



For refugees in Denmark  
**Information regarding new  
legislation**

In February 2019, the Danish Parliament (Folketinget) passed new legislation relating to foreigners and integration. The new legislative amendments have led to uncertainty amongst refugees. This leaflet provides a short explanation of the central aspects of the new legislation and how they will impact on the rights of refugees in Denmark. Should you require further information and guidance, please find contact details on the last page of this leaflet.

While the new act, i.e. no. 174, came into effect on 1 March 2019, some of the amendments will not come into effect until a later date.

Following the general election, a political agreement was reached on 25 June 2019 in connection with the formation of a new government. Amongst other things, the agreement deals with the issues described in this brochure. The new legislative changes noted in this agreement have not yet been forwarded to, or passed by, the Danish Parliament. Hence, it is the current legislation that is described in this leaflet.

However, we expect to see changes in the following areas, i.e. that:

1. The reduction of the integration benefit for providers set to come into effect, as of 1 January 2020, after 3 years of residency in Denmark, will be annulled.
2. A temporary child benefit will be introduced for families who are affected by the integration benefit and social security limit.
3. Refugees with residence permits following on from Section 7 (3) of the Danish Aliens Act (temporary protection status) and individuals who have been reunified with them as family are to be entitled to free higher education on equal terms with others.
4. Refugees with temporary residence permits, who have been employed in Denmark for two years, are to be given the opportunity to remain in Denmark while employed by the same employer.

Hence, the current legislation is as follows:

## Temporary and permanent residence permits

It has always been the case that refugees start out with a temporary residence permit and are then able to apply for a permanent residence permit at a later date. This was also the procedure prior to the new act.

Likewise, it has always been the case that refugees with temporary protection status have been granted a permit to stay in Denmark according to Section 7 (3) of the Danish Aliens Act “with a view to temporary residency.” In addition, refugees granted a permit to stay in Denmark according to Section 7 (1), and Section 7 (2), were provided with permission to stay in Denmark “with the option of permanent residency”. In the future, all applicants will be granted a residence permit “with a view to temporary residency”. From 1 July 2019, the fact that residency permission is “with a view to temporary residency”

will also apply to foreigners who are already in possession of a residence permit on the basis of their refugee status. In practice, this change is of no immediate significance to your rights. If permanent residence has already been granted, nothing will change.

No changes have occurred in relation to the possibility of being granted a permanent residence permit – if you live up to certain requirements, you can still apply for this when having lived in Denmark for 8 years or more. Those who already have a permanent residence permit will continue to have permanent permission to stay in Denmark.

Similarly, no changes have occurred with regards to the possibility of acquiring Danish citizenship – as a refugee, it is still possible to apply for this on having lived in Denmark for 8 years, and if certain requirements are fulfilled e.g. regarding Danish language skills and employment.

## Extension and withdrawal of residence permits

For the most part, temporary residence permits held by refugees have been extended more or less automatically up to now. However, in the future the authorities will to a larger extent be focusing on refusing to extend a residence permit or withdrawing it, if the refugee in question is no longer in need of protection, i.e. if the authorities assess that the refugee in question is no longer in danger in his/her country of origin. The withdrawal or denial of extension of a residence permit will always be based on the particular situation of the individual in question.

In this connection, it is important to note that refugees can have different residence permits:

- A refugee can hold convention status according to Section 7 (1) of the Danish Aliens Act, if the refugee is being persecuted personally for certain reasons described in the Refugee Convention (e.g. political activities or religion).
- A refugee can hold protection status according to Section 7 (2) of the Danish Aliens Act, if the refugee is being persecuted personally (in this case it does not have to be due to a certain set of reasons), or if he/she has fled due to civil war.
- A refugee can hold temporary protection status according to Section 7 (3) of the Danish Aliens Act. Those who applied for asylum after 13 November 2014 and fled due to civil war have been granted permission to stay in Denmark according to Section 7 (3).

Refugees with convention status are protected by the Refugee Convention. In this case, it takes a lot for the authorities to be able to withdraw or refuse to extend a residence permit. It would require fundamental, stable and permanent changes within the country of origin. Hence, refugees with convention status do not need to worry that their residence permits will not be extended.

The refugees most likely to be affected by the authorities' increased focus on refugee status as something temporary are refugees who:

- are staying in Denmark according to Section 7 (2) or Section 7 (3) of the Danish Aliens Act, due to general conditions of war and conflict (e.g. civil war) in their country of origin and who come from areas where the Danish authorities have assessed that security has improved.
- are staying in Denmark according to Section 7 (2) due to a private conflict and where the private conflict no longer exists.

These refugees will most likely experience that the Danish authorities will increasingly take their cases up for consideration and, in some cases, will either choose not to extend, or to withdraw their residence permit.

With the new legislation, the refugees' affiliation with Denmark will be less important than before when assessing whether a residence permit is to be extended or not. However, each case regarding the denial of a residence permit's extension, or its withdrawal, must still be determined in keeping with Denmark's international agreements. This means that Danish language skills, employment, education, family and other forms of affiliation to Denmark still play a role in relation to a refugee's possibility of staying in Denmark. They are also important in relation to a refugee's opportunity to acquire permanent residency and citizenship. Hence, it still makes a lot of sense to learn Danish, seek employment, get an education and become involved in activities as a volunteer. This applies even if a residence permit has been granted according to Section 7 (3).

## **If you are summoned for an interview regarding the extension or withdrawal of your residence permit**

If the Danish authorities are considering whether they should deny the extension of, or withdraw, a residence permit, you will be summoned for an interview with the Danish Immigration Service in Center Sandholm.

If summoned, it is of the utmost importance that you attend the interview, and bring the documents mentioned in the letter from the Danish Immigration Service to the interview. If you are prevented from attending the interview, it is possible to request that it be rescheduled for another day. The interview can last an entire day. An interpreter will be present throughout the interview.

During the interview, you will be asked why you fled originally and whether there are other reasons you worry about having to return to your country of origin. It is important to focus on the specifics of your particular situation and that of your family. It is also important to make known to the authorities any fears you might have that something in particular might happen to your children if they have to return to your country of origin.

You will also be asked about your affiliation to Denmark, i.e. whether you speak Danish, have employment or good friends and family here, and so on. You will also be asked questions about your health status.

In the event that you are subsequently denied extension of your residence permit, or have it withdrawn, the case will automatically be appealed to The Danish Refugee Appeals Board (Flygtningenævnet) if you have previously been granted asylum. Flygtningenævnet assigns a lawyer who can assist you with the case.

If a refugee has his/her residence permit withdrawn, the residence permits of family members who have been reunified with the refugee will typically also be withdrawn. If this happens, the family members must remember that it is up to them to file a complaint with Udlændingenævnet (The Danish Immigration Appeals Board). It is critical that they are quick in filing a complaint, i.e. within 7 days, in order to ensure that they can remain in Denmark while the complaint is being processed. In this instance a lawyer is not assigned to provide assistance with the case brought before Udlændingenævnet.

## **Repatriation**

For many years it has been possible for refugees to receive financial assistance to voluntarily return to their country of origin. It is possible to receive support for the journey, help with medicine and health insurance, schooling for your children and financial assistance to recommence life in your country of origin. The latest legislative amendments mean that this option is also available for refugees and reunified family members from countries where residence permits are granted to anyone applying for asylum in Denmark due to civil war (for example, as has been the case in relation to Syria). For refugees from such countries, it is a requirement for being granted the financial assistance, that the person has had a residence permit in Denmark for more than a year.

There are support options available, both for refugees who on their own initiative choose to return home, and for refugees whose residence permit has been withdrawn, or who have been denied extension of their existing residence permit. If you are denied extension of your residence permit, or it is withdrawn, it is important that you apply for assistance to return home, prior to the deadline for your deportation. This is normally 30 days from the date on which the decision was reached. Reunified family members can also receive support. However, the deadlines are shorter in their case and also dependent on whether they have been quick to file a complaint with Udlændingenævnet.

The new act also provides the Danish municipalities with improved opportunities to assist refugees in preparing themselves for returning to the country of origin by offering courses aimed at making it easier to find work once they have returned to their country of origin.

## Integration

The fundamental rights stemming from the Danish Integration Programme remain unchanged. Refugees and their reunified family members are still entitled to schooling, education, employment, health services and public benefits in Denmark. With regards to education, refugees with a residence permit according to Section 7 (3), are still not entitled to free higher education. Refugees with a residence permit according to Section 7 (1) or (2), will continue to be entitled to free higher education.

The legislative amendments mean that from now on the municipality is only obliged to allocate temporary housing to newly arrived refugees.

The legislative amendments also mean that the integration benefit will be reduced in the case of refugees with children. The reduction will come into effect when you, after 3 years in Denmark, have earned the right to 50% of the ordinary child and youth benefit allowance. This will come into effect on 1 January 2020.

The name of the Integration Benefit is to change to “Self-supporting and return benefit” - this will come into effect on 1 January 2020.

Although the contents, rights and obligations will remain more or less the same, the name of the Integration Programme will be changed to the “Self-supporting and return programme” - this will come into effect on 1 July 2019.

## Information and advice

There are many rumours regarding the new legislation that are causing confusion and uncertainty. The refugees who will be most affected by the legislation will be those who will be affected by the lower integration benefit, and those who have been granted a residence permit according to Section 7 (2), and Section 7 (3), of the Danish Aliens Act, due to the general conditions in their country of origin and family members who have been reunified with them.

We recommend that you are aware of your residency status, and which rights and options are available to you. We would encourage you not to become unduly concerned, and to maintain a forward-looking perspective, regardless of whether your future life is going to be in Denmark or elsewhere.

If you are in doubt or have questions, it is important that you seek advice and guidance.

## The Danish Refugee Council's services

### Asylum counselling & withdrawal

Provides counselling regarding all phases of the asylum process, including application for asylum, final denial, withdrawal, and repatriation.

Dansk Flygtningehjælp

Borgergade 6, DK-1300 København K

Tel. +45 3373 5000 (weekdays from 9 AM - 3 PM)

Interpreters are sometimes available between 10 AM and 12 NOON.

Open counselling is provided by our Borgergade office on Wednesdays between 10 AM - 1 PM. Asylum-seekers and refugees who have questions regarding withdrawal and the denial of extension can contact the open counselling service in person. You do not have to make an appointment in advance. Please note that there are no interpreters in attendance.

### Repatriation

Provides counselling and information for refugees and immigrants who are considering whether they should willingly return to their country of origin or former country of residence.

For further information please visit:

<https://flygtning.dk/danmark/om-at-vende-hjem>

E-mail: [atvendehjem@drc.ngo](mailto:atvendehjem@drc.ngo) & tel. +45 3373 5000

### The Voluntary Counselling Service

Answers questions regarding family reunification, permanent residency, citizenship, the Danish Integration Act and Danish Social Services Act, etc. The counselling services are manned by solicitors, social workers and other professionals who provide their services on a voluntary basis.

For further information, addresses & opening hours, please visit:

<https://flygtning.dk/frivillig/vores-arbejde/frivilligraadgivningen>

**An electronic version of this leaflet is also available at:**

**<https://www.udsatteflygtninge.dk/materialer.html>**

# **IF** DANSK **IF** FLYGTNINGE **IF** HJÆLP

## **DANSK FLYGTNINGEHJÆLP**

Borgergade 10, 3.sal  
1300 København K

Telefon +45 3373 5000

[www.flygtning.dk](http://www.flygtning.dk)

[drc@drc.org](mailto:drc@drc.org)