

For 1995-02-03 no. 96: Regulations relating to rejection and expulsion of persons from Svalbard.

Laid down by Royal Decree 3 February 1995 , with authority in § 4 of Act of 17th July 1925 pertaining to Svalbard. Submitted by the Ministry of Justice.

I

§ 1. Any person arriving on Svalbard, may by the Governor or anyone delegated authority, be refused entry on arrival or subsequently expelled at a later point in time:

- a) if it is believed that the person does not have sufficient financial means to remain or the possibility to support themselves financially on Svalbard by legal means,
- b) if the person has previously been deported or expelled from Svalbard by authority of a deportation resolution that remains in force,
- c) it is believed that the person is not capable of taking adequate care of themselves,
- d) when the person is not a permanent resident of Svalbard or has permanent employment on Svalbard, and there is probable cause to suspect that the person has committed offences in breach of laws or regulations that apply on Svalbard,
- e) when the person has a previous conviction for offences in breach of laws or regulations in force on Svalbard and that there is probable cause to suspect that the person will commit further offences on Svalbard.

If a person arriving by ship or aircraft is rejected on the same day as arrival, the vessel/aircraft operator or owner (or lessee) is obliged, without compensation or payment from public authorities, to take the person on board again, or in some other way transport the person from Svalbard, according to specific instructions from the Governor or those delegated authority.

§ 2. The Governor or those delegated authority may expel any person from Svalbard:

- a) that acts in contravention of a decision of rejection pursuant to § 1,
- b) that does not reside permanently on Svalbard or has permanent employment on Svalbard and there is probable cause to suspect that the person has breached applicable laws and regulations applicable on Svalbard during their stay,
- c) When the person has a previous conviction for offences in breach of laws or regulations that are applicable on Svalbard and that there is probable cause to suspect that the person will commit further offences on Svalbard,

Expulsion is reason to refuse subsequent entry to Svalbard. The prohibition of entry to Svalbard may be permanent or time-limited, however it shall be no less than a period of 2 years. On application to the Governor, the person expelled from Svalbard may be granted permission to travel to Svalbard; however, as a rule not before a period of 2 years has expired from the date of deportation.

§ 3. Until the resolution of rejection or expulsion has been made, the Governor, or those delegated authority, may impose a condition that the person remains in a certain place or a certain area. After a resolution has been passed, the same condition may be imposed, pending the implementation of the resolution.

§ 4. The person rejected or expelled shall be required, within a certain deadline, to leave Svalbard. If the person refuses to comply with the requirement, he will be forcibly removed. The person is liable for costs of forcible expulsion and for any stay determined in accordance with § 3. The Governor or those delegated authority for transport shall be

able to secure any necessary amount from the deportee's funds to cover costs as stated above.

§ 5. The resolution pertaining to rejection pursuant to §1 or expulsion pursuant to § 2 may be appealed to the Ministry of Justice. The appeal does not have suspensive effect unless this is determined by the Public Administration Act § 42.

II

This regulation enter into force immediately. The Regulations of 9 July 1976 no. 5 concerning expulsion and deportation of persons from Svalbard are hereby repealed.
