 of 30 April 1999 (commencement from such date as the King decides).

§ 38 a.

To be added by Act No. 22 of 30 April 1999 (commencement from such date as the King decides).

§ 38 b.

To be added by Act No. 22 of 30 April 1999 (commencement from such date as the King decides).

§ 39. *Time of implementation of decisions.*

Any decision to reject pursuant to § 27 may be implemented immediately. Refusal of any application for a renewal of a work permit or residence permit or for a settlement permit made within the time limit in § 11 third paragraph may not be implemented until the decision has become final. The same applies to any decision to revoke pursuant to § 13, as well as to any decision to expel any foreign national who has a work permit, residence permit or settlement permit, or any Nordic national who has been resident in the realm for a period exceeding three months. Otherwise implementation may be deferred pursuant to § 42 of the Public Administration Act.

Refusal of any application for the first work permit or residence permit and of any application for renewal as mentioned in the first paragraph made after the time limit in § 11 third paragraph may not be implemented until the foreign national has been given the opportunity to put forward an appeal and not less than 48 hours after notification of the decision has reached the foreign national.

Amended by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 40. *Time of implementation of decisions in asylum cases and cases concerning protection against persecution.*

In any case in which such circumstances as are mentioned in § 15 first paragraph are claimed to apply, a decision which means that a foreign national must leave the realm may not be implemented until it has become final. Excepted from this provision is any case in which the Directorate of Immigration finds it obvious that such circumstances do not exist, and any case in which the foreign national has an application for asylum pending in another country or has had such an application refused there.

The police shall submit the question of deferment of implementation to the Directorate of Immigration if the foreign national claims that such circumstances as are mentioned in § 15 first paragraph apply at the time of implementation of a decision, and if it is not apparent that the said circumstances have already been taken into consideration. If the Directorate of Immigration finds that such circumstances clearly do not exist, it may decide that the decision shall be implemented.

Chapters IV to VI of the Public Administration Act concerning preparation of cases, decisions and appeals do not apply to any decision pursuant to the first and second paragraphs of this section.

§ 41. *Procedure for the implementation of decisions.*

Any decision which means that any foreign national must leave the realm is implemented by ordering the foreign national to leave immediately or within a prescribed time limit. If the order is not complied with or it is highly probable that it will not lead to the foreign national's leaving the realm, the police may escort the foreign national out. When particular reasons so indicate, the foreign national may be conducted to another country than the one from which the foreign national came. Any decision which applies to implementation is not considered to be an individual decision, cf. § 2 first paragraph, sub-paragraph b, of the Public Administration Act.

Any foreign national who is covered by the first paragraph of this section and is not in possession of a valid travel document has a duty to obtain such document.

To ensure that it shall be possible to implement any such decision as is mentioned in the first paragraph of this section, the foreign national may have imposed upon him:

- a) an obligation to report,
- b) the surrender of passport or any other identity document, cf. § 24,
- c) a particular place of residence.

Such impositions as mentioned in the third paragraph of this section may only be levied where there is particular reason to fear that the foreign national will evade implementation. In the assessment thereof general experience of evasion may also be ascribed weight. The rules in § 37 c second paragraph apply correspondingly. The imposition shall not apply for more than two weeks unless the foreign national consents or the Court of Examining and Summary Jurisdiction makes such a ruling.

Where it is necessary in order to ensure implementation, the foreign national may be arrested and remanded in custody pursuant to the rules in § 37 c third paragraph, cf. § 37 d. The same applies where the foreign national does not do what is necessary to fulfil his duty pursuant to the second paragraph of this section and the purpose is to escort the foreign national to the foreign service mission of the relevant state to have a travel document issued.

Custody may be imposed for a period not exceeding two weeks. The time limit may only be extended if the foreign national does not voluntarily leave the realm and it is highly probable that the foreign national will otherwise evade implementation of any such decision as is mentioned in the first paragraph of this section. In any such

case the time limit may be extended for a period not exceeding two weeks, but not more than twice.

Arrest and custody shall not be resorted to if in consideration of the nature of the case and the general circumstances, this would be an unreasonable interference, or the court finds that it may instead impose an obligation to report, seizure of passport or a particular place of residence.

Such coercive measures as are mentioned in the third and fifth paragraphs of this section may be applied when any decision which means that a foreign national must leave the realm has been made, and when any case which may lead to such a decision is being dealt with.

Amended by Act No. 68 of 20 June 1991 and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 with the exception of new ninth and tenth paragraphs pursuant to Decree No. 1264 of 10 December 1999).

§ 42. *Legal aid.*

The court shall appoint a legal representative when it tries the question of custody pursuant to § 37 sixth paragraph, second sentence, or § 41 fifth paragraph. The same applies when the court tries the question of any imposition pursuant to § 41 third and fourth paragraphs, unless this would involve particular inconvenience or loss of time, or the court has no misgivings about not appointing a legal representative. If the foreign national already has an advocate at public expense, the advocate concerned shall normally be appointed. The appointment ceases when the court so decides.

The court shall of its own motion and without means test grant the funds for the free conduct of a case when a legal representative is appointed pursuant to the first paragraph.

In any such case as is mentioned in § 34 any foreign national has the right to free legal advice without a means test. This does not however apply in any proceedings for expulsion in pursuance of § 29 first paragraph, sub-paragraphs b and c, § 30 second paragraph, sub-paragraph b and § 58 second paragraph where there are such circumstances as are mentioned in the second sentence of that paragraph, or where any foreign national who has applied for asylum appeals against only having been granted a permit in pursuance of § 8 second paragraph. In any other case under this Act any foreign national has the right to any benefit pursuant to Act No. 35 of 13 June 1980 concerning Free Legal Aid, when the general conditions are satisfied. If the court grants an application for the holding of a judicial examination pursuant to § 36 in any case in which any foreign national is entitled to free legal advice, the costs of legal assistance during the taking of evidence shall also be covered pursuant to the Free Legal Aid Act.

In any instance in which free conduct of any case and free legal advice have been granted without means test, a demand may be made for the recovery of part or all of the public costs in connection with this legal aid if the foreign national has the financial means available. Further provisions concerning this may be laid down by regulations pursuant to the present Act or in accordance with the Free Legal Aid Act 1980.

Amended by Act No. 83 of 11 June 1993, by Act No. 62 of 15 September 1995 (commencement 1 January 1997 pursuant to Decree of 20 December 1996), and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

CHAPTER 7. MISCELLANEOUS PROVISIONS.

§ 43. *Special provisions in the interests of national security, etc.*

Entry may be refused and an application for a work permit, residence permit and settlement permit may be refused, or restrictions or conditions may be imposed when the interests of the relations between Norway and any other country or of national security or compelling social considerations make this necessary. For the same reasons any decision may be implemented at an earlier time than follows from the provisions of § 39 and § 40. The King may issue regulations prescribing further rules. Any decision is made by the Directorate of Immigration.

In time of war or when there is a threat of war or under any other special circumstances the King may in the interests of national security issue further provisions concerning the obligation to report beyond those contained in § 14 and in regulations issued pursuant to § 45.

§ 44. *Duty to provide proof of identity, to appear in person and to provide information.*

When the police so require, any foreign national must show proof of identity and if necessary provide information to establish the foreign national's identity and the lawfulness of his presence in the realm.

In connection with the preparation of any case pursuant to this Act the foreign national concerned in the case may be ordered to appear in person and to provide information which may have relevance for the decision.

Amended by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 45. *Duty to give notification.*

The King may issue provisions to the effect that:

- a) any person running a hotel, boarding house, lodging house, camping site, etc. shall keep a list of all those staying overnight and notify the police of their presence, and others shall also notify the police when any foreign national stays overnight in their premises if security or emergency considerations so indicate,
- b) the master of any ship or the commander of any aircraft which is coming from or going abroad shall give the police a list of the passengers and crew,
- c) any person taking any foreign national into his service or giving any foreign national paid work shall notify the police of this before the work commences,
- d) the local employment offices shall notify the police of any foreign national who applies for or receives work,
- e) the Population Registry shall notify the police of any foreign national whose name is entered upon or removed from the register,
- f) any educational institution shall on request give the police lists of any foreign pupils or students,
- g) any public authority shall on request give the immigration authorities for use in any case under the present Act information concerning any foreign national's name and address notwithstanding the obligation of confidentiality in § 8(8) of Act No. 81 of 13 December 1991 concerning Social Services etc. and § 6(7) of Act No. 100 of 17 July 1992 concerning

Child Welfare Services.

The King may issue further rules concerning what information these lists shall contain.

Any person concerning whom notification shall be given is obliged to furnish the information that is necessary in order that the duty to give notification may be complied with.

Amended by Act No. 83 of 11 June 1993 and Act No. 49 of 30 June 1995. To be amended by Act No. 67 of 16 July 1999 (commencement from such date as the King decides).

§ 46. *Liability for expenses, etc.*

Any foreign national who pursuant to this Act is conducted out of the realm is obliged to pay the expenses connected with his own exit. The foreign national shall also pay the costs of any surveillance when this is necessary because the foreign national will not leave the realm voluntarily. The claim constitutes a ground of enforcement for the levy of execution and may also constitute grounds for rejection in the event of subsequent entry, cf. § 27 first paragraph, sub-paragraph h. The police may seize any tickets from the foreign national for use on exit.

If a guarantee has been provided for expenses pursuant to the first paragraph of this section, the guarantor may make a claim to have these expenses covered. The claim constitutes a ground of enforcement for the levy of execution.

Where any foreign national who has come by ship or aircraft is rejected pursuant to § 27, § 28 or § 57, the owner or hirer of the vessel or aircraft, and on his behalf its master or commander or agent in the realm, is obliged to take the foreign national on board again or otherwise to take the foreign national out of the realm or to cover any expenses incurred by the public purse in connection with the conducting of the foreign national out of the realm. Likewise there is an obligation to take on board an escort and to cover the costs of escorting the foreign national out of the realm when the police find this necessary.

If the costs connected with conducting the foreign national out of the realm are not covered pursuant to the first, second or third paragraphs of this section, they are covered by the state.

If any foreign national who requires leave from the police pursuant to § 26 to go ashore in the realm has done so without such leave, the same provisions apply as in the third paragraph of this section. The liability then generally also includes any expenses incurred by the public purse for up to three months in connection with the foreign national's stay in the realm.

Amended by Act No. 86 of 26 June 1992 and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999). To be amended by Act No. 67 of 16 July 1999 (commencement from such date as the King decides).

§ 47. *Penalties.*

Any person will be liable to fines or to imprisonment for a term not exceeding 6 months or to both who

- a) wilfully or negligently contravenes the present Act, or regulations, prohibitions, orders or conditions issued pursuant to the Act; or
- b) wilfully or grossly negligently gives essentially incorrect or clearly misleading information in any case under the Act.

Any person will be liable to fines or to imprisonment for a term not exceeding 2

years who

- a) wilfully or grossly negligently makes use of any foreign national's manpower when the foreign national does not have the permit required under the Act; or
- b) wilfully or grossly negligently procures work or accommodation for any foreign national, or issues or procures any statement, undertaking or document for use in any case under this Act, when the circumstances involve improper exploitation of the foreign national's situation; or
- c) wilfully by means of false representations or similar improper conduct entices any foreign national to enter the realm with a view to settling here; or
- d) abandons to any other person any passport, refugee's travel document, other travel document or any similar document that may be used as a travel document, when the person concerned knows or ought to understand that it may be used by any foreign national to enter the realm or any other state.

Any person who for the purpose of gain engages in organised activity with a view to assisting any foreign national to enter the realm or any other state unlawfully will be liable to fines or to imprisonment for a term not exceeding 5 years.

Any person guilty of aiding or abetting is liable to the same penalties.

Any contravention of the first paragraph of this section is considered to be a misdemeanour.

Prosecution for any offence under this section shall only be instituted when the public interest so requires.

Amended by Act No. 66 of 20 July 1991 (as amended third paragraph, shall be fourth paragraph), by Act No. 5 of 10 Jan. 1997 (immediate commencement pursuant to Decree No. 10 of 10 January 1997) and by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999). To be amended by Act No. 67 of 16 July 1999 (commencement from such date as the King decides).

§ 48. *Further details concerning to whom the Act applies.*

A foreign national is within the meaning of the Act any person who is not a Norwegian national. For any foreign national who comes under the EEA Agreement special provisions have been issued in Chapter 8.

For any foreign national connected with any diplomatic or paid consular representation in the realm, his spouse or cohabitant and any dependent child, the King determines which of the rules in this Act shall apply. The King may issue special regulations for this group. The same applies to staff of any inter-state organisation, any foreign national commissioned to do work for inter-state organisations or for bodies acting under convention and personal staff of any foreign representative.

In respect of any foreign national who is to reside in the realm in connection with the implementation of an agreement on inter-state co-operation by which Norway is bound, the provisions relating to entry clearance, passport, visa, leave to reside and leave to work apply with such exceptions as follow from the agreement.

Amended by Act No. 113 of 27 Nov. 1992.

§ 49. *Delimitation of the extent of the Act.*

This Act applies to the realm, including any installation and plant used in the Norwegian sector of the continental shelf. It also applies to any installation and plant connected with the Norwegian sector of the continental shelf.

The King may by regulations depart from the rules contained in the Act for any such installation and plant as are mentioned in the first paragraph of this section and issue regulations concerning passport and border control for travel between these and Norwegian land territory.

This Act also applies to Jan Mayen. The King may issue regulations concerning the entry of foreign nationals into Jan Mayen which deviate from the rules contained in this Act.

This Act does not apply to Svalbard. The King may issue provisions concerning the control of foreign nationals coming from Svalbard.

This Act does not apply to Norwegian ships engaged in foreign trade.

CHAPTER 8. SPECIAL PROVISIONS FOR FOREIGN NATIONALS WHO COME UNDER THE AGREEMENT CONCERNING THE EUROPEAN ECONOMIC CO-OPERATION AREA (EEA AGREEMENT).

Added by Act No 113 of 27 Nov. 1992

§ 50. *Permit for residence*

Any foreign national who is included under the EEA Agreement may without a permit enter the realm and take up residence or work here for up to three months, or for up to 6 months if the foreign national is seeking employment. When the period of residence is reckoned no deduction is to be made therein in respect of residence in another Nordic country.

Any foreign national who is included under the EEA Agreement and who takes up residence or work in the realm for longer than the periods of time mentioned in the first paragraph of this section must have a residence permit. The King may by regulations lay down exemptions from the requirement concerning residence permits and issue rules relating to the duty to report to the authorities.

Application for the first issue of a residence permit may be made after entry.

Any decision concerning residence permits is made by the Directorate of Immigration. The King may by regulations confer the authority to grant applications on the police.

Added by Act No. 113 of 27 Nov. 1992, and amended by Act No. 5 of 10 Jan. 1997 (immediate commencement pursuant to Decree No. 10 of 10 January 1997) and by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 51. *When a residence permit shall be issued.*

Any foreign national who is included under the EEA Agreement has on application the right to a residence permit if the travel document used by the applicant on entry is presented and documentary evidence is provided that the applicant

- a) is a worker who is covered by Act No. 112 of 27 November 1992 concerning the implementation in Norwegian law of Appendix V item 2 of the EEA Agreement (Regulation (EEC) No. 1612/68) on the free movement of workers etc. within the EEA,
- b) is to be self-employed or is to be the provider or recipient of services in the realm and subsistence is ensured,
- c) is in receipt of sufficient permanent periodic benefits or has sufficient means of his own, and the applicant is covered by a sickness insurance that covers all risks during the stay in Norway, or

- d) is seeking education and has been accepted by a recognised educational institution. It is a condition that the purpose of the stay is principally to obtain vocational education, that the applicant's subsistence is ensured and that the applicant provides a declaration concerning this, and that the applicant is covered by a sickness insurance that covers all risks during the stay in Norway.

The King may issue further rules by regulations.

Any permit in pursuance of the first paragraph may be refused when such circumstances are present as will give grounds for refusing a foreign national entry to the realm, residence or work pursuant to any other provisions of the Act.

Added by Act No. 113 of 27 Nov. 1992, and amended by Act No. 49 of 30 June 1995 and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 52. *Residence permits for family members.*

Any member of the family of any foreign national who has or is granted lawful residence in the realm pursuant to § 51 first paragraph is on application issued with a residence permit, when the conditions laid down by the King in regulations are satisfied.

Added by Act No. 113 of 27 Nov. 1992.

§ 53. *Continued residence after termination of occupational activity in Norway.*

The King may by regulations issue rules concerning the right to continued residence after termination of occupational activity for any such foreign nationals as is mentioned in § 51 first paragraph (a) and (b), and for any member of the family of any such foreign national, cf. § 52.

Added by Act No. 113 of 27 Nov. 1992.

§ 54. *The content of residence permits.*

On the first occasion any residence permit pursuant to § 51, § 52 and § 53 is normally issued for 5 years.

When the duration of the work to be performed is from 3 months to 1 year, the permit for any such foreign national as is mentioned in § 51 first paragraph, sub-paragraph (a) is made valid for a corresponding period of time.

Any permit for any foreign national who provides or receives services, cf. § 51 first paragraph, sub-paragraph (b), is made valid for the same period of time as the duration of the provision of such services or the receipt of such services.

On the first occasion any permit for any such foreign national as is mentioned in § 51 first paragraph, sub-paragraph (c) may be made valid for a period of 2 years. The King may issue further provisions by regulations.

Any permits for any such foreign national as is mentioned in § 51 first paragraph, sub-paragraph (d) is issued for a period of time corresponding to the duration of the education but not exceeding 1 year.

The permit confers the right to take up residence and to take work or to be self-employed in the whole of the realm unless restrictions have been imposed in accordance with rules provided under or issued in pursuance of the present Act or Act No. 112 of 27 November 1992 concerning the implementation in Norwegian law of Appendix V item 2 of the EEA Agreement (Regulation (EEC) No. 1612/68) on the free movement of workers etc. within the EEA.

Added by Act No. 113 of 27 Nov. 1992, and amended by Act No. 49 of 30 June 1995 and by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 55. *Renewal of residence permits.*

Any residence permit pursuant to § 51, § 52 or § 53 is renewable on application when the conditions continue to be satisfied. Renewed leave to reside is normally granted for 5 years unless the purpose of the work or of the residence or any other grounds indicate a shorter period of time.

The King may issue further rules by regulations.

Added by Act No. 113 of 27 Nov. 1992 and amended by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 56. *Revocation of residence permits.*

Any residence permit may be revoked if there are such circumstances as are mentioned in § 13, nevertheless subject to the provision that the permit may not be withdrawn solely on the grounds that the foreign national is no longer active in an occupation, if this is the result of temporary unfitness for work on account of illness or accident or if the foreign national through no fault of his own is unemployed and this is confirmed by the labour market authorities.

Any residence permit issued for the first time pursuant to § 51 first paragraph, sub-paragraphs (a) to (c) may be revoked if the foreign national has resided outside the realm for a continuous period exceeding 6 months, provided that such absence is not caused by compulsory national service.

Added by Act No. 113 of 27 Nov. 1992 and amended by Act No. 22 of 30 April 1999 (immediate commencement pursuant to Decree No. 427 of 30 April 1999).

§ 57. *Rejection.*

On entry or within seven days after entry into the realm a decision may be made to reject any foreign national who is included under the EEA Agreement,

- a) who does not show a valid passport or any other approved travel document or visa when this is necessary,
- b) who has been expelled from the realm or from another Nordic country and who is still subject to prohibition of entry, and has not on application been granted leave to enter the realm,
- c) where there are such circumstances as are mentioned in § 58 first paragraph,
- d) where consideration for national security or compelling social considerations make this necessary.

Any decision to reject pursuant to the first paragraph, sub-paragraphs (a) and (b) of this section is made by the chief of police or any such person as the chief of police empowers. Any decision to reject pursuant to sub-paragraphs (c) and (d) of this section is made by the Directorate of Immigration. The King may by regulations confer the power to make any decision to reject pursuant to (c) on the chief of police or any such person as the chief of police empowers. The 7-day limit is deemed to have been complied with if administrative proceedings for rejection are instituted within 7 days.

If administrative proceedings for rejection pursuant to the first paragraph of this section have not been instituted within seven days, any foreign national who is included under the EEA Agreement and who does not have leave to reside may be

rejected by a decision of the Directorate of Immigration pursuant to the provisions of the first paragraph, sub-paragraphs (b), (c) or (d) of this section. The King may by regulations confer the power of decision on the chief of police or any such person as the chief of police empowers.

Added by Act No. 113 of 27 Nov. 1992, and amended by Act No. 53 of 4 August 1995, by Act No. 5 of 10 January 1997 (commencement 15 June 1997 pursuant to Decree No. 489 of 23 May 1997) and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

§ 58. *Expulsion.*

Any foreign national who is included under the EEA Agreement may be expelled when consideration for public order or safety so indicates.

Expulsion pursuant to the first paragraph of this section may take place where in respect of the foreign national there are, or must be presumed to be, personal circumstances that represent a real and sufficiently serious threat to fundamental considerations for society. If the foreign national has had imposed upon him any sentence or special sanction, expulsion on this basis can as a general rule only take place where there are circumstances that may suggest that the foreign national will commit a further criminal offence.

Any foreign national who is included under the EEA Agreement may also be expelled when the foreign national does not satisfy the conditions for residence pursuant to § 51 to § 53.

Expulsion is not ordered if in consideration of the seriousness of the offence and the foreign national's connection with the realm, this would be a disproportionate measure in respect of the foreign national himself or the closest members of his family.

Expulsion is an obstacle to subsequent leave to enter the realm. Prohibition of entry may be made permanent or of limited duration, but as a general rule not for a period of less than 2 years. On application the prohibition on entry may be revoked if new circumstances so indicate.

Any decision to expel is made by the Directorate of Immigration, which also decides any application for entry to the realm from any foreign national who has been expelled.

The King may by regulations issue further rules.

Added by Act No. 113 of 27 Nov. 1992, and amended by Act No. 5 of 10 Jan. 1997 (immediate commencement pursuant to Decree No. 10 of 10 January 1997, and by Act No. 22 of 30 April 1999 (commencement 1 January 2000 pursuant to Decree No. 1264 of 10 December 1999).

CHAPTER 9. REGULATIONS, COMMENCEMENT ETC.

Added by Act No. 113 of 27 Nov. 1992.

§ 59 *Regulations pursuant to the Act.*

In addition to any such regulations as are mentioned in the individual sections the King may by regulations issue further rules for the implementation of this Act.

Amended by Act No. 113 of 27 Nov. 1992 (formerly § 50).

§ 60 *Commencement and transitional provision.*

This Act comes into force from the date determined by the King. From the same

date the Act of 27 July 1956 relating to the Admittance of Aliens to the Kingdom, etc. (the Aliens Act) is repealed.

Regulations issued pursuant to the earlier Act continue to apply until they are amended or repealed pursuant to the present Act.

Any foreign national who at the commencement of this Act has for one or more years had a residence permit valid for an indefinite period is considered to have a settlement permit.

Amended by Act No. 113 of 27 Nov. 1992 (formerly § 51).