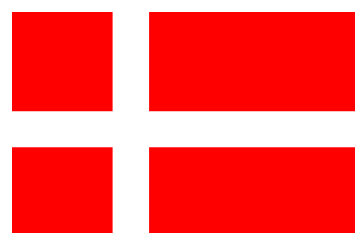


**COUNTRY
CHAPTER**

DEN

DENMARK

BY THE GOVERNMENT OF DENMARK



1. Resettlement Policy

Denmark has since the end of the Second World War in addition to spontaneous asylum seekers received groups of refugees with temporary stay in other countries. Generally, these refugees have been received upon request from UNHCR. After the 1956 uprising in Hungary, Denmark received for example about 1.400 Hungarian refugees from other Western European countries. Equally, in the beginning of the 1970s some 150 Asian refugees among those expelled from Uganda, mainly handicapped with families, came to Denmark. In the mid-seventies approximately 700 refugees were resettled and in the years after the Vietnam War some 3000 refugees from Vietnam were also resettled in Denmark. Over the years this has all led to a more formalized resettlement policy. Since 1978 the Danish Parliament has every year earmarked funds for a resettlement quota within the approved Finance Act. From 1989 to mid-2005 the annual resettlement quota constituted 500 places.

Perennial quota programme:

From July 2005, Denmark is operating with a flexible quota of three years with 1500 places all together. Within the 3-year period, more or fewer places can be used depending on the actual needs.

2. Criteria for Resettlement

Section 8 of the Danish Aliens Act provides the legal basis for the Danish resettlement programme. It is a precondition that resettlement takes place on the basis of an arrangement with UNHCR or a similar international arrangement. To qualify for resettlement in Denmark the person must meet either the criteria of section 8 (1), (2) or (3):

Section 8 (1):

Upon application, a residence permit will be issued to an alien who arrives in Denmark under an agreement with the United Nations High Commissioner for Refugees or a similar international agreement, and who falls within the provisions of the Convention relating to the Status of Refugees (28 July 1951), cf. section 7 (1).¹

¹ Please note, that throughout the document, all mentioned provisions of the Danish Aliens Act are unofficial translations.

Section 8 (2):

In addition to the cases referred to in section (1), a residence permit will be issued to an alien who arrives in Denmark under an agreement as mentioned in section (1), and who risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to his country of origin, cf. section 7 (2).

Section 8 (3):

In addition to the cases referred to in section (1) and (2), a residence permit will be issued to an alien who arrives in Denmark under an agreement as mentioned in section (1), and who is assumed to fulfil the basic principles for obtaining a residence permit under one of the provisions in the Aliens Act, if he had entered Denmark as an asylum-seeker.

To qualify for resettlement under section 8 (3), one of the following conditions must be fulfilled:

- The alien must find himself in a situation, where essential considerations of a humanitarian nature make it appropriate to grant him a residence permit, or
- The alien has not been able to return to his home country, even though he no longer risks persecution there, and there is no prospect of it being possible for him to return home, or
- The alien is an unaccompanied minor, i.e. is staying in the country of residence without his parents or other adults, who have taken their place, and these aliens' place of residence is unknown, and the alien will in fact be placed in an emergency situation upon continued stay in the country of residence or upon return to his country of origin, or
- Essential employment or business considerations make it appropriate to grant the alien a residence permit, including if the alien can obtain employment within a professional field of particularly qualified labour, or
- The alien would fulfil the requirements for being granted family reunification had his/her spouse/parent already been resettled in Denmark, or
- Exceptional reasons make it appropriate to issue a residence permit.

When assessing the submissions for resettlement, Denmark furthermore focuses on the foreign citizens' prospects for settling and benefiting from a living in Denmark. The following supplementary criteria are therefore of considerable importance:

Section 8 (4):

When selecting the aliens, who will be issued residence permits under section (1)-(3), the aliens' possibility of settling in Denmark and of benefiting from the residence permit, including their linguistic qualifications, educational background, working experience, family situation, network, age and motivation, must be taken into consideration, unless particular reasons make it inappropriate.

These supplementary criteria will, however, be deviated from in emergency cases and medical cases under the Twenty-or-More programme.

Furthermore, a certain amount of flexibility with regard to these supplementary criteria will be exercised in relation to foreign citizens, who are under consideration for resettlement in Denmark as part of a strategic resettlement plan.

3. Resettlement Allocations/ Processing Priorities

At the beginning of each calendar year, the Minister for Refugee, Immigration and Integration Affairs upon recommendation from the Danish Immigration Service decides the overall allocation of the approximately 500 quota places within the different categories and on the destination of 2-3 annual selection missions, cf. section 8 (6) of the Aliens Act, which reads as follows:

The Minister for Refugee, Immigration and Integration Affairs decides the overall distribution of the aliens, who will be granted a residence permit under section (1)-(3).

The Danish Immigration Service will base its recommendations on UNHCR's Projected Global Resettlement Needs report presented before the Indications Conference in June of each year and on bilateral consultations with UNHCR.

The quota is divided into three categories: a geographical category, an emergency category (foreign citizens, who are in an immediate risk of refoulement to their country of origin or who risk assaults in their country of stay) and a medical category under the Twenty-or-More programme (foreign citizens with special medical needs).

Every year, 20 places are allocated to the Twenty-or-More programme, 75 places are allocated to the emergency category, while the number of places allocated to different geographical areas may vary and can be changed upon request from UNHCR should the need arise during the calendar year. Such changes must, however, through the Danish Immigration Service be submitted to and approved by the Minister for Refugee, Integration and Immigration Affairs.

As a main rule, the foreign citizens submitted for resettlement in Denmark will be selected during in-country selection missions. UNHCR HQ may in addition submit emergency cases and Twenty or More cases on dossier during the calendar year.

4. Admissibility for Resettlement

All foreign citizens, who are under consideration for resettlement in Denmark, undergo the same security and intelligence checks as spontaneous asylum applicants. This implies that the Danish Security Intelligence Service and the Danish Defence Intelligence Service examine all submissions for resettlement.

Pursuant to section 10 (1) of the Danish Aliens Act, an alien cannot be granted a residence permit under section 8, if:

- (i) the alien must be deemed a danger to national security;
- (ii) the alien must be deemed a serious threat to the public order, safety or health; or
- (iii) the alien is deemed to fall within Article 1 F of the Convention relating to the Status of Refugees.

Furthermore, under section 10 (2), an alien cannot, unless particular reasons make it appropriate, be granted a residence permit under section 8, if:

- (i) the alien has been convicted abroad of an offence or there are serious reasons for assuming that the alien has committed an offence abroad, that could lead to expulsion, if the case had been heard in Denmark, that is if
 - the alien has been sentenced to minimum 4 years' imprisonment in relation to an offence that would have resulted in a punishment of this duration, or
 - for several criminal counts has been sentenced to a minimum of 2 years' imprisonment in relation to an offence that would have resulted in a punishment of this duration.

Furthermore, all foreign citizens who are under consideration for a residence permit under section 8 (1)-(3) must participate in a health examination:

Section 8 (5):

Unless particular reasons make it inappropriate, it is a condition for a residence permit under section (1)-(3), that the alien participates in a special health examination and consents to passing on the health information to the Danish Immigration Service and to the local council of the municipality to which the alien is allocated, and signs a declaration regarding the conditions for resettlement in Denmark.

In emergency cases, exceptional circumstances can make it inappropriate to carry out the health examination or to sign the declaration on the conditions for resettlement in Denmark.

For public health considerations, persons who suffer from particularly communicable diseases, will, unless particular reasons make it inappropriate, not be accepted for resettlement in Denmark. Particular reasons that could favour granting a residence permit are e.g. weighty needs for protection or close family ties to persons residing in Denmark.

Furthermore, persons with mental illnesses will, unless particular reasons make it inappropriate, also not be accepted for resettlement in Denmark.

Cases concerning persons with physical illnesses or disabilities and who are in need of special or long-term treatment should be submitted under the Twenty-or-More category. A health consultant reviews all such cases for an assessment of whether proper treatment is available in Denmark and whether the overall situation of the person concerned will improve.

Foreign citizens with only minor medical needs are accepted under the normal geographical categories of their nationality.

In order to be granted a residence permit under section 8 (1)-(3), the foreign citizen must sign a declaration regarding the conditions for resettlement in Denmark. The declaration contains information about the importance of getting a job, the necessity of learning Danish, the duty to participate in and complete an integration programme, the limited access to family reunification and the level of financial and other aid offered by Denmark. The declaration must be signed prior to the final decision of the Danish Immigration Service to grant the person in question resettlement in Denmark.

5. Submissions and Processing via Dossier Selection

5.1 Case Documentation

UNHCR's Resettlement Section at Headquarters may submit dossier cases for resettlement as Twenty or More or emergency cases. After prior agreement with the Danish Immigration Service, the local Branch Office may submit directly to the Immigration Service in connection with selection missions. The basic documentation is the Resettlement Registration Form (RRF) and any available medical files and relevant information about the country of origin and the country of residence.

A carefully completed RRF with exact personal data and family details is of utmost importance as well as a full and detailed account of the political activities in which the refugee has been engaged in his/her country of origin and any other circumstances that might be relevant to the flight. This is required in case of dossier submissions in general and emergency submissions in particular thereby enabling the Danish authorities to move quickly in processing the cases.

The possible application of article 1 F of the 1951 Convention is of particular concern. An express declaration by UNHCR is therefore required to exclude the existence of serious reasons to consider that article 1 F would apply.

Children over 18 years of age or other adult relatives of PRA to be considered for resettlement should always be presented on their own individual RRF as they might qualify for resettlement or exclusion on their own individual merits.

Updated medical documentation indicating diagnosis, medical prognosis and needed medical treatment should be available in all cases, which fall within the Twenty-or-More category. Also cases, which do not fall within this category, but where the person in question has medical needs/problems, should be accompanied by medical documentation to the extent possible.

In all cases, except for emergency cases and Twenty-or-More cases, information regarding the foreign citizens' linguistic qualifications, educational background, working experience, family situation, network, age and motivation are of importance in order to make an assessment of their possibilities for settling and benefiting from life in Denmark.

The persons submitted for resettlement in Denmark should be made aware beforehand by UNHCR, that medical documentation and personal data (but not details of the resettlement claim) will be passed on to the receiving municipality in Denmark. The RRF will also be submitted to other relevant Danish authorities, such as the Danish Security Intelligence Service and the Danish Defence Intelligence Service and possibly the Ministry for Refugee, Integration and Immigration Affairs and the Ministry of Foreign Affairs. Information will never be passed on to the authorities of the country of origin.

5.2 Routing of Submissions

The dossier should be forwarded directly to the Danish Immigration Service (preferably by e-mail).

Upon reception, the case will be registered with a Danish file number. This number is the reference number of the principal applicant. Children above the age of 18 and other close family members will be registered with their own Danish file number. The case will be categorized within one of the quota categories and an immediate case screening will take place.

5.3 Decision-Making Process

After assessing the case, including submitting it to the Danish Intelligence Services, the Danish Immigration Service will make a final decision.

UNHCR's Resettlement Section and possibly the regional hub or the Branch Office, which has submitted the case, will be informed of the decision.

The relevant Danish Representations are informed about positive decisions and authorized to issue travel documentation and entry permits.

5.4 Recourse Processing

There is no recourse against a negative decision but a rejected case may be resubmitted if there is new and relevant information.

5.5 Processing Times

Average processing time is normally a few months, except for emergency cases.

6. Submissions and Processing via In-Country Selection

6.1 Case Documentation

The majority of the foreign citizens resettled to Denmark are usually selected on interview missions. At the beginning of the calendar year, the Minister for Refugee, Immigration and Integration Affairs decides upon the destination of the missions.

UNHCR's Resettlement Section at Headquarters or the Regional Hubs in Africa may submit cases for resettlement. After prior agreement with the Danish Immigration Service, the local Branch Office may submit directly to the Immigration Service in connection with selection missions. The basic documentation is the RRF and any available medical files and relevant information about the country of origin and the country of residence.

A carefully completed RRF with exact personal data and family details is of utmost importance as well as a full and detailed account of the political activities in which the refugee has been engaged in his/her country of origin and any other circumstances that might be relevant to the flight.

The possible application of article 1 F of the 1951 Convention is of particular concern. An express declaration by UNHCR is therefore required to exclude the existence of serious reasons to consider that article 1 F would apply.

Children over 18 years of age or other adult relatives of PRA to be considered for resettlement should always be presented on their own individual RRF as they might qualify for resettlement or exclusion on their own individual merits.

Updated medical documentation indicating diagnosis, medical prognosis and needed medical treatment should be available in all cases, which fall within the Twenty-or-More category. Also cases, which do not fall within this category, but where the person in question has medical needs/problems, should be accompanied by medical documentation to the extent possible.

In all cases, except for emergency cases and Twenty-or-More cases, information regarding the foreign citizens' linguistic qualifications, educational background, working experience, family situation, network, age and motivation are of importance in order to make an assessment of their possibilities for settling and benefiting from life in Denmark.

Persons submitted for resettlement in Denmark should be made aware beforehand by UNHCR, that medical documentation and personal data (but not details of the refugee claim) will be passed on to the receiving municipality in Denmark. The RRF will also be submitted to other relevant Danish authorities, such as the Security and Intelligence Services and possibly the Ministry of Foreign Affairs. Information will never be passed on to the authorities of the country of origin.

6.2 Routing of Submissions

The Danish Immigration Service undertakes the interview missions. Staff from the Danish Refugee Council and municipal caseworkers may participate in the interview missions. The decisions are made by the Danish Immigration Service.

UNHCR's Resettlement Section at Headquarters or the Regional Hubs in Africa may submit cases for resettlement. After prior agreement with the Danish Immigration Service, the local Branch Office may submit directly to the Immigration Service in connection with selection missions. The RRF should be submitted well in advance of the mission – preferably 3-4 weeks before the departure of the delegation.

After an initial screening of the submitted cases, the Immigration Service may inform UNHCR that certain cases cannot be accepted for resettlement and an interview will therefore not be needed.

Staff of the Danish Immigration Service will interview the persons in question. UNHCR interpreters are usually used.

6.3 Decision-Making Process

The decision-making body is the Danish Immigration Service. Indications as to who may be accepted will usually be given at the end of the mission. The final decisions will be taken upon return to Denmark. Please see section 5.3 above.

6.4 Recourse Processing

See Section 5.4 above.

6.5 Processing Times

Processing will normally take 6-8 weeks upon return of the delegation to Denmark.

7. Emergency Cases

Emergency cases are usually processed quickly provided the necessary documentation is forwarded. See section 5.1 above. Denmark has 75 places allocated for emergency cases.

8. Special Categories

The Danish resettlement programme does not operate with special categories apart from the geographical, Twenty or More and emergency categories.

Survivors of Violence and Torture

The municipal authorities may refer resettled persons to some of the centres in Denmark specialized in treating victims of torture, although the waiting list may be long.

9. Family Reunification of Refugees

Foreigners resettled in Denmark may under certain circumstances be granted family reunification with their spouse/cohabitant and unmarried children

As a main rule, reunification with children requires that the child is under 15 years of age but can also be given to children aged between 15 and 18.

A residence permit cannot be granted to children over 18 years of age or to parents or siblings.

A residence permit issued according to the rules regarding family reunification is initially issued for a limited period of time with a possibility of extension, provided the conditions for issuing the permit remain fulfilled. After a number of years, such a residence permit may be converted into a permanent one, provided a number of conditions are fulfilled.

9.1 Requirements for family reunification with spouses and regular unmarried partners (cohabitants)

Some of the most important requirements the spouse/cohabitant must fulfil in order to obtain a residence permit are:

- Their marriage must be valid both according to the rules of the country in which the marriage was contracted and according to Danish law. This means, among other things, that both of them were present at the marriage ceremony.
- Both of them have contracted the marriage voluntarily.
- If they are not married, but only engaged to be married, the fiancé/fiancée may join the resettled person in Denmark. Normally it is a condition that they have been living together at the same address for at least 1½ year.
- Their marriage must not have been contracted or their cohabitation established with the sole purpose of bringing the spouse or the unmarried partner to Denmark

9.2 Criteria for Family Reunification with children

Some of the most important requirements for family reunification with children are:

- Normally, the children must be under 15 years of age. If the children are aged between 15 and 18, they may as a rule also join their parent in Denmark under certain conditions, for instance if refusal of the application will interfere with the right to respect for family life in Article 8 in the European Convention on Human Rights.
- The children must not have formed an independent family unit - for example, they must not be married themselves.
- The resettled person must have at least partial custody of the children.
- Upon arrival in Denmark, the children must live together with the resettled person.

In addition to this, it will be considered whether family reunification in Denmark can be regarded as being in the child's best interest.

9.3 Parents and other relatives

Parents and other family members than spouses, cohabitants, registered partners and children under 18 years of age, cannot be issued with a residence permit under the rules of family reunification.

10. Medical Requirements

Persons who are under consideration for a residence permit under section 8 (1)-(3) must participate in a health examination:

Section 8 (5):

Unless particular reasons make it inappropriate, it is a condition for a residence permit under section (1)-(3), that the alien participates in a special health examination and consents to passing on the health information to the Danish Immigration Service and the local council of the municipality to which the alien is allocated, and signs a declaration regarding the conditions for resettlement in Denmark.

In emergency cases, exceptional circumstances can make it inappropriate to expect the person to participate in the health examination or to sign the declaration on the conditions for resettlement in Denmark.

IOM performs the medical examinations on behalf of the Danish authorities.

For further information see section 4.

11. Pre-Departure Orientation Programme

After each in-country selection mission, the Danish Immigration Service and the Ministry for Refugee, Immigration and Integration Affairs conduct a pre-departure orientation programme. Furthermore, members of the receiving local municipalities can participate in the course.

The pre-departure orientation programme will consist of lessons in elementary Danish and cultural orientation. The Danish lessons will partly be based on self-tuition.

12. Travel

The Danish government covers all expenses connected with the travel to Denmark including possible medical escorts. Pre-departure expenses are normally not covered.

The Danish Immigration Service prepares the travel arrangements in close cooperation with IOM. Upon arrival in Denmark, the Danish Immigration Service and the receiving local municipality meet the resettled persons at the airport.

13. Status on Arrival

Foreign citizens accepted for resettlement under the Danish quota may either be granted convention status (section 8 (1)), protection status (section 8 (2)) or other status (section 8 (3)).

If granted convention status, the resettled persons may upon application and payment be issued a travel document, and if granted protection status or other status, they may be issued an aliens passport.

The foreign citizens accepted for resettlement in Denmark are granted a work permit. They have access to the labour market in Denmark immediately upon their arrival in the country.

Foreign nationals applying for Danish citizenship will have to satisfy certain conditions concerning residence (the principal rule is nine years), age, renunciation of present nationality, general conduct, overdue public debts, skills in Danish language and knowledge of Danish society, culture and history.

14. Domestic Settlement and Community Services.

14.1. Actors

According to the Danish Integration Act, the Ministry for Refugee, Immigration and Integration Affairs has the principal responsibility for the reception and integration of foreign citizens, which is carried out by the local municipalities. The local municipalities provide for a 3-year integration programme on behalf of the government, financed by governmental funds.

The Danish Refugee Council, The Danish Red Cross and other organisations and associations have volunteer programmes all over the country that promote the integration of the foreign citizens into the local communities and create a dialogue, understanding and tolerance between the foreign citizens and the rest of the population. The volunteer programmes offer a variety of activities in the local community.

14.2. Orientation

Foreign citizens in Denmark must participate in a 3-year introduction programme, whose main objective is to ensure integration of foreign citizens in the Danish society.

The programme, which must have a duration of at least 20 hours a week, must include a course in understanding Danish society as well as language lessons. For those foreign citizens who do not have a job and who are not self-supporting the introduction programme also consists of vocational training.

The municipality shall prepare an individual plan of action in cooperation with the foreign citizen, based on an assessment of the particular skills and qualifications of the individual person and must be targeted at introducing the person to the labour market or to an education.

The main objective of the course is to enable the foreign citizens to get an understanding of the fundamental values and norms of Danish society and to ensure that foreign citizens within a relatively short period of time will be able to support themselves through jobs. This means that foreign citizens are expected to find work or complete an education aimed at getting a job.

During the introduction programme and until they get a job and can provide for themselves and their family, foreign citizens are subject to certain conditions entitled to an introduction benefit. Foreign citizens who without reason do not participate in the introduction programme may have their benefit reduced. The introduction benefit is to be regarded as a supplement to the wage.

After two years and after four years the Danish Immigration Service can, after application, prolong the residence permit. After yet another three years, the Danish Immigration Service can, after application, prolong the residence permit and make it permanent. In making these decisions for prolongation, the Danish Immigration Service takes into consideration among other things whether the resettled person has fulfilled the obligations of the introduction programme. At each application for prolongation the Danish Immigration Service furthermore assesses whether the cessation clauses are applicable.

If the resettled person has not fulfilled the obligations of the introduction programme the Danish Immigration Service can choose to grant the person in question a temporary residence permit instead of a permanent residence permit.

Residence permits can always be revoked if they have been obtained on a false basis.

Foreign citizens convicted of crimes committed in Denmark can be expelled.

14.3. Allocation and housing placement

In connection with the grant of residence permit, the Danish Immigration Service decides in which area of Denmark each foreign citizen must live. The allocation destination is decided on the basis of an agreed or fixed municipal quota-system and the personal circumstances of the person in question, as well as the situation of the municipality.

The municipality then provides a place to live. Every effort is made to find a permanent dwelling for the foreign citizens within 3 months of arrival. Moving to another city and thereby moving to another municipality is only possible if the municipality accepts the responsibility of the introduction programme. Moving without acceptance may result in the contribution being reduced or ended and the residence permit not being made permanent.

14.4. Health

Public health care is tax financed in Denmark. This means that insured persons do not pay contributions to the public health care insurance and that patients either get the benefits free of charge or must pay a patients part of the treatment.

Everybody resident in Denmark is entitled to public health care benefits. There is however a qualifying period of 6 weeks from taking up residence in Denmark. In practice the 6 weeks qualifying period is calculated from the date of registration in the national registration office (Folkeregisteret) in the municipality. In the 6 weeks qualifying period the public health care will not cover any part of costs for treatment. However hospital and maternity care in case of accident, sudden illness, birth etc. or sudden aggravation of a chronic disease will be given free of charge.

After the qualifying period you will receive a Health Insurance Card. You must show this card to your doctor, specialist, pharmacy etc. as proof of your entitlement to health care benefits. You will then only be charged the patient's part of cost for treatment.

The public health care benefits are hospital and maternity care and primary health care at general practitioners, specialists, dentists, physiotherapists, district nurses etc., medicine, vaccinations and preventive health care, e.g. for children and pregnant women.

14.5. Education

14.5.1. School system

All foreign children have access to the normal Danish school system, which is free of charge.

Children who cannot speak sufficient Danish when they start school may be placed in special reception classes before they start normal classes. They may continue to receive special language lessons if necessary. Some local authorities employ bilingual teachers who teach some subjects to foreign children with the same mother tongue for a number of hours per week.

14.5.2. Access to the Adult Education System

There are no restrictions on foreign citizens' access to the Danish adult education system. In order to promote foreign citizens' educational opportunities and job prospects, special courses have been arranged for them.

Some are of short duration aimed at finding actual work, whereas others are aimed at enabling them to receive further education.

In order to access some types of higher education, however, sufficient knowledge of Danish is required.

Foreign citizens who have been accepted by an educational institution are entitled to the same grants as Danish citizens. In addition, they may apply for special help under the Social Assistance Act, which contains a special clause providing financial assistance during educational and vocational training for persons who find it difficult to manage for health or social reasons. This clause can be applied to foreign citizens who have educational or employment problems for linguistic or cultural reasons.

If the foreign citizen has completed an education abroad, it may be relevant to establish whether his/her qualifications are recognised in Denmark, or whether he/she needs supplementary training to be able to use your education here. It may therefore be useful for the foreign citizen to bring along documentation for his/her qualifications to Denmark. Upon arrival in Denmark, the Danish Centre for Assessment of Foreign Qualifications (CVUU) will assess how the educational credits the foreign citizen has earned abroad compare with Danish academic and labour market standards.