Government proposes expanding the scope of coercive measures in cases involving national interests

The government presented a legislative proposal which introduces amendments to the rules governing the use of coercive measures in immigration cases involving fundamental national interests. The proposal would allow for the arrest and detention of foreign nationals while a national security case is being processed.

In ordinary immigration cases, coercive measures may be used before a decision has been taken on the refusal of entry, expulsion, rejection of a residence permit application or revocation of a permit. In national security cases, however, a decision must generally already have been taken before a foreign national posing a threat to fundamental national interests can be arrested and detained, unless there is a risk of absconding.

In the legislative proposal, the ministry proposes that arrest and detention may be ordered at any point during the preparation of a case. This would be subject to the existence of concrete grounds for believing that the foreign national poses a threat to fundamental national interests, and the measures are necessary to ensure the implementation of a decision imposing an obligation to leave the country.

The ministry also proposes corresponding amendments to the rules governing the seizure of property, reporting obligations and designated places of residence.

Source(s)

- Ministry of Justice and Public Security | Justis- og beredskapsdepartementet (20 November, 2026), Regjeringen foreslår utvidet adgang til bruk av tvangsmidler i saker som berører nasjonale interesser [The government proposes expanded access to the use of coercive measures in cases affecting national interests], https://www.regjeringen.no/no/aktuelt/regjeringen-foreslar-utvidede-tvangsmidler-i-sikkerhetssaker/id3194226/

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