

### Aliens (Consolidation) Act<sup>1)</sup>

The following is a consolidation of the Aliens Act, i.e. Consolidation Act No. 1117 of 2 October 2017 with the amendments following from Act No. 1566 of 19 December 2017, Act No. 1567 of 19 December 2017, section 3 of Act No. 1680 of 26 December 2017, Act No. 1689 of 26 December 2017, Act No. 1691 of 26 December 2017, Act No. 122 of 26 February 2018, Act No. 123 of 26 February 2018, Act No. 124 of 26 February 2018, Act No. 317 of 25 April 2018, Act No. 318 of 25 April 2018, Act No. 319 of 25 April 2018, Act No. 469 of 14 May 2018, section 24 of Act No. 503 of 23 May 2018, section 1, paras. 1) – 5) of Act No. 738 of 8 June 2018, section 3 of Act No. 740 of 8 June 2018, Act No. 741 of 8 June 2018, Act No. 742 of 8 June 2018, section 3 of Act No. 743 of 8 June 2018, section 2 of Act No. 1321 of 27 November 2018, Act No. 1572 of 18 December 2018, section 1 paras. 1) – 18), 20), 24), 28), 30) – 35), 38) and 42) – 47) of Act No. 173 of 27 February 2019 and section 1 paras. 1) – 9), 12), 13), 15) – 20), 22) and 25) of Act No. 174 of 27 February 2019.

The amendment that follows from section 1 para. 6) of Act No. 572 of 31 May 2010 amending the Aliens Act (Stricter expulsion rules, correlation of registers for strengthened control, reform of the rules on permanent residence permits, revocation of residence permits for study purposes in case of unlawful work, stricter rules on the submission of applications for a residence permit following entry into Denmark and suspensive effect, etc.) has not been incorporated into this Consolidation Act as the date of commencement of that amendment is to be determined by the Minister for Immigration and Integration, see section 2(2) of Act No. 572 of 31 May 2010.<sup>2)</sup>

The amendments that follow from section 1 paras. 6) and 7) of Act No. 738 of 8 June 2018 amending the Aliens Act (Implementation of the revised Eurodac Regulation concerning the access of law enforcing authorities to conduct searches in the Eurodac system, etc.) have not been incorporated into this Consolidation Act as the date of its commencement is to be determined by the Minister for Immigration and Integration, see section 2(2) of Act No. 738 of 8 June 2018.

The amendments that follow from section 38 of Act No. 1711 of 27 December 2018 amending the Parental Responsibility Act, the Act on the Contraction and Dissolution of Marriage and various other Acts (Amendments as a consequence of the Act on the Family Law House and tighter focus on the protection of the child in cases under the Parental Responsibility Act) have not been incorporated into this Consolidation Act as they enter into force on 1 April 2019 according to section 40(1) of Act No. 1711 of 27 December 2018.

The amendments that follow from section 1 paras. 19), 21) – 23), 25) – 27), 29), 36), 37) and 39) – 41) of Act No. 173 of 27 February 2019 to amend the Aliens Act and the Act on Danish Nationality (amending the rules on the placement of unaccompanied minor immigrants, adjustment of rights of complaint in cases of deprivation of liberty, specification of the rules on body searches of immigrants conducted by the police on their

being removed, altered spheres of competence due to the discontinuation of the State Administration, etc.) have not been incorporated into this Consolidation Act as they enter into force as of 1 April 2019 according to section 4(2) of Act No. 173 of 27 February 2019.

The amendment that follows from section 1 para. 23) of Act No. 174 of 27 February 2019 amending the Aliens Act, the Integration Act, the Repatriation Act and various other Acts (Further access to withdraw residence permits for refugees, a limit to the number of family reunifications, more severe penalties for violation of entry bans, and violation of residence, information and reporting duties, benefit reduction for breadwinners, etc.) has not been incorporated into this Consolidation Act as it enters into force as of 1 June 2019 according to section 14(2) of Act No. 174 of 27 February 2019.

The amendment that follows from section 1 para. 24) of Act No. 174 of 27 February 2019 amending the Aliens Act, the Integration Act, the Repatriation Act and various other Acts (Further access to withdraw residence permits for refugees, a limit to the number of family reunifications, more severe penalties for violation of entry bans, and violation of residence, information and reporting duties, benefit reduction for breadwinners, etc.) has not been incorporated into this Consolidation Act as it enters into force as of 1 June 2021 according to section 14(4) of Act No. 174 of 27 February 2019.

The amendments that follow from section 1 paras. 10), 11), 14) and 21) of Act No. 174 of 27 February 2019 amending the Aliens Act, the Integration Act, the Repatriation Act and various other Acts (Further access to withdraw residence permits for refugees, a limit to the number of family reunifications, more severe penalties for violation of entry bans, and violation of residence, information and reporting duties, benefit reduction for breadwinners, etc.) has not been incorporated into this Consolidation Act as the date of their entry into force will be determined by the Minister for Immigration and Integration according to section 14(6) of Act No. 174 of 27 February 2019.

The amendments that follow from section 1 of Act No. 208 of 5 March 2019 amending the Aliens Act (Full user fee payment for Danish language courses under the au pair programme) have not been incorporated into this Consolidation Act as they enter into force as of 1 July 2019 according to section 2(1) of Act No. 208 of 5 March 2019.

## Part 1

### *Aliens' entry into and stay in Denmark*

**1.** Nationals of Finland, Iceland, Norway and Sweden may enter and stay in Denmark without special permission.

**2.-(1)** Aliens who are nationals of a country that is a Member State of the European Union or covered by the Agreement on the European Economic Area may enter and stay in Denmark for up to three months from their date of entry.

**(2)** Aliens covered by the rules set out in subsection (4) (the EU rules), who are not nationals of any of the countries mentioned in subsection (1) (third-country nationals) may enter and stay in Denmark for the same period as the persons mentioned in subsection (1). However, third-country nationals must have their passport or other travel document

endorsed with a visa before entry unless they are exempt from any visa requirements, see section 39(2).

(3) The limitations provided for by this Act apply exclusively to aliens who are subject to the EU rules to the extent that it is compatible with these rules.

(4) The Minister for Immigration and Integration lays down more detailed provisions on the implementation of the rules of the European Union on visa exemption and the abolition of entry and residence restrictions in connection with the free movement of workers, freedom of establishment and freedom to provide and receive services, etc. The Minister for Immigration and Integration lays down more detailed provisions on registration certificates and residence cards under section 6. The Minister for Immigration and Integration may in this connection derogate from the provisions of this Act to the extent provided for by the EU rules.

(5) The Minister for Immigration and Integration may lay down more detailed rules providing that subsections (1)–(3) and the provisions laid down according to subsection (4) with the requisite amendments must also be applied in relation to a third country which has concluded a treaty or equivalent arrangement on visa exemption and on the abolition of entry and residence restrictions with the European Union or its Member States.

**2a.-(1)** For the purpose of this Act, the Schengen Convention means the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at the common borders as subsequently amended.

(2) For the purpose of this Act, a Schengen State means a country that has acceded to the Schengen Convention. Bulgaria, Cyprus, Croatia and Romania are not considered Schengen States in relation to section 2b(1)–(3), sections 3, 4 and 4b, section 10(2) para. 4), section 19(4) and (5), Part 4a, section 28(1) para. 6), section 38(1)–(3), section 39(3), the second sentence, sections 58f–58h and section 59(1) para. 1).

(3) For the purpose of this Act, the Schengen Borders Code means the Regulation establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) as subsequently amended.

(4) The provisions of the Regulation of the European Parliament and of the Council Establishing a Community Code on Visas (the Visa Code) as subsequently amended apply in Denmark.

(5) The Minister for Immigration and Integration may lay down rules on the photographing and fingerprinting of any alien applying for a visa to enter Denmark.

(6) The provisions of the Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (the VIS Regulation) as subsequently amended apply in Denmark.

(7) The Council decision concerning access to consult the Visa Information System (VIS) for designated authorities of Member States and for Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences applies in Denmark.

(8) For the purpose of this Act, the SIS II Regulation means the Regulation on the establishment, operation and use of the second-generation Schengen Information System (SIS II) as subsequently amended.

(9) For the purpose of this Act, SIS II means the second generation of the Schengen Information System.

**2b.-(1)** Aliens who hold a residence permit for another Schengen State have the right to enter and stay in Denmark for a maximum period of 90 days within a period of 180 days, where the 180-day period preceding each day of residence will be taken into consideration. The mentioned stay of 90 days will be reduced by the period within the 180 days during which the alien has stayed in Denmark or a Schengen State other than that which issued the residence permit. If the alien has a residence permit for another Nordic country, the period of time during which the alien has stayed in other Nordic countries will not be deducted.

(2) Aliens who hold a visa that is valid for all Schengen States have the right to enter and stay in Denmark within the period of validity of the visa. The duration of an unbroken stay or the total duration of several consecutive stays in Denmark may not exceed 90 days within a period of 180 days, where the 180-day period preceding each day of residence will be taken into consideration. The mentioned 90 days of stay will be reduced by the period within the 180 days during which the alien has stayed in another Schengen State. If the alien has stayed in Denmark or another Schengen State and holds a residence permit or a visa for a stay of more than 90 days' duration valid only for that Schengen State (a long-stay visa), such period of time will not be deducted, however.

(3) Aliens who hold a visa for residence of more than 90 days' duration valid only for another Schengen State (a long-stay visa) may, under Article 21 of the Schengen Convention, enter and stay in Denmark for a maximum of 90 days within a period of 180 days, where the period of 180 days preceding each day of residence will be taken into consideration. The mentioned 90 days' stay will be reduced by the period during which the alien within 180 days has stayed in Denmark or a Schengen State other than that which issued the visa.

(4) Aliens who hold a residence permit or a re-entry permit issued by another Schengen State or a visa for a stay exceeding 90 days valid only for another Schengen State (long-stay visa) have the right to transit through Denmark without any undue delay according to Article 6(5)(a) of the Schengen Borders Code.

**3.-(1)** Aliens who are exempt from any visa requirements under rules laid down according to section 39(2) of this Act have the right to enter and stay in Denmark for up to 90 days within a period of 180 days, where the 180 day period preceding each day of the stay will be taken into consideration. The mentioned stay of 90 days will be reduced by the period of time in which the alien has stayed in Denmark or another Schengen State within the 180 days. If the alien has stayed in Denmark or another Schengen State holding a residence permit or a visa for a stay of more than 90 days and valid only for that Schengen State (a long-stay visa), such period of time will not be deducted.

(2) Notwithstanding subsection (1), an alien who is a national of a country with which Denmark has concluded a bilateral visa exemption agreement before the Schengen Convention entered into force has the right to enter and stay in Denmark in accordance with the provisions of such an agreement.

(3) For nationals of third countries with which the European Union has entered into agreements on exemption from visa requirements, subsection (1) will only apply to the extent it is compatible with these agreements.

**3a.** Notwithstanding the provisions of sections 1 – 3, aliens who are subject to a ban on re-entry, see section 32, must obtain a visa according to section 4 or 4a to enter and stay in Denmark. The same applies to aliens who do not fall within sections 1 – 3. The aliens mentioned in the first and second sentences above may not stay in Denmark beyond the period specified in the visa issued.

**4.-(1)** Visas must be issued according to the relevant provisions of the Visa Code to be valid for entry into and stay in all Schengen States. A visa may be issued for one or more entries within a specified period. The duration of an unbroken stay or the total duration of several consecutive stays in Denmark and any other Schengen State may not exceed 90 days within a period of 180 days, where the 180-day period preceding each day of stay will be taken into consideration, but see subsection (2).

(2) A stay in Denmark or in another Schengen State by an alien holding a residence permit or a visa for a stay of more than 90 days and valid only for that Schengen State (a long-stay visa), will not be included in the calculation of the 90 days' stay referred to in subsection (1).

**4a.-(1)** Notwithstanding the provisions of sections 3 – 4, a visa limited to be valid only for entry and stay in Denmark may be issued in special cases.

(2) A visa may be issued for a long-term stay and be valid only for Denmark (a long-stay visa) under Article 18 of the Schengen Convention, but with a maximum period of validity of one year, to an alien granted a residence permit under section 8, section 9, section 9a(2) or (3), section 9c(1), section 9d, section 9f or sections 9i – 9n, 9p or 9q to allow the alien to enter Denmark and be issued with a biometric residence card.

**4b.** An alien who has stayed in Denmark or another Schengen State according to sections 2 – 3a may in special cases have his right to stay in Denmark extended.

**4c.-(1)** An alien may not be issued with a visa under section 4(1) for a period of five years if, after entry, the alien stays in Denmark or in another Schengen State without the requisite permit beyond the period of validity of the visa. The period is three years if the stay lasts for up to one month beyond the period stated.

(2) Subsection (1) does not apply if the alien proves that the stay in excess of the period stated in the visa issued was due to circumstances which cannot be blamed on the alien, or if exceptional reasons are involved, for instance if denial of the alien's possibilities of obtaining a visa will constitute a flagrantly disproportionate reaction relative to the alien's failure to observe the period of validity of the visa issued.

(3) An alien may not obtain a visa under section 4(1) for a period of five years if, after entry, the alien -

- 1) Is expelled under the rules set out in Part 4;
- 2) Submits an application for asylum in Denmark or in another Schengen State, but see subsection (6); or
- 3) Submits an application for a residence permit on another basis, but see subsection (4).

(4) Subsection (3) para. 3) does not apply if –

- 1) the alien applies for a residence permit under section 9(1) para. 1) or 2);
- 2) the alien applies for a residence permit under section 9c(1) on the basis of such family ties as are mentioned in section 9(1) para. 1) or 2);

- 3) the alien applies for a residence permit under section 9i(1) for the purpose of studying or section 9i(2) for the purpose of taking a PhD programme;
- 4) the alien applies for a residence permit under section 9c(4);
- 5) the alien applies for a residence permit under section 9a(2) paras. 1)– 11) or subsection (3);
- 6) the alien applies for a residence permit under section 9p(1) the first sentence;
- 7) the alien applies for a residence permit under section 9q(1), (2) or (3);
- 8) the alien exits the Schengen States after having filed the application for a residence permit in accordance with the validity of the visa issued; or
- 9) considerations of a humanitarian nature make it conclusively inappropriate.

(5) Subsection (4) does not apply if there are definite reasons to assume that the decisive purpose of the application is to extend the stay in Denmark while it is manifest that the application cannot lead to the granting of a residence permit.

(6) Subsection (3) para. 2) does not apply if the alien has submitted an application for a residence permit under section 7 in Denmark and cooperates in obtaining information for his case, see section 40(1), the first and second sentences, and, upon refusal or waiver of the application, departs from Denmark at his own initiative or assists in his departure without undue delay.

**4d.-(1)** The Immigration Service may grant advance approval to an enterprise in Denmark with a view to receiving business visits by persons from countries from which they are subject to visa requirements.

(2) The Immigration Service must make the decision of withdrawing an advance approval granted according to subsection (1), if the approval was obtained by fraud or the conditions for the approval are no longer met. The Immigration Service may also decide to revoke any advance approval granted under subsection (1) if the conditions for the approval are not complied with.

(3) A Danish diplomatic or consular representation abroad which has powers to make decisions concerning visa applications under section 47(2) may accredit an enterprise abroad for the purpose of granting aliens who have a permanent association with the enterprise and must have a visa the possibility of carrying through business visits to Denmark.

(4) A Danish diplomatic or consular representation abroad that has accredited an enterprise abroad under subsection (3) above must make the decision of withdrawing the accreditation in case it has been obtained by fraud or the conditions for the accreditation have ceased to exist. The Danish diplomatic or consular representation abroad may furthermore make the decision of withdrawing an accreditation granted under subsection (3) in case the conditions for the accreditation are not met.

**4e.-(1)** A decision made by a Danish diplomatic or consular representation under section 47(2) below to refuse an application for a visa or to cancel or withdraw a visa that has already been granted may as set out in subsection (3) be notified to the applicant solely by means of a standard form for the information about and reasons for a refusal or cancellation or withdrawal of the visa. The decision must be drawn up in accordance with the rules of the Visa Code.

(2) Subsection (1) does not apply if the alien is subject to the rules referred to in section 2(4) (the EU rules).

(3) The Minister for Immigration and Integration may lay down rules on the types of decision that fall within subsection (1).

5.-(1) Aliens who are not entitled to stay in Denmark under sections 1 – 3a and 4b may only stay in Denmark if they hold a residence permit.

(2) The Minister for Immigration and Integration may lay down rules providing that a child under the age of 18 who lives permanently with the holder of parental custody of it will be exempt from having a residence permit.

6. A registration certificate or a residence card will be issued upon application to an alien who is covered by the EU rules set out in section 2(4) and (5).

7.-(1) A residence permit will be granted to an alien upon application for the purpose of a temporary stay if the alien is covered by the provisions of the Convention Relating to the Status of Refugees of 28 July 1951.

(2) A residence permit will be granted to an alien upon application for the purpose of a temporary stay if the alien risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment if returning to his country of origin. An application as mentioned in the first sentence above will also be considered an application for a residence permit for the purpose of a temporary stay according to subsection (1).

(3) In cases comprised by subsection (2) where the risk of a death penalty or being subjected to torture or inhuman or degrading treatment or punishment originates from a particularly grave situation in the alien's country of origin characterised by random violence and assaults on civilians, a residence permit will be granted upon application for the purpose of a temporary stay. An application as referred to in the first sentence will also be considered an application for a residence permit under subsections (1) and (2) above.

(4) A residence permit under subsections (1) – (3) may be refused if the alien has already obtained protection in another country or has close ties with another country in which the alien must be assumed to be able to obtain protection. A decision according to the first sentence may be made irrespective of whether the alien is covered by subsections (1) – (3).

8.-(1) A residence permit will be granted upon application for the purpose of temporary residence to aliens who arrive in Denmark under an agreement made with the United Nations High Commissioner for Refugees or a similar international agreement, and who are comprised by the provisions of the Convention Relating to the Status of Refugees of 28 July 1951 and section 7(1) of this Act.

(2) In addition to the cases referred to in subsection (1), a residence permit will be granted upon application for the purpose of temporary residence to aliens who arrive in Denmark under an agreement as mentioned in subsection (1) and risk the death penalty or being subjected to torture or other inhuman or degrading treatment or punishment if they return to their country of origin, see section 7(2).

(3) In addition to the cases referred to in subsections (1) and (2), a residence permit will be granted upon application to aliens arriving in Denmark under an agreement as mentioned in subsection (1) where it may be assumed that they would have satisfied the basic conditions for obtaining a residence permit under one of the provisions of the Aliens Act if they had entered Denmark as asylum seekers.

(4) In the selection of aliens to be granted a residence permit under subsections (1)–(3), weight should be attached, unless special reasons otherwise require, to the aliens’ possibilities of growing roots in Denmark and benefiting from the residence permit, including their language qualifications, education and training, work experience, family situation, network, age and motivation. However, weight should moreover be attached to considerations of general public health, unless fully exceptional reasons otherwise require.

(5) A residence permit under subsections (1)–(3) must, unless special reasons otherwise require, be made conditional upon the alien’s cooperation in a special health examination and consent to disclosure of the health information to the Immigration Service and the council of the local authority to which the alien is allocated and signing of a declaration concerning the conditions for resettlement in Denmark.

(6) The Minister for Immigration and Integration will determine the number and general distribution of the aliens to be granted a residence permit under subsections (1)–(3).

9.-(1) A residence permit may be granted upon application to –

- 1) An alien over the age of 24 who cohabits in a shared residence, either in marriage or in permanent cohabitation of long duration, with a person permanently resident in Denmark over the age of 24 who –
  - a) is a Danish national;
  - b) is a national of one of the other Nordic countries;
  - c) holds a residence permit under section 7(1) or (2) or section 8;
  - d) has held a permanent residence permit under section 7(3) longer than the past three years; or
  - (e) has held a permanent residence permit in Denmark longer than the past three years.
- 2) An unmarried child under the age of 15 of a person permanently resident in Denmark or of that person’s spouse, provided that the child lives with the holder of parental custody of it and has not started its own family through cohabitation, and provided that the person permanently resident in Denmark –
  - a) is a Danish national;
  - b) is a national of one of the other Nordic countries;
  - c) holds a residence permit under section 7(1) or (2) or section 8;
  - d) has held a residence permit under section 7(3) longer than the past three years; or
  - e) holds a permanent residence permit or a residence permit with a possibility of permanent residence.
- 3) A minor alien for the purpose of residence with a person permanently resident in Denmark other than the person having custody of it, provided that the residence permit is granted for the purpose of adoption, residence as part of foster care or, if particular reasons make it appropriate, residence with the child’s closest family, and provided that the person permanently resident in Denmark –
  - a) is a Danish national;
  - b) is a national of one of the other Nordic countries;
  - c) holds a residence permit under section 7(1) or (2) or section 8;



- d) has held a residence permit under section 7(3) longer than the past three years, or
- e) holds a permanent residence permit or a residence permit with a possibility of permanent residence.

(2) A residence permit under subsection (1) para. 1) must be conditional upon the requirement that the applicant and the person living in Denmark sign a declaration stating that, to the best of their ability, they will commit actively to Danish language education and integration into Danish society for the applicant and any accompanying foreign children.

(3) A residence permit for a cohabitant under subsection (1) para. 1) must be conditional upon the requirement that the person living in Denmark undertakes to maintain the applicant. If highly exceptional reasons make it appropriate, a residence permit under subsection (1) paras. 1)– 3) may depend on the requirement that the person living in Denmark proves that he can maintain the applicant.

(4) A residence permit under subsection (1) para. 1) must, unless exceptional reasons decisively require otherwise, including the regard for family unity, be conditional upon the requirement that the person living in Denmark, who is responsible for the applicant's maintenance, provides financial security of DKK 100,000 through a period of ten years to cover any future public expenses for assistance granted to the applicant under the Act on Active Social Policy or the Integration Act, see subsection (27). The Minister for Immigration and Integration lays down detailed rules on the financial security. The amount stipulated is at the level of 2018 and will be adjusted once a year as of 2019 on 1 January by the benefit adjustment rate, see the Act on a Rate for Adjustment of Public Benefits.

(5) A residence permit under subsection (1) para. 1) must, unless exceptional reasons decisively require otherwise, including the regard for family unity, be conditional upon the requirement that the person living in Denmark has not received any assistance under the Act on Active Social Policy or the Integration Act for three years before the decision on the residence permit. A residence permit under subsection (1) para. 1) must, unless exceptional reasons decisively require otherwise, including the regard for family unity, be conditional upon the requirement that the applicant and the person living in Denmark do not receive any assistance under the Act on Active Social Policy or the Integration Act during the period until the applicant is granted a permanent residence permit. However, the first and second sentences above do not comprise assistance in the form of single benefits of small amounts not related directly to maintenance, or benefits that are comparable with wages, salaries or pension payments or replace such income.

(6) A residence permit under subsection (1) para. 1) must, unless exceptional reasons require otherwise, including the regard for family unity, be conditional upon the requirement that -

- 1) The person living in Denmark proves that he has the disposal of a separate dwelling of a reasonable size, see subsection (31);
- 2) The dwelling is not located in a housing compound that at the time of application is subject to the current Executive Order on the list of housing requirements for spousal reunification, see subsection (7), the second sentence, and
- 3) In the course of the time until the applicant is granted a permanent residence permit, the applicant and the person living in Denmark do not move to a dwelling located in a

housing compound subject to the current Executive Order on the list of housing requirements for spousal reunification, see subsection (7), the second sentence.

(7) The Minister for Immigration and Integration lays down rules on a list of housing requirements for spousal reunification, including the criteria for entering a housing compound on the list. The Minister for Immigration and Integration will determine every year by an Executive Order the housing compounds that satisfy the criteria for entry on the list of housing requirements for spousal reunification. In 2018 and 2019, the Minister for Immigration and Integration may however issue an Executive Order according to the second sentence two times a year.

(8) A residence permit under subsection (1) para. 1) may only be granted, unless exceptional reasons, including the regard for family unity, otherwise require, if the person living in Denmark has passed the Danish 3 language test, see section 9(1) of the Act on Danish Language Education for Adult Aliens and Others or a Danish language test at a similar or higher level and the spouses or cohabitants satisfy at least three of the following conditions:

- 1) The person living in Denmark has been in regular full-time employment or carried out activity as a self-employed trader in this country for at least five years prior to the application for residence permit;
- 2) The person living in Denmark has been taking education in this country for at least six years, including at least one year of continuous full-time education beyond basic schooling and the 10<sup>th</sup> school year prior to the application for a residence permit;
- 3) The applicant has passed the Danish 3 language test, see section 9(1) of the Act on Danish Language Education for Adult Aliens and Others or another Danish language test at a similar or higher level or an English test at B1 level or at a similar or higher level;
- 4) The applicant has been in regular full-time employment or carried out activity as a self-employed trader for at least three years out of the past five years prior to the application for residence permit;
- 5) The applicant has passed education recognised by public authorities of at least one year's duration on a programme at the level of at least one year of a further education programme in this county or equated with a Danish programme of vocational training prior to the application for residence permit.

(9) Where the applicant has reached retirement age in his country of origin, the years of retirement must be reckoned as years of work in the calculation relating to the condition set out in subsection (8) para. 4).

(10) A residence permit under subsection 1 para. 1) may only be granted, unless exceptional reasons, including the regard for family unity, require otherwise, if the applicant has had at least one lawful stay in Denmark under sections 1 – 4b or section 5(2) in accordance with the EU rules, see section 6, or in accordance with a residence permit under sections 7 – 9f, 9i – 9n, 9p or 9q.

(11) A residence permit under subsection 1 para. 1) may not be granted, unless exceptional reasons decisively make it appropriate, including the regard for family unity, if it must be considered doubtful whether the marriage was contracted or cohabitation established according to the wishes of both parties. Where the marriage has been contracted

or the cohabitation established between persons who are closely related or otherwise quite closely related it must be considered doubtful, unless special reasons, including the regard for family unity, otherwise require, whether the marriage was contracted or the cohabitation established according to the wishes of both parties.

(12) A residence permit under subsection (1) para. 1) may not be granted if there are certain reasons to assume that the decisive objective of the contraction of the marriage or the establishment of cohabitation is to obtain a residence permit.

(13) A residence permit under subsection (1) para. 1) may not be granted, unless exceptional reasons, including the regard for family unity, make it appropriate, if within a period of ten years prior to the date of the decision, by a final judgment for one or more offences committed against a spouse or cohabitant the person living in Denmark has been sentenced to a suspended or unsuspended custodial sentence or other criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature, for violation of section 213, section 216(1), section 225 read with section 216(1), section 233(1) and (2), section 233a, section 237, sections 244 – 246, sections 250, 260, 261, 262a or 266 of the Criminal Code.

(14) A residence permit may not be granted under subsection (1) para. 1) if the application for such a permit has been submitted simultaneously with an application from the applicant's child for a residence permit under subsection (1) para. 2) which is refused under subsection (23). This does not apply, however, if the applicant's child may be referred to taking up residence with close family in its country of origin and the regard for the best interests of the child does not otherwise require, or if exceptional reasons will otherwise require, including the regard for family unity.

(15) A residence permit under subsection (1) para. 1)(e) may only be granted, unless exceptional reasons, including the regard for family unity, otherwise require, in case the person living in Denmark -

- 1) has not been sentenced to an unsuspended sentence of at least six months of imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration;
- 2) has not been sentenced to an unsuspended sentence of at least 60 days of imprisonment for violation of Part 12 or 13 or sections 210, 216 and 222 – 224, section 225 read with section 216 or sections 244 – 246 of the Criminal Code;
- 3) has no overdue debt to any public authority unless the time for repayment of the debt has been extended and the debt does not exceed DKK 100,000;
- 4) has not received any public assistance under the Act on Active Social Policy or the Integration Act for the last four years prior to the date of the application for a residence permit other than assistance in the form of single benefits of moderate amounts not directly related to maintenance, or benefits that are comparable to wages, salaries or pension payments or replace such income;
- 5) has signed a residence and self-support declaration, see section 19(1) the third sentence, of the Integration Act, or in other ways indicated acceptance of the contents above;

- 6) has passed the Danish 1 test, see section 9(1) of the Act on Danish Language Education for Adult Aliens and Others, or a Danish language test at a corresponding or higher level;
- 7) has been in ordinary full-time employment or carried on activity as a self-employed trader for at least three years and six months within the past four years prior to the application for residence permit and
- 8) may continue to be assumed to participate in the labour market on the date when a residence permit may be granted.

(16) A residence permit under subsection (1) para. 1)(e) may only be granted, unless exceptional reasons, including the regard for family unity, otherwise require, if the person living in Denmark fulfils at least one of the following requirements -

- 1) The person living in Denmark has passed a civic qualification test as referred to in section 41b of the Integration Act or displayed active community commitment in this country through at least one year's participation on committees, in organisations, etc.;
- 2) The person living in Denmark has been in ordinary full-time employment or carried on activity as a self-employed trader for at least four years within the past four years and six months prior to the granting of a residence permit;
- 3) The person living in Denmark has had a yearly average taxable income of DKK 280,908 the past two years prior to the date when it will be possible to grant a residence permit. The amount is stated at 2018 level and will be adjusted once every year as from the beginning of 2019 as of 1 January according to the benefit adjustment rate, see the Act on a Rate for Adjustment of Public Benefits.

(17) If the person living in Denmark has been granted a permanent residence permit under section 11(3) and (4) or under section 11(12) and (13) or (17), the requirements of subsection (15) paras. 1) – 8) and subsection (16) are considered to be fulfilled.

(18) If the person living in Denmark has reached the age of old-age pension or been granted an anticipatory pension, the conditions of subsection (15) paras. 7) and 8) and subsection (16) paras. 2) and 3) are considered fulfilled. If a person living in Denmark over the age of 18 has been granted a permanent residence permit on the basis of strong ties with Denmark, the conditions of subsection (15) paras. 7) and 8) and subsection (16) paras. 2) and 3) are considered fulfilled on such terms as those on which the person living in Denmark could be granted a permanent residence permit under section 11(13).

(19) A residence permit under subsection (1) para. 2) may, if substantial considerations make it appropriate, be conditional upon the requirement that the person living in Denmark does not receive any assistance under the Act on Active Social Policy or the Integration Act during the period until the applicant is granted a permanent residence permit. However, the first sentence above does not comprise assistance in the form of single benefits of moderate amounts not directly related to maintenance or benefits that are comparable to wages, salary or pension payments or replace such income. If substantial considerations make it appropriate, it may be made a further condition for a residence permit under subsection (1) para. 2) that the person living in Denmark proves that he has the disposal of a separate dwelling of a reasonable size, see subsection (31).

(20) In case the child and one of the child's parents are resident in their country of origin or another country, and the child is over the age of eight, a residence permit under

subsection (1) para. 2) may only be granted if the child has or is able to obtain such ties with Denmark that there is a basis for successful integration in Denmark. The assessment under the first sentence above must emphasise the circumstances of the child and both parents. The first and second sentences above do not apply if exceptional reasons, including the regard for family unity, otherwise require.

(21) In cases where the applicant has previously held a residence permit under subsection (1) para. 2), which has been terminated according to section 17, a residence permit under subsection (1) para. 2) may only be granted if the regard for the applicant's best interests makes it appropriate. This assessment must in particular emphasise the child's upbringing and family and social networks in Denmark. If the residence permit under subsection (1) para. 2) has been terminated because the child has unwillingly stayed abroad for re-education purposes or on another stay abroad with negative impact on its schooling and integration, such circumstances must also be given special weight in the assessment of the regard for the best interests of the child.

(22) A residence permit under subsection (1) para. 2) may not be granted if it would be manifestly contrary to the applicant's best interests, see subsection (32).

(23) A residence permit under subsection (1) para. 2) may not be granted, unless exceptional reasons make it appropriate, including the regard for family unity, if, within a period of ten years prior to the date of the decision, the person who has permanent residence in Denmark or that person's spouse or cohabitant has been sentenced by a final judgment for one or more offences committed against one or more under-age children to a suspended or unsuspended custodial sentence or other criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature, for violation of section 210(1) or (3) read with subsection (1), sections 213, 215, 216, 218, 219, 222, 223, 224(1), section 225 read with sections 216, 218, 219, 222, 223 or 224(1), section 226, section 232, section 233(1) and (2), sections 233a, 235, 237, 244, 246, 250, 260, 261, 262a(2) or section 266 of the Criminal Code.

(24) A residence permit under subsection (1) para. 3) must, when the residence permit is granted for foster care or for the purpose of residence with the child's closest family, be conditional upon the requirement that the person living in Denmark undertakes to maintain the applicant, and that the person living in Denmark does not receive any assistance under the Act on Active Social Policy or the Integration Act during the period until the applicant is granted a permanent residence permit. However, the first sentence above does not comprise assistance in the form of single benefits of moderate amounts not directly related to maintenance, or benefits that are comparable with wages or salary or pension payments or replace such income. A residence permit under subsection (1) para. 3) must when it is granted for the purpose of residence with the child's closest family be made conditional upon the requirement that the person living in Denmark proves that he has the disposal of a separate dwelling of a reasonable size, see section 31.

(25) An application for a residence permit under subsection (1) may only be submitted in Denmark, if the alien is lawfully resident in Denmark according to sections 1- 3a, section 4b or section 5(2) or according to the EU rules, see section 6, or holds a residence permit under sections 7 – 9f, 9i – 9n, 9p or 9q and if no special reasons otherwise require. If the alien is not lawfully resident in Denmark, if a time limit for his departure has been

determined, or if another application for a residence permit submitted by him is pending, an application for a residence permit under subsection (1) may only be submitted in Denmark, if it may be warranted by Denmark's international obligations. An application for renewal of a residence permit granted under subsection (1) must be submitted before the permit expires if the alien is to be considered lawfully resident in Denmark, see the first sentence above.

(26) Where a residence permit has been granted on the condition that the person living in Denmark (the sponsor) has undertaken to support the applicant financially, and where the applicant is subsequently granted assistance under the Act on Active Social Policy or the Integration Act, the local authority must claim a refund of the assistance from the sponsor. The first sentence above does not apply to public expenses on assistance granted to the applicant under the Act on Active Social Policy and the Integration Act after the applicant has been granted a permanent residence permit or a new residence permit on another basis.

(27) Where a residence permit has been made conditional on the requirement that the person living in Denmark has to provide financial security, see subsection (4), and the applicant is subsequently granted assistance under the Act on Active Social Policy or the Integration Act, the Local Council must enforce recovery of the amount provided as security to obtain payment for the assistance. Subsection (26), the second sentence, applies *mutatis mutandis*.

(28) A Local Council may, without the consent of the person living in Denmark and the applicant, provide the Immigration Service with a statement to be used in the processing of a case under subsection (1) in relation to circumstances known to the Local Council concerning the person living in Denmark and the applicant, which the Local Council estimates to be of importance for the decision of the case.

(29) The Local Council must provide a report upon the request of the Immigration Service on the extent to which the person living in Denmark or the applicant has received assistance under the Act on Active Social Policy or the Integration Act within a period specified in the request, see subsection (5), subsection (19), the first and second sentences, and subsection (24), the first and second sentences.

(30) The Local Council must file a report to the Immigration Service if the alien or the person living in Denmark receives assistance under the Act on Active Social Policy or the Integration Act and on the extent of such assistance, see subsection (5), subsection (19), the first and second sentences, and subsection (24), the first and second sentences. The Local Council may disclose information under the first sentence above without any consent. The first and second sentences above will only apply if it is a condition for the residence permit that the alien and the person living in Denmark do not receive assistance under the Act on Active Social Policy or the Integration Act, see subsection (5), the first and second sentences, and subsection (19), the first sentence.

(31) The Local Council must upon the request of the Immigration Service provide a statement concerning the housing situation of the person living in Denmark, including the number of habitable rooms and occupants of the dwelling. The Local Council may without the consent of the person living in Denmark, for the purpose of its statement under the first sentence above, correlate the Joint Local Authority Personal Data System (Det Fælleskommunale Persondatasystem) and the Building and Housing Register (Bygnings-

og Boligregistret, BBR) in order to provide information on the number of habitable rooms in the dwelling and the number of occupants registered at the address in question. The Minister for Immigration and Integration lays down more detailed rules on when it may be considered proved that the person living in Denmark has the disposal of a separate dwelling of a reasonable size, see subsection (6), subsection (19), the second sentence, and subsection (24), the second sentence, and on the Local Council's statement according to the first sentence above.

(32) At the request of the Immigration Service, the Local Council must provide a statement on whether granting a residence permit under subsection (1) para. 2) will be flagrantly contrary to the applicant's best interests, see subsection (22). The statement by the Local Council will be provided without the consent of the person(s) with whom it is concerned.

(33) The amount stipulated in subsection (15) para. 3) has been fixed at the 2011 level and will be adjusted once every year on 1 January as of 2012 by the benefit adjustment rate, see the Act on a Rate for Adjustment of Public Benefits.

(34) A residence permit under subsection (1) para. 1) must, unless special reasons, including the regard for family unity, decisively require otherwise, be conditional upon the requirement that the alien passes a Danish language test at A1 level established by the Minister for Immigration and Integration or another Danish language test at a similar or higher level. The test must have been passed no later than six months from the date of the alien's application for registration in the National Register or, where the alien has a residence permit in this country already, after the date of the granting of the residence permit under subsection (1) para. 1). The alien is responsible for submitting proof that the test has been passed. If the alien has taken, but not passed the test within six months, the test may be re-taken up to three months after expiry of the six-month time limit. If the alien has a valid excuse, the time limits mentioned may upon application be suspended for a period corresponding to the duration of the valid excuse.

(35) A residence permit under subsection (1) para. 1) must, unless special reasons, including the regard for family unity, decisively require otherwise, be conditional on the requirement that the alien passes a Danish language test at A2 level or another Danish language test at a similar or higher level established by the Minister for Immigration and Integration. The test must have been passed no later than nine months after the date of the alien's application for registration in the National Register or, where alien has a residence permit in this country already, after the date of the granting of the residence permit under subsection (1) para. 1). The alien is responsible for submitting proof that the test has been passed. If the alien has taken, but not passed the test within nine months, the test may be re-taken up to three months after expiry of the nine-month time limit. If the alien has a valid excuse, the time limits mentioned may upon application be suspended for a period corresponding to the duration of the valid excuse.

(36) The Local Council may upon request reduce the financial security to be provided under subsection (4) by DKK 20,000, but see subsection (39), when an alien granted a residence permit under subsection (1) para. 1) has passed the Danish language test at level A1, see subsection (34), or another Danish language test at a similar or higher level before the time limit referred to in subsection (34).

(37) The Local Council may upon request reduce the financial security to be provided under subsection (4) by DKK 10,000, but see subsection (39), when an alien granted a residence permit under subsection (1) para. 1) has passed the Danish language test at level A2 or another Danish language test at a similar or higher level before the time limit referred to in subsection (35).

(38) The Local Council may upon request reduce the financial security to be provided under subsection (4) by DKK 10,000, but see subsection (39), when an alien granted a residence permit under subsection (1) para. 1) has passed a final Danish language test as set out in section 9 of the Act on Danish Language Education for Adult Aliens and Others.

(39) The amount of financial security referred to in subsections (36) – (38) may solely be reduced to such an extent that the financial security amounts to at least DKK 60,000.

(40) Aliens must pay a fee of DKK 2,658.01 when registering for the Danish language test at A1 level, see section 34, and for the Danish language test at level A2, see subsection (35). Aliens who do not pay the fee cannot take part in the tests. The first and second sentences do not apply to aliens who are comprised by the EU rules.

(41) The Minister for Immigration and Integration specifies rules for the Danish language test at A1 level and the test at A2 level, see subsections (34) and (35), including rules on valid excuses, conditions for considering the tests as passed, appointment of test providers, conditions for participating in tests, collection of test enrolment fees, contents of tests and how they should be conducted, appeal options, time limits for lodging appeals and tests that may replace the A1 level and A2 level Danish language tests.

(42) The amounts set out in subsections (36) – (40) have been fixed at 2018 level and will be adjusted once every year on 1 January as from 2019 according to the benefit adjustment rate provided by the Act on a Rate for Adjustment of Public Benefits.

**9a.-(1)** A residence permit may be granted to an alien on the basis of employment or activity as a self-employed trader, see subsections (2) and (3).

(2) A residence permit may be granted upon application to an alien –

- 1) Who has entered into an agreement on or been offered employment in an occupational area in which there is a shortage of qualified manpower (the positive list);
- 2) Who has entered into an agreement on or been offered employment in an occupational area in which the employment carries an annual pay of at least DKK 400,000 paid into a Danish bank account;
- 3) Who has entered into an agreement on or been offered employment as a researcher at a university or in a company in Denmark;
- 4) Who has completed an education programme at master's or professional master's level and been invited to carry out research at a private or public research institution without being employed or enrolled at the research institution (as a guest researcher);
- 5) Who has entered into an agreement on or been offered employment for a training programme at a company in Denmark, with a view to the alien's use after completion of the programme of the competencies provided by the training programme in a context abroad (as a trainee);
- 6) Who has entered into an agreement on or been offered employment based on the alien's special, individual qualifications;



- 7) Who is employed on a drilling platform, a drilling vessel or another comparable movable workplace, which enters Danish territory for a brief period;
- 8) Who has entered into an agreement on or been offered employment in agriculture as a stock-keeper or head of operations;
- 9) Who has completed a Danish master's or PhD programme no later than six months before the application is submitted (graduate set-up card);
- 10) Whose innovative business plan for operating self-employed business activity has received a positive assessment from an independent panel of experts appointed by the Danish Business Authority and subject to a quota scheme as set out in subsection (13); or
- 11) Who has entered into an agreement on or been offered employment in a company certified under subsection (16) and where
  - a) the employment carries an annual salary of a minimum amount, see para. 2) above;
  - b) the employment means that the alien has to work as a researcher, see para. 3);
  - c) the employment involves a training programme at a high level of qualification; or
  - d) the alien's stay in Denmark, which may at most constitute one stay per year, does not exceed three months reckoned from the alien's entry into Denmark.

(3) A residence permit may upon application be granted to an alien who participates in a PhD degree programme or has entered into an agreement on or been offered employment at the research centre, European Spallation Source (ESS) in Sweden, if the participation or employment is associated with the research activity of ESS. The residence permit may be granted exclusively if similar participation or employment in Denmark could provide a basis for a residence permit. A residence permit must be conditional upon the requirement that before the decision regarding the residence permit or within a time limit stipulated in the decision, the alien proves his having a right to work in Sweden.

(4) A residence permit under subsections (2) and (3) must be conditional on the requirement that the alien and persons who are granted a residence permit as a consequence of their family relations to the alien do not receive assistance under the Act on Active Social Policy. It must be made a further condition for a residence permit under subsection (2) paras. 9) and (10) that the maintenance of the alien and of persons granted a residence permit as a result of family relations to the alien is secured through their own means for the first year of their stay in Denmark. A residence permit under subsection (2) para. 4) must furthermore be conditional upon the requirement that the maintenance of the alien and of persons granted a residence permit as a result of family relations to the alien is secured through their own means. It must be made a further condition for a residence permit under subsection (2) para. 9) that the alien does not receive unemployment benefits on the terms for new graduates under section 54 of the Act on Unemployment Insurance, etc.

(5) An application for a residence permit under subsection (2) paras. 1) – 8), para. 10) and para. 11) and subsection (3) may only be submitted in Denmark if the alien is lawfully resident in Denmark according to sections 1 – 3a or section 4b or 5(2) or according to the EU rules, see section 6, or holds a residence permit under section 7 – 9f, 9i – 9n, 9p or 9q and if no special reasons otherwise require. An alien who has filed another application for a

residence permit, which has been given suspensive effect in respect of the time limit for his departure, may also submit an application for a residence permit under subsection (2) paras. 1) – 8), 10) and 11) and subsection (3) unless special reasons otherwise require. If the alien is not lawfully resident in Denmark, see the first sentence, an application for a residence permit according to subsection (2) paras. 1) – 8), 10) and 11) and subsection (3) may not be submitted in Denmark, unless the stay is due to circumstances beyond the alien's control or if exceptional reasons are involved, for example if it may be warranted due to Denmark's international obligations. If the alien has been given a set time limit for departure, an application for a residence permit under subsection (2) paras. 1) – 8), 10) and 11) and subsection (3) may not be submitted in this country unless it may be warranted due to Denmark's international obligations.

(6) An application for renewal of a residence permit granted under subsections (2) and (3) must be filed before the permit expires to ensure that the alien will be considered to have lawful residence, see subsection (5) the first sentence. Subsection (5) the third sentence applies *mutatis mutandis*.

(7) The regional labour market councils will upon request from the Agency for International Recruitment and Integration provide a statement on whether the conditions of subsection (2) paras. 1) – 8) and 11) are met. The statement may be obtained in electronic form.

(8) A residence permit under subsection (2) paras. 1) – 8) and 11) cannot be granted if the employment on which the alien has entered into an agreement or which has been offered to him is subject to an official labour dispute.

(9) An alien who has a residence permit under subsection (2) paras. 1) – 8), 10) and 11) and subsection (3) and has entered into an agreement on or been offered new employment may, upon submitting an application for a residence permit on the basis of the new employment, be resident in Denmark and work during the period until it has been decided whether the alien may be granted a residence permit. An application for a new residence permit must be submitted at the time when the alien commences his new job at the latest.

(10) An alien who holds a residence permit under subsection (2) para. 1) or 2) or 11) head a) – c) or subsection (3) and has become unemployed involuntarily may be granted a residence permit for up to six months from the end of the employment for the purpose of seeking new work. The alien must submit an application to that effect no later than immediately after the alien's employment has ended. Subsections (4) and (9) will apply *mutatis mutandis*.

(11) A residence permit under subsection (2) para. 1) may be renewed even if the occupational area is not covered by the positive list at the time of the renewal decision, in case the alien remains in the employment on which the granting of his residence permit was based.

(12) A residence permit under subsection (2) para. 2) may be renewed even though the annual pay does not satisfy the minimum pay threshold at the time of the renewal decision if the alien is in the same employment and the annual pay still satisfies the pay threshold on which the granting of his residence permit was based.

(13) A residence permit under subsection (2) para. 10) may be granted within a yearly quota of 75. If the quota in the first sentence is not exhausted it must lapse.

(14) A residence permit under subsection (2) para. 10) may be renewed if the business enterprise has been established and for all intents and purposes lives up to the business plan according to which the residence permit was originally granted. The assessment to be made according to the first sentence will be made by the independent panel of experts appointed by the Danish Business Authority.

(15) An alien who has entered into an agreement on employment in a company certified under subsection (16) may commence the employment if the alien

- 1) has paid the fee, see section 9h(1);
- 2) has submitted an application for a residence permit under subsection (2) para. 11); and
- 3) has been granted a preliminary permit to commence the employment from the Agency for International Recruitment and Integration.

(16) A company may obtain certification upon application, in case the company

- 1) has paid a fee, see section 9h(3), no later than at the time of filing its application;
- 2) is covered by a collective agreement or declares by a solemn declaration that employment in the company is on regular terms;
- 3) has at least 20 full-time employees in Denmark;
- 4) is not involved in an official industrial dispute at the time of certification;
- 5) has no serious issues outstanding with the Working Environment Authority at the time of certification;
- 6) has not repeatedly been punished under section 59(5) or section 60(1) or received a penalty under section 59(5) or section 60(1) of this Act by way of a fine of DKK 20,000 or a more severe penalty within the past two years before the certification; and
- 7) has taken part in a preceding guidance meeting held by the Agency for International Recruitment and Integration.

(17) Certification under subsection (16) will be granted for no more than four years at a time.

(18) A certification will be renewed upon application unless there is a basis for withdrawal of the certification under subsection (19).

(19) The Agency for International Recruitment and Integration must make the decision of withdrawing a certification under subsection (16), if the certification has been obtained by fraud. The Agency for International Recruitment and Integration may furthermore make the decision of withdrawing a certification under subsection (16) if the conditions for the certification are no longer met. The Agency for International Recruitment and Integration must in connection with a decision to withdraw a certification according to the first and second sentences at the same time make a decision to the effect that no new certification may be granted for a period of two years from the date of the decision.

(20) An alien who holds a residence permit under subsection (2) may carry out unpaid voluntary work.

(21) The Minister for Immigration and Integration lays down further rules on certification etc., see subsections (16) – (19).

(22) The amount set out in subsection (2) para. 2) will be adjusted every year by the benefit adjustment rate, see the Act on a Rate for Adjustment of Public Benefits, and an adaptation rate, ensuring that the total adjustment will match wage developments in society.

**9b.-(1)** A residence permit may be granted upon application to an alien who, in cases other than those falling within section 7(1) and (2), is in such a position that substantial considerations of a humanitarian nature will decisively make it appropriate to grant the application.

(2) An application for a residence permit under subsection (1) may only be submitted by aliens who stay in Denmark and are registered as asylum seekers under section 48e(2). When considering an application for a residence permit under subsection (1), the Ministry of Immigration and Integration may, without the applicant's consent, obtain the documents of the case concerning a residence permit for the applicant under section 7 from the Immigration Service or the Refugee Appeals Board and obtain health information on the applicant from the accommodation operator and the Immigration Service.

(3) It is a condition for a residence permit on health grounds under subsection (1) that the alien produces the requisite evidence of his state of health.

**9c.-(1)** A residence permit may be granted upon application to an alien if exceptional reasons make it appropriate, including the regard for family unity and, if the alien is under the age of 18, the regard for the best interests of the child. Unless special reasons otherwise require, including the regard for family unity and, if the alien is under the age of 18, regard for the best interests of the child, it must be made a condition for a residence permit under the first sentence above as a result of family ties with a person living in Denmark that the requirements of section 9 subsections (2) – (24), (34) and (35) are met. The provisions of section 9 subsections (26) – (33) and (36) – (42) apply *mutatis mutandis*.

(2) A residence permit may be granted upon application to an alien whose application for a residence permit under section 7 has been refused, provided that –

- 1) It has not been possible to return the alien, see section 30, for at least 18 months;
- 2) The alien has cooperated in the return efforts for 18 consecutive months;
- 3) Return must be considered futile according to the information available at the time.

(3) A residence permit may be granted to –

- 1) An unaccompanied alien under the age of 18 who has submitted an application for a residence permit under section 7 if, from information available about the alien's personal circumstances, there are special reasons to assume that the alien should not undergo asylum proceedings and if there is reason to assume that the alien will be without any family network or without any possibility of staying at a reception and care centre and will in fact be placed in an emergency situation if returned to his country of origin or former country of residence. The residence permit may not be renewed beyond the alien's 18th birthday.
- 2) An unaccompanied alien under the age of 18 whose application for a residence permit under section 7 has been refused, if there is reason to assume that the alien will be without any family network or without any possibility of staying at a reception and care centre and thus in fact be placed in an emergency situation if returned to his country of origin or former country of residence. The residence permit may not be renewed beyond the alien's 18th birthday.

(4) A residence permit may be granted upon application to an alien who carries out literary activities, etc., and who has been offered residence in a local authority district by the Local Council as an element in the Local Council's membership of an international

organisation approved by the Minister for Culture upon consultation with the Minister for Immigration and Integration.

(5) A residence permit may be granted to an alien whose presence in Denmark is required for the purpose of investigation or prosecution. The residence permit may not be renewed for a period longer than the period of investigation or prosecution.

(6) An application for a residence permit under subsections (1) and (4) may only be submitted in Denmark if the alien is lawfully resident in Denmark according to sections 1 – 3a, section 4b or section 5(2) or according to the EU rules, see section 6, or holds a residence permit under sections 7 – 9f or 9i – 9n, 9p or 9q or section 47(1), and if no special reasons otherwise require. If the alien is not lawfully resident in Denmark, if a time limit for his departure has been determined, or if another application for a residence permit submitted by the alien is pending, an application under subsection (4) may not be submitted in Denmark. In such cases, an application for a residence permit under subsection (1) may only be submitted if it may be warranted by Denmark's international obligations. An application for renewal of a residence permit granted under subsection (1) or (4) must be submitted before the permit expires, to ensure that the alien will be considered lawfully resident in Denmark, see the first sentence above.

(7) It must be made a condition for a residence permit under subsection (4) that the council of the local authority in which the alien is offered residence undertakes to maintain the alien and his family, if any, during the stay in the local authority district and that the alien signs a declaration of recognition of the fundamental values of Danish society.

**9d.** A residence permit will be granted upon application to an alien who has previously been a Danish national, unless the alien has been deprived of his Danish nationality by judgment according to section 8a or 8b of the Danish Nationality Act.

**9e.-(1)** A residence permit may be granted to an alien from the Kosovo Province of the Federal Republic of Yugoslavia who holds or has held a residence permit according to the Act on Temporary Residence Permits for Distressed Persons from the Kosovo Province of the Federal Republic of Yugoslavia (the Kosovo Emergency Act) or is or has been registered as an asylum seeker under the rules of section 48e(2) on the basis of an application for a residence permit under section 7 submitted before 30 April 1999, if the alien must be assumed to need temporary protection in Denmark.

(2) An application for a residence permit under subsection (1) may only be submitted by aliens staying in Denmark.

**9f.-(1)** A residence permit may be granted upon application to –

- 1) an alien who is to serve as a religious preacher in Denmark;
- 2) an alien who is to serve as a missionary in Denmark; or
- 3) an alien who is to serve within a religious order in Denmark.

(2) It must be made a condition for a residence permit under subsection (1) that the alien proves having ties with the Evangelical Lutheran Church or a recognised religious community in Denmark. It is a condition for granting a residence permit under subsection (1) that the number of aliens in a particular religious community with a residence permit under subsection (1) is in reasonable proportion to the size of the religious community.

(3) It must be made a condition for a residence permit under subsection (1) that the alien proves having a relevant background or training for serving as a religious preacher or missionary or within a religious order.

(4) It must be made a condition for a residence permit under subsection (1) that the alien signs a declaration promising that in his activity the alien will observe Danish legislation.

(5) It must be made a condition for renewal of a residence permit under subsection (1) that the applicant has passed a Danish language test at level A1 minus, see Executive Order No. 981 of 28 June 2016 on Danish Language Education for Adult Aliens and Others, and a test about conditions in Danish society within six months of being granted the residence permit. The Minister for Immigration and Integration lays down rules for the test, including rules on the requirements for passing the test, the time limit for taking and passing the test, the appointment of test providers, conditions for registering for the test, collection of fees for taking the test, time limits for lodging appeals and the contents and conducting of tests, etc.

(6) Renewal of a residence permit under subsection (1) must furthermore be conditional upon the requirement that within six months of being granted the residence permit the applicant has completed a course on Danish family law, freedom and democracy established by the Minister for Immigration and Integration. The applicant is responsible for providing documentation of having completed the course within the six-month period. The six-month time limit may upon application be extended in case the alien has a valid excuse. The first and second sentences above do not apply if the applicant obtains exemption from taking the course because the applicant has corresponding insight into Danish family law, freedom and democracy.

(7) It must be made a condition for a residence permit under subsection (1) that the alien and persons who are granted a residence permit as a consequence of family relations with the alien do not receive public maintenance assistance while staying in this country.

(8) A residence permit under subsection (1) may not be granted if there are reasons to assume that the alien will be a threat to public comfort, public order, health, morals or the rights and obligations of others.

(9) An application for a residence permit under subsection (1) may only be submitted in this country if the alien is lawfully resident according to sections 1 – 3a, section 4b or 5(2) under the EU rules, see section 6, or holds a residence permit under sections 7 -9f, 9i – 9n, 9p or 9q and provided that no special reasons otherwise require. If the alien is not lawfully resident in Denmark, if a time limit for his departure has been determined, or if another application for a residence permit submitted by the alien is pending, an application for a residence permit under subsection (1) may not be submitted in Denmark. An application for renewal of a residence permit granted under subsection (1) must be submitted before the permit expires in order for the alien to be considered lawfully resident as set out in the first sentence above.

(10) The Minister for Immigration and Integration lays down specific rules in consultation with the Minister for Ecclesiastical Affairs for the course on Danish family law, freedom and democracy, including rules on the contents of the course, valid excuses, exemption from taking the course, application procedures and the collection of fees for taking the course, see subsection (6).

**9g.-(1)** The Minister for Immigration and Integration may lay down rules prescribing that an application submitted to the Immigration Service under this present Act or the Executive Order on access for aliens to this country, must be submitted by means of an application form or a digital application solution which the Immigration Service makes available (digital self-service). In that connection, the Minister for Immigration and Integration may lay down rules on dismissal of applications that are not filed in the manner set out in the first sentence above. In addition, the Minister for Immigration and Integration may lay down rules on the time when a digital application is considered to have been received.

(2) The Minister for Immigration and Integration may lay down rules prescribing that an application filed to the Agency for International Recruitment and Integration according to this Act or the Executive Order on access for aliens to Denmark must be filed by means of a digital application solution which the Agency for International Recruitment and Integration makes available (digital self-service). The Minister for Immigration and Integration may in that connection lay down rules on dismissal of applications that are not filed in the manner set out in the first sentence above. The Minister for Immigration and Integration may moreover lay down rules on the time when a digital application is considered to have been received.

(3) An application for a residence permit under section 9(1) paras. 1) – 3) and section 9q(1) – (3) may be refused if it is not accompanied by the documents or does not contain the information necessary for the assessment of whether the residence permit may be granted.

(4) The Minister for Immigration and Integration may order that applications for a residence permit under sections 9a, 9f, 9i – 9n and 9p may be dismissed if the application is not accompanied by the documents or contain the information necessary for the assessment of whether the residence permit may be granted.

**9h.-(1)** The alien must pay a fee no later than at the same time as the application is submitted, unless Denmark's international obligations or the EU rules may require otherwise, for the submission of an application for -

- 1) A residence permit under section 9(1);
- 2) A residence permit under section 9c(1) based on familial relations to a person living in Denmark;
- 3) A residence permit under section 9f;
- 4) A residence permit under section 9a(2) paras. 1) – 11) and subsection (3);
- 5) A residence permit under section 9i(1) the first sentence and subsection (2);
- 6) A residence permit under section 9j(1);
- 7) A residence permit under section 9k(1) the first sentence;
- 8) A residence permit under section 9m(1);
- 9) A residence permit under section 9n(1);
- 10) A residence permit under section 9q(1);
- 11) A residence permit under section 9q(2) and (3);
- 12) Renewal of a residence permit under paras. 1) and 2);
- 13) Renewal of a residence permit under para. 3);
- 14) Renewal of a residence permit under paras. 4) – 9);
- 15) Renewal of a residence permit under paras. 10) – 11);

- 16) A residence permit under section 9a(10);
- 17) A permanent residence permit under section 9q(8) if the alien holds a residence permit under the provision stated in para. 10);
- 18) A permanent residence permit, see section 11, if the alien holds a residence permit under one of the provisions stated in paras. 1) – 9) and 11); and
- 19) A permanent residence permit, see section 11, if the alien holds a residence permit under section 7, 8 or 9b or section 9c(1) – (3) and the alien has previously applied for a residence permit under section 7 or 9e.

(2) The Minister for Immigration and Integration determines and adjusts the fees set out in subsection (1) read with subsection (4).

(3) An enterprise must pay a fee no later than at the same time as the submission of an application for certification under section 9a(16) and renewal of such a certification. The fee must be determined and adjusted by the Minister for Immigration and Integration, as set out in subsection (4), the second sentence.

(4) The amount of the fees according to subsection (1) paras. 4) – 9), 14) and 16) must be fixed thus that they match the costs incurred by the Agency for International Recruitment and Integration for its processing of applications for residence permits and renewal of residence permits. The amount of the fees according to subsection (1) paras. 1) – 3), 10) – 13) and 15) must be fixed thus that they match the costs incurred by the Immigration Service for its processing of applications for residence permits and renewal of residence permits. The amount of the fees according to subsection (1) paras. 17) – 19) must be fixed thus that they match the costs of the processing of applications for permanent residence permits. The amount of the fees according to subsection (3) must be fixed thus that they match the costs incurred by the Agency for International Recruitment and Integration for its processing of applications for certification and renewal of certification.

(5) The alien or the enterprise must pay a fee of DKK 750 for submitting an application for reopening of a case in which the Immigration Service or the Agency for International Recruitment and Integration has made a decision based on an application subject to subsection (1) or (3), no later than at the same time as the submission of the application to have the case reopened unless otherwise provided by the EU rules. For the submission of a complaint against a decision made by the Immigration Service or the Agency for International Recruitment and Integration based on an application subject to subsection (1) or (3) the complainant must pay a fee of DKK 750 no later than at the same time as the submission of the complaint unless otherwise provided by the EU rules. For the submission of an application for the reopening of a complaint subject to the second sentence above, the complainant must pay a fee of DKK 750 later than at the same time as the submission of the application for the reopening unless otherwise provided by the EU rules.

(6) The fee payable under subsection (5), the first sentence, must be repaid if the application for reopening is granted. The fee payable under subsection (5), the second sentence, must be repaid if the complaint is fully or partly upheld. The fee payable under subsection (5), the third sentence, must be repaid if the application for reopening is granted.

(7) If an application covered by subsection (1) is dismissed on another basis than failure to pay a fee, see section 9(25), section 9a(5) and (6), section 9c(6), section 9f(9), section 9g(3) and (4), section 9i(3) and (4), section 9j(2) and (3), section 9k(2), the first sentence,



and subsection (3), section 9m(2) and (3), section 9n(2) and (3), section 9q(10) – (12), section 11(10), section 47b and rules issued under section 9g(1) and (2), the fee must be repaid less an amount of DKK 750.

(8) An application must be dismissed if the requirement set out in subsections (1) and (3) is not satisfied unless the fee payment outstanding amounts to no more than DKK 200 or the fee paid corresponds to a different case category than the category with which the application is concerned, see subsection (1). In such cases, the alien will be given a time limit for the payment of the fee outstanding. If the fee outstanding is not paid before the time limit, the application will be dismissed.

(9) An application for reopening will be dismissed if the condition of subsection (5), the first sentence, has not been met. The application for reopening will be dismissed if the condition of subsection (5), the second sentence, has not been met. The application for reopening of the disputed case will be refused if the condition of subsection (5), the third sentence, has not been met.

(10) When filing an application for the reopening of a case in which the Agency for International Recruitment and Integration has made a decision under section 21a, the host person must pay a fee of DKK 805 no later than at the same time as filing the application to have the case reopened. When filing a complaint against a decision made by the Agency for International Recruitment and Integration under section 21a, the complainant must pay a fee of DKK 805 no later than at the same time as filing the complaint. When filing an application for the reopening of a complaint covered by the second sentence, the complainant must pay a fee of DKK 805 no later than at the same time as filing the application.

(11) A fee paid under subsection (10), the first sentence, will be repaid if the application for reopening is granted. A fee paid under subsection (10), the second sentence, will be repaid if the complaint is upheld in whole or in part. A fee paid under subsection (10), the third sentence, will be repaid if the application for having the case reopened is granted.

(12) The application for reopening a case will be dismissed if the requirement of subsection (10), the first sentence, is not satisfied. The complaint will be dismissed if the requirement of subsection (10), the second sentence, is not satisfied. An application for the reopening of a complaint will be dismissed if the requirement of subsection (10), the third sentence, is not satisfied.

(13) The amounts referred to in subsections (5) and (7) must be adjusted as from 2012 once every year on 1 January according to the benefit adjustment rate, see the Act on a Rate for Adjustment of Public Benefits. Amounts fixed according to subsection (1) paras. 4) – 9), 14) and 16) and subsection (3) and the amounts referred to in subsection (8), the first sentence, and subsection (10) must be adjusted as from 2016 once every year on 1 January according to the benefit adjustment rate, see the Act on a Rate for Adjustment of Public Benefits. Amounts fixed according to subsection (1), paras. 1) – 3), 12), 13), 18) and 19) must be adjusted as from 2017 once every year on 1 January according to the benefit adjustment rate, see the Act on a Rate for Adjustment of Public Benefits. Amounts fixed according to subsection (1), paras. 10), 11), 15) and 17) must be adjusted as from 2019 once every year on 1 January according to the benefit adjustment rate, see the Act on a

Rate for Adjustment of Public Benefits. However, the adjusted amounts must be rounded to the nearest amount divisible by DKK 5.

(14) The Minister for Immigration and Integration lays down rules on the payment of fees fixed according to subsections (1) and (3) and subsection (5) read with subsections (1) and (3) and subsection (10) and on the repayment of such fees, and on repayment under subsection (6) read with subsection (5) read with subsections (1) and (3), and subsection (7), (8) and (11).

**9i.-(1)** A residence permit may be granted upon application to an alien for the purpose of education, if the alien has been admitted to a study programme or a course at an educational institution in Denmark. Upon application, a residence permit may also be granted to an alien if otherwise warranted by exceptional educational considerations.

(2) A residence permit may be granted upon application to an alien who takes a PhD programme in this country if –

- 1) the alien has been enrolled at a Danish university and receives pay from the university or a company associated with the alien's PhD programme or
- 2) the alien has been enrolled at a Danish university without receiving any pay from the university or a company in Denmark.

(3) An application for a residence permit under subsections (1) and (2) may only be submitted in Denmark if the alien is lawfully resident according to section 1 – 3a or 4b or 5(2) or according to the EU rules, see section 6, or holds a residence permit under section 7 – 9f, 9i – 9n, 9p or 9q, and no special reasons otherwise require. If the alien is not lawfully resident in Denmark, see the first sentence, an application for a residence permit under subsections (1) and (2) cannot be submitted in Denmark unless the alien's stay is caused by circumstances that cannot be blamed on the alien or exceptional reasons are involved, for instance if it is warranted by Denmark's international obligations. If a time limit has been determined for the alien's departure, or if another application for a residence permit submitted by the alien is pending, an application under subsections (1) and (2) cannot be submitted in Denmark unless it may be warranted by Denmark's international obligations.

(4) An application for renewal of a residence permit under subsections (1) and (2) must be submitted before the permit expires to ensure that the alien may be considered lawfully resident in Denmark under subsection (3), the first sentence. Subsection (3), the second sentence, applies *mutatis mutandis*.

(5) A residence permit under subsection (2) para. 1) must be conditional on the requirement that the alien and persons who are granted a residence permit as a result of familial relations to the alien do not receive any assistance according to the Act on Active Social Policy.

(6) The Minister for Immigration and Integration may lay down detailed rules on the granting of residence permits under subsection (1), including the requirement of documentation proving the passing of a recognised language test and opening of an escrow account with a deposit equal to up to one year's payments from the State Education Grant and Loan Scheme as a condition for a residence permit.

(7) The Minister for Immigration and Integration may upon negotiation with the Minister for Higher Education and Science, lay down specific rules on study activity for aliens

granted a residence permit for the purpose of taking a bachelor's degree at a university college or a programme at an academy of professional further education in Denmark.

(8) The Agency for International Recruitment and Integration makes decisions on the granting of residence permits under subsection (1) to aliens admitted to a study programme or a course at an educational institution in Denmark who are not covered by the rules laid down according to subsection (6), for which purpose the Danish Evaluation Institute presents guideline reports upon request from the education institution on the contents and quality of the following education programmes:

- 1) Further education programmes and courses offered without the approval of a government authority at a government approved education institution under government supervision;
- 2) Programmes and courses in the area of basic and post-secondary education and training offered without the approval of a government authority at a government approved education institution under government supervision;
- 3) Courses at folk high schools, etc., approved under the Act on Folk High Schools and the Act on Continuation Schools and Free Vocational Schools operated without any subsidies according to the Act.

(9) The Minister for Children, Education and Gender Equality lays down more detailed rules on the reports of the Danish Evaluation Institute according to subsection (8), including on requests and on the fees to be paid by the requesting institution to cover the expenses of the Danish Evaluation Institute in connection with reports.

**9j.-(1)** A residence permit may be granted upon application to an alien for the purpose of an au pair placement in Denmark.

(2) An application for a residence permit under subsection (1) may only be submitted in Denmark if the alien is lawfully resident in Denmark according to sections 1 – 3a or section 4b or section 5(2) or according to the EU rules, see section 6, or holds a residence permit under sections 7 – 9f, 9i – 9n or 9p or 9q(3), and if no special reasons otherwise require. If the alien is not lawfully resident, see the first sentence, an application for a residence permit under subsection (1) may not be submitted in this country unless the alien's stay is caused by circumstances that cannot be blamed on the alien or exceptional reasons are involved, including if it may be warranted by Denmark's international obligations. If a time limit for the alien's departure has been determined, or if another application for a residence permit submitted by the alien is pending, an application under subsection (1) may not be submitted in Denmark unless it may be warranted by Denmark's international obligations.

(3) An application for renewal of a residence permit under subsection (1) must be submitted before the permit expires to ensure that the alien may be considered lawfully resident under subsection (2), first sentence. Subsection (2), the second sentence applies *mutatis mutandis*.

(4) A residence permit under subsection (1) must be conditional upon the requirement that at the time of application the alien is not expecting a child, unless the alien is staying in Denmark already at the time of application based on a residence permit under subsection (1).

(5) A residence permit under subsection (1) must be made conditional upon the requirement that the alien has not started a family.

(6) A residence permit under subsection (1) must be made conditional upon the requirement that the host person or that person's spouse or cohabitant pays an amount of DKK 5,000 to the Agency for International Recruitment and Integration. The amount will be adjusted as from 2016 once every year on 1 January according to the benefit adjustment rate as provided by the Act on a Rate for Adjustment of Public Benefits. However, the adjusted amount must be rounded to the nearest amount divisible by DKK 5 kr.

(7) A residence permit under subsection (1) may not be granted, unless special reasons so require, if within a period of ten years prior to the time of the decision a sentence of imprisonment or suspended imprisonment, or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature, for violation of section 216(1), section 225 read with section 216(1), section 233(1) and (2), sections 233a, 237, 244 – 246, 250, 260, 261, 262a or section 266. of the Criminal Code has been imposed by a final judgment on the host or the host's spouse or cohabitant for one or more offences committed against a person who was an au pair placed with the sentenced person at the time of the offence.

(8) A residence permit under subsection (1) may not be granted if within a period of five years prior to the time of the decision the host or the host's spouse or cohabitant has been convicted by a final judgment of violation of section 59(5) of this Act as a result of illegal employment of an alien who was an au pair placed with the convicted person at the time of the offence or has accepted a fine for such a violation of section 59(5).

(9) A residence permit under subsection (1) may not be granted if the host or the host's spouse or cohabitant is subject to a deferred period as set out in section 21a.

(10) An alien who holds a residence permit under subsection (1) may carry out unpaid voluntary work.

(11) The Minister for Immigration and Integration may lay down detailed rules on the granting of residence permits under subsection (1).

**9k.-(1)** An alien may for education purposes and upon application be granted with a residence permit to serve an internship in Denmark. Upon application, an alien may also be granted with a residence permit as a volunteer to carry out humanitarian and social work in Denmark.

(2) An application for a residence permit under subsection (1) may only be submitted in Denmark, if the alien is lawfully resident according to sections 1 – 3a or section 4b or 5(2), or according to the EU rules, see section 6, or holds a residence permit under sections 7 – 9f, 9i – 9n or 9p or 9q(2) or (3) and if no special reasons otherwise require. If the alien is not lawfully resident, see the first sentence, an application for a residence permit under subsection (1) may not be submitted in Denmark unless the stay is caused by circumstances that cannot be blamed on the alien or if exceptional reasons are involved, for instance where it may be warranted by Denmark's international obligations. If a time limit for the alien's departure has been determined, or if another application for a residence permit submitted by the alien is pending, an application under subsection (1) may not be submitted in Denmark unless it may be warranted by Denmark's international obligations.

(3) An application for renewal of a residence permit under subsection (1) must be submitted before the permit expires to ensure that the alien may be considered lawfully

resident under subsection (2), the first sentence. Subsection 2, the second sentence, applies *mutatis mutandis*.

(4) The Minister for Immigration and Integration may lay down detailed rules on the granting of residence permits under subsection (1).

**9l.-(1)** A residence permit will be granted upon application to an alien who is entitled, according to an agreement between Denmark and another state, see section 45, to a long-term holiday stay in Denmark and is entitled in that connection to work in Denmark to a specified extent. The residence permit will be granted on the conditions prescribed by the agreement.

(2) An application for a residence permit under subsection (1) may only be submitted in Denmark if the alien is lawfully resident according to sections 1 – 3a or section 4b or 5(2), according to the EU rules, see section 6, or holds a residence permit under section 7 – 9f, 9i – 9n or 9p or 9q(2) or (3) and if no special reasons otherwise require. If the alien is not lawfully resident, see the first sentence, an application for a residence permit under subsection (1) may not be submitted in this country unless the stay is caused by circumstances that cannot be blamed on the alien or if exceptional reasons are involved, for instance where it may be warranted by Denmark's international obligations. If a time limit for the alien's departure has been determined, or if another application for a residence permit submitted by the alien is pending, an application under subsection (1) may not be submitted in Denmark unless it may be warranted by Denmark's international obligations.

(3) An application for renewal of a residence permit under subsection (1) must be submitted before the permit expires to ensure that the alien may be considered lawfully resident under subsection (2), the first sentence. Subsection (2), the second sentence, applies *mutatis mutandis*.

**9m.-(1)** A residence permit may be granted upon application to an alien with family ties to an alien holding a time-limited or permanent residence permit under section 9a(2) paras. 1) – 11), subsection (3) or (10) or section 9p(1), the first sentence, if substantial business or employment considerations so require.

(2) An application for a residence permit under subsection (1) may only be submitted in Denmark if the alien is lawfully resident according to sections 1 – 3a or section 4b or 5(2) or according to the EU rules, see section 6, or holds a residence permit under sections 7 – 9f, 9i – 9n, 9p or 9q and if no special reasons otherwise require. If the alien is not lawfully resident, see the first sentence, an application for a residence permit under subsection (1) may not be submitted in Denmark unless the stay is caused by circumstances that cannot be blamed on the alien or exceptional reasons are involved, for instance where it may be warranted by Denmark's international obligations. If a time limit for the alien's departure has been determined, or if another application for a residence permit submitted by the alien is pending, an application under subsection (1) may not be submitted in Denmark unless it may be warranted by Denmark's international obligations.

(3) An application for renewal of a residence permit under subsection (1) must be submitted before the permit expires to ensure that the alien may be considered lawfully resident under subsection (2), the first sentence. Subsection (2), the second sentence, applies *mutatis mutandis*.

(4) The Minister for Immigration and Integration may lay down more specific rules on residence permits under subsection (1).

**9n.-(1)** A residence permit may be granted upon application to an alien with family ties to an alien holding a time-limited or permanent residence permit under section 9i or 9k when warranted by the regard for the latter alien's residence in Denmark.

(2) An application for a residence permit under subsection (1) may only be submitted in Denmark if the alien is lawfully resident according to section 1 – 3a or section 4b or 5(2) or according to the EU rules, see section 6, or holds a residence permit under section 7 – 9f, 9i – 9n, 9p or 9q and if no special reasons otherwise require. If the alien is not lawfully resident in Denmark, see the first sentence, an application for a residence permit under subsection (1) may not be submitted in Denmark unless the stay is caused by circumstances that cannot be blamed on the alien or if exceptional reasons are involved, for instance where it may be warranted by Denmark's international obligations. If a time limit for the alien's departure has been determined, or if another application for a residence permit submitted by the alien is pending, an application under subsection (1) may not be submitted in Denmark unless it may be warranted by Denmark's international obligations.

(3) An application for renewal of a residence permit under subsection (1) must be submitted before the permit expires to ensure that the alien may be considered lawfully resident in Denmark under subsection (2), the first sentence. Subsection (2), the second sentence, applies *mutatis mutandis*.

(4) The Minister for Immigration and Integration may lay down detailed rules on residence permits under subsection (1).

**9o.** A Local Council may provide a statement to the Agency for International Recruitment and Integration without the consent of an alien granted a residence permit under section 9a or sections 9i – 9l or 9p, on circumstances concerning the alien which the Local Council estimates to be of importance for the decision of a case relating to renewal of the residence permit. If the alien has been granted a residence permit under section 9m or 9n, the Local Council may, without the consent of the alien and the person living in Denmark, provide a statement to the Agency for International Recruitment and Integration on circumstances concerning the persons in question which the Local Council estimates to be of importance for the decision of a case as referred to in the first sentence above.

**9p.-(1)** A residence permit with a view to employment will be granted upon application to an alien who is entitled to work in this country according to Denmark's international obligations as set out in section 45. A residence permit based on Articles 6 and 7 of Decision No. 1/80 of the Association Council of 19 September 1980 must, however, be granted under section 9c(1).

(2) An application for a residence permit under subsection (1), the first sentence, may only be submitted in Denmark if the alien is lawfully resident according to section 1 – 3a or section 4b or 5(2), or according to the EU rules, see section 6, or holds a residence permit under section 7 – 9f, 9i – 9n, 9p or 9q and if no special reasons otherwise require. An alien who has filed another application for a residence permit that has been given suspensive effect in respect of the departure time limit may also, unless special reasons require otherwise, submit an application for a residence permit under subsection (1), the first

sentence. If the alien is not lawfully resident as referred to in the first sentence, an application for a residence permit under subsection (1), the first sentence, may not be submitted in Denmark unless the stay is caused by circumstances that cannot be blamed on the alien or if exceptional reasons are involved, for instance where it may be warranted by Denmark's international obligations. If a time limit for the alien's departure has been determined, an application under subsection (1), the first sentence, may not be submitted in Denmark unless it may be warranted by Denmark's international obligations.

(3) An application for renewal of a residence permit granted under subsection (1), the first sentence, must be submitted before the permit expires to ensure that the alien may be considered lawfully resident, see subsection (2), the first sentence. Subsection (2), the third sentence, applies *mutatis mutandis*.

**9q.-(1)** A residence permit may be granted upon application to an alien who has turned 60 years, has retired as a consequence of the established retirement age of his or her place of employment, is no longer in active occupation and has been lawfully resident in this county the past 12 years without interruption and throughout that period held a residence permit under section 47(1), the first sentence, as an employee of an international organisation or an EU institution located in Denmark, etc.

(2) A residence permit may be granted upon application to an alien who has held a residence permit under section 47(1), the second sentence, and cohabits at a shared residence in a marriage or permanent cohabitation of long duration with an alien comprised by subsection (1). Section 9(11) and (12) must be applied *mutatis mutandis*.

(3) A residence permit may be granted upon application to an unmarried under-age child who has held a residence permit under section 47(1), the second sentence, when the child lives with an alien who is subject to subsection (1) and has shared parental custody of the child and the child has not through permanent cohabitation started his or her own family.

(4) A residence permit under subsection (1) may only be granted if the alien has obtained connections to Denmark.

(5) A residence permit under subsection (1) must be conditional on the requirement that the alien and persons who are granted a residence permit under subsection (2) and (3) do not claim public assistance towards their maintenance during their stay in Denmark through the period until they are granted permanent residence permits.

(6) A residence permit under subsections (1) and (2) must be conditional on the requirement that during a period of ten years the alien provides financial security to cover any future public maintenance expenses paid to the alien during the alien's stay in Denmark. Security must be provided for an amount of DKK 50,000 per person. The amount is stated at 2012 level and will be adjusted as from 2013 once every year on 1 January by the benefit adjustment rate prescribed by the Act on a Rate for Adjustment of Public Benefits. If public assistance towards maintenance expenses is provided at a later point, the Local Council must enforce repayment of the funds disbursed from the amount provided as security to obtain payment for the assistance, unless the assistance has been provided after the alien has been granted a permanent residence permit or another residence permit on an alternative basis.

(7) A residence permit under subsections (1) and (2) may only be granted if the alien has passed the Danish 1 Test, see section 9(1) of the Act on Danish Language Education for Adult Aliens and Others or a Danish language test at a similar or higher level.

(8) A permanent residence permit may be granted upon application to an alien who has had lawful residence in Denmark for at least five years and throughout that period held a residence permit under subsection (1), unless there is a basis for withdrawing the residence permit under section 19. It is a requirement that the alien satisfies the conditions of section 11(3) paras. 2) – 4) and 7) and subsection (4) para. 1) and has not through the past five years prior to the submission of the application for a permanent residence permit and until it will be possible to grant the permanent residence permit received public maintenance assistance.

(9) Even if the requirements set out in subsection (8), apart from those in section 11(3) paras. 2) and 3), are not satisfied, a permanent residence permit may be granted to an alien who is covered by subsection (1) if it is not possible to demand fulfilment of the requirements due to Denmark's international obligations, including the UN Convention on the Rights of Persons with Disabilities.

(10) An application for a permanent residence permit under subsection (8) may be dismissed if the application is not accompanied by the documents or does not include the information necessary for the assessment of whether a permanent residence permit may be granted.

(11) An application for a residence permit under subsections (1) – (3) may only be submitted in Denmark if the alien is lawfully resident in accordance with a residence permit under section 47(1) and no special reasons otherwise require. Where the alien is no longer lawfully resident based on a residence permit under section 47(1), an application may not be submitted in Denmark unless exceptional reasons are involved, for instance if the late submission is due to circumstances that cannot be blamed on the alien or where it may be warranted by Denmark's international obligations.

(12) An application for renewal of a residence permit granted under subsections (1) – (3) must be submitted before the permit expires to ensure that the alien may be considered lawfully resident under subsections (1) – (3). Where the alien is not lawfully resident according to subsections (1) – (3), an application for renewal may not be submitted unless exceptional reasons are involved, for instance if the late submission is due to circumstances that cannot be blamed on the alien or where it may be warranted by Denmark's international obligations.

(13) An alien who holds a residence permit under subsection (1) may carry out unpaid voluntary work.

(14) The Minister for Immigration and Integration lays down more detailed rules on the financial security to be provided under subsection (6).

**10.-(1)** An alien may not be issued with a residence permit under sections 7 – 9f, 9i – 9n, 9p or 9q if –

- 1) The alien must be considered a danger to national security;
- 2) The alien must be considered a serious threat to public order, safety or health; or
- 3) The alien is considered to be subject to Article 1 F of the Convention Relating to the Status of Refugees of 28 July 1951.



(2) In cases other than those referred to in subsection (1), an alien may not, unless special reasons, including the regard for family unity, so require, be granted a residence permit under sections 7 – 9f, 9i – 9n, 9p or 9q if –

- 1) The alien has been convicted abroad of an offence that could lead to expulsion under section 22, 23 or 24 had the case been adjudicated in Denmark;
- 2) There are serious grounds to assume that the alien has committed an offence abroad which could lead to expulsion under section 22, 23 or 24;
- 3) Other circumstances are involved that could lead to expulsion under the rules of Part 4;
- 4) The alien is not a national of a Schengen State or a Member State of the European Union, and the alien is the subject of an alert entered in SIS II for the purpose of refusing entry according to the SIS II Regulation; or
- 5) Due to a communicable disease or a serious mental disorder, it must be assumed that the alien will present a threat or cause substantial inconvenience to his surroundings.

(3) An alien who is banned from re-entering Denmark under section 32(1) in connection with expulsion under section 22 – 24 or section 25, or is banned from re-entry under section 32(12) in connection with discontinuation under section 21b(1), may not be granted a residence permit under sections 7 and 8 unless special reasons make it appropriate, including the regard for family unity. An alien banned from re-entering Denmark under section 32(1), in connection with expulsion under section 25a, 25b or 25c may be granted a residence permit under section 7 and section 8(1) or (2), unless special reasons otherwise require.

(4) An alien banned from re-entering Denmark under section 32(1) and (12) may not be granted a residence permit under section 8(3) and section 9 – 9f, 9i – 9n, 9p or 9q unless exceptional reasons make it appropriate, including the regard for family unity, but at the earliest two years after departure. The requirement that two years must have passed from the date of departure does not apply to aliens who are not nationals of one of the states mentioned in section 2(1) (third-country nationals) and have been expelled under section 25b.

(5) An alien who is subject to restrictive measures in the form of limits to entry and transit as decided by the United Nations or the European Union, see section 32(9), may not be granted a registration certificate or a residence card under the EU rules, see section 6, or a residence permit under sections 7 – 9f, 9i – 9n, 9p or 9q, unless special reasons otherwise require.

(6) An alien who is on the list referred to in section 29c(1) may not be granted a residence permit under section 7 – 9f, 9i – 9n, 9p or 9q unless special reasons make it appropriate.

**11.-(1)** A residence permit under section 7 – 9f, 9i – 9n, 9p or 9q will be granted with a possibility of permanent residence or for the purpose of a temporary stay in Denmark. The residence permit may be granted for a limited period of time.

(2) A time-limited residence permit granted with a possibility of permanent residence will be renewed upon application unless there is a basis for revoking the residence permit under section 19 and section 19a(2). The Immigration Service will at its own initiative

decide on the renewal of a residence permit granted for the purpose of temporary residence under section 7 and 8(1) and (2) if the residence basis continues to exist.

(3) Unless there is a basis for revoking the residence permit under section 19, a permanent residence permit may be granted upon application to an alien over the age of 18 if –

- 1) the alien has been lawfully resident in Denmark, but see subsection (7), for at least eight years, but see subsections (5) and (6), and throughout that period held a residence permit under section 7 – 9f, 9i – 9n, 9p or 9q(2) or (3). If the residence permit was granted under section 9(1) para. 1) or 9c(1), the first sentence, or section 9q(2) based on marriage or permanent cohabitation, the requirement set out in the first sentence above will only be considered fulfilled if the residence permit was granted on the basis of the same marriage or cohabitation;
- 2) the alien has not been sentenced to an unsuspended penalty of at least six months of imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration;
- 3) the alien has not been sentenced to an unsuspended penalty of imprisonment for at least 60 days for violation of Part 12 or 13 or section 210, 216 and 222 – 224, 225 read with section 216 or sections 244 – 246 of the Criminal Code;
- 4) the alien has no overdue debt to any public authority unless the time limit for paying the debt has been extended and the debt does not exceed DKK 100,000;
- 5) the alien has not received any public assistance under the Act on Active Social Policy or the Integration Act for the last four years prior to submitting the application for a permanent residence permit and until the alien may be granted a permanent residence permit, other than assistance in the form of single benefits of modest amounts not directly related to maintenance, or benefits that are comparable to a wage, salary or pension or replace such income;
- 6) the alien has signed a residence and self-support declaration as set out in section 19(1), the third sentence, of the Integration Act or otherwise indicated acceptance of the contents of the declaration;
- 7) the alien has passed the Danish 2 language test, see section 9(1) of the Act on Danish Language Education for Adult Aliens and Others, or a Danish language test at a corresponding or higher level;
- 8) the alien has been in regular full-time employment or carried on activity as a self-employed trader, see subsection (8), for at least three years and six months within the past four years prior to being granted a permanent residence permit;
- 9) the alien must be assumed to participate in the labour market at the time when it will be possible to grant a permanent residence permit.

(4) It is furthermore a condition for the granting of a permanent residence permit that the alien meets two of the following requirements -

- 1) The alien has passed a civic qualification test as referred to in section 41b of the Integration Act or displayed active community commitment in this country through at least one year's participation on committees, in organisations, etc.;

- 2) The alien has been in ordinary full-time employment or carried on activity as a self-employed trader, see subsection (8), for at least four years within the past four years and six months prior to the granting of a permanent residence permit;
- 3) The alien has had a yearly average taxable income of DKK 270,000 the past two years prior to the date when it will be possible to grant a permanent residence permit. The amount is stated at 2016 level and will be adjusted once every year as from 2017 on 1 January according to the benefit adjustment rate prescribed by the Act on a Rate for Adjustment of Public Benefits;
- 4) The alien has passed the Danish 3 Language Test, see section 9(1) of the Act on Danish Language Education for Adult Aliens and Others.

(5) A permanent residence permit may be granted upon application to an alien above 18 years of age, unless there is a reason to revoke the residence permit under section 19 of this Act, where the alien has been lawfully resident for at least four years and throughout the entirety of that period held a residence permit under sections 7 – 9f, 9i – 9n, 9p or 9q(2) or (3) if the alien meets the requirements of subsection (3) paras. 2) – 9) and the requirements of subsection (4). Subsection (3) para. 1), the second sentence, must be applied *mutatis mutandis*.

(6) A condition for the granting of a permanent residence permit to an alien who has reached old-age pension retirement age or been granted an anticipatory pension is that the alien meets the requirements of subsection (3) paras. 1) – 7) and one of the requirements of subsection (4) paras. 1) and 4). Where the alien meets the requirements of subsection (3) paras. 2) – 7) and the requirements of subsection (4) paras. 1) and 4), the alien may be granted a permanent residence permit when the alien has been lawfully resident in Denmark for at least four years.

(7) In the calculation of the period that the alien has been lawfully resident in this country as referred to in subsection 3) para. 1) and subsection (5) above, a stay abroad may be included if -

- 1) The alien has stayed abroad as posted or seconded by a Danish public authority, a private enterprise or an association or an organisation. The full period of the stay, but not more than two years, will be included in the calculation.
- 2) The alien has stayed abroad in circumstances where the alien's spouse or permanent cohabitant has been posted or seconded to another country as referred to in para. 1). The full period of the stay, but not more than two years, will be included in the calculation.
- 3) The alien has stayed abroad in such cases as are stated in subsection (8) para. 4). The full period of the stay, but not more than one year, will be included in the calculation.

(8) In the calculation of whether an alien has been in ordinary employment for at least three years and six months within the past four years, see subsection (3) para. 8), the alien's employment will be included as follows -

- 1) Employment relationships where the alien has been in ordinary employment in this country with average weekly working hours of at least 30 hours (full-time employment) will be included at the full duration;
- 2) Employment relationships where the alien has been employed as posted or seconded to another country by a Danish public authority, a private enterprise, an association or an organisation will be included at the full duration but no more than two years;

- 3) Employment relationships abroad where the alien has been in employment in circumstances where the alien's spouse or permanent cohabitant has been posted or seconded to another country as referred to in para. 2) will be included at the full duration but no more than two years;
- 4) Employment relationships abroad that are significant in relation to the alien's employment situation in Denmark will be included at the full duration but no more than one year.

(9) An alien who, in cases other than those mentioned in subsection (3) para. 2) and 3), has been sentenced in Denmark to imprisonment or suspended imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature, may not be granted a permanent residence permit until after the expiry of the periods mentioned in section 11a.

(10) An application for a permanent residence permit may be dismissed if the application is not accompanied by the documents or does not include the information necessary for assessing whether a permanent residence permit may be granted.

(11) The Local Council may without the consent of an alien who has been granted a residence permit under sections 7 – 9, 9b – 9f or 9q provide a statement to the Immigration Service concerning the alien's conditions that the Local Council estimates will be of importance for the decision of a case concerning renewal of the residence permit. The first sentence above applies mutatis mutandis to cases concerned with the granting of a permanent residence permit in which the alien has been granted a residence permit under sections 7 – 9, 9a – 9f, 9i – 9n, 9 p or 9q. If the alien has been granted a residence permit under section 9c(1) as a result of family ties to a person living in Denmark of Danish nationality or a permanent residence permit or a residence permit under sections 7 – 9, 9b – 9f or 9q, the Local Council may without any consent from the alien and the person living in Denmark provide a statement to the Immigration Service concerning conditions of the persons in question that the Local Council estimates will be of importance for the decision of a case as referred to in the first sentence.

(12) Unless there is a basis for revoking a residence permit under section 19, a permanent residence permit may be granted upon application to an alien over the age of 18 who submits an application for a permanent residence permit before turning 19 years and has been in education or ordinary full-time employment since leaving primary school, provided that the alien meets the conditions of subsection (3) paras. 1) – 7) but see subsection (17).

(13) Even though the requirements of subsection (3) paras. 1), 5), 6), 8) and 9) and subsection (4) paras. 1) – 4) are not met, a permanent residence permit may be granted to an alien over the age of 18 who has strong ties to Denmark.

(14) The period through which, within the past four years prior to the date when a permanent residence permit may be granted, an alien has or could have received assistance under the Act on Social Service towards minding a disabled child or a dying close relative, or under the Act on Leave and Benefits due to Pregnancy and Childbirth for minding a seriously ill child, may be included in the calculation of the period of three years and six months referred to in subsection (3) para. 8). Subsection (3) para. 9) does not apply in case the alien receives or could have received assistance as stated in the first sentence above at

the time when a permanent residence permit may be granted. The same provision applies to an alien who has received or could have received assistance as referred to in the first sentence through a period of four years within the past four years and six months, see subsection (4) para. 2).

(15) An alien granted a residence permit under section 9c(4) may not be granted a permanent residence permit. The same provision applies to the alien's family members, who are granted residence permits under section 9c(1) as a result of their family ties.

(16) An alien who has actively obstructed the clarification of his identity in connection with applying for a residence permit in this country may not be granted a permanent residence permit unless it may be warranted for exceptional reasons.

(17) A permanent residence permit may be granted to an alien above 18 years even if the requirements of subsection (3) paras. 4)–9) or subsection (4) paras. 1)–4) are not satisfied provided that the alien cannot be demanded to meet the requirements due to Denmark's international obligations, including the UN Convention on the Rights of Persons with Disabilities.

(18) The amount referred to in subsection (3) para. 4) is stated at the 2010 level and must be adjusted once every year as from 2011 on 1 January according to the benefit adjustment rate set out in the Act on a Rate for Adjustment of Public Benefits.

**11a.-(1)** A suspended custodial sentence will prevent the granting of a permanent residence permit in the following periods -

- 1) A suspended custodial sentence accompanied by a requirement of community service will prevent the granting of a permanent residence permit for seven years and six months from the date when the final judgment was passed, but always until the expiry of the period of suspension ordered by the judgment;
- 2) Other forms of suspended custodial sentences will prevent the granting of a permanent residence permit for six years from the date when the final judgment was passed, but always until the expiry of the period of suspension ordered by the judgment.

(2) An unsuspended custodial sentence will in cases other than those referred to in section 11(3) paras. 2) and 3) prevent the granting of a permanent residence permit within the following periods -

- 1) An unsuspended custodial sentence of less than 60 days will prevent the granting of a permanent residence permit for 12 years from the date of release, but see para. 2) below;
- 2) An unsuspended custodial sentence of less than 60 days for violation of Parts 12 or 13 of the Criminal Code will prevent the granting of a permanent residence permit for 18 years from the date of release;
- 3) An unsuspended custodial sentence of 60 days and above but below six months will prevent the granting of a permanent residence permit for 15 years from the date of release.

(3) In case the alien is released on parole the periods listed in subsection (2) will be reckoned from that date of release.

(4) A partially suspended custodial sentence will in other cases than those referred to in section 11(3) paras. 2) and 3) prevent the granting of a permanent residence permit during

the period that the unsuspended part of the custodial sentence would require, see subsection (2).

(5) A penalty that has been partially remitted by pardon will in other cases than those referred to in section 11(3) paras. 2) and 3) prevent the granting of a permanent residence permit during the period that the part of the penalty that has to be served would require, see subsection (1) and (2). A penalty that has been fully remitted by pardon will prevent the granting of a permanent residence permit for four years and six months after the expiry of the probation period that has been fixed as a condition for the pardon.

(6) Another criminal sanction that involves or allows deprivation of liberty for an offence that would have resulted in a suspended or unsuspended custodial sentence will in other cases than those referred to in section 11(3) paras. 2) and 3) prevent the granting of a permanent residence permit for the following periods –

- 1) A sentence ordering outpatient treatment with the possibility of hospitalisation, see sections 68 and 69 of the Criminal Code, will prevent the granting of a permanent residence permit for six years from the date of the court's final decision to revoke the measure, but at least nine years from the date of the court's final decision to order the measure, see subsection (7);
- 2) A sentence ordering treatment, see sections 68 and 69 of the Criminal Code, will prevent the granting of a permanent residence permit for nine years from the date of the court's final decision to revoke the measure, but at least 12 years from the date of the court's final decision to order the measure, see subsection (7);
- 3) A sentence ordering placement at a hospital, see sections 68 and 69 of the Criminal Code, will prevent the granting of a permanent residence permit for 12 years from the date of the court's final decision to revoke the measure, but at least 15 years from the date of the court's final decision to order the measure, see subsection (7);
- 4) A sentence ordering secure detention under section 68 read with section 70 and section 70 of the Criminal Code will prevent the granting of a permanent residence permit for 30 years from the date of the court's final decision to revoke the measure, see subsection (7).

(7) If one of the criminal sanctions referred to in subsection (6), is altered subsequently the duration of the period must be calculated on the basis of the criminal sanction ordered most recently.

(8) A sentence imposing a youth sanction under section 74a of the Criminal Code will prevent the granting of a permanent residence permit for six years from the date when the measure is ended.

(9) Where an alien has been sentenced several times to suspended or unsuspended custodial sentences or other criminal sanctions involving or allowing deprivation of liberty in respect of offences that would have resulted in punishment of this nature, the periods mentioned in subsections (1), (2) and (4) – (6) must be reckoned on the basis of the date of the last sanction imposed unless the period will thereby become shorter than the period applicable to the alien under subsection (1), (2) or (4) – (6) according to a sanction previously imposed.

**11b.-(1)** Notwithstanding the provision of section 11a, punishment for violation of section 59(3) will prevent the granting of a permanent residence permit for 15 years, in

repeated cases for 22 years and six months, reckoned from the date of release, the date of the final judgment, the date of expiry of the period of parole, or the date of acceptance of a fine, so that the calculation will be based on the date of those mentioned that means the last expiry of the period of deferral.

(2) Subsection (1) above does not apply to aliens who, at the time of their violation of section 59(3) of the Criminal Code had a residence permit in this country. For such aliens the penalty for violating section 59(3) will in case they repeat the offence prevent the granting of a permanent residence permit for seven years. The starting date of the deferral period must be determined in the same manner as in subsection (1).

**11c.** (Repealed)

**11d.** (Repealed)

**12.** The Minister for Immigration and Integration lays down more detailed rules on residence permits under sections 7 – 9f, 9i – 9n, 9p and 9q, including the access to residence permits, their duration and the conditions that may be established for an alien's stay.

**12a.** The provisions of the Council Regulation laying down a uniform format for residence permits for third-country nationals apply in Denmark.

## Part 2

### *Work*

**13.-(1)** An alien must have a work permit to be allowed to take paid or unpaid employment, to pursue activity as a self-employed trader or to provide services with or without payment in Denmark. A work permit is also required for employment on board a Danish ship or aircraft which regularly calls at Danish ports or airports as part of scheduled traffic or otherwise. Refer to sections 14 and 14a, however.

(2) The Minister for Immigration and Integration lays down more detailed provisions on the extent to which a work permit will be required for work on the Danish sea territory or continental shelf.

**14.-(1)** The following aliens are exempt from the requirement of a work permit -

- 1) Nationals of another Nordic country, see section 1;
- 2) Aliens falling within the EU rules, see sections 2 and 6;
- 3) Aliens with a permanent residence permit;
- 4) Aliens with a residence permit under section 7, 8, 9, 9b, 9d or 9e or section 9q(2) and (3);
- 5) Aliens with a residence permit under section 9c(1) when the permit has been granted in immediate continuation of a residence permit under section 9b;
- 6) Aliens with a residence permit under section 9c when the permit has been granted to an alien who has submitted an application for a residence permit under section 7;
- 7) Aliens with a residence permit under section 9c(1) and sections 9m or 9n when the permit has been granted as a result of family ties with a person living in Denmark;

8) Aliens with a residence permit under section 9c(4) when the work is naturally associated with the alien's residence in Denmark under that right of residence.

(2) Aliens with a residence permit under section 9a(2) paras. 3), 4) and 11)(b) are exempt from the requirement of a work permit for sideline work if it is associated with the employment on which the alien's residence permit is based. An alien with a residence permit under section 9i(2) is exempt from the requirement of a work permit for sideline work if it is associated with the PhD programme on which the alien's residence permit is based.

(3) The Minister for Immigration and Integration may direct that other aliens are exempt from the requirement of a work permit.

**14a.-(1)** The Immigration Service will decide upon application that an alien who has submitted an application for a residence permit under section 7 may accept employment in Denmark on ordinary conditions of pay and employment without a work permit until the alien is granted a residence permit, departs from Denmark or is returned provided that –

- 1) The alien's identity has been established;
- 2) The alien has stayed in Denmark for at least six months from his submission of an application for a residence permit under section 7;
- 3) The Immigration Service has decided that the alien may stay in Denmark during the asylum proceedings, see in this respect section 48e(2); and
- 4) The alien concludes a contract with the Immigration Service in accordance with subsection (3).

(2) Subsection (1) does not apply to –

- 1) Aliens who have been expelled by an administrative decision under section 25;
- 2) Aliens who have been expelled by judgment;
- 3) Aliens who have been sentenced to a suspended or unsuspended custodial sentence or another criminal sanction that involves or allows deprivation of liberty for an offence committed in this country that would have carried a penalty of this nature;
- 4) Aliens who are comprised by the exclusion criteria of the Convention Relating to the Status of Refugees of 28 July 1951;
- 5) Aliens whose residence permit has been terminated under section 21b(1);
- 6) Aliens whose application for a residence permit under section 7 is being considered under section 53b; and
- 7) Aliens under the age of 18, unless the Immigration Service finds, upon a specific assessment, that the regard for the best interests of the minor makes it appropriate.

(3) The Immigration Service will conclude a contract about the employment with the alien. It must be made a condition of the contract that the alien cooperates on obtaining information for the assessment of his application for a residence permit under section 7 read with section 40(1), the first and second sentences, and, upon refusal or waiver of the application for a residence permit, cooperates on his departure without undue delay, see section 40(6), the first sentence. In connection with the conclusion of the contract, the Immigration Service must provide oral and written guidance to the alien on the conditions for the employment, including in particular the requirement of cooperation.



(4) Unless highly exceptional reasons otherwise require, the Immigration Service will decide that an alien who has accepted employment under this provision and no longer meets the necessary conditions or does not comply with the conditions of the contract concluded as set out in subsection (3), will no longer be entitled to accept employment.

(5) The Immigration Service may in advance approve enterprises which are covered by a collective agreement and not parties to an official labour dispute at the date of the approval for the employment of aliens under this section.

15. -(1) A work permit may be granted subject to conditions.

(2) The Minister for Immigration and Integration lays down more detailed rules on work permits, including their provisions and duration and the conditions that may be related to a permit.

16. The Minister for Employment may lay down rules providing that a person or entity who employs an alien must notify the local authority job centre.

### Part 3

#### *Termination and revocation of residence permits and work permits*

17.-(1) A residence permit will be terminated when the alien gives up his habitual residence in Denmark. The permit will also be terminated when the alien has stayed outside Denmark for more than six consecutive months. Where the alien has been granted a residence permit with the possibility of permanent residence and has been lawfully resident for more than two years in Denmark, the residence permit will be terminated only when the alien has stayed outside Denmark for more than 12 consecutive months. The periods referred to do not include absence owing to compulsory military service or any service substituted therefor.

(2) In other cases than those referred to in subsection (1), a residence permit will be terminated when a minor alien has stayed outside Denmark for more than three consecutive months for re-education purposes or on another stay abroad that negatively affects his or her schooling and integration.

(3) However, it may be decided upon application, that a residence permit must be considered not to have been terminated in the situations referred to in subsections (1) and (2). Where the residence permit of a minor alien is considered to have been terminated, the Immigration Service must assess in connection with its decision whether another residence permit may be granted to the alien under section 9(1) para. 2) read with section 9(21), section 9c(1) read with section 9(21), or section 9c(1).

(4) A residence permit granted under section 7 or 8 will be terminated under the provisions of subsections (1) and (2) only when of his or her own free will the alien has settled in the country of origin or obtained protection in a third country.

(5) Subsection (1) does not apply to aliens with a residence permit under section 9a(2) paras. 3) and 11) and subsection (3) or section 9i(1) if the alien has been granted the residence permit for the purpose of taking one of the common education programmes Erasmus Mundus, Erasmus+ or the Nordic Master or section 9i(2) and section 9m(1) if the alien has family ties to an alien with a residence permit under section 9a(2) para. 11).

**17a.** (1) Notwithstanding the provisions of section 17, a residence permit will not be terminated until an alien who returns to his country of origin or former country of residence for the purpose of permanent residence has stayed outside Denmark for more than 12 consecutive months and holds a residence permit under –

- 1) Section 7 or 8;
- 2) Section 9b;
- 3) Section 9c(1) in immediate continuation of a residence permit under section 9b;
- 4) Section 9c when the permit has been granted to an alien who has submitted an application for a residence permit under section 7;
- 5) Section 9e when the permit has been granted permanently;
- 6) Section 9 or 9c(1) as a result of family ties with a person falling within paras. 1) – 5) above, but see subsection (3); or
- 7) On any other basis than that referred to in paras. 1) – 6) if so decided upon application.

(2) It may be decided upon application that the residence permit granted to an alien covered by subsection (1) will only be considered terminated when a period of up to 12 months has passed after the period stated in subsection (1). An application according to the first sentence submitted after the period referred to in subsection (1) will be dismissed unless highly exceptional circumstances otherwise require.

(3) Subsections (1) and (2) will only apply to an alien covered by subsection (1) para. 6) if the alien returns to his country of residence or former country of residence with the person with whom the alien has the family ties on which the residence permit was based.

(4) Notwithstanding the provision of section 17, a residence permit will not be terminated until an alien who has returned to his country of origin or former country of residence for the purpose of permanent residence has stayed outside Denmark for more than three consecutive months and holds a residence permit under –

- 1) Section 9e when the permit has been granted for a limited period;
- 2) Section 9 or section 9c(1) as a result of family ties with a person covered by para. 1) above, but see subsection (5); or
- 3) On another basis than referred to in paras. 1) and 2) above if so decided upon application.

(5) Subsection (4) will only apply to an alien covered by subsection (4) para. 2) if the alien returns to his country of origin or former country of residence with the person with whom the alien has the family ties on which the residence permit was based.

(6) An alien may retain his residence permit under subsections (1) – (5) only once.

**18.** The right to residence in Denmark will be terminated when in the context of maintenance it has been decided that an alien who does not have the means required for his subsistence must be returned to his country of origin.

**18a.**-(1) A residence permit will be terminated when an alien acquires Danish nationality.

(2) An alien who has been deprived of his Danish nationality by judgment under section 8a of the Danish Nationality Act may reacquire the residence permit that has been terminated under subsection (1).

(3) A condition for reacquisition under subsection (2) is that there would be no basis for revoking the residence permit terminated under subsection (1), see section 19.

**19.-(1)** A time-limited residence permit may be revoked –

- 1) If the basis of the application or the residence permit was incorrect or has ceased to exist, for instance if the alien holds a residence permit under section 7 or 8 and the conditions on which the residence permit is based have changed in such a manner that the alien no longer risks persecution as set out in sections 7 and 8. The decision to be made according to the first sentence must take account of the basis of the residence permit;
- 2) Where the alien is not in possession of the requisite passport or other travel document, see section 39, allowing him to return to the country of issue;
- 3) When the alien fails to comply with the conditions specified for his residence permit or work permit. Such conditions must have been indicated explicitly, and it must have been impressed upon the alien in writing that non-compliance will lead to revocation;
- 4) Where it is a condition for the residence permit that the alien or the person living in Denmark does not receive assistance under the Act on Active Social Policy or the Integration Act, see section 9(5), the second and third sentences, subsection (19), the first and second sentences, and subsection (24), the first and second sentences, and the alien or the person living in Denmark receives such assistance;
- 5) Where it is not a condition for the residence permit that the alien and the person living in Denmark do not receive any assistance under the Act on Active Social Policy or the Integration Act, see section 9(5), the second sentence, because exceptional reasons decisively require otherwise and these exceptional reasons have ceased to exist, and the alien or the person living in Denmark receives such assistance, see section 9(5), the second and third sentences;
- 6) When it is a condition for the residence permit that a person living in Denmark proves that he has the disposal of a separate dwelling of a reasonable size, see section 9(6) para. 1), subsection (19), the third sentence, and subsection (24), the third sentence, and the person living in Denmark can no longer prove that it is the case. The provisions of section 9(31) apply *mutatis mutandis*;
- 7) When it is not a condition for the residence permit that a person living in Denmark proves that he has the disposal of a separate dwelling of a reasonable size because particular reasons otherwise require, see section 9(6) para. 1), subsection (19) the third sentence, and subsection (24), the third sentence, and such particular reasons have ceased to exist, and the person living in Denmark cannot prove that he has the disposal of a separate dwelling of a reasonable size. The provisions of section 9(31) apply *mutatis mutandis*;
- 8) When the residence permit is conditional on the requirement that the alien and the person living in Denmark do not move to a dwelling in a housing compound that is subject to the current Executive Order on the Housing Requirement List for Spousal Reunification, see section 9(6) para. 3), and the alien and the person living in Denmark move to a dwelling in such a compound;

- 9) When the residence permit is not conditional on the requirement that the alien and the person living in Denmark do not move to a dwelling in a housing compound that is subject to the current Executive Order on the Housing Requirement List for Spousal Reunification because particular reasons otherwise require, see section 9(6) para. 3), and these particular reasons have ceased to exist and the alien and the person living in Denmark move to a dwelling in a compound subject to the current Executive Order on the Housing Requirement List for Spousal Reunification, see section 9(6) para. 3);
- 10) When a residence permit is conditional upon the requirement that within a time limit specified in the decision regarding the residence permit the alien documents a right to work in Sweden, see section 9a(3) the third sentence, and the alien fails to submit such documentation within the time limit;
- 11) When it is a condition for the residence permit that the alien and persons granted a residence permit as a result of family ties with the alien do not receive any assistance under the Act on Active Social Policy, see section 9a(4), the first sentence, and section 9i(5) and the alien or persons who are granted a residence permit as a result of family ties with the alien receive assistance under the Act on Active Social Policy;
- 12) When a residence permit is conditional upon the requirement that the alien does not receive benefits on newly graduated terms under section 54 of the Act on Unemployment Insurance etc., see section 9a(4), the fourth sentence, and the alien receives benefits on newly graduated terms under section 54 of the Act on Unemployment Insurance etc.;
- 13) When a residence permit is conditional upon the requirement that the alien and persons granted a residence permit as a result of family ties with the alien do not receive any public maintenance assistance during their stay in Denmark, see section 9f(7) and 9q(5), and the alien or persons granted a residence permit as a result of family ties with the alien receive public maintenance assistance. At the request of the Immigration Service, the Local Council must provide a statement as to whether the alien or persons granted a residence permit as a result of family ties with the alien have received public maintenance assistance during their stay in Denmark;
- 14) When an alien granted a residence permit for the purpose of taking an education programme or a course at an educational institution in Denmark has been sentenced to or accepted a fine or been cautioned by the court for working without the requisite permit, see section 59(3), or for working to a substantial extent in violation of the conditions on which a work permit is based, see section 60(1), or has acknowledged to the Agency for International Recruitment and Integration to have worked without the requisite permit or to a substantial extent in violation of the conditions on which a work permit is based. The Agency for International Recruitment and Integration will issue a caution to an alien with a residence permit as referred to in the first sentence above in case the Agency assesses that the alien has worked in violation of the conditions specified for a work permit, without it being to a substantial extent as referred to in the first sentence above. A caution will remain in force for two years. Where the alien has worked in violation of the

conditions specified for a work permit without it being to a substantial extent, as referred to in the first sentence, the residence permit may be revoked if the alien has received a caution according to the second sentence above and has been sentenced to or accepted a fine or been cautioned by the court for working in violation of the conditions specified for a work permit, see section 60(1), or has admitted to the Agency for International Recruitment and Integration to have worked in violation of the conditions specified for a work permit;

15) When it is a condition for the residence permit that the alien passes a Danish language test, see section 9(34) and (35), and the alien has not passed the test within the time limits mentioned in section 9(34) and (35);

16) When the residence permit is conditional upon the requirement that the alien has not started a family, see section 9j(5), and the alien has started a family.

(2) A time-limited or permanent residence permit may always be revoked –

1) If the alien has obtained the residence permit by fraud;

2) If information has been provided about circumstances that, under the rules of section 10(1), would exclude the alien from a residence permit;

3) If information has been provided about circumstances that, under the rules of section 10(2) paras. 1) and 2) and subsection (5), would exclude the alien from a residence permit; or

4) When an alien with a residence permit under section 7 or section 8(1) or (2) goes on a holiday or other short-term stay to the country in which the authority that granted the residence permit had found that the alien was at risk of persecution as stated in section 7, and the conditions that formed the basis of the residence permit have changed thus that the alien is no longer at any risk of such persecution, see sections 7 and 8(1) and (2).

(3) A residence permit may be revoked according to subsection (2) para. 4) until ten years after the time when the residence permit was granted for the first time. In the decision to revoke a residence permit according to subsection (2) para. 4), substantial weight must be attached to the circumstance that by travelling voluntarily to the country in which the authority that had granted the residence permit had found that the alien would be at risk of persecution as stated in section 7, the alien has himself created the assumption that the conditions on which the residence permit was based have changed in such a manner that the alien is no longer at any risk of persecution, see sections 7 and 8(1) and (2).

(4) A time-limited or permanent residence permit may always be revoked if an alien who is not a national of a Schengen State or a Member State of the European Union is the subject of an alert entered in SIS II for the purpose of refusing entry according to the SIS II Regulation because of circumstances which, in Denmark, could lead to expulsion under Part 4. The same applies if the alien is the subject of an alert entered in SIS II for the purpose of refusing entry because the alien is subject to restrictive measures intended to prevent entry and transit as decided by the United Nations or the European Union. Revocation under the first and second sentences above must be effected upon consultation with the authorities of another Schengen State according to Article 25 of the Schengen Convention.

(5) A time-limited or permanent residence permit may be revoked if an administrative authority of another Schengen State or a Member State of the European Union has made a final decision to remove an alien who is not a national of a Schengen State or a Member State of the European Union because of circumstances which, in Denmark, could lead to expulsion under sections 22 – 24, 25, 25a(1) or (2) para. 3) or 25c. Where the decision to remove an alien has been made on the basis of a criminal offence, the residence permit may only be revoked if the alien was sentenced for an offence which, in the country in question, may result in a penalty of at least one year's imprisonment. Subsection (3), the second sentence, must be applied *mutatis mutandis*. A decision to revoke a residence permit may not be made according to the first sentence in case the alien is a family member of a national of a Member State of the European Union who has made use of his right to freedom of movement, see section 2(4).

(6) A time-limited or permanent residence permit under section 9f may be revoked if by a final judgment the alien has been convicted of violation of provisions of Parts 12 and 13 of the Criminal Code or section 136, 266, 266a or 266b of the Criminal Code. For the purpose of a revocation decision by the Immigration Service according to the first sentence above, the police may, without the alien's consent, disclose information to the Immigration Service stating that an alien with a residence permit under section 9f has been convicted by a final judgment of violation of the provisions of the Criminal Code referred to in the first sentence above.

(7) In the decision to revoke a residence permit granted under section 9(1) para. 1), section 9c(1) or section 9q(2), it must be taken into account particularly whether the basis of the right of residence has ceased to exist as a consequence of cessation of cohabitation caused by a situation where the alien or the alien's child has suffered assault, abuse or other ill-treatment in Denmark. This applies regardless of the duration of the alien's residence in Denmark.

(8) In the decision to revoke a residence permit granted under section 9(1) para.1), section 9c(1) or section 9q(2), it must be taken into account particularly whether the basis of the right of residence has ceased to exist as a consequence of cessation of cohabitation caused by the death of the person residing permanently in Denmark. This applies regardless of the duration of the alien's residence in Denmark.

(9) The Local Council may without the consent of an alien who has been granted a residence permit under section 7 – 9, 9b – 9f or 9q, provide a statement to the Immigration Service on the alien's circumstances that the Local Council considers of importance for the determination of a case under subsection (1) or (2). If the alien has been granted a residence permit under section 9c(1) as a result of family ties with a person living in Denmark of Danish nationality, holding a permanent residence permit or a residence permit under section 7 – 9, 9b – 9f or 9q, the Local Council may, without the consent of the alien and the person living in Denmark, provide a statement to the Immigration Service on the relevant persons' circumstances considered by the Local Council to be of importance for the determination of a case as mentioned in the first sentence above.

(10) The Local Council may, without the consent of an alien granted a residence permit under section 9a or section 9i – 9l or 9p, provide a statement to the Agency for International Recruitment and Integration on the alien's circumstances considered by the

Local Council to be of importance for the determination of a case under subsection (1) or (2). If the alien has been granted a residence permit under section 9m or 9n, the Local Council may, without the consent of the alien and the person living in Denmark, provide a statement to the Agency for International Recruitment and Integration on the relevant persons' circumstances considered by the Local Council to be of importance for the determination of a case as mentioned in the first sentence above.

*(11)* In decisions to revoke a residence permit under subsection (3) on the grounds that the alien is the subject of an alert entered in SIS II for the purpose of refusing entry because he is subject to restrictive measures intended to prevent entry and transit as decided by the United Nations or the European Union, the provision of section 26(2) must be applied *mutatis mutandis*.

**19a.**-(1) Where one of the requirements of section 19 paras. 1) – 5) is satisfied, a residence permit under sections 7 and 8(1) and (2) must be revoked unless it will be contrary to Denmark's international obligations. A residence permit granted under section 9(1) or section 9c(1) as a consequence of family ties to an alien who has been granted a residence permit under section 7 or section 8(1) and (2) must be revoked if one of the requirements of section 19(1) – (5) read with subsection (7) or (8) is satisfied, unless it will be contrary to Denmark's international obligations.

(2) Section 26(1) applies to decisions concerning revocation of other residence permits. Section 26(2) applies to decisions concerning revocation of residence permits under section 19(2) paras. 2) and 3) read with section 10(5).

**20.** Where a residence permit has been granted under section 7 or 8 to an alien who has entered Denmark in connection with an extensive inflow of refugees, the permit may be revoked if a third country has indicated that it is prepared to receive him and afford him protection, or if the circumstances on which the residence permit was based have clearly ceased to exist.

**21.** An alien's work permit will be terminated in the event of termination or revocation of his residence permit.

**21a.** The Agency for International Recruitment and Integration will decide that, for a period of two years from such a decision, no residence permit may be granted under section 9j for the purpose of an au pair placement with a host person if –

- 1) An au pair has performed duties for the host family for more than the maximum period specified by the permit granted or performs services for the host family other than domestic work;
- 2) The amount of pocket money received by an au pair from the host family is smaller than the minimum amount of pocket money prescribed by the immigration authorities;
- 3) A separate room has not been made available to an au pair in the host family's dwelling;
- 4) An au pair travels to Denmark from the au pair's country of origin or country of residence at the beginning of the au pair placement and the country of origin or the country of residence is not an EU/EEA Member State or Switzerland and the host family has not paid for the fare;

- 5) An au pair travels back to the au pair's country of origin or former country of residence after the end of the au pair placement and the country of origin or the country of residence is not an EU/EEA Member State or Switzerland and the host family has not paid for the fare, or
- 6) The host family has failed to take out an occupational hazard insurance policy, a leisure time and accident policy and a policy that covers the cost of repatriation in case of an au pair's death, serious illness or accident.

#### Part 3a

##### *Termination of a residence permit and right of residence to protect the security of the State, the security of other states or public peace and order*

**21b.-(1)** A residence permit or right of residence will be terminated if an alien stays or has stayed outside the country and there are grounds to assume that during the stay outside the country the alien participates or has participated in activity that may involve or increase a danger to the security of the State, the security of other states or a significant threat to public peace and order, unless the termination will be contrary to Denmark's international obligations. In respect of aliens covered by the EU rules, their right of residence may only be terminated in conformity with the principles set out in the EU rules for restrictions on the right of free movement.

(2) It may be decided upon application that a residence permit or right of residence will not be considered terminated according to subsection (1) if the alien proves that the stay has or has had a creditable purpose.

(3) If information has been provided to the effect that an alien may intend to participate in activity abroad which may involve or increase a risk to the security of the State or of other states or a significant threat to public order, the Immigration Service must guide the alien concerning the rules on termination according to subsection (1).

(4) If despite reasonable efforts to do so it is not possible to communicate the termination to the alien in other ways, notice of the termination of the residence permit or right of residence must be published in the Official Gazette.

#### Part 4

##### *Expulsion*

**22.** An alien who has been lawfully resident in Denmark for more than the past nine years and an alien with a residence permit under section 7 or section 8(1) or (2) who has been lawfully resident in Denmark for more than the past eight years may be expelled if –

- 1) The alien is sentenced to an unsuspended sentence of least three years' imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration;
- 2) The alien is sentenced for several criminal offences to an unsuspended sentence of at least one year's imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration;



- 3) The alien is sentenced to an unsuspended sentence of at least one year's imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration and has previously been sentenced in Denmark to an unsuspended prison sentence or other criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature;
- 4) The alien is convicted under the Controlled Drugs Act or section 191 or 290 of the Criminal Code, where the proceeds have been obtained by violation of the Controlled Drugs Act or section 191 of the Criminal Code, receiving an unsuspended custodial sentence or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature;
- 5) The alien is sentenced to an unsuspended custodial sentence under section 59(8) of this Act or section 125a of the Criminal Code or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature;
- 6) The alien is convicted under provisions of Parts 12 and 13 of the Criminal Code or section 119(1) and (2) and subsection (3), the second sentence read with the first sentence, sections 123, 136, 180, 181, 183(1) and (2), sections 183a, 184(1), 186(1), 187(1), 193(1), 208(1), 210(1) and (3) read with subsection (1), sections 215, 216, 222, 225, read with sections 216 and 222, section 226, 235, 237, 244, 245, 245a, 246, 250, section 252(1) and (2), section 261(2), section 262a, section 276 read with section 286, section 276a read with section 286, sections 278 -283 read with section 286, section 279 read with section 285, if the offence is social fraud, sections 288, 289, 289a, 290(2), section 291(1), read with subsection (4), or section 291(2) of the Criminal Code, receiving an unsuspended custodial sentence or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature;
- 7) The alien is convicted under section 260 or 266 of the Criminal Code with reference to him having forced someone to contract marriage or undergo a religious wedding without any civil validity against that person's own desire, receiving an unsuspended custodial sentence or other criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature; or
- 8) The alien is convicted under section 192a of the Criminal Code, section 10(1) read with sections 1 and 2 of the Act on Weapons and Explosives, section 59(4) read with section 18(1) of Executive Order No. 1444 of 1 December 2016 on Weapons and Ammunition etc. or section 7 read with sections 1 and 2 of the Act on Knives and Side Arms etc., receiving an unsuspended custodial sentence or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature.

**23.** An alien who has been lawfully resident in Denmark through more than the past five years may be expelled –

- 1) For any of the reasons referred to in section 22;

- 2) If the alien is sentenced to an unsuspended sentence of at least one year of imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration;
- 3) If the alien is sentenced for several criminal offences to an unsuspended sentence of at least six months' imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration; or
- 4) If the alien is sentenced to an unsuspended sentence of at least six months' imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration and has previously been sentenced in Denmark to an unsuspended sentence of imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature.

**24.** Other aliens may be expelled –

- 1) For any of the grounds referred to in section 22 or 23; or
- 2) If the alien is sentenced to a suspended or unsuspended custodial sentence or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature.

**24a.** In decisions of expulsion by judgment, it must be taken into account whether expulsion must be considered to be required in particular due to –

- 1) The gravity of the offence committed;
- 2) The duration of the custodial sentence imposed;
- 3) The danger, damage, injury or harm involved in the offence committed;
- 4) Prior criminal convictions;
- 5) A caution that has been issued against the alien under section 24b;
- 6) The crime being committed jointly by several offenders; or
- 7) The crime being specifically planned or part of extensive criminal activity.

**24b.-(1)** If, under the provisions of section 26(2) below, there is no basis for expelling an alien according to sections 22 – 24, the alien must be given a caution to the effect that if the alien commits another criminal offence it must be taken into account in a decision of expulsion by judgment at that time whether expulsion must be considered a special requirement because the alien has not previously been expelled for the reason that this would definitely be contrary to Denmark's international obligations as referred to in section 26(2).

(2) Where an alien is given a caution under subsection (1), the court must in connection with passing the judgment provide guidance to the alien about the implications of the caution.

**25.** An alien may be expelled if –

- 1) The alien must be considered a danger to national security; or
- 2) The alien must be considered a serious threat to public order, safety or health.

**25a.-(1)** An alien who has not been lawfully resident in Denmark longer than the past six months may furthermore be expelled if –

- 1) In cases other than those mentioned in sections 22 – 24, the alien has been convicted of violation of section 42a(7), the fourth sentence, read with section 60(1), of this Act, sections 119, 244, 266, 276 – 283 or section 290 of the Criminal Code, section 73(2) read with subsection (1) para. 1) of the Customs Act, the Act on Weapons and Explosives or the Act on Knives and Side Arms etc., or the alien has admitted the violation to the police or was apprehended during or in direct connection with perpetrating the offence; or
- 2) The alien has been convicted of unlawful possession of controlled drugs, or the alien has admitted unlawful possession or use of controlled drugs to the police, or where there are strong reasons for suspicion in general..

(2) After entry, an alien who has not been lawfully resident in Denmark for a period longer than the past six months may also be expelled if –

- 1) The information available about the alien’s conditions gives reason to assume that the alien intends to stay or work in Denmark without the requisite permit. However, aliens covered by section 2(1) or (2) may not be expelled on this ground;
- 2) The alien does not have the means necessary for his subsistence both in respect of the entire intended stay in the Schengen States and for either his return or his transit to a country that is not part of the Schengen Convention in which the alien has a secure right of entry, and is unable lawfully to acquire such means. However, aliens covered by section 2(1) or (2) may not be expelled on this ground;
- 3) Other considerations for public order, Denmark’s relations with foreign powers, safety or health conditions or the consideration for the public order of the Schengen States will require that the alien should not have a right of residence in Denmark. Aliens covered by section 2(1) or (2) may not be expelled, however, on the grounds of the consideration for the public order of the Schengen States or Denmark’s relations with foreign powers;
- 4) The alien is exempt from having a visa according to section 3 or has been granted a visa under sections 4 – 4b and waives an application for a residence permit according to section 7, which is processed according to section 53b, or if an application for asylum processed according to section 53b is terminated according to section 40(11). However, aliens covered by section 2(1) or (2) may, not be expelled on this ground.

**25b.-(1)** An alien may be expelled if the alien stays in Denmark without the requisite permit.

(2) An alien who is not a national of one of the countries stated in section 2(1) (a third-country national) and has been ordered to depart from Denmark immediately, or does not depart in accordance with the time limit for his exit, see section 33(2), must be expelled from Denmark unless particular reasons otherwise require.

**25c.** An alien with a residence permit under section 9f may be expelled in cases other than those mentioned in sections 22 – 24 if the alien has been sentenced for violation of provisions of Parts 12 and 13 of the Criminal Code or section 136, 266, 266a or 266b of the Criminal Code.

**26.-(1)** In a decision to expel an alien under sections 25a – 25c, regard must be had to whether expulsion may be assumed to be particularly straining, in particular because of –

- 1) The alien's ties with Danish society;
- 2) The alien's age, health state and other personal conditions;
- 3) The alien's ties with persons living in Denmark;
- 4) The consequences of the expulsion for the alien's close relatives living in Denmark, for instance in relation to the regard for family unity;
- 5) The alien's slight or non-existent ties with his country of origin or any other country in which the alien may be expected to take up residence; and
- 6) The risk that, in cases other than those referred to in section 7(1) and (2) or section 8(1) and (2), the alien will suffer ill-treatment in his country of origin or any other country in which the alien may be expected to take up residence.

(2) An alien must be expelled under sections 22 – 24 and 25 unless this would definitely be contrary to Denmark's international obligations, but see section 26b.

**26a.** In the decision to expel an alien, special regard must be had to whether the circumstances that may serve as grounds for expulsion are consequences of human trafficking to which the alien has been subjected and whether this will make expulsion inappropriate.

**26b.** In the case of aliens covered by the EU rules, expulsion may only be carried through in conformity with the principles that apply under the EU rules to restriction of the right to freedom of movement.

**27.-(1)** The periods referred to in section 9q(8), section 11(3) para. 1) and subsection (5), section 17(1), the third sentence, and sections 22, 23 and 25a must be reckoned from the date of the alien's registration with the Central National Register or, if his application for a residence permit was submitted in Denmark, from the date of submission of that application or from the date when the conditions for the residence permit were met if that date is after the date of application.

(2) In respect of aliens who have been granted a residence permit under section 7(1) – (3), the periods mentioned in subsection (1) must be reckoned from the date of the first granting of the residence permit.

(3) The reckoning of the periods referred to in subsection (1) must be interrupted when a granted residence permit expires, is terminated or is revoked by the Immigration Service or the Agency for International Recruitment and Integration. If the residence permit is renewed, the residence permit will not be considered terminated, or where the decision on revocation is reversed, the periods mentioned in subsection (1) must be reckoned from the dates stated in subsections (1) and (2) in relation to the residence permit granted previously.

(4) A stay in Denmark based on a residence permit obtained by fraud will not be considered lawful residence.

(5) The time an alien has been remanded in custody prior to conviction or served a custodial sentence or been subject to another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in an unsuspended custodial sentence must not be included in the periods mentioned in subsection (1).

**27a.** For the purpose of decisions on expulsion to be made by the Immigration Service, the Immigration Appeals Board and the Ministry of Immigration and Integration according to Part 4 read with section 49, the police may, without the alien's consent, disclose information about the alien's offences, including charges with offences, to the Ministry of Immigration and Integration, the Immigration Appeals Board or the Immigration Service.

#### Part 4a

#### *Enforcement of final administrative decisions made by authorities of other Schengen States or Member States of the European Union on the return of aliens, etc.*

**27b.-(1)** An alien may be returned from Denmark if an administrative authority of another Schengen State or of a Member State of the European Union has made a final decision on the return of the alien on the basis of circumstances that, in Denmark, could lead to expulsion under Part 4, but see subsection (2) below and section 31. If the return decision has been made on the basis of a criminal offence, a decision to return an alien under the first sentence above may only be made if the alien was sentenced for an offence which, in the country in question, may result in a penalty of at least one year's imprisonment.

(2) Subsection (1) does not apply to aliens who –

- 1) Hold a residence permit in Denmark;
- 2) Are nationals of a Schengen State or a Member State of the European Union; or
- 3) Are family members of nationals of a Member State of the European Union who have made use of their right to freedom of movement, see section 2(4).

(3) If as referred to in subsection (1) an alien holds a residence permit for another Schengen State or an EU Member State, or if the alien holds a visa for a stay exceeding 90 days valid only for another Schengen State (long-stay visa), a decision on return under subsection (1) must be made in connection with consultations according to Article 25(2) of the Schengen Convention with the authorities of the country in which a final decision to return the alien has been made, and with the authorities of the country for which the alien holds a residence permit or long-stay visa. If the alien's residence permit or long-stay visa is not revoked, there will be no decision on return under subsection (1).

(4) In return decisions according to subsection (1), the provision of section 26(1) will apply *mutatis mutandis*.

**27c.** When an alien who is subject to section 27b(1) departs or is returned from Denmark, the Immigration Service must without the alien's consent notify this to the Schengen State or Member State of the European Union in which a final decision of return of the alien has been made.

**27d.-(1)** The Immigration Service and the police may without the alien's consent obtain confidential information, including information about fully private conditions, about an alien staying in Denmark from an authority of another Schengen State or a Member State of the European Union that has made a final decision of return of the alien, if obtaining such information is necessary for the purpose of a decision under section 27b.

(2) The Immigration Service and the police may without the alien's consent disclose confidential information, including information about fully private conditions, about an

alien expelled from Denmark under Part 4 to authorities of other Schengen States or Member States of the European Union, if the disclosure is necessary for the purpose of the authority's decision to return the alien from the state in question.

**27e.** The police may, upon request, disclose information without the alien's consent concerning an alien's previous convictions, if any, to authorities of another EU/EEA country or a country falling within section 2(5) for the purpose of an assessment by the country in question of whether the alien constitutes a risk to public order or security in connection with proceedings in that country for the issuing of a registration certificate or residence card according to EU law. If the country in question has no registration scheme, the disclosure may be effected within three months of the alien's entry or the date when the alien reported his presence in the country in question. A reply to any inquiry must be given within two months from its receipt.

## Part 5

### *Refusal of entry*

**28.-(1)** An alien who holds no residence permit and has not been issued with a registration certificate or residence card under section 6 in Denmark, and a national of a Nordic country who has no permanent address in Denmark may be refused entry on arrival from a country which has not acceded to the Schengen Convention in the following cases:

- 1) If the alien has been banned from entering and has no visa issued under section 4 or 4a read with section 3a, the first sentence;
- 2) If the alien does not meet the requirements as to travel documents, visa and entry prescribed by the provisions of Part 7;
- 3) If, based on the information available about the alien's conditions there is reason to assume that the alien intends to stay or work in Denmark without the requisite permit. However aliens who are subject to section 2(1) or (2) may not be refused entry on this ground;
- 4) If the alien is unable to present documentation of the purpose and specific circumstances of his stay. However aliens who are subject to section 2(1) or (2) may not be refused entry on this ground;
- 5) If the alien does not have the means required for his subsistence both in respect of the entire intended stay in the Schengen States and in respect of either his return trip or his transit to a country that has not acceded to the Schengen Convention in which the alien has security of entry, and is unable lawfully to acquire such means. However, aliens who are subject to section 2(1) or (2) may not be refused entry on this ground;
- 6) If the alien is not a national of a Schengen State or a Member State of the European Union, and the alien is the subject of an alert entered in SIS II for the purpose of refusing entry according to the SIS II Regulation;
- 7) If other considerations for the public order, relations with foreign powers or reasons of safety or health of the Schengen States require that the alien should not be allowed to stay in Denmark.

(2) Nationals of countries which have not acceded to the Schengen Convention or the European Union must be refused entry when arriving from a country that is not part of the Schengen Convention in accordance with the provisions of subsection (1) paras. 1) – 7), but see subsection (5).

(3) An alien who holds no residence permit or has not been issued with a registration certificate or residence card in Denmark, see section 6, or a national of a Nordic country who has no permanent address in Denmark may be refused entry on arrival from a Schengen State under the provisions of subsection (1) paras. 1) – 7), but see subsection (5). However, a Nordic national may only be refused entry under subsection (1) para. 2) if entering from a non-Nordic country, see section 39(4).

(4) An alien who is not a national of a Nordic country and not subject to section 2(1) or (2) may be refused entry on arrival in Denmark if the alien in question may be refused entry under the rules applying in the other Nordic country to which the alien may be assumed to intend to travel.

(5) An alien may however not be refused entry under subsections (1) – (4) if according to Article 6(5)(c) of the Schengen Borders Code the alien has obtained special permission to enter Denmark. Where under the provisions of section 2b(4) the alien has the right to travel through Denmark, the alien may solely be refused entry according to subsection (1) para. 1) read with subsections (2) – (4).

(6) An alien who has no permanent address in Denmark may be refused entry irrespective of the provisions of Part 1, if it is found necessary in order to safeguard national security.

(7) The Minister for Immigration and Integration may in exceptional cases decide that aliens who claim to be covered by section 7 may be refused entry from a country that is comprised by the Dublin Regulation. The decision must be made for a period of up to four weeks, which may be extended for a period of up to four weeks at a time. Refusal of entry under the first sentence above may be carried through under the provisions of subsection (1) paras. 1) – 7).

(8) The Refugee Appeals Board must assess for the purpose of its consideration of a decision to refuse entry according to subsection (7) if the requirements of section 48a(1), the third and fourth sentences, are satisfied. The decision of the case must be based on this assessment.

(9) The Minister for Immigration and Integration may lay down more detailed rules on refusal of entry and return of stowaways.

## 29. (Repealed)

### Part 5a

#### *Transfer, etc. under the rules of the Dublin Regulation*

**29a.-(1)** An alien may be refused entry or transferred to another EU Member State under the rules of the Dublin Regulation or under an agreement or equivalent arrangement entered into between Denmark and one or more countries in connection with the Dublin Regulation.

(2) For the purpose of this Act, the Dublin Regulation means the Regulation of the European Parliament and of the Council (EU) No. 604/2013 of 26 June 2013 establishing

the criteria and mechanisms for determining the Member State responsible for considering an application for international protection lodged by a third-country national or a stateless individual in one of the Member States as later amended.

#### Part 5b

##### *Dismissal of certain applications for a residence permit under section 7*

**29b.** An application for a residence permit under section 7 may be dismissed if the alien has already obtained protection in a country as described in section 29a(1).

#### Part 5c

##### *List of foreign religious preachers and others who may be excluded from entry*

**29c.-(1)** An alien may be registered on a list if the alien serves as a religious preacher or disseminates a religion or faith in other ways and the regard for public order in Denmark requires that the alien should not have a right of residence in this county. Registration on the list is for two years and may be extended by two years at a time. An alien who is covered by the EU rules, see section 2(3), or holds a residence permit in this country may not be registered on the list.

(2) When a decision is made concerning registration of an alien on the list referred to in subsection (1), section 19 of the Public Administration Act will not apply.

(3) Registration of an alien on the list referred to in subsection (1) must be published as an announcement in the Official Gazette. The registration of an alien on the list applies from the date of publication of the announcement of it in the Official Gazette, unless the alien in question has been informed of the registration on the list prior to that date.

(4) The list referred to in subsection (1) may be published indicating name, nationality, date of birth and country of residence and showing a facial photograph.

(5) The Immigration Service will reconsider a case concerning the registration of the alien on the list referred to in subsection (1) upon request from the alien. An application for reconsideration will not have any suspensory effect.

#### Part 6

##### *Rules on residence permits, expulsion and refusal of entry*

**30.-(1)** An alien who has no right to stay in Denmark under the rules of Parts 1 and 3 – 5a must leave the country.

(2) If the alien does not leave Denmark voluntarily, the police will make arrangements for his departure. The Minister for Immigration and Integration must lay down specific rules in this respect.

(3) Where the police make arrangements for the departure and if it is carried through by air, the police will take account of the common guidelines for safety directions in connection with common return by air attached as an Annex to Decision 2004/573/EC as later amended.



(4) For the consideration of a case concerned with the return of an alien, the Immigration Service, the Agency for International Recruitment and Integration, the Ministry of Immigration and Integration, the courts, the Immigration Appeals Board or the Refugee Appeals Board must transmit all the documents of a case concerning a residence permit to the police, without the alien's consent, when the application for a residence permit has been refused or the applicant has waived the application for a residence permit.

**30a.**-(1) The Parliamentary Ombudsman is in charge of the supervision of compulsory returns.

(2) Such supervision must be carried out in accordance with the Act on the Parliamentary Ombudsman. In his supervision, the Parliamentary Ombudsman must ensure in particular that the activity of the police is performed with respect for the individual and without undue use of force.

(3) The Parliamentary Ombudsman must carry out his supervision on the basis of regular reports submitted by the police and by reviewing a number of completed cases concerning returned aliens.

(4) The Parliamentary Ombudsman may be present when aliens are returned by the police. The police must make the necessary practical arrangements for the presence of the Parliamentary Ombudsman during the return. The supervision period comprises the period from the decision of compulsory return has been made and until the return has been effected. The police must provide the Parliamentary Ombudsman with the information necessary for the performance of the supervisory activity.

(5) The Parliamentary Ombudsman must submit an annual report on the supervisory activity. The report must be made public.

(6) The Parliamentary Ombudsman is in charge of the supervision of compulsory returns of aliens according to the Regulation of the European Parliament and of the Council (EU) No. 2016/1624 of 14 September 2016 on the European Border and Coast Guard and amendment of the Regulation of the European Parliament and of the Council (EU) 2016/399 and on the repeal of the Regulation of the European Parliament and of the Council (EC) No. 863/2007, Council Regulation (EC) No. 2007/2004 and Council Decision 2005/267/EC.

**31.**-(1) An alien may not be returned to a country in which he will be at risk of the death penalty or of being subjected to torture or inhuman or degrading treatment or punishment, or where the alien will not be protected against being retransferred to such a country.

(2) An alien who is subject to section 7(1) may not be returned to a country in which he will risk persecution on the grounds set out in Article 1 A of the Convention Relating to the Status of Refugees (28 July 1951), or where the alien will not be protected against being retransferred to such a country. This does not apply if the alien must on reasonable grounds be considered a danger to national security or if, after a final judgment for a particularly dangerous crime, the alien must be considered a danger to society, but see subsection (1).

**32.**-(1) A judgment, court order or decision by which an alien will be expelled will have the consequence that the alien's visa and residence permit will be terminated, and that the

alien will not be allowed to re-enter Denmark and stay in this country without permission (re-entry ban). A re-entry ban may be time-limited. The re-entry ban applies from the time of the departure or return.

(2) A re-entry ban in connection with expulsion under sections 22 – 24 must be imposed

- 1) For four years if the alien is sentenced to a suspended custodial sentence or an unsuspended of not more than three months or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this nature or duration;
- 2) For six years if the alien is sentenced to an unsuspended custodial sentence of more than three months but not more than one year or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration;
- 3) For 12 years if the alien is sentenced to an unsuspended prison sentence of more than one year but not more than two years, or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration;
- 4) Permanently if the alien is sentenced to an unsuspended prison sentence of more than one year and six months but not more than two years or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration unless it is found that there is solely a basis for imposing a re-entry ban of 12 years; or
- 5) Permanently if the alien is sentenced to an unsuspended prison sentence of more than two years or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration.

(3) A re-entry ban in connection with expulsion under section 22 paras. 4) – 8), section 23 para. 1) read with section 22 paras. 4) – 8) or section 24 para. 1) read with section 22 paras. 4) – 8) and expulsion by judgment of an alien who has not been lawfully resident in Denmark longer than the past six months must, however, be imposed for at least six years.

(4) A re-entry ban in connection with expulsion under section 25 para. 1) must be imposed permanently, but see subsection (5). The same applies to a re-entry ban in connection with expulsion under section 25 para. 2) when the alien is considered a serious threat to public order or security. A ban on re-entry in connection with expulsion under section 25 para. 2) when the alien is considered a serious threat to public health and under section 25b when the alien is not a national of one of the countries referred to in section 2(1) (a third-country national) and has entered Denmark contrary to a ban on re-entry imposed previously in connection with expulsion under section 25b or contrary to a ban on re-entry imposed by another Member State and updated in SIS II, must be imposed for five years, but see subsection (5). A ban on re-entry in connection with expulsion under section 25c must be imposed for four years. A ban on re-entry in connection with expulsion under sections 25a and 25b must be imposed for two years, but see the third sentence above and subsection (5) below.

(5) Where exceptional reasons including the regard for familial and social ties make it appropriate, a ban on re-entry may, unless the alien has been expelled under section

25a(1), be imposed for a shorter duration than stated in subsection (4), the third and fifth sentences. A ban on re-entry of a shorter duration than stated in subsection (4), the first and second sentences, may furthermore be imposed if a permanent ban on re-entry will be contrary to Denmark's international obligations. A ban on re-entry in connection with expulsion under sections 22 – 24 may be imposed for a shorter duration in case a ban on re-entry of the duration referred to in subsections (2) and (3) will mean that expulsion will definitely be contrary to Denmark's international obligations.

(6) The police authority in charge of the arrangements for departure must deliver to the alien a written notice giving the grounds for the re-entry ban and the criminal liability imposed if the ban is not observed.

(7) A re-entry ban will be terminated if, under the conditions mentioned in section 10(3) and (4), the alien is granted a residence permit under sections 7 – 9f, 9i – 9n, 9p or 9q.

(8) A re-entry ban imposed on a national of a Member State of the European Union or a state comprised by the Agreement on the European Economic Area, a Swiss national or an alien otherwise covered by the EU rules, see section 2(2), may be lifted if special reasons make it appropriate. An application for the lifting of a re-entry ban must be considered within six months of submission of the application.

(9) An alien who is subject to restrictive measures in the form of limitations on entry and transit as decided by the United Nations or the European Union may not enter and stay in Denmark without permission (an entry ban). The entry ban applies for as long as the alien is subject to the restrictive measures. The entry ban will be lifted if the alien ceases to be subject to the restrictive measures or if for special reasons the alien is granted a residence permit in Denmark.

(10) An alien registered on the list referred to in section 29c(1) may not enter and stay in Denmark without permission (an entry ban). The entry ban applies as long as the alien is registered on the list. The entry ban will be lifted if the alien ceases to be on the list or for special reasons is granted a residence permit in Denmark.

(11) A re-entry ban in connection with expulsion under section 25b imposed on an alien who is not a national of one of the countries stated in section 2(1) (a third-country national) may be lifted in exceptional cases, including for reasons of family unity. In addition, a re-entry ban in connection with expulsion under section 25b(2) may be lifted if the alien has left the country in accordance with a fixed time limit for departure.

(12) An alien whose residence permit or right of residence has been terminated according to section 21b(1) may not enter and stay in this country without permission (a re-entry ban). The ban on re-entry must be imposed permanently and will be effective as from the time of the departure or return or, if the alien stays outside this country, from the date when it is ascertained that the alien's residence permit or right of residence has been terminated. A re-entry ban of shorter duration than stated in the second sentence may be imposed if a permanent ban will be contrary to Denmark's international obligations.

**32a.** A decision to refuse an application for a residence permit under section 7 or section 8(1) or (2), or a decision to terminate or revoke such a residence permit, must include a decision as to whether the alien may be returned from Denmark if he does not leave voluntarily as referred to in section 31.

**32b.** A decision according to which an alien whose application for a residence permit under section 7 or section 8(1) or (2) has been refused cannot be returned from Denmark as stated in section 31 must be revised if the basis referred to in the decision has ceased to exist.

**33.-(1)** A refusal of an application for a residence permit or an application for renewal of a residence permit, a decision to revoke a residence permit, a refusal of an application for the issuing of a registration certificate or a residence card, see section 6, a decision to revoke a registration certificate or a residence card, see section 6, a decision of expulsion under section 25, 25a or 25b and a decision to return an alien under section 27b must state a time limit for departure. The decision must further contain information of the rules of subsection (3), the first, third and fourth sentences.

(2) In decisions falling within subsection (1), the time limit to leave the country must be set at one month if the alien is a national of another Nordic country and has been resident in Denmark, if the alien is covered by the rules of section 2(4) (the EU rules) or has previously held a residence permit. In decisions to refuse an application for a residence permit under sections 9b and 9c(3) para. 2), the time limit must be set at 15 days. For other aliens, the time limit to leave the country must be set at seven days. In cases of urgency, the time limit to leave the country must always be immediately. Cases of urgency are in particular cases where the alien constitutes a danger to national security or a serious threat to public order, safety or health, where the alien has committed a criminal offence, where the case involves fraud or a manifestly unfounded application, or where there is a risk that the alien will disappear or abscond his return. The risk that the alien may disappear or abscond being returned from Denmark exists when the alien has not cooperated during the processing of the case or where generally on the basis of the information available about the alien and the duration and character of his stay, there is reason to assume that the alien will disappear or abscond being returned. It cannot be considered a matter of urgency if there is a risk that the alien will disappear in case the alien is a national of one of the countries referred to in section 2(1).

(3) Where an appeal is lodged against a decision made under subsection (1) within seven days after it has been notified to the alien, the alien has the right to remain in Denmark until his appeal has been heard in case the alien is either comprised by the EU rules (section 2), or is a national of another Nordic country and has been resident in Denmark or has so far held a residence permit with the possibility of permanent residence in this country. Where the decision is upheld, a new time limit for the alien's departure must be fixed according to the rules of subsection (2). An alien who has not previously had a residence permit, a registration certificate or a residence card in Denmark, see section 6, and is covered by the EU rules set out in section 2(1) and (2) will however not have any right to remain in this country until an appeal against an expulsion decision under section 25a or 25b has been dealt with. An appeal against a decision that is not covered by the first sentence above, may only be given suspensory effect in respect of the time limit for departure where special reasons make it appropriate.

(4) An application for a residence permit under section 9b has no suspensory effect on the time limit for departure unless exceptional reasons make it appropriate.

(5) An application for a residence permit that is allowed to be submitted in Denmark, see sections 9(25), 9a(5) and (6), 9c(6), 9f(9), 9i(3) and (4), 9j(2) and (3), 9k(2) and (3), 9l(2) and (3), 9m(2) and (3), 9n(2) and (3), 9p(2) and (3) and 9q(11) and (12) of this Act and applications for a residence permit under section 9d must be given suspensory effect in respect of the time limit for departure.

(6) If a decision made by the Immigration Service under section 53b(1) is brought before the Parliamentary Ombudsman, this will not have any suspensory effect regarding the time limit for departure. Where a decision made by the Minister for Immigration and Integration under section 9b is brought before the Parliamentary Ombudsman this will not have any suspensory effect on the time limit for departure, if the complaint must be considered manifestly unfounded or the complaint is not submitted in connection with the notification of the refusal of a residence permit under section 9b.

(7) An application to have a decision under section 7 or section 9b reopened has no suspensory effect regarding the time limit for departure unless the authority that made the decision so decides. Where the time limit for the alien's departure has been exceeded, an application for reopening will not have any suspensory effect unless exceptional reasons make it appropriate.

(8) An application for a residence permit under section 9b, under section 9c when the application concerns an alien who has submitted an application for a residence permit under section 7, or under section 9e will not be considered if the authority that is to make the decision is not aware of the alien's place of residence. The first sentence above applies *mutatis mutandis* to an application for the reopening of a decision under section 7, under section 9b, under section 9c when the decision concerns an alien who has submitted an application for a residence permit under section 7, or under section 9e.

(9) Where expulsion has been decided by judgment, the police must set the time limit for departure to be immediately, but see subsection (15). The time limit for departure will be reckoned from the date of release or the date of discharge from hospital or secure detention. If the judgment is suspended or if expulsion has been ordered by a judgment for outpatient treatment with the option of detention, the time limit will be reckoned from the date of the final judgment in the case or, if the person was not present when judgment was pronounced, from the date when the judgment was served on the alien.

(10) An application for a residence permit under sections 9 – 9f, 9i – 9n, 9p and 9q read with section 10(4) submitted by an alien subject to a ban on re-entry does not have any suspensory effect unless the authority that considers the application so decides.

(11) An appeal against a decision refusing an alien entry into Denmark does not give the alien any right to enter Denmark.

(12) Where an alien from the Kosovo Province of the Federal Republic of Yugoslavia holding or formerly holding a residence permit under the Act on Temporary Residence Permits for Distressed Persons from the Kosovo Province of the Federal Republic of Yugoslavia (the Kosovo Emergency Act), or being or having been registered as an asylum seeker under the rules of section 48e(2) on the basis of an application for a residence permit under section 7 submitted before 30 April 1999, lodges an appeal against a decision refusing an application for a residence permit under section 9e or a decision revoking such a residence permit within seven days after the decision on refusal or

revocation has been notified to the alien, the alien is entitled to remain in Denmark until the appeal proceedings have been completed.

(13) If an appeal against a refused application for a residence permit under section 9c(3) para. 2) is lodged within seven days of its notification to the alien in question, the alien is entitled to remain in Denmark until the appeal proceedings have been completed.

(14) If an alien has been trafficked, the Immigration Service must, upon request, set the time limit for departure at 30 days unless special reasons otherwise require. Upon request, the time limit for departure may be set at a later point or be extended if special reasons make it appropriate or if the alien cooperates on a prepared return. The time limit for departure may not exceed 120 days.

(15) Subsection (14) applies *mutatis mutandis* to an alien who has been trafficked and expelled by judgment.

**33a.** Aliens who cooperate with the Immigration Service on their return and enter into contracts on upgrading programmes and voluntary departure, see section 43c, must irrespective of the fixed time limit for their departure, see section 33, not leave Denmark until their upgrading programme in Denmark has been concluded or discontinued.

**33b.-(1)** A decision comprised by section 33(1) must be communicated in writing. The same applies to a decision as to whether a complaint against such a decision may be given suspensory effect.

(2) The alien must upon request be given an oral or written translation of the key elements of the decision referred to in subsection (1), in a language which the alien understands or may reasonably be assumed to understand.

**33c.** A time limit for departure under section 33(2) may be extended if special reasons, including the duration of the alien's stay, the consideration for children attending school and other familial and social relations make it appropriate. The decision must be communicated in writing.

**34.-(1)** Until a decision has been made as to whether an alien is to be refused entry, expelled, transferred or returned from Denmark on the grounds that under the rules of Parts 1 and 3 – 5a the alien has no right to stay in Denmark, and until such a decision can be commenced, the police may order, when it may be considered necessary in order to ensure the presence of the alien, that the alien must –

- 1) Deposit his passport, other travel documents and tickets with the police;
- 2) Provide security in an amount determined by the police;
- 3) Stay at a location directed specifically by the police; and
- 4) Report to the police at specified times.

(2) The police may order, if it is found expedient in order to ensure the alien's presence or cooperation in the processing of the case or the return from Denmark, that an alien must report to the police at specified times in case -

- 1) The alien submits an application for a residence permit under section 7 and does not cooperate in obtaining information for the case, see section 40(1), the first and second sentences;

- 2) The alien fails without a reasonable excuse to appear for an interview to be conducted by the Immigration Service or the police to which the alien has been called;
- 3) The alien has resorted to violent or threatening conduct in relation to persons who perform duties in relation to the operation of an accommodation facility for aliens or to persons otherwise present at the accommodation facility; or
- 4) The alien fails to comply with a decision of the Immigration Service ordering the alien to stay at a place directed specifically by the Immigration Service, see section 42a(7), the third sentence, and subsection (8), the second sentence, and section 42d(2), the second sentence.

(3) Where the police make arrangements for an alien's departure, to which the alien does not contribute, see section 40(6), the first sentence, the police may decide that the alien must report to the police at specified times if it is believed to be expedient in order to ensure the alien's presence or cooperation on his departure.

(4) Unless special reasons otherwise require, the police will decide that an alien whose residence permit under section 7 or section 8(1) or (2) has been terminated, see section 32(1) or section 21b(1), but who cannot be returned from Denmark, see section 31, and an alien who has had his application for a residence permit under section 7 or section 8(1) or (2) refused but cannot be returned from Denmark, see section 31, must report to the police at specified times to ensure that the alien's place of residence is continuously known to the police.

(5) The police may decide that unless special reasons will otherwise require, an alien who has been expelled by a final judgment under sections 22 – 24 and is not remanded in custody under section 35 must report to the police at specified times in order to ensure effective enforcement of the decision of expulsion.

(6) The police may decide that, unless special reasons will otherwise require, an alien whose residence permit or right of residence has been terminated under section 21b(1) or who has been expelled under section 25 must report to the police at specified times to ensure effective implementation of his departure or return.

(7) The police may apply the measures referred to in subsection (1) when it must be considered necessary to ensure the presence of an alien in transit in a Danish airport with a view to his return.

#### **34a. (Repealed)**

**35.-(1)** An alien may be remanded in custody when there are certain reasons to consider remand custody necessary to ensure the alien's presence during the proceedings and the hearing of a possible appeal until a possible order of expulsion may be enforced and where -

- 1) the alien has no permanent address in this country and there are reasons to suspect that the alien has committed an offence that may lead to expulsion according to sections 22 – 24 or
- 2) the alien has entered Denmark in contravention of a ban on re-entry.

(2) An alien who has submitted an application for a residence permit under section 7 and been expelled by a final judgment under sections 22 – 24 may be remanded in custody for the purpose of ensuring effective enforcement of the expulsion order.

(3) The provisions of the Administration of Justice Act on remand custody and measures that replace such custody apply in general. However, a time limit must always be fixed for the duration of the remand custody or measure when remand custody or a measure that replaces it is ordered, solely for the purpose of enforcement of the decision upon a final judgment ordering expulsion. The time limit under the second sentence must be fixed by the court in the district where the alien is detained. In addition, an inspection and examination of the alien's body and clothes may be carried through under the provisions of section 37a(3) – (7).

**35a.-(1)** An alien may be placed in remand custody when there are grounds to suspect that the alien has repeatedly violated orders imposed under sections 34(4) – (6), section 42a(8), the first and third sentences, or section 42a(10).

(2) The provisions of the Administration of Justice Act on remand custody and measures that replace such custody apply in general.

**35b.** (Repealed)

**36.-(1)** In case the measures referred to in section 34 are not sufficient to secure the possibility of refusal of entry, of expulsion under section 25 para. 2) or sections 25a, 25b and 25c or of return of an alien who has otherwise no right to be in this country according to the rules of Parts 1, and 3 -5, the police must as far as possible decide that the alien must be placed in detention. To secure the possibility of refusal of entry or transfer under the rules of Part 5a, the police may decide that the alien must be detained if there is a material risk that the alien may disappear and the measures referred to in section 34 are not sufficient. The police may decide that an alien must be placed in detention to secure the possibility of expulsion under section 25 para. 1). If the alien has a permanent habitual residence in this country, the alien may solely be detained in order to secure the possibility of expulsion under section 25. An alien whose application for a residence permit under section 7 is expected or has been selected for processing according to the procedure referred to in section 53b(1) may upon a specific, individualised assessment be detained if it is required in order to secure the alien's presence while his asylum case is processed unless the measures referred to in section 34 are adequate. The police may decide that an alien who applies for a residence permit under section 7 must be detained in connection with his entry for the purpose of establishing the alien's identity, carry through registration and determine the basis of the application.

(2) An alien may be detained if he fails to comply with an order from the Immigration Service to stay at a specified place, see section 42a(7), the third sentence, and subsection (8), the second sentence, and section 42d(2), the second sentence. An alien who has submitted an application for a residence permit under section 7 may also be detained if, without reasonable cause, the alien does not appear for an interview with the police or the Immigration Service to which the alien has been called.

(3) An alien who has submitted an application for a residence permit under section 7, and has been expelled under section 25a(1), may be placed in detention to ensure effective enforcement of the decision of expulsion.

(4) If the measures referred to in section 34 are inadequate to secure efficient processing of the asylum application and return from Denmark, an alien who has



submitted an application for a residence permit under section 7 may be detained during the asylum proceedings if due to his behaviour the alien significantly obstructs the process of obtaining information for the case by –

- 1) Repeatedly failing, without reasonable cause, to appear for interviews with the police or the Immigration Service to which the alien has been called;
- 2) Not giving or obscuring information about his identity, nationality or travel route or by offering information about such data that is undoubtedly untrue, see section 40(1), the first and second sentences; or
- 3) Not cooperating in providing information for the case in any other similar way.

(5) Where the police make arrangements for an alien's departure on which the alien does not cooperate, see section 40(6), the first sentence, the alien must as far as possible be detained to ensure that the alien provides the information required for his departure and contributes to obtaining the necessary travel documents and visa and assist in the departure in general.

(6) An alien whose application for a residence permit under section 7 has been refused by the Immigration Service under section 53b(1) or by the Refugee Appeals Board, where the police make the arrangements for the alien's departure and the alien does not cooperate on his departure, see section 40(6), the first sentence, must as far as possible be detained if the measures mentioned in sections 34 and 42a(7), the third sentence, and subsection (8), the second sentence, and subsection (12) are not sufficient to ensure the alien's cooperation on the departure.

(7) An alien who fails once or several times to comply with directions from the police under section 34(4) may be detained if necessary to determine whether a possibility of his return has arisen, see section 32b.

(8) If the measures referred to in section 34 are not sufficient to ensure the presence of an alien in transit at a Danish airport for the purpose of his return, the alien may be placed in detention.

**37.-(1)** An alien who has been detained under section 36 must, if he has not been released before then, be brought before a court of justice within three full days from the commencement of the detention, and the court must rule on the lawfulness of the detention and its continuation. If the detention was commenced to ensure the possibility of expulsion under section 25 para. 1), the lawfulness of the detention and its possible continuation must be brought before the court within three full days from its commencement, even if the alien is released before then. If the detention under section 36 was commenced in immediate extension of detention under the Act on Police Activity, the time limit must be reckoned from the time of detention under the Act on Police Activity. The court's review of an instance of detention commenced to ensure the possibility of expulsion under section 25 para. 1) must be dealt with according to Part 7b. If the detention under section 36 was commenced in immediate continuation of arrest according to Part 69 of the Administration of Justice Act, the time limit must be reckoned from the time of the arrest. The alien must be brought before the court in the district where the alien is detained, but see the fourth sentence above.

(2) The court must appoint counsel to assist the alien. The date and hour when detention was commenced and when the alien was brought before the court must be registered in the court records.

(3) The court must make its decision by an order, against which an interlocutory appeal may be lodged under the rules of Part 37 of the Administration of Justice Act. If the alien is detained at the time of the decision and if it is found lawful, the court order must determine a time limit for continued detention. This time limit may later be extended by the court, but not by more than four weeks at a time. If the detention was commenced under section 36(1), the fifth sentence, it may be continued under this provision for not more than seven days after the detention was commenced according to section 36(1), the fifth sentence. Section 748b, with the exception of the second sentence of subsection (1), of the Administration of Justice Act will apply *mutatis mutandis* in respect of court hearings held to consider extension of the time limit for detention.

(4) When detention of an alien is commenced, the police must inform the alien in writing of the provisions of subsection (2), the first sentence, and subsection (1) or section 37k(2) in a language which the alien understands or may reasonably be assumed to understand. The police must furthermore inform the alien of his right to contact the diplomatic or consular representation of his country of origin or, if the alien applies for a residence permit under section 7, his right to contact a representative of the Danish Refugee Council.

(5) An interlocutory appeal does not have any suspensory effect on the execution of a decision of refusal of entry, expulsion, transfer or return on the grounds that the alien is not entitled to stay in Denmark under the rules of Parts 1 and 3 – 5a.

(6) Otherwise, Part 43a of the Administration of Justice Act applies *mutatis mutandis*.

(7) A decision on detention under section 36 and continued detention, see subsection (1), the first sentence, must be communicated in writing. When commencing the detention according to section 36(1), the second sentence, the police must give the alien a written translation of the key elements of the decision in a language that the alien understands or may reasonably be assumed to understand.

(8) Detention for the purpose of return under section 36 may not continue for a period exceeding six months. The court may however extend this period for up to additionally 12 months in special circumstances if the return procedures may be expected despite all reasonable efforts to take longer as a consequence of the alien's non-cooperation in the return or delays in connection with the obtainment of the necessary travel document and entry permit. The detention must be as brief as possible and may be continued only while the return is being prepared and carried out with due care.

(9) Detention under section 36(1), the second sentence, may not be continued if the Immigration Service has not within one month from the time when the application for a residence permit under section 7 was submitted made a request to another Member State for acceptance or return of the alien. If such an application has not been made, the detention may not be maintained in case the Immigration Service has not filed a request to another Member State for acceptance or return within one month from the date when the alien's presence in Denmark has become known to the immigration authorities. From the date when another Member State has accepted the transfer or return or when a complaint

will no longer have any suspensory effect, detention may not take place for a period exceeding six weeks. The detention must be as brief as possible and may be continued only while the refusal of entry or the transfer is being prepared and carried out with due care.

(10) Detention under section 36 for the purpose of refusal of entry or transfer according to the rules of Part 5a or return or detention of aliens who apply for a residence permit under section 7, must take place in special facilities. If this is not possible the detainee must be kept separate from regular inmates. Unaccompanied minors may not be detained in prisons.

**37a.-(1)** Section 758(1), the first sentence, section 758(2) and section 759 of the Administration of Justice Act apply *mutatis mutandis* to an alien who is detained according to section 36.

(2) Sections 773 – 776 and 778 of the Administration of Justice Act apply *mutatis mutandis* to an alien whose detention has been continued by a decision of the court according to section 37 read with section 36 above.

(3) The police may in connection with detention according to section 36 and observing subsections (4) – (7) carry out a search and examination of the alien's body and clothes in order to take objects from the alien that may be used for violence or evasion or otherwise cause danger to the alien or others. The police may take such objects found on the alien into custody.

(4) A search and examination according to subsection (3) may not be carried through if considering the objective of the measure, the importance of the case and the offence and nuisance the intervention may be assumed to cause it would be a disproportionate measure.

(5) Body searches must be carried out as gently as circumstances permit. It must for instance be ensured as far as possible that intrusion which may otherwise be perceived as offending to a person's modesty will only be performed by persons of the same gender as the examined alien or by healthcare professionals. Where such a measure requires undressing, it must as far as possible only be attended by persons of the same gender as the alien or by healthcare professionals.

(6) The measures referred to in section 792(1) paras. 1) and 2) of the Administration of Justice Act are allowed. Measures referred to in section 792(1) para. 2) may only be carried through with a doctor participating. The doctor must assess whether the performance of the measure, taking account of the pain and risk associated with it and the examined person's condition, is a medically appropriate procedure.

(7) A body search of an alien whose detention has been upheld by the court according to section 37 read with section 36 may only be carried through if there is a specific and imminent danger or if there are definite reasons to assume that the alien is unlawfully in possession of objects. However, the police may immediately before carrying through a return of an alien carry through a body search of an alien even if there is no specific and imminent danger or there are no definite reasons to assume that the alien is unlawfully in possession of objects, in case the alien is held in detention for the purpose of return according to section 36(1) paras. 1) – 5).

**37b.**-(1) An alien who is placed in detention according to section 36 or whose detention is upheld by the court according to section 37 read with section 36 will not while kept in detention be subject to other restrictions of his liberty than are required by the aim of the detention and the maintenance of order and security at the place of detention.

(2) Section 770(2) of the Administration of Justice Act applies mutatis mutandis to an alien who has been placed in detention under section 36 of this Act or whose detention has been upheld by the court according to section 37 read with section 36.

**37c.**-(1) The court may order at the request of the police, that an alien whose detention has been upheld by the court according to section 37 read with section 36 must be fully or partly excluded from common contact with other inmates (solitary confinement) if required with a view to the obtainment of information necessary for an assessment of whether a permit may be granted under this Act or whether the alien stays lawfully in this country.

(2) Solitary confinement must not be commenced or continued if the purpose of the measure may be achieved through less radical measures of intervention. In the decision of whether to order solitary confinement the court must furthermore consider the special strain it may involve to the detainee due to the detainee's young age or physical or mental infirmity.

(3) The request from the police for solitary confinement must be submitted to the court in the district where the alien is detained. The court must appoint counsel to assist the alien. The court's decision must be made by an order, against which an interlocutory appeal may be lodged under the rules of Part 37 of the Administration of Justice Act. An interlocutory appeal will not have any suspensory effect in respect of the implementation of the order of solitary confinement. Furthermore, Part 43a of the Administration of Justice Act will apply mutatis mutandis.

(4) If the court finds that solitary confinement may be commenced or continued, the order must specify a time limit for the continued solitary confinement. When solitary confinement is commenced, the first time limit for the duration of the measure must not exceed two weeks. This time limit may later be extended by the court, but not by more than four weeks at a time. Complete solitary confinement may not take place for an unbroken period of more than four weeks. Section 748b, with the exception of the second sentence of subsection (1), of the Administration of Justice Act applies mutatis mutandis to court hearings for determining commencement or continuation of solitary confinement.

(5) The police may decide that an alien who is held in detention under section 36, but has not been brought before the court according to section 37, must be subjected fully or partly to solitary confinement if the conditions of subsections (1) and (2) are met. The alien may demand that a decision on solitary confinement made by the police under the first sentence above must be put before the court to be considered in connection with the alien's appearance before the court under section 37. A request according to the second sentence will not have any suspensory effect. Subsection (3) applies mutatis mutandis.

**37d.**-(1) An alien who is held in detention according to section 36, or whose detention has been upheld by the court according to section 37 read with section 36, may receive visitors to an extent consistent with the maintenance of order and security at the place where the alien is detained. To facilitate the obtainment of information necessary for

assessing whether a permit may be granted according to this Act or whether the alien stays lawfully in Denmark, or information necessary for allowing the police to make arrangements for the alien's departure, the police may oppose visits to the detainee or demand that visits take place under supervision. The detainee will always have the right to receive unsupervised visits by his appointed counsel. A detainee who has applied for a residence permit under section 7 will always have the right to unsupervised visits by a representative of the Danish Refugee Council and of the United Nations High Commissioner for Refugees (UNHCR).

(2) Where the police refuse visits to an alien whose detention has been upheld by the court under section 37 read with section 36, the detainee must be informed of the refusal, unless the court may decide otherwise to facilitate the obtainment of information necessary for assessing whether a permit may be granted according to this Act or whether the alien stays lawfully in Denmark, or information necessary for allowing the police to make arrangements for the alien's departure. Section 37c(3) applies *mutatis mutandis*.

(3) Where the police refuse visits to an alien who is detained according to section 36 but has not been brought before the court according to section 37, the detainee must be informed of the refusal, unless the police may decide otherwise to facilitate the obtainment of information necessary for assessing whether a permit may be granted under this Act or whether the alien stays lawfully in Denmark or information necessary for allowing the police to make arrangements for the alien's departure.

(4) An alien whose detention has been upheld by the court according to section 37 read with section 36, may demand that a police refusal of visits or requirement of supervision under subsection (1) must be put before the court for determination. A request according to the first sentence above does not have any suspensory effect. Section 37c(3) applies *mutatis mutandis*.

(5) An alien who is detained according to section 36 but has not been brought before the court according to section 37 read with section 36, may demand that a police refusal of visits or requirement of supervision under subsection (1) must be put before the court for determination when the alien is brought before the court according to section 37 read with section 36. A request under the first sentence above has no suspensory effect. Section 37c(3) applies *mutatis mutandis*.

**37e.-(1)** An alien who is detained according to section 36, or whose detention has been upheld by the court under section 37 read with section 36, has the right to receive and send letters. The police may check the letters before they are received or sent. The police must as soon as possible hand over or send the letters, unless their contents may potentially be detrimental to the obtainment of information that is necessary for assessing whether a permit may be granted according to this Act or whether the alien stays lawfully in Denmark, or information necessary for allowing the police to make arrangements for the alien's departure, or detrimental to the maintenance of order and security at the place where the alien is detained.

(2) An alien who is detained according to section 36, or whose detention has been upheld by the court according to section 37 read with section 36, has the right to unsupervised exchange of letters with his assigned counsel, the Minister for Immigration and Integration, the Immigration Service, the Agency for International Recruitment and

Integration, the Refugee Appeals Board and the Immigration Appeals Board. If the alien has applied for a residence permit under section 7, he will moreover have the right to unsupervised exchange of letters with the Danish Refugee Council and the United Nations High Commissioner for Refugees (UNHCR). Section 772(2) of the Administration of Justice Act applies *mutatis mutandis*.

(3) Where a letter to or from an alien whose detention has been upheld by the court according to section 37 read with section 36, is withheld, the question of whether such withholding should be continued must immediately be put before the court for decision. If the withholding is continued, the sender and the addressee must be informed immediately, unless the court decides otherwise to facilitate the obtainment of information that is necessary for assessing whether a permit according to this Act may be granted or whether the alien stays lawfully in Denmark, or that is necessary for allowing the police to make arrangements for the alien's departure. Section 37c(3) applies *mutatis mutandis*.

(4) Where a letter to or from an alien who is detained according to section 36, but who has not been brought before the court according to section 37 is withheld, the sender and the addressee must be informed immediately, unless the police should decide otherwise to facilitate the obtainment of information that is necessary for assessing whether a permit may be granted according to this Act or whether the alien stays lawfully in Denmark, or that is necessary for allowing the police to make arrangements for the alien's departure. The sender or addressee may demand that the withholding of a letter by the police must be put before the court for decision when the alien is brought before the court according to section 37. A request according to the second sentence above has no suspensory effect. Section 37c(3) applies *mutatis mutandis*.

## Part 6a

### *Handling of mass inflows of refugees and migrants into Denmark*

**37f.-(1)** The Minister for Immigration and Integration may decide in special situations that legal provisions on the presentation of municipal plans and local plans, provisions on permission under section 35(1) of the Planning Act and provisions on local plans and the plans etc. maintained according to section 68(2) of the Planning Act will not apply to properties to be used as accommodation facilities according to section 42a(5) of this Act or facilities to be used for detention according to section 36 of this Act.

(2) The Minister for Immigration and Integration may decide in special situations that rules or decisions made according to sections 3 and 5j of the Planning Act or published draft rules according to sections 3 and 5j read with section 22a(1) of the Planning Act do not apply to properties to be used as accommodation facilities according to section 42a(5) of this Act or facilities to be used for detention according to section 36 of this Act.

(3) The Minister for Immigration and Integration may decide in special situations that the Construction Act does not apply to the use of existing buildings and portable structures as accommodation facilities according to section 42a(5) of this Act or facilities to be used for detention according to section 36 of this Act.

(4) A building etc. that is subject to a decision made according to subsection (3) must afford satisfactory security in respect of fire protection and safety.

(5) Where accommodation facilities or facilities to be used for detention purposes are established according to this present section in a noise affected area, suitable shielding measures must be established as soon as possible.

**37g.** The Minister for Immigration and Integration may in special situations decide that the police and the Immigration Service may use properties owned by administrative authorities against payment in case it is necessary for the delivery of services according to this Act.

**37h.** The Minister for Immigration and Integration may in special situations order the local authority in which an accommodation facility is established according to section 42a(5), the first sentence, to serve as an accommodation operator. The order must include the specific terms for the local authority's delivery of the operating responsibility.

**37i.** Private entities or individuals may in special situations assist with delivering authority services under this Act according to specific directions from the police or the Immigration Service.

**37j.** The police may in exceptional cases issue prohibitions of train, coach and ferry operations across Danish national borders.

**37k.-(1)<sup>3</sup>** The Minister for Immigration and Integration may in special situations decide that subsection (2) must be applied for a specified period instead of section 37(1), the first sentence.

(2) An alien must, unless the alien has been released before then, be brought before the court which must consider the question of the lawfulness of the detention and its continued enforcement as soon as possible and no later than four weeks after detention has been commenced. Otherwise, the rules of sections 37 – 37e apply with the necessary changes.

(3) Upon the expiry of the period set out in subsection (1) the question of continued detention of an alien according to section 36 must be put before the court, in case the question of the lawfulness and continued enforcement of the detention has not previously been put before the court, as soon as possible and no later than four weeks after the commencement of the detention unless the alien has been released before then. Where the question of the lawfulness and continuation of the detention has previously been put before the court, the question of the lawfulness of continued detention must be put before the court in accordance with the time limit fixed by the court unless the alien is released before then.

**37l.** The Minister for Immigration and Integration must in special situations fix a monthly limit to the number of residence permits that may be granted under section 9(1) para. 1), heads c) and d), para. 2) heads c) and d) and para. 3) heads c) and d) and section 9c(1) to family members of aliens living in Denmark with residence permits under section 7 or 8, unless it will with certainty be contrary to Denmark's international obligations. Permission to family reunification for family members of aliens living in Denmark with residence permits under sections 7 and 8 must however, irrespective of the establishment of a limit according to the first sentence above be granted if it follows from Denmark's international obligations. The Immigration Service must assess whether an alien is subject

to the limit. The Immigration Service's assessment and communication of it to the alien is not a decision.

## Part 7

### *Checking of the entry, stay, and exit etc. of aliens*

**38.-(1)** At the border of a country which has not acceded to the Schengen Convention, entry and exit checks must be carried out according to Articles 7 and 8 of the Schengen Borders Code.

(2) Entry and exit checks may not be carried out at the border of a Schengen State. Checks may exceptionally be carried out at such a border according to Article 25 of the Schengen Borders Code.

(3) Unless otherwise provided by Articles 5, 19 and 20 of the Schengen Borders Code, entry and exit across the border of a country which has not acceded to the Schengen Convention may only take place at the border crossing points (ports and airports) approved by the Minister for Immigration and Integration and solely within their opening hours. The Minister for Immigration and Integration may lay down more detailed conditions for the approval of a port or airport as a border crossing point.

(4) The Minister for Immigration and Integration may lay down more detailed rules on entry and exit checks, including rules on police access to airline booking systems, on the stay in Denmark of foreign crew members, on the signing on and off in Denmark of foreign crew members, and on the duties of ship's masters and aircraft captains.

(5) When checking entry and exit under subsection (1) and subsection (2), the second sentence, the police is empowered to search boots and other closed compartments of vehicles, ships and aircraft to ensure that no illegal entry or exit takes place.

(6) The police may stop and check persons after their entry into Denmark on the basis of information and experience concerning unlawful residence or factual circumstances that give reason to assume unlawful residence or for the purpose of preventing unlawful residence, in order to establish their identity, nationality or right of residence.

(7) The police may stamp an alien's passport or other travel document upon entry or exit or upon refusal of entry or expulsion. The Minister for Immigration and Integration may lay down more detailed rules on the stamping of passports and other travel documents by the police.

(8) The police may for the purpose of entry and exit control and the checks referred to in subsection (6) receive passenger information from the customs authorities.

(9) The Minister for Immigration and Integration lays down specific rules on the checking referred to in subsection (6), including access for the police to passenger information and information about motor vehicles collected by means of automatic number plate recognition technology and the duties of aircraft captains and ship's masters.

**39.-(1)** An alien must upon his entry, while staying in this country and upon his exit from the country be in possession of a passport or another document acceptable as a travel document as prescribed by the Minister for Immigration and Integration.



(2) The Minister for Immigration and Integration may lay down rules on the extent to which the passport or travel document must be provided with a visa endorsement for entry into or exit from Denmark. The Minister for Immigration and Integration may furthermore lay down more detailed rules on visas, including the right to a visa, the period of validity of the visa, the conditions that may be attached to the visa, on the distribution of case processing in the visa area between the Immigration Service and the Danish diplomatic and consular representations abroad and on the fundamental considerations to be observed in the processing and decision of visa cases.

(3) The passport or travel document must upon entry and exit be presented at the passport checkpoint and during a stay in this country be shown to public authorities upon request. On entry from or exit to a Schengen State, the passport or travel document must not be presented at the passport checkpoint unless checks are carried out exceptionally at such a border point under Article 25 of the Schengen Borders Code read with section 38(2) of this Act. The Minister for Immigration and Integration may order that aliens must carry their passports or other documents of identification with them at all times during their stay in Denmark. The Minister for Immigration and Integration may furthermore lay down specific rules on the requirements that an alien who does not have to be issued with a visa to enter and stay in Denmark must satisfy upon his entry or stay in Denmark.

(4) The provisions of subsections (1) – (3) do not apply to nationals of another Nordic country staying in Denmark or entering from or departing to another Nordic country. The Minister for Immigration and Integration may exempt other aliens from meeting the requirements of subsections (1) and (3).

(5) The issuing of a special travel document to an alien who is unable to get a passport for himself or for other reasons needs such a document may unless special circumstances are involved be refused if the applicant has been issued with a new travel document several times within the past few years because his travel document has been lost, or if it is estimated to be necessary in the interest of national security, public order or the reputation of the State, but see subsection (6) below.

(6) The issuing of a travel document to refugees under the Refugees Convention of 28 July 1951 and an alien's passport to stateless persons under the Convention of 28 September 1954 relating to the Status of Stateless Persons may only be refused under subsection (5) if required by compelling considerations for national security or public order.

(7) Where the issuing of special travel documents under subsections (5) and (6) is refused with reference to the circumstance that the applicant has been issued with new travel documents several times within the past few years because his travel document has been lost, the applicant may for a period of five years not be issued with a new travel document unless exceptional circumstances so require.

(8) The Immigration Service may block a Danish-issued travel document in the Central Passport Register in case an alien is in possession of both a Danish-issued travel document and a national passport and does not want to deposit the Danish-issued travel document or the national passport with the Immigration Service.

(9) The Immigration Service may block a Danish-issued alien's passport in the Central Passport Register in case the holder is registered as having left Denmark in the Central Civil Registry.

(10) The Minister for Immigration and Integration lays down rules on the issuing of a special travel document to an alien who is unable to get a passport for himself or needs such a document for other reasons. A child below 15 years who holds an independent passport or independent special travel document may be required by the person(s) who hold(s) parental custody to be deleted from the special travel documents of other persons according to the same rules as those that apply to passports for Danish nationals. Special travel documents issued to aliens may be revoked according to the same rules as those that apply to passports for Danish nationals or where the basis on which they were issued has ceased to exist.

**40.-(1)** An alien must provide the information necessary for assessing whether a permit under this Act may be granted or revoked or cancelled or whether the alien stays or works lawfully in Denmark. When called, an alien must appear in person and, upon request, produce his passport or travel document for the processing of applications according to this Act. The alien must be notified that the information referred to in the first and second sentences above may be disclosed to the intelligence services and the Prosecution Service under the rules of Part 7a. Other persons who are believed to be able to contribute information for the processing of the case may be ordered to provide the information stated in the first sentence above.

(2) The Immigration Service and the Refugee Appeals Board may, if warranted by considerations for the procurement of information in the case, in applications concerning a residence permit under section 7 or 8, in cases under section 17, 17a, 18, 18a or 21b concerning termination of a residence permit granted under section 7 or 8 and in cases under section 19 on the revocation of a residence permit granted under section 7 or 8 based on a specific assessment decide to include information from other cases concerning a residence permit under section 7 or 8, other cases under sections 17, 17a, 18, 18a and 21b on termination of a residence permit granted under section 7 or 8 or other cases under section 19 on revocation of a residence permit granted under section 7 or 8. The Immigration Service and the Refugee Appeals Board may furthermore, if warranted by considerations for the procurement of information in the case, decide that two or more cases as referred to in the first sentence above must be processed together.

(3) Anyone who employs or has employed an alien who holds or has held a residence and work permit in Denmark under section 9a(2) paras. 1) – 8) and para. 11) must provide the Agency for International Recruitment and Integration with the information necessary for checking if the conditions for the work permit are or have been observed.

(4) An alien may only demand reimbursement by the immigration authorities of expenses that the alien may have defrayed for the purpose of providing information to be used in the processing of a case under this Act if the authorities had made a written commitment to this effect before the information was provided.

(5) An alien must provide such information about his financial circumstances as is necessary for assessing whether the Immigration Service may order the alien to repay the

expenses for his maintenance and necessary healthcare services or for his stay at an accommodation facility falling within section 42a(5) read with section 42a(4).

(6) Where the police make arrangements for an alien's departure, the alien must provide the information necessary for that purpose and cooperate in procuring the necessary travel documents and visa and in his departure in general. The court may decide upon the request of the police, if it is found necessary for the purpose of returning the alien, that an alien who does not wish to cooperate in his return must appear before the representation of his country of origin or another country. The court must appoint counsel to assist the alien. The court must make its decision by an order, against which an interlocutory appeal may be lodged under the rules of Part 37 of the Administration of Justice Act. An interlocutory appeal has no suspensory effect. Part 43a of the Administration of Justice Act must otherwise be applied *mutatis mutandis* to the court hearing of the case.

(7) Where a person makes a declaration disclosing information in cases falling within this Act, the immigration authorities may demand that it must be given as a solemn declaration.

(8) Any person who assists in or seeks to contribute to ensuring by a false declaration or otherwise that an alien obtains a residence permit, a registration certificate or a residence card according to section 6 by fraud must refund the expenses incurred by the Treasury for the alien's entry, stay and exit and for the processing of the immigration case.

(9) An alien may be examined in court as set out in section 1018 of the Administration of Justice Act for the purpose of procuring information in cases that fall within this Act.

(10) Documents and objects that may be assumed to be of importance for the establishment of an alien's identity or ties with other countries or for the documentation of the case may be taken into custody if estimated to be necessary. In addition, assets that may be applied to cover the expenses referred to in section 42a(4), the first sentence, may be taken into custody. Where assets are seized, the rules of sections 509 – 516 of the Administration of Justice Act must be applied *mutatis mutandis*, however thus that assets of a value up to DKK 10,000 of special personal importance to the alien may not be taken into custody. The rules of Parts 72 and 73 of the Administration of Justice Act and on restraint and seizure in Part 74 of the same Act must be applied to the same extent as in cases concerned with crimes that may carry a prison sentence.

(11) If an alien who has applied for a residence permit under section 7 fails to attend without notice of a valid excuse after having been called to appear in person before the Immigration Service or the police, the alien's application for a residence permit under section 7 will be terminated. The request to appear must contain information about the effects of non-appearance. In special cases, the Immigration Service may decide that an application should not be considered terminated.

(12) When processing an application for a visa under section 4 or 4a(1), the Immigration Service may call the reference person living in Denmark to appear in person before the Immigration Service or the police and produce an identification document that proves his identity. If the reference person fails to appear without notice of a valid excuse after having been called to appear before the Immigration Service or the police, the visa

application may be refused. The request to appear must contain information about the effects of non-appearance.

**40a.-(1)** Fingerprints must be secured immediately from an alien –

- 1) Who applies for a residence permit under section 7(1) – (3), but see subsection (11) of this section;
- 2) Who is apprehended in an attempt to enter Denmark illegally from a country which is not a Member State of the European Union, and who is not refused entry, see section 28, or who remains in this country without being held in detention throughout the period between the apprehension and the return based on a decision of refusal of entry, see section 28; or
- 3) Who applies for renewal of a residence permit granted under section 7 or 8, but see subsection (11).

**(2)** Fingerprints may furthermore be secured from an alien –

- 1) Who stays unlawfully in Denmark, for the purpose of checking if the alien has previously submitted an application for asylum in another EU Member State;
- 2) Who does not apply for a residence permit under section 7(1) – (3) and must be refused entry, expelled or returned from Denmark, see section 30(1) in case there are definite reasons to assume on the basis of the alien's documents, belongings, financial means and other personal circumstances, that the alien will re-enter and apply for a residence permit under section 7(1) – (3);
- 3) If it is estimated to be expedient for the purpose of identification or identity control of the alien;
- 4) If it is estimated to be expedient for the purpose of the issuing or procurement of a travel document for the alien;
- 5) If the alien is subject to section 58g;
- 6) Who has been given instructions or orders by the Immigration Service to accept accommodation according to section 42a(7) of subsection (8), the first and second sentences, for the purpose of identification in connection with access control at the accommodation facilities of the Immigration Service; or
- 7) Who has been ordered to report to the police according to section 34 for the purpose of the administration by the police of the ordered reporting duty.

**(3)** Fingerprints taken according to subsection (1) or (2) may be registered in a special digital register kept by the National Commissioner of Police. The police and the Immigration Service may use the register in connection with the processing of immigration cases. The National Commissioner of Police is the data controller of this register.

**(4)** Fingerprints received from foreign immigration authorities in connection with the processing of immigration cases may be registered in the digital register mentioned in subsection (3).

**(5)** Fingerprints registered according to subsections (3) and (4) in the digital register referred to in subsection (3) must be deleted ten years after they have been taken.

**(6)** Fingerprints registered according to subsections (3) and (4) in the digital register referred to in subsection (3) may for the purpose of identification of the alien concerned,

be compared manually or electronically with fingerprints taken under the relevant provisions of the Administration of Justice Act.

(7) Fingerprints taken according to the relevant provisions of the Administration of Justice Act or secured as evidence in criminal proceedings may, for the purpose of investigation of a criminal offence, be compared manually or electronically with fingerprints registered in the digital register referred to in subsection (3) above.

(8) Fingerprints received as part of an international arrest warrant may be compared manually or electronically with fingerprints registered in the digital register referred to in subsection (3). Information from the data register may, for the purpose of replying to an international arrest warrant, be transmitted to the international police cooperation organisation or the foreign authority that issued the warrant.

(9) The police and the Immigration Service may without the alien's consent transmit fingerprints electronically or manually, where in accordance with subsections (3) and (4) they have been registered in the digital register referred to in subsection (3), to foreign immigration authorities in connection with the processing of immigration cases. The police may furthermore for the purpose of identification of an alien or for the purpose of issuing or procuring travel documents transmit fingerprints registered in the digital register referred to in subsection (3) in accordance with subsections (3) and (4) to the representation of the alien's country of origin or another country or to international police cooperation organisations.

(10) Fingerprints must be taken as gently as the circumstances permit. If necessary, the measure may be carried through with the requisite use of force.

(11) No fingerprints may be taken according to subsection (1) para. 1) or 3) for potential use in the issuing of a residence card if for physical reasons the applicant is unable to deliver fingerprints. If the alien is under 18 years of age, fingerprints may solely be taken under subsection (1) para. 1) or 3) for potential use in the issuing of a residence card if the applicant is unaccompanied and has turned six years of age or if an application is submitted for the issuing of a residence card for the alien.

(12) Subsections (3)–(9) do not apply if fingerprints are taken according to subsection (1) para. 1) or 3) for potential use in the issuing of a residence card or if fingerprints are taken according to subsection (2) paras. 6) and 7).

(13) Where fingerprints are taken according to subsection (1) para. 1) or 2) or subsection (2) para. 1) for transmission to the Central Eurodac System in accordance with section 58i(1), the police must inform the alien in writing and if necessary verbally of his rights according to section 28(1) of the Act on the Processing of Personal Data and his obligation to be fingerprinted.

(14) Fingerprints taken according to subsection (1) paras. 1) and 3) must be retained for 20 years after they were taken to be used in identification and identity control or for ten years after the fingerprints were taken if the alien is granted a residence permit. Fingerprints retained according to the first sentence above must be erased if the alien is granted Danish nationality.

(15) Fingerprints retained under subsection (14) must be entered in a central register kept by the Ministry of Immigration and Integration, the Immigration Service and the Agency for International Recruitment and Integration.

(16) Fingerprints retained under subsection (14) may be processed by the immigration authorities, the Ministry of Foreign Affairs and the police for the purposes referred to in subsection (14).

**40b.-** (1) A photograph will be taken of an alien who applies for a residence permit under section 7 or for renewal of a residence permit granted under section 7 or 8, but see subsection (11) below.

(2) A photograph of an alien may furthermore be taken –

- 1) If considered expedient for the purpose of identification or identity control of the alien;
- 2) If considered expedient for the purpose of the issuing of an identity card or other document of identification to the alien;
- 3) If considered expedient for the purpose of the issuing or procurement of a travel document for the alien; or
- 4) If the alien is subject to section 58g.

(3) Photographs taken according to subsection (1) or (2) may be registered in a special register kept by the National Commissioner of Police. The police and the Immigration Service may use the register in connection with the processing of immigration cases. The National Commissioner of Police is the data controller of this register.

(4) Photographs received from foreign immigration authorities in connection with the processing of immigration cases may be retained in the register referred to in subsection (3).

(5) Photographs registered according to subsections (3) and (4) in the register referred to in subsection (3) must be deleted ten years after having been taken.

(6) Photographs registered according to subsections (3) and (4) in the register referred to in subsection (3) may for the purpose of identification of the alien concerned, be compared manually or electronically with photographs taken under the relevant provisions of the Administration of Justice Act.

(7) Photographs taken according to the relevant provisions of the Administration of Justice Act may, for the purpose of investigations of a criminal offence, be compared manually or electronically with photographs registered in the register referred to in subsection (3).

(8) Photographs received as part of an international arrest warrant may be compared manually or electronically with photographs registered in the register referred to in subsection (3). Information from the register may, for the purpose of replying to an international arrest warrant, be transmitted to the international police cooperation organisation or the foreign authority that issued the warrant.

(9) The police and the Immigration Service may, without the alien's consent, make a transmission, electronic or manual, of photographs registered under subsections (3) and (4) in the register referred to in subsection (3) to domestic and foreign immigration authorities in connection with the processing of immigration cases. For the purpose of identification of the alien or for the purpose of issuing or procuring a travel document, the police may furthermore transmit a photograph registered according to subsections (3) and (4) in the register referred to in subsection (3) to the representation of the alien's country of origin or another country or to international police cooperation organisations.

(10) Photographs must be taken as gently as the circumstances permit. If necessary, the measure may be carried through with the requisite use of force.

(11) Where the alien is under the age of 18, a photograph will only be taken under subsection (1) for potential use in the issuing of a residence card if the applicant is unaccompanied or if an application for the issuing of a residence card to the alien is submitted.

(12) Subsections (3) – (9) do not apply if a photograph is taken under subsection (1) for potential use in the issuing of a residence card.

(13) A photograph taken in accordance with subsection (1) must be retained for 20 years after it was taken for the purpose of identification and identity control or, if the alien is granted a residence permit for ten years after it was taken. A photograph of an alien that is retained according to the first sentence above must be deleted if the alien is granted Danish nationality.

(14) A photograph retained according to subsection (13) must be registered in a central register kept by the Ministry of Immigration and Integration, the Immigration Service and the Agency for International Recruitment and Integration.

(15) Photographs retained according to subsection (13) may be processed by the immigration authorities, the Ministry of Foreign Affairs and the police for the purposes referred to in subsection (13).

**40c.-(1)** In the processing of an application for a residence permit under section 9 or 9c(1), the Immigration Service and the Immigration Appeals Board may demand that the applicant and the person with whom the applicant claims to have the family ties on which the residence permit is to be based must submit to a DNA test for the purpose of determining the family relations if such relations cannot be considered sufficiently evidenced otherwise or for the purpose of establishing another familial relationship than the one reported by the applicant.

(2) The police and the Immigration Service may demand that an unaccompanied alien who claims to be under the age of 18 must submit to a medical examination to determine the alien's age.

**40d.** In connection with the tests referred to in section 9(34) and (35) which an alien has to take, the test provider may, without the alien's consent, obtain information from the register of aliens kept by the Minister for Immigration and Integration about the alien's

- 1) name;
- 2) gender;
- 3) date of birth;
- 4) nationality;
- 5) passport number or number of other travel document; and
- 6) photograph.

**40e.** The Immigration Service, the Agency for International Recruitment and Integration and the State Administration must carry out the final registration in their own case processing systems of the following data concerning aliens who are not subject to section 1 and who are granted a residence permit according to sections 7 – 9f, 9i – 9n, 9p or 9q or are issued with a registration certificate or a residence card as set out in section 6:

- 1) Name
- 2) Date of birth
- 3) Country of birth and
- 4) Nationality.

**40f.** Fingerprints and personal photographs to be used in identification and identity control must be taken of an alien who submits an application for a residence permit according to sections 9, 9a, 9c – 9f, 9i – 9n, 9p or 9q or an application for renewal of a residence permit granted under section 9 – 9f, 9i – 9n, 9p or 9q, but see subsections (3) and (4).

(2) Fingerprints and personal photographs taken according to subsection (1) must be registered in a central register kept by the Ministry of Immigration and Integration, the Immigration Service and the Agency for International Recruitment and Integration.

(3) A personal photograph will not be taken as referred to in subsection (1) if the alien is under 18 years of age and the alien is intended to stay permanently with the holder of parental custody. The exemption in the first sentence above does not apply if a personal photograph of the alien is taken for the purpose of the issuing of a residence card.

(4) Fingerprints will not be taken as referred to in subsection (1) if for physical reasons the alien is unable to deliver them. In addition, fingerprints will not be taken as referred to in subsection (1) if the alien is under 18 years of age and the alien is intended to stay permanently with the holder of parental custody or if the alien is under six years of age. The exemption in the second sentence above does not apply if the alien is fingerprinted for the purpose of the issuing of a residence card.

(5) Fingerprints and personal photographs taken according to subsection (1) must be retained for 20 years after they have been taken or if the alien is granted a residence permit, for ten years after the fingerprints and the personal photograph were taken. Fingerprints and personal photographs retained according to the first sentence above must be deleted if the alien is granted Danish nationality.

(6) Fingerprints and personal photographs taken according to subsection (1) may be processed by the immigration authorities, the Ministry of Foreign Affairs and the police for the purposes referred to in subsection (1).

**40g.-(1)** Fingerprints and personal photographs must be taken for the purpose of identification and identity control of an alien who submits an application for a visa to Denmark in accordance with the rules of the Visa Code, but see subsection (3).

(2) Fingerprints and personal photographs taken according to subsection (1) must be registered in a central register kept by the Ministry of Immigration and Integration, the Immigration Service and the Agency for International Recruitment and Integration.

(3) Fingerprints will not be taken as referred to in subsection (1) if the alien is exempted from this requirement according to the Visa Code.

(4) Fingerprints and personal photographs taken according to subsection (1) must be retained for ten years after they have been taken or until the alien is granted Danish nationality.

(5) Fingerprints and personal photographs taken according to subsection (1) may be processed by the immigration authorities, the Ministry of Foreign Affairs and the police for the purposes referred to in subsection (1).



**40h.**-(1) Fingerprints and personal photographs must be taken for the purpose of identification and identity control of an alien who submits an application for the right of residence according to the EU rules and on reasonable grounds is suspected of giving incorrect information about his identity. It is a condition that less intrusive measures are not sufficient to achieve the objective stated in the first sentence, but see subsection (2).

(2) No fingerprints may be taken according to subsection (1) if for physical reasons the alien is unable to deliver them or if the alien is under six years of age.

(3) Fingerprints and personal photographs taken according to subsection (1) must immediately be compared to fingerprints and personal photographs registered in the register referred to in sections 40a(15), 40b(14), 40f(2) and 40g(2).

(4) Fingerprints and personal photographs taken according to subsection (1) must be deleted immediately when they have been compared according to subsection (3).

**40i.**-(1) The National ID Centre presents statements and provides counselling and assistance to public authorities about questions concerned with the determination and checking of the identity of aliens when this is of importance for the authorities' service delivery. In addition, the National ID Centre must set up an ID Network.

(2) The public authorities which, under subsection (7) below, the Minister for Immigration and Integration may decide to have comprised by subsection (1), may disclose information without the alien's consent, including information about the alien's fully private conditions and other confidential details, to the National ID Centre if the disclosure is necessary for having the Centre's functions carried out.

(3) Information received by the National ID Centre under subsection (2) must be registered and stored in a database kept by the Centre and may be processed by the Centre for the purposes referred to in subsection (1), the first sentence.

(4) The National ID Centre must carry out its functions in complete independence.

(5) The definition of the general strategy, priorities and action areas of the National ID Centre as well as the guidelines for the Centre's long-term activity and development must be carried out in the reference group of the National ID Centre. The head of the National ID Centre must take part in the meetings of the reference group.

(6) The National ID Centre must present an annual report on its activity to the Minister for Immigration and Integration. The report must be published.

(7) The Minister for Immigration and Integration may lay down specific rules on the public authorities that will be comprised by subsection (1).

**41.** The Minister for Immigration and Integration may lay down rules prescribing that aliens are obliged to report to a public authority due to the consideration for national security or the maintenance of peace and order.

**42.**-(1) The Minister for Immigration and Integration may lay down rules requiring that anyone who provides lodgings or campsites to aliens free of charge or against payment must keep records of foreign guests and inform the police of their arrival and departure. The records must at all times be kept available for inspection by the police.

(2) Aliens must provide the information necessary for the fulfilment of the obligation set out in subsection (1).

(3) The Minister for Immigration and Integration may lay down specific rules on the records of foreign guests referred to in subsection (1), including rules on the lay-out, contents and keeping of the records, on the information to be given by aliens according to subsection (2), on the documents to be presented by aliens and on the expenses to be paid by the person who is obliged under subsection (1) to keep the records.

**42a.-(1)** An alien who stays in Denmark and submits an application for a residence permit under section 7 will have the expenses for his subsistence and necessary healthcare services covered by the Immigration Service until the alien is granted a residence permit or the alien leaves Denmark or is returned, but see subsections (3) and (4) and section 43(1). An alien as referred to in the first sentence above who has been granted a residence permit under section 7(1) – (3), section 9b, 9c or 9e will have the expenses for his subsistence and necessary healthcare services covered by the Immigration Service up to the point in time when the responsibility for the alien is transferred to the Local Council as set out in section 4(2) but read with subsections (3) and (4) of the Integration Act.

(2) Where an alien who is not covered by subsection (1) or section 43(1) has no right to stay in Denmark under the rules of Parts 1 and 3 – 5, the alien will have the expenses for his subsistence and necessary healthcare services covered by the Immigration Service if necessary in order to ensure the alien's subsistence, but see subsections (3) and (4).

(3) Subsections (1) and (2) do not apply –

- 1) If the alien is lawfully resident in Denmark according to section 1 or section 5(2) or according to a registration certificate or a residence card under section 6 or a resident permit under sections 9 – 9f, 9i -9n, 9p or 9q. An alien as referred to in subsection (1), the first sentence, who has been granted a residence permit under section 9b, 9c or 9e will irrespective of the first sentence above have the expenses for his subsistence and necessary healthcare services covered by the Immigration Service in the period stated in subsection (1), the second sentence;
- 2) If the alien has contracted marriage with a person living in Denmark unless special circumstances are involved;
- 3) If the location where the alien stays is unknown;
- 4) If the alien has the right to subsistence assistance under other legislation. Subsection (1) applies, however, even though the alien has the right to subsistence assistance under the Act on Active Social Policy;
- 5) If the alien is a minor and accommodated privately with parents living in Denmark under section 42l(3) unless special circumstances are involved.

(4) The Immigration Service may order an alien to pay the expenses for the alien's or his family's subsistence and necessary healthcare services or stay at an accommodation facility covered by subsection (5) in case the alien has sufficient means for this purpose. The obligation to pay may be imposed according to the first sentence for the period until and including the last day of the first full month after the time of the decision to allocate the alien, see section 10(1) of the Integration Act. The obligation to pay according to the first sentence above may furthermore be imposed until an alien who has no right of residence in this country under the rules of Parts 1 and 3 – 5a, leaves or is returned.

(5) The Immigration Service must provide and operate accommodation facilities for aliens comprised by subsection (1) or (2) read with subsection (3). This may be done in

cooperation with private organisations or companies or government agencies approved for this purpose by the Minister for Immigration and Integration, or local authorities (accommodation operators). The Minister for Immigration and Integration may lay down rules on appointment of cooperation bodies at the particular accommodation facilities (residents' councils, etc.) and on the competence of such bodies.

(6) The Minister for Immigration and Integration lays down rules for the participation of local authorities in the financing of the provision and operation of accommodation facilities for aliens referred to in subsection (1) or (2) read with subsection (3), including the payment of expenses by the Treasury.

(7) The Immigration Service must make the decisions concerning accommodation of aliens covered by subsections (1) and (2) read with subsection (3). When allocating accommodation, the Immigration Service must take into account, as far as possible, whether the aliens are newly arrived asylum seekers or asylum seekers whose applications for a residence permit under section 7 have been refused. If an alien does not comply with the accommodation directions given by the Immigration Service, the Immigration Service may order the alien to stay at an accommodation facility determined specifically by the Immigration Service. Aliens comprised by subsections (1) and (2) read with subsection (3) may not by violent or threatening behaviour towards persons performing duties relating to the operation of an accommodation facility for aliens or towards persons who are otherwise present at the accommodation facility, obstruct the performance of duties in relation to the operation of the accommodation facility or obstruct the maintenance of peace and order at the accommodation facility.

(8) The Immigration Service must decide, unless special reasons otherwise require, that an alien who has had his residence permit under section 7 or section 8(1) or (2) terminated according to section 32(1) or 21b(1) but cannot be returned from Denmark, see section 31, an alien who has received a refusal of an application for a residence permit under section 7 or section 8(1) or (2) but cannot be returned from Denmark see section 31 and an alien who has been expelled by a final judgment according to sections 22 – 24 and is not held in remand custody under section 35 must stay at a specified accommodation facility for the aliens referred to in subsections (1) and (2). Where the police make arrangements for an alien's departure and the alien does not cooperate towards it, the Immigration Service must decide, unless special reasons otherwise require, that the alien must stay at a specified accommodation facility for the aliens referred to in subsections (1) and (2). The Immigration Service must decide unless special reasons otherwise require that an alien who has had his residence permit or right of residence terminated under section 21b(1) or been expelled under section 25 must stay at a specified accommodation facility for the aliens referred to in subsections (1) and (2). Section 7, the fourth sentence, must be applied *mutatis mutandis*.

(9) The Immigration Service must ensure that it is checked to the extent necessary that an alien who cannot be returned from Denmark according to section 31 and has been ordered to stay at a specified accommodation facility, see subsection (8), observes the order imposed.

(10) The Immigration Service decides, unless special reasons otherwise require, that an alien who has been ordered to stay at a specified accommodation facility, see subsection

(8), the first and third sentences, must indicate it to the accommodation operator if in the period between 23:00 and 6:00 the alien stays outside the accommodation facility. An indication may solely cover the forthcoming night or solely the periods in the course of that night during which the alien stays outside the accommodation facility.

(11) The Immigration Service may decide that an alien who is covered by subsection (1) or (2) read with subsection (3) but not subsection (13) will not receive any cash allowances as referred to in section 42b(1), (3) and (8) while placed at an accommodation facility, see subsection (5), at which there is a free meals programme, or that the alien will only receive the basic allowance as stated in section 42b(1) and (2), the dependents supplement under section 42b(3) and (7) and the reduced dependents supplement under section 42b(3), (6) and (7), when the alien is placed at an accommodation facility, see subsection (5), at which there is no free meals programme –

- 1) If the alien fails to appear without reasonable cause for an interview with the Immigration Service or the police, for which the alien has been called;
- 2) If the alien has exhibited violent or threatening behaviour to persons performing duties relating to the operation of an accommodation facility for aliens or the persons otherwise present at the accommodation facility;
- 3) If the alien does not comply with a decision of the Immigration Service ordering the alien to stay at a location directed by the Immigration Service, see subsection (7), the third sentence;
- 4) If the alien does not comply with the order of the police concerning a measure referred to in section 34(1) – (3) and (7);
- 5) If the alien disregards an order to perform necessary duties in relation to the operation of the accommodation facility, see section 42d(2), the first sentence; or
- 6) If the alien is wanted by the police for the purpose of service of documents, departure control or return.

(12) The Immigration Service must decide, unless special reasons otherwise require, that an alien who is subject to subsection (1) or (2) read with subsection (3), will not receive any cash allowances under section 42b(1), (3) and (8), if the alien is placed at an accommodation facility, see subsection (5), with a free meals programme, or that the alien will only receive the basic allowance under section 42b(1) and (2), the dependents supplement under section 42b(3) and (7) and the reduced dependents supplement under section 42b(3), (6) and (7), when the alien is placed at an accommodation facility, see subsection (5), at which there is no free meals programme, if -

- 1) The alien submits an application for a residence permit under section 7 and does not cooperate in procuring information for the case, see section 40(1), the first and second sentences; or
- 2) The police make arrangements for the alien's departure for which the alien offers no cooperation, see section 40(6), the first sentence.

(13) The Immigration Service must decide, unless special reasons otherwise require, that an alien who has had his residence permit under section 7 or 8(1) or (2) terminated, see section 32(1) or section 21b(1) but cannot be returned from Denmark, see section 31, an alien whose application for a residence permit under section 7 or 8(1) or (2) has been refused but who cannot be returned from Denmark, see section 31, and an alien who has

been expelled by a final judgment under sections 22 – 24 and who is not held in remand custody under section 35, will not receive cash allowances, see section 42b(1), (3), (8) and (9) when the alien is placed at an accommodation facility, see subsection (5), with a free meals programme, or that the alien will only receive the basic allowance under section 42b(1) and (2), the dependents supplement under section 42b(3) and (7) and the reduced dependents supplement under section 42b(3), (6) and (7), when the alien is placed at an accommodation facility, see subsection (5), at which there is no free meals programme –

- 1) If the alien fails to appear without reasonable cause for an interview with the Immigration Service or the police, for which the alien has been called;
- 2) If the alien has exhibited violent or threatening behaviour to persons performing duties relating to the operation of an accommodation facility for aliens or the persons otherwise present at the accommodation facility;
- 3) If the alien does not comply with a decision of the Immigration Service ordering the alien to stay at a location determined by the Immigration Service, see subsection (8), the first and third sentence;
- 4) If the alien does not comply with a decision of the police ordering the alien to report to the police at specified times, see section 34(4);
- 5) If the alien does not comply with directions from the Immigration Service under which the alien must indicate it to the accommodation operator if in the period between 23:00 and 6:00 the alien stays outside the accommodation facility, see subsection (10);
- 6) If the alien disregards an order to perform necessary duties in relation to the operation of the accommodation facility, see section 42d(2), the first sentence; or
- 7) If the alien is wanted by the police for the purpose of service of documents, departure control or return from Denmark.

(14) The provisions of subsection (11) paras. 1 – 4) and 6) and subsection (12) apply *mutatis mutandis* to payment of cash allowances to an unaccompanied alien under 18 years of age or an alien under 18 years of age who is not considered to be part of one of his parents' family or both parents' family, see section 42b(3), the seventh and eighth sentence. The Immigration Service may, however, in the circumstances order that the cash allowances will only be reduced.

(15) The Immigration Service may for the purpose of a decision under subsections (11) – (14) obtain information about the alien's health state from the accommodation operator without the alien's consent, see subsection (5).

(16) The Immigration Service lays down more detailed rules on payment by either the Immigration Service or the alien of expenses for his subsistence and necessary healthcare services, see subsections (1) – (4), including the calculation of the expenses of subsistence and necessary healthcare services and average rates for a given service over a specified period.

(17) For aliens covered by subsections (11) – (14) who are placed at an accommodation facility, see subsection (5), at which there is no free meals programme, the dependents supplement amounts to DKK 42.73 per day. The amount is stated at the 2005 level and

will be adjusted once a year on 1 January as of 2006 by the benefit adjustment rate as set out in the Act on a Rate for Adjustment of Public Benefits.

**42b.**-(1) An alien who has the expenses for his subsistence and necessary healthcare services covered by the Immigration Service under section 42a(1) or (2) will receive a basic allowance unless he is placed at an accommodation facility, see section 42a(5), at which there is a free meals programme. The basic allowance will be payable every two weeks in advance. The Immigration Service must decide on the basis of the stage reached in the alien's case at a specific cut-off date immediately preceding the date of payment whether and at which rate the alien will receive the basic allowance, see the first sentence above and subsection (2) below. The basic allowance will not be adjusted subsequently due to changes in the stage reached in the alien's case after the cut-off date. If special reasons make it appropriate, the basic allowance may be paid for shorter periods at a time.

(2) The basic allowance per day is –

- 1) DKK 39.05 for aliens living together in marriage or cohabitation;
- 2) DKK 49.32 for aliens over the age of 18 who do not live in marriage or cohabitation;
- 3) DKK 49.32 for unaccompanied aliens under the age of 18; and
- 4) DKK 49.32 for aliens under the age of 18 who, in cases other than those referred to in para. 1) above, are not considered as belonging to one of his parents' family or both his parents' family, see subsection (3), the seventh and eighth sentences.

(3) An alien who receives the basic allowance, see subsection (1), will receive a dependents supplement if the alien is subject to a duty to maintain a child under the age of 18. The same applies to an alien who does not receive the basic allowance because he is placed at an accommodation facility with a free meals programme as set out in subsection (1), but see subsection (12). Only one dependents supplement per child is payable. No more than two dependents supplements are payable per family. If the alien is subject to a duty of maintenance to more than two children under the age of 18, the alien will receive a reduced dependents supplement per child in excess of two children, but see subsection (12). The third and fourth sentences above apply *mutatis mutandis*. A family is reckoned to include the alien, his spouse or cohabitant and his or his spouse's or cohabitant's children under the age of 18. If a child under the age of 18 does not live together with one of or both its parents, if the child lives in marriage or cohabitation or if the child is itself subject to a duty of maintenance to a child under the age of 18, such a child will be considered as not belonging to one of or both its parents' family.

(4) The dependents supplement per day amounts to DKK 78.09 for aliens who receive the basic allowance, but see subsection (5), and DKK 28.78 for aliens who do not receive the basic allowance because they are placed at an accommodation facility with a free meals programme, but see subsection (5).

(5) If the alien is not registered as an asylum seeker under section 48e(2), the dependents supplement per day amounts to DKK 57.55 for aliens who receive the basic allowance, and DKK 8.23 for aliens who do not receive the basic allowance because they are placed at an accommodation facility with a free meals programme.

(6) The reduced dependents supplement per day amounts to DKK 41.11. The reduced dependents supplement will not be payable to aliens who do not receive the basic

allowance because they are placed at an accommodation facility with a free meals programme.

(7) It is a condition for payment of the dependents supplement and reduced dependents supplement that the child towards whom the alien is subject to a duty of maintenance is considered as belonging to the alien's family, see subsection (3), the seventh and eighth sentences. If the child lives with both parents, the supplement and reduced supplement will be payable to the child's mother. The dependents supplements and reduced dependents supplements are payable every two weeks in advance. The Immigration Service must decide on the basis of the stage reached in the alien's case at a given cut-off date immediately preceding the date of payment whether and at which rate the alien will receive the dependents supplement or reduced dependents supplement, see the first and second sentences above and subsections (3)–(6). The dependents supplement and the reduced dependents supplement will not be adjusted as a result of changes in the stage of the alien's case occurring after the cut-off date. The supplement may, if particular reasons make it appropriate, be paid for shorter periods at a time.

(8) An alien over the age of 18 who receives payment of his expenses for subsistence and necessary healthcare services from the Immigration Service under section 42a(1) or (2) and has complied with his contract, see section 42c, will receive a supplementary allowance under subsection (11), but see subsection (12). The supplementary allowance is payable every two weeks in arrears. The Immigration Service must decide on the basis of the stage reached in the alien's case at a specific cut-off date immediately preceding the date of payment at which rate the alien may receive the supplementary allowance, see subsections (10) and (11). The supplementary allowance will not be adjusted subsequently as a result of changes in the stage reached in the alien's case occurring after the cut-off date. Nor will the supplementary allowance be adjusted as a result of changes in the stage reached in the alien's case occurring in the period used as the basis for the calculation of the supplementary allowance or in the period prior to the cut-off date. If particular reasons make it appropriate, the supplementary allowance may be paid in arrears for shorter periods at a time.

(9) If an unaccompanied alien under the age of 18 or an alien under the age of 18 who is considered not to belong to one of his parents' family or both his parents' family, see subsection (3), the seventh and eighth sentences, receives payment of the expenses for his subsistence and necessary healthcare services from the Immigration Service under section 42a(1) or (2), the alien will receive a supplementary allowance, but see subsection (12). Subsection (8), the second to sixth sentences, must be applied *mutatis mutandis*.

(10) The supplementary allowance per day amounts to DKK 28.78. If the alien is not registered as an asylum seeker under section 48e(2), the supplementary allowance per day amounts to DKK 8.23.

(11) The accommodation operator, see section 42a(5), the second sentence, will pay allowances and supplements, see subsections (1), (3), (8) and (9), but see also subsection (12). The accommodation operator must decide, unless special reasons otherwise require, that the supplementary allowance under subsection (8) will not be payable if the alien has not complied with his contract under section 42c. If an alien has not complied with his contract on one or more days of the period on which the calculation of the supplementary

allowance is based, see subsection (8), the second and sixth sentences, no supplementary allowance will be payable for the number of days where the alien has not complied with his contract, unless special reasons otherwise require. If an alien has complied with his contract for less than half of the period on which the calculation of the supplementary allowance is based, see subsection (8), the second and sixth sentences, no supplementary allowance will be payable unless special reasons otherwise require.

(12) An alien who receives payment of the expenses for his subsistence and necessary healthcare services from the Immigration Service under section 42a(1) or (2) and is placed at an accommodation facility, see section 42a(5), at which there is a free meals programme, will not receive any cash allowances, see subsections (1), (3), (8) and (9), if the alien's application for a residence permit under section 7 has been selected for processing according to the procedure referred to in section 53b(1) as a consequence of the alien's nationality and because there are no general obstacles to returning the alien to his country of origin. If an alien as referred to in the first sentence above is placed at an accommodation facility, see section 42a(5), without a free meals programme, the alien will receive the basic allowance, see subsections (1) and (2), a dependents supplement, see subsections (3) and (7), and a reduced dependents supplement, see subsections (3), (6) and (7). For aliens covered by the second sentence above, the dependents supplement is DKK 49.32 per day.

(13) An alien who receives payment of the expenses for his subsistence and necessary healthcare services from the Immigration Service under section 42a(1) or (2) may receive benefits in kind, for instance in the form of clothing and personal hygiene kits, if the alien has a special need therefor. The Minister for Immigration and Integration lays down specific rules on the right to and the contents and extent of benefits in kind.

(14) If an alien who has submitted an application for a residence permit under section 7 receives a wage income from employment or paid practical training falling within section 14a or section 42g(2), such income will be deducted from any cash allowances paid under the rules of subsections (1) – (13).

(15) Subsections (1) – (13) do not apply to an alien who has moved into a separate dwelling, see section 42k, or to the alien's household.

(16) The Immigration Service lays down more detailed rules on deductions, see subsection (14).

(17) The amounts in subsections (2), (4) – (6), (10) and (12) are stated at the 2016 level and will be adjusted once a year on 1 January as of 2017 by the benefit adjustment rate as set out in the Act on a Rate for Adjustment of Public Benefits.

**42c.-(1)** The accommodation operator, see section 42a(5), the second sentence, must prepare a contract for an alien over the age of 18 who is covered by section 42a(1) or (2) read with subsection (3).

(2) The contract must be concluded between the alien and the accommodation operator, see section 42a(5), the second sentence, on the basis of the individual alien's skills and qualifications, including possible employment. The contract must be concluded within one week of the alien's submission of an application for a residence permit under section 7. If no agreement on the contents of the contract can be reached, the



accommodation operator must determine the contents. The contract may be revised on a continuous basis.

(3) The contract will specify the scope and contents of –

- 1) The tasks necessary for the operation of the accommodation facility which the alien has a duty to assist in carrying out, see section 42d(1);
- 2) The course for asylum seekers which the alien must attend, see section 42f(1);
- 3) Education programmes in which it has been agreed or ordered according to subsection (2) that the alien must take part, see section 42f(2) – (4) and (7); and
- 4) Activity measures in which it has been agreed or ordered according to subsection (2) that the alien must take part, see section 42e(1) and (3).

(4) It must appear from the contract what measures may be imposed on the alien under the law if the alien fails to observe his contract.

(5) The Minister for Immigration and Integration may lay down specific rules on the conclusion, contents and structure of the contract.

**42d.-(1)** An alien placed in one of the accommodation facilities referred to in section 42a(5) has a duty to assist in performing tasks necessary for the operation of the accommodation facility.

(2) The Immigration Service or the accommodation operator as referred to in section 42a(5), the second sentence, may order an alien to carry out the tasks stated in subsection (1). The Immigration Service may direct that an alien who disregards such an order must stay at a place determined by the Immigration Service.

(3) The Minister for Immigration and Integration must lay down specific rules on the performance of the tasks referred to in subsection (1).

**42e.-(1)** An alien over the age of 17 who is subject to section 42a(1) or (2) read with subsection (3), may participate in activity measures by carrying out tasks other than those referred to section 42d(1) in connection with the operation of the accommodation facility and contributing to the implementation of the education mentioned in sections 42f and 42g.

(2) An alien over the age of 17 who is subject to section 42a(1) or (2) read with subsection (3) and registered as an asylum seeker under section 48e(2) may furthermore participate in activity measures in the form of internal production activities organised by the accommodation operator, see section 42a(5), the second sentence, specially organised short-term practical training and unpaid humanitarian work or other unpaid voluntary work. However, this does not apply if the police make arrangements for the alien's departure and the alien does not cooperate in this arrangement, see section 40(6), the first sentence.

(3) An alien over the age of 17 who is subject to section 42a(1) or (2) read with subsection (3), may, if exceptional reasons make it appropriate, participate in separately organised activity that does not fall within subsections (1) and (2).

(4) The accommodation operator, see section 42a(5), the second sentence, must determine whether an alien has to participate in activity measures as stated in subsections (1) – (3).

(5) Subsections (1) – (4) do not apply to an alien over the age of 18 years who is placed at a reception centre, unless the alien has been in Denmark for more than three

months from the date when the alien submitted an application for a residence permit under section 7.

(6) The Minister for Immigration and Integration may lay down detailed rules on the contents and scope of the activity measures referred to in subsections (1) – (3). When laying down rules according to the first sentence, the Minister for Immigration and Integration may derogate from section 46.

**42f.-(1)** An alien over the age of 18 who has submitted an application for a residence permit under section 7 and is placed at a reception centre, see section 42a(5), must, unless special reasons otherwise require, attend education aimed at giving the alien introductory knowledge of Danish language, Danish cultural and social conditions as well as labour market, education and housing conditions (asylum-seeker course). If the alien takes up residence at an accommodation facility as set out in section 42a(5), before completing the asylum-seeker course, the course must be continued and completed at the accommodation facility. The operator of the reception centre must inform the operator of the accommodation facility whether the asylum-seeker course has been completed at the reception centre or must be continued and completed at the accommodation facility.

(2) An alien over the age of 18 who is subject to section 42a(1), the first sentence, or subsection (2) read with subsection (3) and registered as an asylum seeker under section 48e(2) or has stayed in Denmark for more than three months from the date of his submission of an application for a residence permit under section 7 must, unless special reasons otherwise require, attend education in English language or other education. An alien whose application for a residence permit under section 7 is being processed in Denmark, see in this respect section 48e(2), may also attend Danish language education.

(3) An alien over the age of 18 who is subject to section 42a(1) or (2) read with subsection (3) and registered as an asylum seeker under section 48e(2) may attend education in other subjects to the extent that the relevant accommodation operator, see section 42a(5), the second sentence, offers such education.

(4) An alien over the age of 18 who is subject to section 42a(1) or (2), read with subsection (3) may, if exceptional reasons so require, attend separately organised education that is not covered by subsections (1) – (3) and (6).

(5) Subsections (2) – (4) and (7) do not apply to an alien over the age of 18 who is placed at an accommodation facility unless the alien has stayed in Denmark for more than three months from the date when the alien submitted an application for a residence permit under section 7.

(6) An alien of 17 years of age who is subject to section 42a(1) or (2) read with subsection (3) may attend an asylum-seeker course as set out in subsection (1), English language education or other education as set out in subsection (2) and education in other subjects as set out in subsection (3). Aliens of 17 years of age may take part in the asylum-seeker course and the education set out in subsections (2) and (3) on the same conditions as aliens over the age of 18, see subsections (1) – (3). An alien of 17 years of age whose application for a residence permit under section 7 is being processed in Denmark, see in this respect section 48e(2), may also attend Danish language education. Subsection (4) applies *mutatis mutandis*.

(7) An alien over the age of 18 who is subject to section 42a(1), the second sentence, must, unless special reasons otherwise require, attend education in Danish language and Danish cultural and social conditions.

(8) The accommodation operator, see section 42a(5), the second sentence, must determine whether an alien has to attend education as mentioned in subsections (1) – (4), (6) and (7).

(9) The Minister for Immigration and Integration may lay down detailed rules on the contents and scope of the asylum-seeker course referred to in subsection (1) and subsection (6) read with subsection (1) and the education mentioned in subsections (2) – (4) and subsection (6), read with subsections (2) – (4), and subsection (7). The Minister for Immigration and Integration may further decide that the education referred to in subsections (2) – (4) and subsection (6), read with subsections (2) – (4), and subsection (7) may be provided in collaboration with external actors, including schools, education institutions and providers under the Ministry of Employment, the Ministry of Cultural Affairs, the Ministry for Children, Education and Gender Equality and the Ministry of Immigration and Integration or replaced by education offered by them, including post-secondary education and training. The Minister for Immigration and Integration may moreover decide to what extent the implementation of the education mentioned in subsections (3) and (4) and subsection (6) read with subsections (3) and (4), will depend on assistance from the aliens stated in section 42a(1) and (2) read with subsection (3) as teachers and the like.

(10) The Minister for Immigration and Integration may decide that rules laid down according to subsection (9) will only apply to certain accommodation facilities. When laying down rules under subsection (9), the Minister for Immigration and Integration may derogate from section 46.

**42g.-(1)** Children of school age who stay in Denmark and are subject to section 42a(1) or (2) read with subsection (3), or section 42k must receive separately organised education or education that measures up to the general requirements for the separately organised education. The Minister for Immigration and Integration may lay down detailed rules on the programmes and activities to be provided and may decide following negotiation with the Minister for Children, Education and Gender Equality to what extent the children in question may attend the education of the municipal school system. The Minister for Immigration and Integration may decide that rules laid down according to the second sentence above will only apply to certain accommodation facilities. When laying down rules according to the second sentence above, the Minister for Immigration and Integration may derogate from section 46.

(2) An alien who has submitted an application for a residence permit under section 7 and been admitted to a post-secondary education or training programme may accept unpaid or paid practical training as part of the programme until the alien is granted a residence permit, departs from Denmark or is returned.

**42h.-(1)** The Immigration Service and the accommodation operators, see section 42a(5), the second sentence, may without the alien's consent exchange the information concerning an alien who is covered by section 42a(1) and (2) read with subsection (3),

including information on the alien's fully private conditions and other confidential information, which is necessary for –

- 1) Handling the administration in connection with the operation of accommodation facilities, see section 42a(5), the first sentence;
- 2) The accommodation operators' disbursement of cash allowances, see section 42b, and
- 3) Handling the administration according to sections 42c – 42g.

(2) Where an alien who is covered by section 42a(1) and (2) read with subsection (3) moves out of an accommodation facility operated by an accommodation operator according to section 42a(5), the first and second sentences, to an accommodation facility operated by another accommodation operator, the accommodation operator of the facility from where the alien moves out must without the alien's consent pass on the information from the alien's contract according to section 42c to the operator of the accommodation facility to which the alien moves.

(3) The accommodation operator, see section 42a(5), the second sentence, may upon request from the Immigration Service and without the alien's consent pass on the information from the alien's contract according to section 42c to the Immigration Service.

(4) The Minister for Immigration and Integration may lay down specific rules on the exchange of information according to subsection (1), for instance on the exchange of such information in electronic formats.

**42i.-(1)** The Minister for Immigration and Integration may lay down rules on compensation for injury or damage caused by aliens staying in Denmark who are covered by section 42a(1) or (2) read with subsection (3) in relation to others or the property of others and injury and damage caused to the aliens in question or their property. The Minister for Immigration and Integration may lay down rules on insurance against such risks. The expenses required for this purpose must be defrayed by the Treasury.

(2) The Minister for Immigration and Integration may upon negotiation with the Minister of Employment lay down rules on the extent to which aliens staying in Denmark who are covered by section 42a(1) or (2) read with subsection (3) will be covered by the rules of the Act on Occupational Injuries Insurance. The expenses required must be defrayed by the Treasury.

**42j.-(1)** The Minister for Immigration and Integration may upon negotiation with the relevant local authority decide that the provisions of the Act on Planning and on Regional, Municipal and Local Plans and on permission under section 35(1) of the Act do not apply to property at the disposal of the Immigration Service which is used as –

- 1) A reception centre for newly arrived aliens who have submitted an application for a residence permit under section 7;
- 2) An accommodation facility for the aliens referred to in section 42a(1) and (2);
- 3) Facilities to be used for remand custody under section 35(1) para. 1) and subsection (2) of persons who have been sentenced and have served the penalty imposed, if any, and who are solely remanded in custody to ensure efficient enforcement of their expulsion;
- 4) Facilities to be used for detention according to section 36; and

5) Facilities to be used for administrative purposes connected with the functions referred to in paras. 1) – 4) above.

(2) The Minister for Immigration and Integration may in connection with decisions under subsection (1) decide that regional, municipal or local plans, if any, must be suspended in full or in part in so far as the properties referred to in subsection (1) are concerned.

(3) The Minister for Immigration and Integration may decide in connection with decisions under subsection (1) that the 1995 Building Regulations do not apply to the reuse of existing buildings for the purposes stated in subsection (1).

**42k.-(1)** The Immigration Service must decide upon application, that an alien who has submitted an application for a residence permit under section 7 has the right to move into a dwelling of his own until the alien is granted a residence permit, departs or is returned from Denmark, provided that –

- 1) The alien has stayed in Denmark for at least six months from his submission of an application for a residence permit under section 7;
- 2) The Immigration Service has decided that the alien may stay in Denmark during the asylum proceedings, see in this respect section 48e(2);
- 3) The alien is able to support his household financially;
- 4) The dwelling is located in the district of a local authority to which refugees may be allocated on the basis of the agreed or fixed local authority quotas, see section 8 of the Integration Act;
- 5) The dwelling is suited to being inhabited by the household in question and
- 6) The alien concludes a contract with the Immigration Service in accordance with subsection (5).

(2) Subsection (1) does not apply to –

- 1) Aliens who have been expelled by an administrative decision according to section 25;
- 2) Aliens who have been expelled by judgment;
- 3) Aliens who have been sentenced to a suspended or unsuspended custodial sentence or another criminal sanction that involves or allows the possibility of detention for an offence committed in Denmark that would have led to a penalty of this character;
- 4) Aliens who are subject to the exclusion criteria of the Convention Relating to the Status of Refugees (28 July 1951);
- 5) Aliens whose residence permit has been terminated according to section 21b(1);
- 6) Aliens whose application for a residence permit under section 7 is processed under section 53b; and
- 7) Aliens under the age of 18 unless, based on a specific assessment the Immigration Service finds that the regard for the best interests of the minor makes it appropriate.

(3) An alien who has moved into his own dwelling as stated in subsection (1) and members of his household are entitled to having their expenses for necessary health services covered by the Immigration Service according to section 42a(1) read with subsection (3).

(4) An alien who has moved into his own dwelling as stated in subsection (1) and members of his household are entitled to activity measures and education to the same

extent as aliens who are covered by section 42a(1) and (2) read with subsection (3), if the alien's occupational situation will not be an obstacle.

(5) The Immigration Service will conclude a contract with the alien about the accommodation in his own dwelling. It must be made a condition of the contract that the alien cooperates in obtaining information for the assessment of his application for a residence permit under section 7 read with section 40(1), the first and second sentences, and, upon refusal or waiver of the application for a residence permit, cooperates on his departure without undue delay, see section 40(6), the first sentence. In connection with the conclusion of the contract, the Immigration Service must provide the alien with oral and written guidance on the conditions for accommodation in his own dwelling, including in particular the requirement of cooperation.

(6) The Immigration Service will decide unless highly exceptional reasons otherwise require, that an alien who has moved into his own dwelling according to subsection (1) and no longer meets the requirements for it or does not observe the terms of the contract concluded according to subsection (5) must stay at an accommodation facility as directed by the Immigration Service.

(7) The Immigration Service lays down detailed rules on the suitability of the dwelling, see subsection (1) para. 5).

**42l.-(1)** The Immigration Service must decide upon application that an alien who has submitted an application for a residence permit under section 7 may stay in private accommodation until the alien is granted a residence permit, departs or is returned from Denmark, provided that –

- 1) The alien has stayed in Denmark for at least six months from his submission of an application for a residence permit under section 7;
- 2) The Immigration Service has decided that the alien may stay in Denmark during the asylum proceedings, see in this respect section 48e(2); and
- 3) The alien concludes a contract with the Immigration Service in accordance with subsection (4).

(2) Subsection (1) does not apply to –

- 1) Aliens who have been expelled by an administrative decision according to section 25;
- 2) Aliens who have been expelled by judgment;
- 3) Aliens who have been sentenced to a suspended or unsuspended custodial sentence or another criminal sanction that involves or allows the possibility of detention for an offence committed in Denmark that would have led to a penalty of this character;
- 4) Aliens whose residence permit has been terminated according to section 21b(1);
- 5) Aliens who are subject to the exclusion criteria of the Convention Relating to the Status of Refugees (28 July 1951); and
- 6) Aliens whose application for a residence permit under section 7 is processed under section 53b.

(3) The Immigration Service must upon application decide that an alien who has submitted an application for a residence permit under section 7 may accept private accommodation with a spouse living in Denmark or, if the alien is a minor, with parents living in Denmark, until the alien is granted a residence permit, departs or is returned

from Denmark, provided that the alien concludes a contract with the Immigration Service in accordance with subsection (4). This does not apply to aliens who are subject to subsection (2).

(4) The Immigration Service must conclude a contract with the alien about his private accommodation under subsection (1). It must be made a condition of the contract that the alien must cooperate in obtaining information for the assessment of his application for a residence permit under section 7 read with section 40(1), the first and second sentences, and, after refusal or waiver of the application for a residence permit, cooperate on departing without undue delay, see section 40(6), the first sentence. In connection with the conclusion of the contract, the Immigration Service must provide the alien with oral and written guidance on the conditions for private accommodation, including in particular the requirement of cooperation.

(5) A decision on private accommodation will require that the dwelling is located in a local authority district to which refugees may be allocated based on the agreed or fixed local authority quotas set out in section 8 of the Integration Act. An alien under the age of 18 may only be placed in private accommodation if the Immigration Service finds, upon a specific assessment, that the regard for the best interests of the minor makes it appropriate. The first sentence above does not apply to aliens requesting private accommodation with a spouse living in Denmark or, if the alien is a minor, with parents living in Denmark.

(6) The Immigration Service must decide unless highly exceptional reasons otherwise require, that an alien accommodated according to this section who no longer meets the relevant conditions or does not comply with the conditions of the contract concluded under subsection (4), must stay at an accommodation facility as directed by the Immigration Service.

(7) An alien accommodated under the provisions of this section will continue to be supported financially by the Immigration Service, see section 42a(1) read with subsections (3) and (4), and section 42b, and continue to be subject to the rules on education and activity measures as provided by sections 42c – 42g of this Act.

**42m.-(1)** The accommodation operator, see section 42a(5) the second sentence, may order that a person who requests access to an accommodation facility with access control must accept a search of the clothes in which the person is dressed when appearing and an examination of belongings carried along when the regard for order or security so requires. The accommodation operator may decide that such access control will not comprise persons who request access to the accommodation facility as part of the exercise of their profession.

(2) Where an alien who is placed at the accommodation facility is denied access because the alien refuses to have his clothes searched or belongings carried along examined as set out in subsection (1), the Immigration Service may order the alien to stay at an accommodation facility directed by the Immigration Service.

(3) The Minister for Immigration and Integration lays down specific rules on the implementation of access control as prescribed by subsection (1) and on the search of clothes and examination of belongings carried along.

**43.**-(1) The police may, if immediately necessary, arrange for accommodation and subsistence of and necessary healthcare services to aliens who stay in Denmark and submit an application for a residence permit under section 7 without being registered as asylum seekers under section 48e(2). The police must defray the expenses required.

(2) If the police make arrangements for an alien's departure, the alien must pay the associated expenses relating to himself. Where the alien does not have the necessary means, such expenses must be paid provisionally by the Treasury. The expenses will be paid finally by the Treasury if the alien has submitted an application for a residence permit under section 7 and cooperates on obtaining information for his case, see section 40(1), the first and second sentences, and, upon refusal or waiver of the application, departs from Denmark at his own initiative or cooperates on his departure without undue delay. In addition, the expenses required for the transfer of an alien to another Member State according to the rules of Part 5a must be paid finally by the Treasury. However, the provision of the third sentence does not apply if the alien is covered by section 10 or if the application has been processed according to the procedure mentioned in section 53b(1) as a consequence of the alien's nationality and because there are no general obstacles to returning the alien to his country of origin.

(3) The shipmaster or aircraft captain and the person or entity in control of a ship or aircraft that has brought an alien to Denmark, and the representative in Denmark of such a person or entity must without any expense to the Treasury immediately arrange for the alien's departure or return, if the alien is refused entry or transferred according to the rules of Part 5 or 5a of this Act. They are furthermore obliged to compensate the Treasury's expenses relating to the accommodation and return to the ship or aircraft or to the country of origin of crew members who have deserted or been left behind and of stowaways. The Minister for Immigration and Integration may lay down specific provisions on the amount of the compensation referred to in the second sentence above.

(4) Anyone who has assisted an alien in entering or staying in Denmark illegally, and anyone who has employed an alien who has no work permit, must refund the expenses incurred by the Treasury in connection with that alien's stay and departure.

(5) The provisions of subsections (3) and (4) do not apply to entry from a Schengen State. However, subsection (3) applies if entry control has been introduced at the border in accordance with Article 25 of the Schengen Borders Code read with section 38(2) of this Act and the Minister for Immigration and Integration has made a decision under section 59a(2).

**43a.**-(1) An alien staying in Denmark whose application for a residence permit under section 7 is being processed may, if the alien has no such means himself, be granted assistance towards travel to a third country where, after entry into Denmark and before expiry of a time limit for departure, the alien has been granted an entry and residence permit, in case the alien has been refused a residence permit in Denmark or waived an application for such a permit, but see subsection (3).

(2) An alien staying in Denmark who is registered as an asylum seeker under section 48e(2) and has been refused a residence permit under section 7 by the Immigration Service or the Refugee Appeals Board may be granted assistance towards return to his country of



origin or former country of residence, if the alien cooperates on departing without undue delay, but see subsections (3) and (4).

(3) Assistance under subsections (1) and (2) may not be granted to –

- 1) Aliens who hold a residence permit in Denmark;
- 2) Aliens who are nationals of one of the Nordic countries;
- 3) Aliens who are nationals of a country which is a Member State of the European Union; and
- 4) Aliens who are covered by the Agreement on the European Economic Area.

(4) Furthermore, no assistance may be provided under subsection (2) to -

- 1) Aliens whose application for a residence permit under section 7 has been refused by the Immigration Service according to section 53b(1); and
- 2) Aliens who are subject to section 10.

(5) The assistance under subsection (1) includes –

- 1) Expenses for flight tickets, train tickets, etc.;
- 2) Expenses necessary for transportation of personal belongings;
- 3) A maximum of DKK 5,000 per family for transportation of equipment needed for the alien's or his family's trade in the third country in question; and
- 4) Other expenses incidental to the journey.

(6) The assistance under subsection (2) amounts to DKK 3,000 per person over the age of 18 and DKK 1,500 per person under the age of 18.

(7) An alien may only receive assistance under subsections (1) and (2) once.

(8) Aliens whose application for a residence permit under section 7 has been finally refused and for whom a time limit for departure has been fixed under section 33(2) must be offered impartial counselling on their possibilities of return, including the possibilities of assistance under subsection (2) towards resettlement in the country to which the aliens depart. The Minister for Immigration and Integration may decide that the impartial counselling must be offered by one or more private organisations.

(9) The amount set out in subsection (5) para. 3) has been fixed at the 1995 level and will be adjusted once a year on 1 January as of 1996 by the benefit adjustment rate, see the Act on a Rate for Adjustment of Public Benefits. The amount set out in subsection (6) has been fixed at the 2003 level and will be adjusted once a year on 1 January as of 2004 by the benefit adjustment rate as set out in the Act on a Rate for Adjustment of Public Benefits.

**43b.** Where special repatriation considerations make it appropriate, the Minister for Immigration and Integration may decide that financial support towards voluntary return to the country of origin may be granted to groups of aliens who stay in Denmark and have submitted an application for a residence permit under section 7 and have no residence permit in Denmark.

**43c.-(1)** The Minister for Immigration and Integration may lay down detailed rules on the conditions, see sections 42a–42f, applicable to aliens whose application for a residence permit under section 7 has been finally refused and who cooperate concerning their departure and conclude a contract with the Immigration Service on a skills upgrading programme and voluntary departure.

(2) A contract on a skills upgrading programme may only be concluded if, as part of a rebuilding effort after war in the country of origin of the alien in question, major aid projects have been planned or initiated and negotiations for readmission or practical agreements on readmission or acceptance of compulsory return have been commenced or due to the situation in the country it is not possible to commence such negotiations.

**44.-(1)** The Minister for Immigration and Integration may lay down rules on fees to be paid for applications for a visa and for renewal of a visa.

(2) A fee must be charged for the issuing of a Danish travel document to an alien and for digital fingerprinting for the purpose of such issuing, of an amount corresponding to the fee charged for the issuing of a Danish passport and the taking of digital fingerprints for the purpose of the issuing as set out in sections 4a and 4b of the Passports Act.

(3) The Minister for Immigration and Integration may lay down rules on payment for the re-issuing of residence cards issued in connection with the granting of residence permits under sections 7 – 9f, 9i – 9n, 9p and 9q.

**44a.-(1)** The Immigration Service, the Agency for International Recruitment and Integration and the State Administration must, without the alien's consent, disclose information to the Council of the local authority in which the alien is resident or stays or to which the alien is allocated under section 10(1) of the Integration Act, or to which the alien moves from abroad, stating –

- 1) That the alien has been granted a registration certificate or residence card under the EU rules, see section 6, or a residence permit under section 7 – 9f, 9i – 9n, 9p or 9q or is exempt from having a residence permit under section 5(2);
- 2) That the alien has been granted a permanent residence permit or been refused such a permit;
- 3) That the alien has been granted a time-limited residence permit upon refusal of a permanent residence permit as set out in para. 2); or
- 4) That the alien has been denied renewal of his residence permit, that it has been terminated or been revoked and on the outcome of an appeal against it, if any.

(2) The Immigration Service must administer the Aliens Information Portal (UIP), which contains personal data on aliens, data on aliens' residence and data on accommodation and receipt of benefits and allowances in Denmark. The Immigration Service may give other authorities and private organisations access to the Portal to the extent that such access is necessary to ensure that the authority or organisation will be able to perform its duties under the Aliens Act, the Integration Act or other legislation. The Agency for International Recruitment and Integration will have access to the Portal to the extent necessary to allow the Agency for International Recruitment and Integration to perform its duties under the Aliens Act or other legislation.

(3) Authorities and non-governmental organisations with access to the Aliens Information Portal (UIP) may, without the alien's consent, obtain the information from the Portal necessary to allow the authority or organisation to carry out its activities or necessary for a decision to be made by the authority or organisation under the Aliens Act, the Integration Act or other legislation.

(4) Where an alien who lives or stays in Denmark without having lawful residence according to sections 1 – 3a, 4b or 5(2), or according to a registration certificate or a

residence card under section 6 or a residence permit under section 7 – 9f, 9i – 9n, 9p or 9q and who is not placed at an accommodation facility for the aliens referred to in section 42a(1) and (2), receives refusal of an application for a residence permit, the Immigration Service or the Agency for International Recruitment and Integration must, without the alien's consent, disclose information about it to the Council of the local authority in which the alien lives or stays. The same provision applies in case the application for a residence permit from an alien as referred to in the first sentence is terminated or waived.

(5) The Ministry of Immigration and Integration, the Immigration Service, the Agency for International Recruitment and Integration, the Local Council, the State Administration, the authority responsible for recovering arrears, see section 9(27), the police and the Immigration Appeals Board may, without any consent, obtain the information from the National Register of Incomes that is necessary for the activity to be carried out by the relevant authority or required for a decision to be made by the authority under the Aliens Act.

(6) The information referred to in subsections (1) and (4) may be disclosed through the Aliens Information Portal (UIP).

(7) The Immigration Service and the Agency for International Recruitment and Integration may correlate the information referred to in subsections (1), (2) and (4) with information from the Civil Registration System (CPR) for the purpose of securing the administration to be handled by the local authorities under the Integration Act and other legislation where the right of residence is of importance for the administration of the law.

(8) The Minister for Immigration and Integration may upon agreement with the Minister for Social and Interior Affairs lay down specific rules according to which the Immigration Service and the Agency for International Recruitment and Integration will register the information mentioned in subsection (1) in the Civil Registration System (CPR).

(9) The Immigration Service, the Agency for International Recruitment and Integration and the State Administration may for the purpose of the labour market monitoring to be performed by the Labour Market and Recruitment Authority disclose information about aliens who have been granted a residence permit or a work permit under the provisions of this Act, information about aliens who have obtained employment under the programme stated in section 14a and information about foreign workers who have been issued with a registration certificate on the basis of employment under this Act. In that connection, the Immigration Service, the Agency for International Recruitment and Integration and the State Administration may transmit the following information, also in electronic formats:

- 1) Name
- 2) Nationality
- 3) Immigration number or personal identity
- 4) Civil Registration Number
- 5) Date of birth
- 6) Gender
- 7) Basis of right of residence
- 8) Date of decision
- 9) Indication of profession

10) Start and end date of employment

(10) The Immigration Service and the Agency for International Recruitment and Integration may, for the purpose of checking that an alien complies with the conditions for his residence or work permit, registration certificate or residence card, see section 6, or that an alien does not work or stay in Denmark without the requisite permit, correlate data from their own registers with data from the Civil Registration System, the Building and Housing Register and the National Register of Incomes. The Agency for International Recruitment and Integration may for the purpose of checking that the conditions for a residence or work permit are observed or that an alien does not work or stay in Denmark without the requisite permit, correlate data from its own registers with data from the Central Register of Business Entities. This applies only to affected aliens who have been advised in advance that such checking may take place.

(11) Anyone who employs or has employed an alien must upon request provide the Agency for International Recruitment and Integration with information about employees registered upon an order from the Local Council according to section 12a(5) of the Act on Legal Certainty and Administration in the Social Area, or upon an order from the customs and tax administration according to section 86a of the Tax at Source Act, to be used for the Agency's checking of whether the alien is employed or has been employed without the requisite work permit or contrary to the terms stipulated for a work permit. The customs and tax administration and the Local Council will pass on information to the Agency for International Recruitment and Integration about the enterprises that are or have been ordered to ensure registration as stated in the first sentence without the consent of the enterprise.

**44b.**-(1) Where an alien who is subject to section 42a(1) and (2) read with subsection (3) is allocated to a local authority, see section 10(1) of the Integration Act, the operator, see section 42a(5), the second sentence, of the accommodation facility where the alien is placed must, without the alien's consent, disclose the information from the alien's contract under section 42c to the Council of the local authority in question.

(2) The Minister for Immigration and Integration may lay down specific rules on the disclosure of information under subsection (1).

**44c.**-(1) The Local Council must notify the Immigration Service of cases in which the Local Council knows or has grounds to suspect that minor aliens have stayed outside Denmark for more than three consecutive months for re-education purposes or on other stays abroad that are of negative importance for their schooling and integration.

(2) A Local Council that conducts a preventive interview with or offers other types of special support to the parents of a minor alien, see section 11(3) and section 52(3) para. 3) and 9) of the Social Service Act, based on knowledge or grounds to suspect that the minor alien stays outside Denmark for re-education purposes or is on another stay abroad of negative importance for schooling and integration, must in that connection inform the parents of the rules on termination of residence permits, see section 17.

(3) The notification under subsection (1) must include information as to whether the Local Council has conducted a preventive interview with or offered other types of special support under the rules of section 11(3) and section 52(3) paras. 3) and 9) of the Social Service Act to the parents of a minor alien who is covered by subsection (1), and whether,

in that connection, the Local Council has informed the parents of the rules on the termination of residence permits, see subsection (2).

**44d.** If an alien who has been granted a residence permit under section 9i(1) for the purpose of taking an education programme or a course at an education institution in Denmark is not an active student on the course or the education programme on which the alien's residence permit is based, the education institution must notify this to the Agency for International Recruitment and Integration in writing without the alien's consent.

**44e.**-(1) The Local Council must notify the Agency for International Recruitment and Integration in case an alien who has been granted a residence permit under section 9i(1) for the purpose of taking an education programme or a course at an education institution in Denmark or under section 9i(2) para. 2) for the purpose of taking a PhD programme in Denmark receives public maintenance assistance from the local authority during his stay in Denmark. The Local Council may disclose information under the first sentence above without the alien's consent.

(2) The Public Benefits Payment Service (Udbetaling Danmark) must notify the Agency for International Recruitment and Integration if an alien who has been granted a residence permit under section 9i(1) for the purpose of taking an education programme or a course at an education institution in Denmark or under section 9i(2) para. 2) for the purpose of taking a PhD programme in Denmark receives public maintenance assistance from the Public Benefits Payment Service during his stay in Denmark. The Public Benefits Payment Service may disclose information according to the first sentence above without the alien's consent.

(3) The Local Council must notify the Agency for International Recruitment and Integration if an alien who has been granted a residence permit under section 9a(2) or (3) or section 9i(2) para. 1) or persons granted with a residence permit as a result of family ties with the alien receive assistance under the Act on Active Social Policy. The Local Council must inform the Agency for International Recruitment and Integration of the extent of the assistance.

**44f.**-(1) The Immigration Service and the Agency for International Recruitment and Integration may obtain the information from the Ministry of Foreign Affairs about aliens' residence abroad which the Ministry of Foreign Affairs has acquired in connection with evacuation from abroad and which is necessary to verify that an alien has the right to stay in Denmark. The information may be obtained electronically.

(2) Information may be obtained under subsection (1) for the purpose of correlation and comparison of registers and data for control purposes.

**44g.** If an agreement between a Local Council and an alien about residence in the local authority district as an element in the Local Council's membership of an international organisation approved by the Minister for Culture, see section 9c(4), is terminated, or if an alien abandons his residence in the local authority district during such a stay, the Local Council must notify this to the Immigration Service.

**44h.** The employee trade unions must notify the Agency for International Recruitment and Integration when an enterprise becomes involved in an official industrial dispute and

when an official industrial dispute that has previously been notified by the trade union to the Agency has been either terminated or expanded.

**45.** By agreement with foreign governments or international organisations or through directions issued by the Minister for Immigration and Integration, the rules on residence and work permits may be relaxed in relation to certain countries and certain groups of aliens.

#### Part 7a

##### *Exchange of information between the immigration authorities and the intelligence services and the Prosecution Service, etc.*

**45a.-(1)** The Immigration Service, the Agency for International Recruitment and Integration, the Ministry of Immigration and Integration, the Refugee Appeals Board, the Immigration Appeals Board and the State Administration, see section 46c, may disclose information from a case under this Act to the intelligence services without the alien's consent to the extent that such disclosure may be of importance for the security work to be handled by the intelligence services.

(2) The intelligence services may without the alien's consent disclose information about an alien to the Immigration Service, the Agency for International Recruitment and Integration, the Ministry of Immigration and Integration, the Refugee Appeals Board, the Immigration Appeals Board and the State Administration, see section 46c, to the extent that such disclosure may be of importance for the processing of a case by these authorities under this Act.

(3) The intelligence services may without the alien's consent exchange information between them as referred to in subsections (1) and (2).

(4) The intelligence services may without the alien's consent obtain information by electronic means about an alien from registers and systems kept by the Immigration Service, the Agency for International Recruitment and Integration, the Ministry of Immigration and Integration, the Refugee Appeals Board, the Immigration Appeals Board and the State Administration, see section 46c, to the extent that the obtainment may be of importance for the security work to be handled by the intelligence services.

**45b.-(1)** For the purpose of the processing of a case according to this Act, the Minister of Justice must assess whether the alien may be considered a danger to national security. This assessment will be applied in the determination of the case.

(2) The Minister of Justice may decide that the information relied on in the assessment under subsection (1) may not, for security reasons, be transmitted to the alien concerned. Furthermore, the Minister of Justice may decide that for security reasons information as referred to in the first sentence above may not be disclosed to the immigration authority that has to make a decision in the case.

**45c.-(1)** The Immigration Service, the Agency for International Recruitment and Integration, the Ministry of Immigration and Integration, the Refugee Appeals Board, the Immigration Appeals Board and the State Administration, see section 46c, may without the alien's consent disclose information from a case under this Act to the Prosecution

Service for the purpose of a decision to be made by the Prosecution Service as to whether charges must be raised for crimes committed in or outside Denmark.

(2) The authorities referred to in subsection (1) may furthermore, upon request from the Prosecution Service, disclose information from one or more cases under this Act without the alien's consent to the extent that such disclosure must be assumed to be of importance for the Prosecution Service's identification and prosecution of persons who may be suspected of offences carrying a maximum penalty of six years' imprisonment or above committed in or outside Denmark.

(3) The authorities referred to in subsection (1) may furthermore, upon request from the Prosecution Service, disclose information from one or more cases under this Act without the alien's consent to the extent that such disclosure must be assumed to be of importance for the Prosecution Service's identification of victims or witnesses of a specific offence carrying a maximum penalty of six years' imprisonment or above committed in or outside Denmark.

#### Part 7b

##### *Court hearing of certain decisions on administrative expulsion, etc.*

**45d.-(1)** The rules of this Part apply to the hearing by the courts of cases concerning –

- 1) The review of a danger assessment under section 45b or a decision on expulsion under section 25 para. 1);
- 2) Detention under section 36 of an alien for the purpose of securing the possibility of expulsion under section 25 para. 1);
- 3) An application for a residence permit under section 7 or section 8(1) or (2) from an alien expelled under section 25 para. 1);
- 4) A decision of return under section 31 of an alien who has previously held a residence permit under section 7 or section 8(1) or (2) and has been expelled under section 25 para. 1); and
- 5) A decision under section 32b when the alien has been expelled under section 25 para. 1).

(2) Cases falling within this Part must be brought before the Copenhagen City Court by the Minister of Justice or the person so authorised by the Minister. When hearing the case, the City Court will be sitting with three judges. However, the Court may decide that a case concerning detention under section 36 read with subsection (1) para. 2) will be heard by only one judge. The Minister of Justice or the person so authorised by the Minister may allow persons employed by the Security and Intelligence Service to appear before the court in his place as process agents.

(3) Bringing a case before the court will have suspensory effect when the alien is in Denmark. However, bringing the case before the court will not prevent the commencement and continuation of detention under section 36 read with subsection (1) para. 2), unless so decided by the court.

(4) Sections 37a – 37e must be applied mutatis mutandis to cases concerning detention under section 36 read with subsection (1) para. 2).

**45e.-(1)** The alien and the person who brings the case before the court under section 45d(2) will be considered parties to the case.

(2) The court must appoint counsel to assist the alien. The court must furthermore appoint a special advocate to safeguard the alien's interests and exercise a party's rights on the alien's behalf with regard to information that falls within section 45b(2). In respect of legal fees and compensation for outlays to the counsel and the special advocate, the same rules apply as in cases where free legal aid has been granted, see Part 31 of the Administration of Justice Act.

(3) The special advocate appointed under subsection (2) must be notified of all court hearings in the case and be entitled to attend them. The special advocate must be informed of and be given a copy of the material of the case before the court. The Minister of Justice or the person so authorised by the Minister may decide, however, that for security reasons a copy will not be given to the special advocate. Upon request from the special advocate, the question concerning this material must be brought before the court by the person who brought the case before the court under section 45d(2).

(4) The court must decide how an alien who resides abroad and is subject to a ban on re-entry, see section 32 read with section 25 para. 1), will be given an opportunity to make a statement to the court.

**45f.-(1)** Information that falls within section 45b(2) must be passed on to the special advocate appointed under section 45e(2). When such information has been passed on to the special advocate, he may not discuss the case with the alien or the alien's counsel and may not speak at hearings at which the alien or his counsel is present. The alien and his counsel may provide written communications to the special advocate about the case at any time.

(2) The court may decide at its own initiative or upon request from the special advocate appointed under section 45e(2) that information relied on by the Minister of Justice in his assessment under section 45b(1) will be passed on to the alien and his counsel if the decision of the Minister of Justice under section 45b(2) is not justified by security reasons. The decision must be made by an order after the special advocate and the person who brought the case before the court under section 45d(2) have had an opportunity to make a statement. The persons referred to in the second sentence above may lodge an appeal against the order. An appeal against a decision to pass on information will have suspensory effect.

(3) If the court has made a decision under subsection (2), the first sentence, the Minister of Justice or the person so authorised by the Minister may decide that the information in question will not form part of the proceedings before the court.

(4) A person may not serve as a judge in the case if that person has made a decision under subsection (2), the first sentence, or otherwise had access to information considered in such a decision and the Minister of Justice or the person so authorised by the Minister has decided under subsection (3) that the information in question will not form part of the proceedings before the court.

**45g.-(1)** The part of a hearing which concerns information falling within section 45b(2) and not within section 45f(2) or at which such information is disclosed or processed must be held behind closed doors. This part of a hearing will be attended by the special advocate appointed under section 45e(2), but not the alien and his counsel.



(2) The court will decide how hearings held wholly or partly behind closed doors under subsection (1) have to be conducted.

**45h.-(1)** The court will make its decision after the parties and the special advocate appointed under section 45e(2) have had an opportunity to make statements.

(2) A court decision concerning detention according to section 45d(1) para. 2) must be made by an order. Section 37(3) – (5) applies *mutatis mutandis*.

(3) A court decision on expulsion, residence permits and return, see section 45d(1) paras. 1) and 3) – 5) must be made by judgment. If the court's decision is to uphold the decision of expulsion, deny a residence permit under section 7 or section 8(1) or (2) or find that return will not be contrary to section 31, the decision must stipulate a time limit for departure by which the alien is ordered to depart immediately.

(4) For the purpose of court decisions under section 45d(1) paras. 3) – 5), the court must ask the Refugee Appeals Board of a statement after the parties and the special advocate appointed under section 45e(2) have had an opportunity to make statements.

**45i.** If the Copenhagen City Court's decision under section 45d(1) paras. 3) – 5) is to deny a residence permit under section 7 or section 8(1) or (2) or find that return will not be contrary to section 31, the case will be considered appealed to the High Court unless the alien has waived appeal in writing to the court or at a hearing of the court. An appeal under the first sentence above will have suspensory effect.

**45j.** The Minister of Justice must retain a number of attorneys eligible for appointment as special advocates under section 45e(2), the second sentence. The Minister of Justice may lay down specific rules concerning such attorneys, including rules on rota schemes, on the remuneration for availability and on security matters.

**45k.-(1)** The rules of this Part on the hearing of a case before the Copenhagen City Court will apply *mutatis mutandis* to proceedings in the case before the High Court and the Supreme Court.

(2) The rules of Part 43a of the Administration of Justice Act and provisions of the Administration of Justice Act that refer to these rules must be applied *mutatis mutandis*.

## Part 8

### *Provisions on competence, appeals, etc.*

**46.-(1)** Decisions under this Act must be made by the Immigration Service, except as provided by subsections (2) – (4) below and by section 4d(3) and (4), section 9(26), (27) and (36) – (38), sections 46a – 49, sections 50 and 50a, section 51(2), the second sentence, section 56a(1) – (4), section 58i and section 58j but read with section 58d, the second sentence.

(2) Decisions under section 9a, section 9h(1) paras. 4) – 9), 14) and 16), section 9h(8), the first sentence, read with subsection (1) paras. 4) – 9), 14) – 16) and subsection (3) and sections 9i – 9n and 9p, decisions concerning renewal, termination and revocation of residence permits granted under sections 9a, 9i – 9n and 9p apart from decisions on termination under section 21b and decisions under section 33 in connection with such cases must be made by the Agency for International Recruitment and Integration. The same applies to decisions under section 4a(2) made in continuation of the granting of a residence permit to an alien under section 9a, sections 9i – 9n or section 9p and decisions

under section 25b(2) when the Agency for International Recruitment and Integration has ordered the alien to depart from Denmark immediately, or when the alien does not depart in accordance with a time limit for departure determined by the Agency for International Recruitment and Integration.

(3) Decisions under section 9b, decisions on the renewal and revocation of residence permits granted under section 9b and decisions under section 33(4) must be made by the Minister for Immigration and Integration.

(4) Decisions under section 9h(9), the second and third sentences, must be made by the Immigration Appeals Board in cases where the Agency for International Recruitment and Integration or the Immigration Service has made a decision on the basis of an application falling within section 9h(1) and (3).

(5) Decisions concerning permanent residence permits under section 11(3) – (9), (12), (14), (16) and (17) for aliens with a residence permit under section 9a and sections 9i – 9n and 9p must be made by the Immigration Service after the Agency for International Recruitment and Integration has made a decision on whether the basis of the residence permit continues to exist.

(6) Decisions on permanent residence permits under section 11(3) – (9), (12), (14), (16) and (17) for aliens with a residence permit under section 9b must be made by the Immigration Service after the Minister for Immigration and Integration has determined whether the basis of the residence permit still exists.

**46a.-(1)** Decisions of the Immigration Service may, apart from decisions of dismissal under rules issued according to section 9g(1), the second sentence, and the decisions referred to in section 9g(3), section 9h(8), the first sentence, section 9h(9), the first sentence, read with subsection (5), the first sentence, read with subsection (1), section 11(10), section 29c(1), section 32a, section 33, section 42a(7), the third sentence, section 42a(8), the first – third and fifth sentences, and subsection (10), section 42b(1), (3) and (7) – (9), section 42d(2), section 46e, section 52b(1) and (3), section 53a and section 53b, be appealed to the Minister for Immigration and Integration. Decisions of the Immigration Service under sections 42k and 42l may not be appealed to the Minister as far as the geographical location of the dwelling is concerned. Decisions of the Immigration Service in cases regarding complaints against the use of the rules of Part 9a may not be appealed to the Minister for Immigration and Integration.

(2) Decisions of the Agency for International Recruitment and Integration under this Act may not be appealed to the Minister for Immigration and Integration. Apart from the decisions referred to in section 9h(8), the first sentence, read with subsections (1) and (3) and section 33, the decisions of the Agency for International Recruitment and Integration may be appealed to the Immigration Appeals Board, see section 52b(2) and (4).

(3) A decision of the Immigration Service to the effect that there are no special reasons to assume that an unaccompanied alien who has filed an application for a residence permit under section 7 before turning 18 years should not undergo an asylum procedure, see section 9c(3) para. 1), may not be appealed.

(4) Decisions of the Immigration Service and the Agency for International Recruitment and Integration on payment of expenditure associated with obtaining

information to be used in the processing of a case under this Act as set out in section 40(4) may not be appealed.

(5) The Minister for Immigration and Integration may make decisions on and lay down specific rules for the processing by the Immigration Service of the cases that fall within subsections (1) and (3) and section 46(1) and the processing by the Agency for International Recruitment and Integration of the cases that fall within subsection (2) and section 46(2).

(6) Decisions of the Immigration Service and the Danish diplomatic and consular representations under section 4d may not be appealed.

(7) A decision of a Danish diplomatic or consular representation to refuse an application for a visa or to cancel or revoke a visa that has been granted already, see section 47(2), may be appealed to the Immigration Service. Irrespective of the first sentence, a decision drawn up in conformity with the rules of section 4e(1) will be considered appealed to the Immigration.

(8) The Minister for Immigration and Integration may lay down specific rules on a time limit for appealing the types of decisions covered by subsection (7), the first sentence.

(9) A decision of the Agency for International Recruitment and Integration concerning a caution under section 19(1) para. 14), the second sentence, may not be appealed.

(10) Decisions of the Immigration Service in cases concerning the blocking of Danish-issued travel documents in the Central Passport Register according to section 39(8) and (9) may not be appealed.

**46b.** The Ministry of Foreign Affairs must assist the police, the State Administration, the Immigration Service, the Agency for International Recruitment and Integration, the Refugee Appeals Board, the Immigration Appeals Board, the courts and the Minister for Immigration and Integration in obtaining more detailed information for the purpose of the processing of cases or groups of cases under this Act.

**46c.** The Minister for Immigration and Integration may lay down specific rules providing that decisions on the granting, renewal, termination and revocation of registration certificates and residence cards under section 6, residence permits under section 9(1) para. 3) for the purpose of adoption, and decisions on the issuing, cancellation and revocation of visas under section 4a(2) for aliens granted a residence permit under section 9(1) para. 3) for the purpose of adoption may be made by authorities other than the Immigration Service. In this connection, provisions may be established indicating the authority to which a decision may be appealed, and indicating that a decision made by the authority to which the decision may be appealed cannot be appealed to any other administrative authority. The Minister for Immigration and Integration may furthermore lay down provisions specifying that the authority to which a decision may be appealed may lay down specific rules and make decisions on the processing of the cases.

**46d.** The Minister for Immigration and Integration may lay down specific rules providing that, for the purpose of a decision or a statement under this Act or provisions laid down in pursuance of this Act, the State Administration may, without the alien's

consent, pass on all documents that have been included in cases covered by section 46c to the Immigration Service. The Minister for Immigration and Integration may furthermore lay down specific rules providing that, for the purpose of a decision in cases covered by section 46c, the Immigration Service may, without the alien's consent, pass on all documents that have been included in the case file held by the Immigration Service concerning a decision or statement according to this Act or provisions laid down in pursuance of this Act to the State Administration.

**46e.** Decisions under section 42b(11), the second sentence, section 42c(2), the third sentence, section 42e(4) and section 42f(8) must be made by the accommodation operator, see section 42a(5), the second sentence. Decisions under section 42d(2), the first sentence, may be made by the accommodation operator. The Public Administration Act also applies in connection with the accommodation operator's decisions under the first and second sentences above when the accommodation operator is a private organisation or a private company, see section 42a(5), the second sentence. The decisions of the accommodation operator under the first and second sentences above may be appealed to the Immigration Service. Decisions made by the Immigration Service in cases appealed to it according to the fourth sentence above may not be appealed to any other administrative authority.

**46f.** The Minister for Immigration and Integration may lay down rules on requirements to be met by interpreters whose services are used by authorities in the area of the Ministry of Immigration and Integration.

**46g.-(1)** Decisions under section 25(1) para. 1) must be made by the Ministry of Immigration and Integration.

(2) A decision under subsection (1) to expel the alien must be brought before the court under the rules of Part 7b, unless the alien waives appeal by a written notice to the Ministry of Immigration and Integration.

**46h.** A decision concerning a residence permit for an alien who has been expelled under section 25 para. 1) and claims to be covered by section 7 or section 8(1) or (2), and in that connection a decision to return an alien under section 32a, and a decision to return an alien under section 31 where the alien has previously held a residence permit under section 7 or section 8(1) or (2) and has been expelled under section 25 para. 1), must be made by the court under the rules of Part 7b.

**47.-(1)** Residence permits for persons who enjoy diplomatic privileges under the Vienna Convention on Diplomatic Relations or international agreements concluded according to the Act on Rights and Immunities for International Organisations, and their private service staff who take up their functions in Denmark and are covered by Article 1h of the Vienna Convention or international agreements concluded according to the Act on Rights and Immunities for International Organisations must be granted by the Minister of Foreign Affairs. Residence permits for family members of persons covered by the first sentence above will also be granted by the Minister for Foreign Affairs.

(2) Danish diplomatic and consular representations abroad may under an agreement between the Minister for Immigration and Integration and the Minister of Foreign

Affairs be given powers to make decisions concerning visas and the issuing and granting of residence permits and work permits. By agreement with another state the Minister of Foreign Affairs may upon agreement with the Minister for Immigration and Integration authorise foreign diplomatic and consular representations abroad to issue visas under section 4a(2), residence permits and work permits. By agreement with the Minister for Immigration and Integration, the Minister of Foreign Affairs may enter into representation agreements with foreign diplomatic and consular representations abroad in accordance with Article 8 of the Visa Code.

(3) The Minister for Immigration and Integration may upon agreement with the Minister of Foreign Affairs, lay down rules providing that private cooperative partners may carry out the tasks of receiving and registering applications for visas, residence permits and work permits on behalf of a Danish diplomatic or consular representation, including taking photographs and fingerprints, receiving application fees and providing guidance on rules concerning visas, residence permits and work permits. Private cooperative partners may not be empowered to make decisions in specific cases of applications for a visa, a residence permit or a work permit.

**47a.-(1)** The Minister for Immigration and Integration may lay down specific rules providing that in special cases the Immigration Service and the police may issue a visa on an alien's entry into Denmark.

(2) The Minister for Immigration and Integration may lay down specific rules providing that in special cases the Immigration Service and the Agency for International Recruitment and Integration may issue re-entry permits to aliens who are lawfully resident in Denmark.

**47b.-(1)** An application for a residence permit under section 9, 9a, 9c – 9f, 9i – 9n, 9p or 9q will be dismissed if in connection with the submission of the application the applicant refuses to be photographed, see sections 12a and 40f. This does not apply, however, if the applicant is below the age of 18 years and intended to take up permanent residence with the holder of parental custody. The first and second sentences apply mutatis mutandis to an application for renewal of a residence permit granted according to section 9 – 9f, 9i – 9n, 9p or 9q.

(2) An application for a residence permit under section 9, 9a, 9c – 9f, 9i – 9n, 9p or 9q will be dismissed if in connection with the submission of the application the applicant refuses to cooperate in being fingerprinted, see sections 12a and 40f. This does not apply, however, if the applicant is unable to do so for physical reasons, if the applicant is below the age of 6, or if the applicant is below the age of 18 and intended to have permanent residence with the holder of parental custody. The first and second sentences above apply mutatis mutandis to applications for renewal of residence permits granted under section 9 – 9f, 9i – 9n, 9p or 9q.

**47c.** (Repealed)

**48.-(1)** A decision of refusal of entry on arrival, see section 28(1) – (4) and section 7, the third sentence, may be made by the relevant police commissioner. Decisions under section 30, section 33(9), section 34, section 36, section 37c(5), section 37d(1) and (3), section 37e(1) and (4), sections 37g and 37j, section 40(9) and (10), section 40a(1) and

(2), section 40a(3), the first sentence, section 40a(4) – (9), section 40b(1) and (2), section 40b(3), the first sentence, section 40b(4) – (9) and section 43(2) and (3) may be made by the National Commissioner of Police or the local police commissioner. Decisions under section 40a(1) para. 3) and section 40b(1) and decisions to take documents or objects and assets that may be used to cover the expenses referred to in section 42a(4), the first sentence, into custody, see section 40(10), may furthermore be made by the Immigration Service. Decisions to provide assistance under section 43a may be made by the National Commissioner of Police. The decisions referred to in the first sentence above may be appealed to the Immigration Appeals Board, see section 52b(6) and the decisions referred to in the second – fourth sentences may be appealed to the Minister for Immigration and Integration, but see the seventh and eighth sentences above and subsection (2). Decisions of the police under sections 33(9) and 43a(2) may not be appealed to the Minister for Immigration and Integration. The appeal will not have any suspensory effect.

(2) Decisions of the commissioner of police under section 34 may be appealed to the National Commissioner of Police. The decision of the National Commissioner of Police under section 34 in the first instance may be appealed to the Minister for Immigration and Integration. Decisions of the National Commissioner of Police in appealed cases of decisions made under section 34 by local police commissioners may not be appealed to the Minister for Immigration and Integration. Appeals will not have any suspensory effect.

(3) Decisions of a local commissioner of police under sections 36, 37c(5), 37d(1) and (3) and section 37e(1) and (4) may be appealed to the National Commissioner of Police, but see the fifth sentence. A decision of the National Commissioner of Police under sections 36, 37c(5), 37d(1) and (3) and section 37e(1) and (4) in the first instance may be appealed to the Minister for Immigration and Integration, but see the fifth sentence. Appeals will have no suspensory effect. Decisions of the National Commissioner of Police in appealed cases of decisions made under the first sentence above by local commissioners of police may not be appealed to the Minister for Immigration and Integration. Decisions of local commissioners of police or the National Commissioner of Police to initiate measures according to section 36, 37c(5), 37d(1) and (3) and section 37e(1) and (4) may however only be appealed if the decision may not be brought before the courts under section 37, 37c – 37e or 37k.

**48a.-(1)** If an alien claims to be covered by section 7, the Immigration Service must make a decision as soon as possible on refusal of entry or transfer under the rules of Part 5a or Part 5b or on refusal of entry under section 28(1) para. 1), 2), 6) or 7) or section 28(2) or (3) read with subsection (1) para. 1), 2), 6) or 7), or on expulsion under section 25 para. 2) or section 25b and, if relevant, on return of the alien. The same provision applies to aliens who are in Denmark without a residence permit and have applied for asylum in another Member State without having obtained international protection. Return of an alien according to the first sentence above may however only be effected to a country that has acceded to and in fact respects the Refugees Convention of 28 July 1951 and in which there will be access to an appropriate asylum procedure. Return under the first sentence above may not be effected to a country in which the alien will be at risk

of the death penalty or of being subjected to torture or inhuman or degrading treatment or punishment, or in which there is no protection against transfer to such a country. The first sentence above does not apply if according to section 28(7), the third sentence, the police have decided to refuse entry on arrival.

(2) An application for a residence permit under section 7 will not be considered until the Immigration Service has made the decision of refraining from refusal of entry, expulsion, transfer or return, see subsection (1).

(3) If the Immigration Service has decided to refrain from refusal of entry, expulsion, transfer or return, the police must inform the asylum seeker of his right to contact the Danish Refugee Council. The Minister for Immigration and Integration may lay down rules according to which, prior to the decision of the Immigration Service, the police must inform an asylum seeker staying in Denmark of his right to contact the Danish Refugee Council.

**48b.** If another EU Member State asks Denmark to take charge of, take back or accept an alien under the rules of Part 5a, the Immigration Service must make a decision concerning the request as soon as possible.

**48c.** (Repealed)

**48d.** (Repealed)

**48e.**-(1) The police must register an alien who applies for a residence permit under section 7 by recording his name, date of birth and nationality based on information given by the alien or data appearing from documents regarding the relevant alien. The police must also register the alien by his photograph and fingerprints, see sections 40a and 40b. In connection with the registration, the police will issue the alien with an asylum applicant card.

(2) When the Immigration Service has decided that an alien who claims to be covered by section 7 may stay in Denmark during the asylum proceedings, the Immigration Service must register the alien as an asylum seeker.

(3) For the purpose of the decision to be made by the Immigration Service under subsection (2), the Immigration Service must carry out an investigation to establish the alien's identity, nationality and travel route and obtain other necessary information. To establish the identity of the alien, the Immigration Service may, with the alien's consent, initiate the personal examinations necessary, including an age determination test, a language test or a DNA test.

(4) The Immigration Service will in other respects be responsible for obtaining all information necessary to the case, though not in cases comprised by Part 7b.

**48f.** The Immigration Service must assess whether an alien has passed the level A1 Danish language test and the level A2 Danish language test, see section 9(34) and (35). The assessment by the Immigration Service of whether an alien has passed the tests may be appealed to the Ministry of Children, Education and Gender Equality. The appeal must be filed to the Ministry of Children, Education and Gender Equality within seven days after the alien has received notice of the result of the assessment. Appeals filed later will be dismissed.

**48g.** Decisions of the Local Council under section 9(36) – (38) may not be appealed to any other administrative authority.

**48h.-(1)** A business plan as set out in section 9a(2) para. 10) must be dismissed by the Danish Business Authority in case it is not suitable for assessment by the independent panel of experts. The decision of dismissal may not be appealed.

(2) An assessment of a business plan made by the independent panel of experts under section 9a(2) para. 10) and subsection (14) may be appealed to another independent panel of experts appointed by the Danish Business Authority. The renewed assessment may not be appealed.

**49.-(1)** When an alien is convicted of a criminal offence, the court must decide in its judgment, upon from the claim of the Prosecution Service, whether the alien must be expelled according to sections 22-24 or 25c or be given a caution under section 24b. Where expulsion is ordered, the judgment must include directions as to the duration of the prohibition of re-entry as set out in section 32(1) – (5).

(2) In case the Prosecution Service dismiss charges against an alien of a criminal offence that may result in expulsion according to the provisions stated in subsection (1), it may be ordered as a condition for the dismissal of the charge that the alien must be expelled subject to a specified prohibition of re-entry. The provisions of section 723 of the Administration of Justice Act apply mutatis mutandis. The court's decision to allow the condition of expulsion must be made by an order, against which an interlocutory appeal may be lodged according to the rules of Part 85 of the Administration of Justice Act.

(3) To the extent that an alien has not had counsel appointed under the general rules of the Administration of Justice Act, a counsel must be appointed to assist the alien upon request in the hearing of the cases referred to in subsections (1) and (2).

**49a.** The Immigration Service must make a decision prior to the return of an alien who has held a residence permit under section 7 or section 8(1) or (2) and has been expelled by judgment, see section 49(1), as to whether the alien may be returned, see section 31, unless the alien consents to the return. A decision to the effect that it is not possible to return the alien according to section 31, must also include a decision on the granting or refusal of a residence permit under section 7 of this Act.

**49b.-(1)** The Immigration Service must check every six months or when an occasion may otherwise arise whether there is a basis for making a decision under section 32b.

(2) In cases relating to aliens expelled under section 25 para. 1), the Minister of Justice or the person so authorised by the Minister must check every six months or when an occasion may otherwise arise whether there is a basis for bringing the case before the court to obtain a decision under section 32b read with Part 7b.

**50.-(1)** Where expulsion under section 49(1) has not been commenced, an alien claiming that material changes in his circumstances have arisen, see section 26, may request that the question of cancellation of the expulsion be brought before the court at the initiative of the Prosecution Service. Such a request may not be submitted earlier than six months and not later than two months before the expulsion may be expected to



be commenced. If the request is submitted at a later date, the court may decide to hear the case if the failure to observe the time limit may be considered excusable.

(2) Section 59(2) of the Criminal Code applies *mutatis mutandis*. The request may be dismissed by the court if it is manifest that no material changes have arisen in the alien's circumstances. If the request is not dismissed, counsel must be appointed to assist the alien upon request. The court may order that the alien must be placed in detention if deemed necessary to ensure the alien's presence during proceedings until a possible decision to expel the alien may be commenced. Section 34, section 37(3) and (6) and sections 37a – 37e apply *mutatis mutandis*.

(3) The court's decision must be made by an order, against which an interlocutory appeal may be lodged under the rules of Part 85 of the Administration of Justice Act.

**50a.**-(1) Where expulsion has been decided by a judgment sentencing an alien to placement in special care or in secure detention under the rules of sections 68 – 70 of the Criminal Code, the court must, in connection with a decision under section 72 of the Criminal Code on alteration of the measure that involves discharge from special care or secure detention, decide at the same time to revoke the expulsion if the alien's state of health makes it conclusively inappropriate to return the alien.

(2) If an expelled alien is subject to a criminal sanction involving detention under the rules of sections 68 – 70 of the Criminal Code in other cases than those stated in subsection (1), the Prosecution Service must in connection with discharge from hospital bring the issue of revocation of the expulsion before the court. Where the alien's state of health makes it conclusively inappropriate to carry through the expulsion, the court must revoke the expulsion. The court must appoint counsel to assist the alien. The court must make its decision by an order, against which an interlocutory appeal may be lodged under the rules of Part 85 of the Administration of Justice Act. The court may order that the alien must be remanded in custody when there are certain grounds to consider it necessary in order to ensure the alien's presence.

**50b.**-(1) If expulsion under section 49(1) of a national of a country which is a Member State of the European Union or covered by the Agreement on the European Economic Area, or a Swiss national or an alien otherwise covered by the EU rules, see section 2(2), has not been commenced two years after the decision, the Prosecution Service must immediately before the expulsion may be expected to be commenced bring the question of whether the expulsion decision must remain in force before the court. In connection with this step, the court must consider whether the alien continues to constitute a real threat to public order or security and, in the affirmative, whether circumstances have changed since the original expulsion decision was made.

(2) Section 59(2) of the Criminal Code applies *mutatis mutandis*. Upon request, counsel must be appointed to the alien. The court may order when it may be considered necessary to ensure the alien's presence during proceedings until a possible decision of expulsion may be commenced that the alien must be subjected to detention. Section 34, section 37(3) and (6) and sections 37a – 37e apply *mutatis mutandis*.

(3) The court must make its decision by an order, against which an interlocutory appeal may be lodged under the rules of Part 85 of the Administration of Justice Act.

**51.-(1)** If the prosecution of a criminal case against an alien not permanently resident in Denmark is transferred to another country, it may be decided in connection with the transfer that the alien must be expelled, provided that he is prosecuted for an offence that may lead to expulsion under the provisions of section 49(1). The expulsion will be revoked if the alien is found not guilty of the offence charged.

(2) If an alien has been sentenced abroad for an offence that has had or must be assumed to have been intended to have effect in Denmark, expulsion from Denmark may be ordered under the circumstances referred to in sections 22 – 24 and 25 – 25c. If the alien is permanently resident in Denmark, the question must be brought before and decided by the district court of the judicial district in which the alien is resident. The case may be heard without the alien's presence in court. The court must make its decision by an order.

**52.-(1)** An alien may demand that a final administrative decision under section 46 be brought before the court of the district in which the alien is resident for review within 14 days after the decision has been notified to the alien, or, if the alien does not have any habitual residence anywhere in Denmark, before the Copenhagen City Court, provided that the subject matter of the decision is –

- 1) Termination under section 21b if the alien
  - a) is a national of another Nordic country and is permanently resident in Denmark or
  - b) is covered by the EU rules, see section 2;
- 2) Expulsion under section 25b of an alien who is covered by the EU rules, see section 2, or
- 3) Expulsion under section 25a of an alien who
  - a) is a national of another Nordic country and has permanent residence in Denmark or
  - b) is covered by the EU rules, see section 2.

(2) The case must be brought before the court by the Immigration Service, which must transmit the case file, stating the decision to be reviewed, a brief statement of the circumstances invoked, and the evidence of the case.

(3) The court must ensure that all facts of the case are brought out and must make its own decisions regarding examination of the alien and witnesses, provision of other evidence, and whether proceedings are to be conducted orally. If the alien fails to appear in court without a valid excuse, the court will decide if the decision may be reviewed without the alien's presence or if the review has to be dismissed or postponed.

(4) If found necessary by the court, and provided that the alien meets the financial requirements of section 325 of the Administration of Justice Act, counsel must be appointed for the alien, except where the alien has retained his own counsel.

(5) The Court may when special circumstances so require order the alien to pay the legal costs in full or in part.

(6) Submission to the court does not have any suspensory effects, except where so ordered by the court.

(7) The court must decide by an order whether the case must be dismissed or the decision upheld or revoked. An interlocutory appeal against the order may be lodged under the rules of Part 37 of the Administration of Justice Act.

**52a.**-(1) The Immigration Appeals Board is composed of a chairperson, deputy chairpersons (the Chairpersonship) and other members. The members of the Immigration Appeals Board are independent and may not accept or seek directions from the appointing or nominating authority or organisation.

(2) The chairperson of the Immigration Appeals Board must be a High Court judge or a Supreme Court judge, and the deputy chairpersons must be judges. The other members must be attorneys or serve in the Ministry of Immigration and Integration.

(3) The members of the Immigration Appeals Board must be appointed by the Chairpersonship of the Immigration Appeals Board. The judges will be appointed upon nomination by the president of the relevant court. The attorneys will be appointed upon nomination by the Danish Bar and Law Society. The members serving in the Ministry of Immigration and Integration will be appointed upon nomination by the Minister for Immigration and Integration.

(4) The members of the Immigration Appeals Board must be appointed for a term of four years. Members may be reappointed once. In addition to the right of reappointment referred to in the second sentence, the chairperson of the Immigration Appeals Board has the right of being reappointed for a further period of four years. A member must retire when the conditions for the appointment of the member are no longer met.

(5) The chairperson of the Immigration Appeals Board must be elected by the Chairpersonship of the Immigration Appeals Board.

(6) When the Immigration Appeals Board considers an appeal, the chairperson or a deputy chairperson, an attorney and a member who serves in the Ministry of Immigration and Integration will take part, but see section 52c(5) and (6). Decisions of the Immigration Appeals Board must be made by a simple majority of votes.

(7) Discussions of questions relating to general guidelines for the functions of the Immigration Appeals Board, etc., must take place in the Coordination Committee of the Board, which must be composed of the chairperson of the Board, one attorney and one member serving in the Ministry of Immigration and Integration. The Committee must as far as possible consist of permanent members appointed by the nominating authority or organisation.

(8) Decisions of the Immigration Appeals Board may not be appealed to any other administrative authority.

(9) The chairperson of the Immigration Appeals Board may, on an ad hoc basis, appoint one former member of the Board to deliberate in a case of which the former member has previously taken part in the consideration. If the member who has previously taken part in the consideration of a case is unable to attend, the chairperson may designate or make an ad hoc appointment of a single member to take the place of the member in question in the continued consideration of the case.

(10) The Immigration Appeals Board determines its own rules of procedure.

**52b.**-(1) Appeals against the following decisions made by the Immigration Service may be brought before the Immigration Appeals Board:

- 1) Refusals of applications for a residence permit under sections 9, 9d, 9e, 9f and 9q;
- 2) Refusals of applications for a residence permit under section 9c(1);
- 3) Refusals of applications for renewal of a residence permit granted under sections 9, 9c(1), 9d, 9e, 9f and 9q read with paragraphs 1) and 2), including decisions relating to valid excuses under section 9(34) and (35), decisions on exemption and valid excuses under section 9f(6), and decisions of revocation of such residence permits, see sections 11(2) and 19;
- 4) Refusals of applications for a permanent residence permit under sections 9q(8) and 11;
- 5) Decisions of dismissal of applications for a residence permit under section 9(25), 9c(6), 9f(9) and 9q(11) and (12) read with paras. 1) and 2) and decisions of dismissal of applications for a residence permit under section 47b;
- 6) Decisions of expulsion under section 25 para. 2) and sections 25a and 25b;
- 7) Decisions of refusal of entry under section 28;
- 8) Decisions on the determination of age in connection with an application for a residence permit under section 9 or section 9c(1) as a result of family ties with a person living in Denmark;
- 9) Decisions of revocation of entry bans under section 32(8) and (11);
- 10) Decisions of refusal of visa applications and decisions to cancel or revoke a visa already granted under sections 4 – 4c, where the Immigration Service has made a decision as the first instance;
- 11) Decisions on the payment of fees under section 9h(1), paras. 1) – 3), 10) – 13) and 17) – 19;
- 12) Decisions of establishment of identity, return permission and laissez-passer documents, unless the alien has previously been an asylum seeker, has asylum proceedings pending or applies for asylum before the Immigration Appeals Board makes its decision;
- 13) Decisions under section 42a(11) – (14);
- 14) Decisions on alien's passports;
- 15) Decisions under section 21b unless the alien has been granted a residence permit under section 7 or 8(1) or (2) of this Act;
- 16) Refusal of erasure from the list referred to in section 29c(1) in connection with the reopening of a case under section 29c(5).

(2) Appeals against the following decisions made by the Agency for International Recruitment and Integration may furthermore be brought before the Immigration Appeals Board –

- 1) Refusal of applications for a residence permit under section 9a and sections 9i – 9n and 9p;
- 2) Refusal of applications for renewal of a residence permit granted under section 9a and sections 9i – 9n and 9p and decisions revoking such a residence permit, see section 19;
- 3) Decisions to refuse acceptance of the submission of applications for a residence permit and renewal of residence permits under sections 9a(5) and (6), 9i(3) and (4), 9j(2) and (3), 9k(2) and (3), 9l(2) and (3), 9m(2) and (3), 9n(2) and (3) and 9p(2)

and (3) and decisions of dismissal of applications for a residence permit under section 47b;

- 4) Decisions on expulsion under section 25b(2) read with section 46(2), the second sentence;
- 5) Refusal of applications for certification under section 9a(16);
- 6) Refusal of applications for renewal of a certification under section 9a(18) read with section 9a(19) and decisions of revocation of such a certification, see section 9a(19);
- 7) Decisions to the effect that for a period of two years from a decision relating to it, a residence permit may not be granted under section 9j read with section 21a;
- 8) Decisions on payment of fees under section 9h(1) paras. 4 – 9), 14) and 16);
- 9) Decisions on the determination of identity, return permission and laissez-passer documents unless the alien has previously been an asylum seeker, has asylum proceedings pending or applies for asylum before the Immigration Appeals Board makes a decision.

(3) The Immigration Appeals Board may consider appeals against findings by the Immigration Service that a residence permit granted under section 9, 9c(1), 9d, 9e, 9f or 9q has been terminated, see section 17, that a residence permit granted under section 9, 9c(1) or 9e read with section 17a has been terminated and that a residence permit has been terminated under section 18. The same applies to complaints against refusals of applications to achieve that a residence permit should not be considered as terminated, see section 17(3) and section 17a(2).

(4) The Immigration Appeals Board may furthermore consider appeals against findings by the Agency for International Recruitment and Integration that a residence permit granted under section 9a, sections 9i – 9n or 9p has been terminated, see sections 17 and 18. The same applies to appeals against refusals of applications to achieve that a residence permit should not be considered as terminated, see section 17(3).

(5) The Immigration Appeals Board may furthermore consider appeals against police decisions of refusal, see section 28(1) – (4) and subsection (7), the third sentence.

(6) Appeals against the decisions mentioned in subsections (1) – (5) must have been submitted within eight weeks of the date when the alien received notice of the decision. The chairperson of the Immigration Appeals Board or the person so authorised by the chairperson may decide in special cases that an appeal must be considered even though it has been submitted after expiry of the period stated in the first sentence above.

(7) Decisions concerning suspension of the time limit for departure, see section 33(3), must be made by the chairperson of the Immigration Appeals Board or a person so authorised by the chairperson.

**52c.-(1)** The Ministry of Immigration and Integration provides secretariat assistance to the Immigration Appeals Board.

(2) The secretariat will prepare the appeal cases to be dealt with by the Immigration Appeals Board.

(3) The Immigration Appeals Board may request a statement from the Immigration Service or the Agency for International Recruitment and Integration in connection with its consideration of an appeal.

(4) Appeals must be considered on the basis of written proceedings. Where special reasons make it appropriate, the Immigration Appeals Board may decide that the parties to the appeal and others must be called for an oral hearing.

(5) Appeals that do not concern issues of major importance or matters of principle may be considered by the chairperson alone or by a person so authorised by the chairperson.

(6) Cases concerning a request for reconsideration of a decision made by the Immigration Appeals Board may be considered by the chairperson alone or by a person so authorised by the chairperson when there is no reason to assume that the Immigration Appeals Board will change its decision.

(7) The chairperson of the Immigration Appeals Board or a person so authorised by the chairperson may dismiss an appeal if it does not fall within the competence of the Board.

(8) The chairperson of the Immigration Appeals Board or a person so authorised by the chairperson must refer a case for consideration under subsections (5) – (7) or 52a(6).

**53.-(1)** The Refugee Appeals Board consists of a chairperson and deputy chairpersons (the Chairpersonship) and other members. The members of the Refugee Appeals Board are independent and may not accept or seek directions from the appointing or nominating authority or organisation. Sections 49 – 50 of the Administration of Justice Act apply mutatis mutandis to the members of the Refugee Appeals Board.

(2) The chairperson of the Refugee Appeals Board must be a High Court judge or a Supreme Court judge, and the deputy chairpersons must be judges. The other members must be attorneys or serve in the Department of the Ministry of Immigration and Integration but not in the secretariat of the Refugee Appeals Board.

(3) The members of the Refugee Appeals Board must be appointed by the Chairpersonship of the Board. The judges must be appointed upon nomination by the Danish Court Administration, the attorneys must be appointed upon nomination by the Council of the Danish Bar and Law Society, and the other members must be appointed upon nomination by the Minister for Immigration and Integration.

(4) The members of the Refugee Appeals Board must be appointed for a term of four years. Members have a right of reappointment for a period of four additional years. The chairperson of the Refugee Appeals Board is entitled, in addition to the right of reappointment referred to in the second sentence above, to be reappointed for a period of four additional years. In addition to this, reappointment may not take place. The members of the Refugee Appeals Board may only be removed by judgment. A member must retire when the requirements for the appointment of the member are no longer met. The appointment ends not later than at the end of the month of the member's 70th birthday.

(5) The chairperson of the Refugee Appeals Board must be elected by the Chairpersonship of the Refugee Appeals Board.

(6) When the Refugee Appeals Board considers a case, the chairperson or a deputy chairperson, an attorney and a member serving in the Department of the Ministry of Immigration and Integration must take part, but see subsections (8) – (14).

(7) Discussions of general guidelines for the functions of the Board, etc. must take place in the Board's Coordinating Committee, which must be composed as stated in subsection (6) and consist of permanent members as far as possible.

(8) Cases concerning residence permits under section 9c(3) must be considered by the chairperson or a deputy chairperson alone. In highly exceptional cases, a case under the first sentence may be referred for consideration according to subsection (6).

(9) Cases concerned with the establishment of identity, permission to return and laissez-passer documents in respect of aliens who have claimed to be covered by or have been granted a residence permit under section 7, 8 or 9c(2) or (3) must be considered by the chairperson or a deputy chairperson alone. A case under the first sentence above may in highly exceptional cases be referred for consideration according to subsection (6).

(10) Cases concerned with refusal of entry or transfer or dismissal according to the rules of Part 5a or 5b must be considered by the chairperson or a deputy chairperson alone. A case under the first sentence above may in highly exceptional cases be referred for consideration according to subsection (6).

(11) Cases in which, upon submission to the Danish Refugee Council, the Immigration Service has not determined according to section 53b(1) that the decision cannot be brought before the Refugee Appeals Board, must be considered by the chairperson or a deputy chairperson alone unless there is reason to assume that the Board will change the decision of the Immigration Service.

(12) Cases in which the requirements for obtaining asylum must be considered manifestly satisfied may be considered by the chairperson or a deputy chairperson alone.

(13) Cases concerned with a decision of the duration of a residence permit for a definite period granted under section 7(1) and (2) and section 8 may be considered by the chairperson or a deputy chairperson alone.

(14) Cases in which a request for the reopening of a decision made by the Refugee Appeals Board has been submitted may be considered by the chairperson or a deputy chairperson alone when there is no reason to assume that the Board will change its decision.

(15) The Ministry of Immigration and Integration must provide secretariat assistance to the Refugee Appeals Board.

(16) The chairperson of the Refugee Appeals Board may, on an ad hoc basis, appoint a former member of the Board to deliberate in a case of which the former member has previously taken part in the consideration. If the member who has previously taken part in the consideration of a case is unable to attend, the chairperson may designate or appoint, on an ad hoc basis, a single member to take the place of the member in question in the continued consideration of the case.

**53a.-(1)** The Refugee Appeals Board may consider appeals against decisions made by the Immigration Service regarding the following matters, but see section 53b(1) -

- 1) Refusal of entry or transfer or dismissal according to the rules of Part 5a or 5b;
- 2) Denial of a residence permit to an alien who claims to be covered by section 7 or 8(1) or (2) and in that connection return according to section 32a;

- 3) Termination according to sections 17, 17a and 21b, refusal of renewal according to section 11(2) and revocation according to section 19 or 20 of a residence permit granted under section 7 or section 8(1) or (2) and in that connection return according to section 32a;
- 4) Refusal of issuing of a Danish travel document to a refugee or revocation of such a travel document;
- 5) Return under sections 32b and 49a;
- 6) Decisions on the duration of a residence permit for a definite period granted under section 7(1) and (2) and section 8;
- 7) Refusal of a residence permit according to section 9c(3);
- 8) Decisions concerned with the establishment of identity, permission to return and laissez-passer documents in respect of aliens who have claimed to be covered by or been granted a residence permit under section 7 or 8 or 9c(2) or (3).

(2) An appeal to the Refugee Appeals Board against a decision of the Immigration Service of refusal of entry or transfer or dismissal according to the rules of Part 5a or 5b submitted to the Immigration Service later than seven days after the alien has received notice of the decision must be dismissed. An appeal to the Refugee Appeals Board against the decision of the Immigration Service concerning the duration of a residence permit for a definite period granted under section 7(1) and (2) and section 8, which is submitted to the Immigration Service later than four weeks after the alien has received notice of the decision must be dismissed. Where the Immigration Service refuses to grant a residence permit under section 7 to an alien who stays in Denmark, where the Immigration Service must make the decision of denying renewal of or revoking a residence permit granted under section 7 or section 8(1) and (2), or where the Immigration Service finds according to section 32b or 49a that return of the alien will not be contrary to section 31, an appeal against the decision will be considered to have been filed to the Refugee Appeals Board. An appeal against a decision as stated in subsection (1) paras. 1) – 6) will have suspensory effect. The fourth sentence will not apply to appeals against decisions of dismissal under the rules of Part 5b or appeals against decisions of termination under section 21b(1) when at the time of the appeal the alien stays abroad.

(3) The decisions of the Immigration Service referred to in subsection (1) must refer to the rules of subsections (1) and (2).

(4) The police may, without the alien's consent, disclose information about an alien's previous convictions, including charges with criminal offences, to the Immigration Service or the Refugee Appeals Board if the alien has applied for a residence permit under section 7 or section 8(1) or (2) or is subject to section 42a(2) read with subsection (3).

**53b.-(1)** The Immigration Service may upon submission to the Danish Refugee Council, determine that the decision in a case concerning a residence permit under section 7 may not be brought before the Refugee Appeals Board if the application must be considered manifestly unfounded, including if –

- 1) The identity claimed by the applicant is manifestly incorrect;



- 2) The circumstances invoked by the applicant may obviously not lead to the granting of a residence permit under section 7;
- 3) The circumstances invoked by the applicant may obviously not lead to the granting of a residence permit under section 7 according to the practice of the Refugee Appeals Board;
- 4) The circumstances invoked by the applicant are manifestly inconsistent with general background information about the situation in the applicant's country of origin or former country of residence;
- 5) The circumstances invoked by the applicant are manifestly inconsistent with other specific information on the applicant's situation; or
- 6) The circumstances invoked by the applicant must be considered manifestly unreliable, for instance as a consequence of the applicant's changing, contradictory or improbable statements.

(2) The Immigration Service may decide unless substantial considerations otherwise require, that on the same day as the Immigration Service submits a case to the Danish Refugee Council according to subsection (1), the Refugee Council must inform the Immigration Service if the Refugee Council agrees to the assessment made by the Immigration Service finding that the application must be considered manifestly unfounded. The Immigration Service may further decide that the interrogation of the applicant by the Immigration Service and the interview of the applicant by the Refugee Council must take place in premises in close proximity to each other.

(3) The Immigration Service must inform the Refugee Appeals Board about decisions which have not been eligible to be brought before the Board because the Immigration Service has so decided under subsection (1). The Refugee Appeals Board may decide that it must be possible to bring certain categories of cases before the Board.

**53c.** Before the court makes a decision on an application for a residence permit from or on the return of an alien under section 45d(1) paras. 3) – 5), the Refugee Appeals Board must provide a statement for this purpose on request.

**54.-(1)** Where a decision is brought before the Refugee Appeals Board, the Immigration Service must transmit the documents of the case file to the Board, accompanied by details of the appealed decision, a brief account of the circumstances relied upon, and the evidence of the case. Otherwise, the Board must itself ensure that all information in the case is available and make directions on the interview of the alien and of witnesses and on the procurement of other evidence.

(2) When the Refugee Appeals Board considers an appeal against a decision made by the Immigration Service concerning an application for a residence permit under section 7, the chairperson of the Refugee Appeals Board or one of the deputy chairpersons may decide that it will not be possible to produce documents or other evidence that could have been produced for the consideration of the case by the Immigration Service. When the Refugee Appeals Board considers an application for the reopening of a decision made by the Board, the chairperson of the Refugee Appeals Board or one of the deputy chairpersons may decide that it will not be possible to produce documents or other

evidence that is covered by the first sentence above or could have been produced for the previous consideration of the case by the Board.

**55.-(1)** If necessary, the Refugee Appeals Board may appoint counsel to the alien, except where the alien has retained his own counsel.

(2) If it cannot be considered appropriate, taking account of the furtherance of the case, that the counsel whose appointment is requested by the alien takes part in the hearing, the Refugee Appeals Board may refuse to appoint the person in question to serve as counsel for the alien. If the alien requests another counsel appointed instead, the Refugee Appeals Board must appoint the attorney in question unless appointment may be refused under the first sentence above.

(3) The alien and his counsel must be given an opportunity to gain insight into the material on which the Board's consideration will be based and make statements about it.

(4) If the regard for national security or the relations of the State with foreign powers or considerations for a third party will exceptionally so demand, the provision of subsection (3) may be deviated from to the extent required.

(5) Subsection (1) will not be applicable to cases concerned with refusal of entry or transfer or dismissal under the rules of Parts 5a or 5b, unless the case has been referred for consideration according to section 53(6).

**56.-(1)** The chairperson of the Refugee Appeals Board or the person so authorised by the chairperson will refer a case for consideration under section 53(6) or (8) – (14).

(2) In case the alien or the appointed counsel so requests, the alien has the right to submit his case orally to the Refugee Appeals Board, but see subsections (3) and (4). The Board must decide if the proceedings will otherwise be heard orally, but see subsections (3) and (4).

(3) Cases considered under section 53(8) – (14) must be considered on the basis of written proceedings. The chairperson of the Refugee Appeals Board or the person so authorised by the chairperson may refer a case concerning refusal of entry or transfer or dismissal under the rules of Part 5a or Part 5b which is dealt with according to section 53(6) for oral hearing if special conditions will so require.

(4) The chairperson of the Refugee Appeals Board or the person so authorised by the chairperson may refer a case to be heard according to section 53(6) for consideration on the basis of written proceedings, if –

- 1) The appeal must be considered unfounded;
- 2) A residence permit has been granted under section 7(2), whereas the alien claims to be covered by section 7(1), a residence permit has been granted under section 7(3), whereas the alien claims to be covered by section 7(1) or (2) or a residence permit has been granted under section 8(2) whereas the alien claims to be covered by section 8(1) (change-of-status case);
- 3) The case is concerned with refusal of issuing of a Danish travel document to a refugee or revocation of such a travel document;
- 4) The case is concerned with the granting of a residence permit under section 7 to arriving family members of an alien who has previously been granted a residence permit under section 7 (consequential status case); or
- 5) The conditions otherwise justify the application of this form of proceedings.

(5) Cases that have been referred for consideration on the basis of written proceedings under subsection (4) para. 1) may be referred for oral consideration.

(6) The chairperson of the Refugee Appeals Board or the person so authorised by the chairperson may decide that a case or a specific category of cases to be considered under section 53(6) must be subjected to expedited consideration.

(7) The decisions of the Refugee Appeals Board must be made by a majority of votes. In the event of equality of the votes, the decision most favourable to the alien concerned must prevail. The decision must be accompanied by reasons.

(8) Decisions made by the Refugee Appeals Board are final.

(9) The Refugee Appeals Board must determine its own rules of procedure.

**56a.-(1)** An unaccompanied alien under the age of 18 who stays in Denmark must unless exceptional reasons otherwise require have a representative appointed to safeguard his interests. Where the unaccompanied alien under the age of 18 has been trafficked, this must be taken into consideration in the appointment of the representative. At the request of the Immigration Service, an organisation approved for this purpose by the Minister for Immigration and Integration must recommend a person for the function as a representative. Upon agreement with the Minister for Immigration and Integration, the organisation may employ persons to be assigned with the functions of a representative. The representative must be appointed by the State Administration.

(2) If a child who is covered by subsection (1) has attained the age of 12, the child must be interviewed about the appointment before a decision of appointment of a representative to safeguard the child's interests according to subsection (1) is made. The interview may be dispensed with, however, if it must be assumed to be harmful to the child or of no importance for the case. If the child is under the age of 12, an interview as mentioned in the first sentence above must be conducted if warranted by the child's maturity and the circumstances of the case.

(3) The State Administration may modify a decision made under subsection (1) if the modification is in the best interests of the child.

(4) Decisions of the State Administration under subsections (1) and (3) may be appealed to the Social Appeals Board. When the Social Appeals Board considers appeals under the first sentence, Part 9 and sections 68 and 70 of the Act on Legal Security and Administration in the Social Area must be applied.

(5) The Minister for Social and Interior Affairs may lay down specific rules on the consideration of cases under subsections (1) – (4), including rules on the hearing of appeals.

(6) The function of representative assigned with safeguarding the child's interests as referred to in subsection (1) will end when –

- 1) The child has been granted a residence permit in Denmark and has a temporary holder of parental custody appointed under section 28 of the Parental Responsibility Act;
- 2) The child attains the age of 18;
- 3) The child departs from Denmark;
- 4) The person who has parental custody enters Denmark or becomes able to exercise parental custody otherwise;

- 5) The child's spouse enters Denmark; or
- 6) The State Administration so decides under subsection (3).

(7) If the Immigration Service submits a case concerning a residence permit under section 7 for a child who is covered by subsection (1) to the Danish Refugee Council, see section 53b, the Immigration Service must at the same time appoint counsel for the child unless the child has itself retained counsel. Section 55(2) – (4) applies *mutatis mutandis*. The Minister for Immigration and Integration may lay down more detailed rules on the appointment of counsel by the Immigration Service according to the first sentence above.

(8) The Immigration Service must appoint counsel for a child covered by subsection (1) where the child's application for a residence permit under section 7 has been refused unless the child has itself retained counsel or exceptional reasons require otherwise. If a personal representative has been appointed to the child according to subsection (1), the representative must be notified of decisions to appoint counsel for the child. Section 55(2) – (4) applies *mutatis mutandis*. The Minister for Immigration and Integration may lay down more detailed rules on the appointment of counsel by the Immigration Service under the first sentence above.

(9) The Immigration Service must upon request from a child covered by subsection (1) assist the child with initiating a search for the child's parents or other family network, unless the child may take up residence at a reception and care centre in its country of origin or former country of residence. This does not apply, however, if the child is covered by section 2(1).

(10) The Immigration Service must if possible initiate a search as mentioned in subsection (9) if the child has been trafficked, unless special reasons require otherwise. The Immigration Service must furthermore, if possible, initiate a search as mentioned in subsection (9) if exceptional reasons otherwise so require.

(11) The search for parents or other family network members, see subsection (10), may be carried out in cooperation with one or more organisations approved for this purpose by the Minister for Immigration and Integration. In connection with the search for the child's parents or other family network, the Immigration Service and the organisations referred to may exchange information on the child's personal circumstances without the consent of the child or its personal representative.

**56b.-(1)** An unaccompanied minor alien who has turned 12 years and a representative of an unaccompanied minor alien, see section 56a(1), may appeal decisions made by the Children and Youth Committee under section 61l(1) read with sections 62m – 62o, section 62l(3), the second sentence, and section 62q(6), and decisions of the Children and Youth Committee according to rules laid down under section 62l(8) and section 62u(2).

(2) Appeals under subsection (1) may be brought before the Social Appeals Board.

(3) The Minister for Immigration and Integration may upon negotiation with the Minister for Children and Social Affairs lay down specific rules on the right to appeal according to subsection (1), including time limits for filing appeals, suspensive effects, legal assistance and information about the right to gain insight into the documents of the case and the right to be heard.

**56c.**-(1) An unaccompanied minor alien who has turned 12 years and a representative of an unaccompanied minor alien, see section 56a(1), may appeal decisions made by the head of the accommodation facility, see section 42a(5), or the person so authorised, concerning reductions of the alien's supplementary allowance under section 62b(6).

(2) Appeals according to subsection (1) may be brought before the Immigration Service.

(3) The Minister for Immigration and Integration may lay down specific rules on the right to appeal according to subsection (1) including the Immigration Service's consideration of the appeals, time limits for appeals and information about the right to gain insight into the documents of the case and the right to be heard.

**56d.**-(1) Decisions of the Social Appeals Board in cases of appeal against decisions made by the Children and Youth Committee, see section 56b(2), may upon demand to the Social Appeals Board within four weeks from the date when the complainant received notice of the decision, be brought before the court. Section 169(2) and sections 170 – 172 of the Act on Social Service apply mutatis mutandis, but see subsection (2).

(2) The unaccompanied minor alien's representative, see section 56(1), will be a party to the case as will the unaccompanied minor alien who has turned 12 years, irrespective of whether the person in question has demanded that the decision be brought before the court.

**56e.**-(1) An unaccompanied minor alien who has turned 12 years and a representative of an unaccompanied minor alien, see section 56a(1), may appeal decisions of a Local Council under section 62m(3) and section 62r(2) and decisions of a Local Council according to rules laid down under section 62l(8) and section 62u(2).

(2) Appeals according to subsection (1) may be brought before the Social Appeals Board.

(3) The Minister for Immigration and Integration may upon negotiation with the Minister for Children and Social Affairs lay down specific rules on the right to appeal according to subsection (1), including time limits for appeals, suspensive effects and information about the right to gain insight into the documents of the case and the right to be heard.

**57.**-(1) Before a request for an order for expulsion of an alien is submitted by the Prosecution Service, a statement may be obtained from the Immigration Service or the Agency for International Recruitment and Integration. In connection with a renewed review under section 50 of an expulsion decision, the Prosecution Service must obtain a statement from the Immigration Service or the Agency for International Recruitment and Integration.

(2) For the purpose of the statements referred to in subsection (1) the Prosecution Service may, without the alien's consent, disclose information about the alien's criminal record, including charged criminal offences, to the Immigration Service or the Agency for International Recruitment and Integration.

**58.** The payment of fees and refunding of outlays to legal counsel appointed according to section 37(2), section 37c(3), the second sentence, section 40(6), the third sentence, section 49(3), section 50(2), the third sentence, section 50a(2), the third

sentence, section 52(4), section 55(1) and section 56a(7) and (8) are subject to the rules applicable to cases for which free legal aid has been granted as set out in Part 31 of the Administration of Justice Act.

**58a.** The functions of the Parliamentary Ombudsman do not extend to the Refugee Appeals Board, but see section 17 of the Parliamentary Ombudsman Act.

#### Part 8a

##### *Disclosure of information according to the rules of the Dublin Regulation, the Schengen Convention, the VIS Regulation and the Eurodac Regulation, etc.*

**58b.-(1)** For the purposes of this Act, the Eurodac Regulation means the Regulation of the European Parliament and of the Council (EU) No. 603/2013 of 26 June 2013 concerning the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EU) No. 604/2013 on the definition of criteria and procedures for determining what Member State is responsible for the processing of an application for international protection submitted in one of the Member States by a third-country citizen or a stateless person and on the access of the law enforcement authorities of the Member States and of Europol to submit requests for comparison with Eurodac data for the purpose of law enforcement and amending Regulation (EU) No. 1077/2011 on the Establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security, and justice (revision) as later amended.

(2) For the purposes of this Act, the Central Eurodac System means the Central Unit of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, which is responsible for the operation of the central database as referred to in Article 3(1)(a) of the Eurodac Regulation.

**58c.-(1)** Confidential information, including information about the fully private conditions of individuals received from the authorities of another EU Member State according to the rules of Article 34 of the Dublin Regulation, may be disclosed only to the authorities mentioned in Article 34(7) of the Dublin Regulation. The information may be used only for the purposes referred to in Article 34(1) of the Dublin Regulation.

(2) Confidential information, including information about the fully private conditions of individuals may, to the extent following from the rules of the Dublin Regulation, be disclosed to the authorities of another country participating in the Dublin Regulation. To the extent following from the Schengen Convention, information as mentioned in the first sentence above may be disclosed to the authorities of another Schengen State.

(3) Personal data received from the Central Eurodac System according to the Eurodac Regulation may not be disclosed or made available to international organisations, private institutions or countries that are not part of the European Union.

(4) In Denmark, the Data Protection Agency must supervise the processing and use of information received under the rules of the Dublin Regulation.

**58d.** The Minister for Immigration and Integration may lay down more detailed rules for the implementation of the rules of the Schengen Convention, the VIS Regulation,

the Visa Code, the Dublin Regulation and the Eurodac Regulation. In that connection it may be provided that under section 58j(1) – (3) other entities than the National Commissioner of Police may transmit information to the Central Eurodac System.

**58e.** The Minister for Immigration and Integration may direct that the rules of this Act that have been introduced to implement the rules of the Dublin Regulation or the Eurodac Regulation must be used, following the necessary amendments, also in relation to one or several third countries that have made agreements with the European Union about participation in the Dublin Regulation or the Eurodac Regulation or equivalent arrangements or are obliged on another basis to apply the rules of the Dublin Regulation or the Eurodac Regulation.

**58f.** The Minister for Immigration and Integration may lay down more detailed rules on the payment by the police of expenses defrayed by other Schengen States or EU Member States in connection with the return of aliens.

**58g.-(1)** The National Commissioner of Police must enter an alert in SIS II in respect of an alien who is not a national of a Schengen State or a Member State of the European Union for the purpose of refusing entry if –

- 1) The alien has been expelled from Denmark under sections 22 to 24 and been given a re-entry ban for at least six years;
- 2) The alien has been expelled from Denmark under section 25;
- 3) The alien has been refused a residence permit under section 10(1) or (2) para. 1) or (2);
- 4) The alien's residence permit has been revoked under section 19(2) para. 2) or 3);
- 5) The alien's residence permit or right of residence has been terminated according to section 21b(1);
- 6) The alien has been issued with a visa under section 4 or 4a and been expelled from Denmark under section 25b after refusal of his application for a residence permit under section 7;
- 7) The alien has been expelled from Denmark under section 25b or
- 8) The alien has been entered on the list referred to in section 29c(1).

(2) The National Commissioner of Police may enter an alert in SIS II in respect of an alien who is not a national of a Schengen State or a Member State of the European Union for the purpose of refusing entry, if the alien is subject to restrictive measures intended to limit entry and transit as decided by the United Nations or the European Union.

**58h.-(1)** The Immigration Service, the Agency for International Recruitment and Integration and the State Administration will be in charge of consultations with the authorities of another Schengen State according to Article 25 of the Schengen Convention.

(2) Where, following the consultations mentioned in subsection (1), the Immigration Service, the Agency for International Recruitment and Integration or the State Administration finds that an alert entered in respect of an alien in SIS II according to section 58g for the purpose of refusing entry should be deleted, the National Commissioner of Police must delete the alert in SIS II.

**58i.**-(1) The National Commissioner of Police must immediately transmit fingerprints taken of aliens over the age of 14 according to section 40a(1) to the Central Eurodac System. The National Commissioner of Police may further transmit fingerprints taken of aliens over the age of 14 according to section 40a(2) para. 1) to the Central Eurodac System for the purpose of checking whether the alien has previously submitted an application for asylum in another EU Member State. The first and second sentences do not apply if the alien is a national of another EU Member State or a third country concerning which specific rules have been established under section 58e.

(2) The National Commissioner of Police must, together with fingerprints taken according to section 40a(1) para. 1), transmit information to the Central Eurodac System about –

- 1) The place and date of the alien's submission of an application for a residence permit under section 7;
- 2) The alien's gender;
- 3) The alien's alien number or other reference number;
- 4) The date when the alien's fingerprints were taken;
- 5) The operator's username and
- 6) The date of the alien's arrival if the alien has been transferred under Article 22 of the Dublin Regulation.

(3) The National Commissioner of Police must, together with fingerprints taken according to section 40a(1) para. 2), transmit information to the Central Eurodac System about –

- 1) The place and date of the apprehension of the alien; and
- 2) The information mentioned in subsection (2) paras. 2) – 5).

(4) Together with fingerprints taken according to section 40a(2) para. 1), the National Commissioner of Police must transmit information to the Central Eurodac System about the alien's alien number or other reference number.

(5) The National Commissioner of Police must receive and verify information received from the Central Eurodac System.

(6) The Data Protection Agency must in Denmark supervise the processing and use of information transmitted and received under the rules of the Eurodac Regulation.

**58j.**-(1) If an alien who has had fingerprints taken according to section 40a(1) para. 1), which have been transmitted to the Central Eurodac System under section 58i(1), the first sentence, obtains a residence permit in Denmark under section 7(1) – (3) or is granted Danish nationality, the National Commissioner of Police must transmit information about it to the Central Eurodac System. The same applies if a residence permit as stated in the first sentence is revoked or terminated or renewal of it is denied. If the National Commissioner of Police is informed that an alien whose fingerprints have been taken according to section 40a(1) para. 1) and transmitted to the Central Eurodac System according to section 58i(1), the first sentence, has obtained protection, no longer holds that protective status or has been granted citizenship in another EU Member State, the National Commissioner of Police must transmit information about it to the Central Eurodac System. The first to third sentences do not apply if more than ten years have passed from the date when the alien was fingerprinted.



(2) If the National Police receives such information, the National Police must transmit the following information to the Central Eurodac System about an alien who has had fingerprints taken according to section 40a(1) para. 1) which have been transmitted to the Central Eurodac System according to section 58i(1), the first sentence

- 1) The alien's date of arrival in respect of aliens who have been transferred to this country according to Article 25 of the Dublin Regulation;
- 2) The alien's date of departure in respect of aliens who have been returned from or left the territory of the EU Member States; and
- 3) The date of the registration of the alien as an asylum seeker if the Immigration Service makes the decision that the alien may stay in Denmark while his asylum application is processed according to section 48e(2) and if this decision is made under Article 17(1) of the Dublin Regulation.

(3) If an alien whose fingerprints have been taken according to section 40a(1) para. 2) and been transmitted to the Central Eurodac System under section 58i(1), the first sentence, obtains a residence permit in Denmark or is granted Danish nationality, the National Commissioner of Police must pass on information about it to the Central Eurodac System. If the National Commissioner of Police receives information that an alien whose fingerprints have been taken according to section 40a(1) para. 2) and transmitted to the Central Eurodac System under section 58i(1), the first sentence, has obtained a residence permit or nationality in another Member State of the European Union, the National Commissioner of Police must pass on this information to the Central Eurodac System. If the National Commissioner of Police becomes aware that an alien whose fingerprints have been taken according to section 40a(1) para. 2) and transmitted to the Central Eurodac System under section 58i(1), the first sentence, has left the territory of the EU Member States, the National Commissioner of Police must pass on this information to the Central Eurodac System. The first to third sentences above do not apply when more than 18 months have passed from the date when the alien's fingerprints were taken.

## Part 9

### *Penalty provisions*

**59.-(1)** An alien will be liable to a fine or imprisonment for up to six months if he –

- 1) Enters or departs from Denmark at points other than those designated as passport checkpoints in Denmark or another Nordic country or outside the opening hours of the border crossing point. The provision of the first sentence above does not apply to entry from or departure to a Schengen State, unless checks are exceptionally carried out at such a border according to Article 25 of the Schengen Borders Code read with section 38(2) of this Act. When the penalty is determined it must be considered an aggravating circumstance that the violation has been committed repeatedly;
- 2) Gains access to Denmark through the passport control or obtains a visa, passport or other travel document or permission to stay or work in Denmark by means of wilfully incorrect information or fraudulent non-disclosure. When the penalty is

determined it must be considered an aggravating circumstance that the violation has been committed repeatedly.

(2) An alien will be liable to a fine or imprisonment for up to six months if he stays in Denmark without the requisite permit. When the penalty is determined, it must be considered an aggravating circumstance that the violation has been committed repeatedly.

(3) An alien will be liable to a fine or imprisonment for up to one year if he works in Denmark without the requisite permit.

(4) When the penalty is determined under subsection (3), it must be considered an aggravating circumstance that the alien has no right to stay in Denmark or that the violation has been committed repeatedly.

(5) Any person who employs an alien without the requisite work permit or in violation of the conditions of a work permit will be liable to a fine or imprisonment for up to two years.

(6) When the penalty is determined under subsection (5), it must be considered an aggravating circumstance that the violation has been committed intentionally, that by the violation a financial gain has been obtained or intended for the benefit of the person in question or for others or that the alien has no right to stay in Denmark.

(7) If a financial gain has been obtained by the violation of subsection (5), such gain may be confiscated under the rules of Part 9 of the Criminal Code. If confiscation is not possible, special regard must be had to the amount of a financial gain obtained or intended when the fine, including any supplementary fine, is determined.

(8) A person is liable to a fine or imprisonment for up to two years if he –

- 1) Intentionally assists an alien in entering or transiting through Denmark illegally;
- 2) Intentionally assists an alien in staying in Denmark illegally;
- 3) Intentionally assists an alien in entering Denmark for the purpose of entering another country illegally from Denmark;
- 4) Intentionally assists an alien in entering or transiting through another country illegally;
- 5) Assists an alien in staying illegally in another country for the sake of gain; or
- 6) Intentionally assists an alien in working in Denmark without the requisite permit by providing shelter or means of transport to the alien.

(9) In the determination of the penalty under subsection (8) para. 2), it must be considered a particularly aggravating circumstance that the assistance was provided for the sake of gain or repeatedly or that the same sentence covers several cases of intentional assistance towards illegal residence in Denmark.

(10) In the determination of the penalty under subsection (8) para. 6), it must be considered a particularly aggravating circumstance that the assistance was provided for the purpose of financial gain or repeatedly, or that the same sentence covers several offences of intentional assistance towards an alien's illegal work in Denmark.

**59a.-(1)** A person who brings an alien to Denmark will be punished with a fine in case upon his entry into Denmark or while in transit in a Danish airport the alien is not in possession of the requisite travel document and visa, see section 39.

(2) The provision of subsection (1) does not apply to entry from a Schengen State unless the Minister for Immigration and Integration has decided that subsection (1) must be applicable in connection with entry control introduced at the border according to Article 25 of the Schengen Borders Code read with section 38(2) of this Act.

**59b.**-(1) An alien who enters Denmark in contravention of a ban on re-entry or an exclusion order issued according to previous Aliens Acts will be liable to a fine or imprisonment for up to three years, but see subsection (2).

(2) A penalty of imprisonment for a term of not less than one year and not more than three years must be imposed on an alien who enters Denmark in contravention of a ban on re-entry or an exclusion order issued in connection with expulsion and a penalty of at least three months of unsuspended imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration.

**60.**-(1) Violation of the orders imposed according to section 34(1)–(3) and (6), section 42a(7), the third sentence, section 42a(8), the second sentence, or section 42d(2), the second sentence, or violation of section 39(1) and (3), section 40(1), the first, second and fourth sentences, and subsections (3) and (5) and section 42a(7), the fourth sentence, and subsection (8), the third sentence, or non-compliance with the conditions associated with a permit under the law will be punished with a fine or in aggravating circumstances imprisonment for up to one year. Violation of section 40(6), will be punished with a fine or imprisonment for up to one year. Violation of section 44a(11), the first sentence, will be punished with a fine.

(2) Violation of the orders imposed according to section 34(4)–(6) and section 42a(8), the first and third sentences, and subsection (10) will be punished with imprisonment for up to one year and six months.

(3) Regulations issued according to this Act may prescribe a penalty in the form of a fine for violation of provisions of the regulations. Regulations issued according to section 2(4) and (5), section 12, section 15(2), section 16 and section 38(4) and (9) may prescribe penalties in the form of fines or of fines or imprisonment for up to four months for violation of provisions of the regulations.

(4) Violation of prohibitions according to section 37j will be punishable with a fine.

**61.** Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Criminal Code.

**62.** Cases concerning violation of section 59b of this Act must be heard without the assistance of lay judges no matter if the penalty to be imposed will be more severe than a fine.

**62a.**-(1) The Prison and Probation Service may order upon recommendations from the police that an alien who has been sentenced to imprisonment for violation of section 34(4)–(6) or section 42a(8), the first or third sentence, or subsection (10), must be released for the purpose of being returned immediately even if the sentence has not been fully enforced.

(2) The Prison and Probation Service must decide that the sentence enforcement must be resumed if the alien stays in Denmark again within five years after the return was carried through.

(3) The Minister for Immigration and Integration lays down more detailed rules upon negotiation with the Minister of Justice on immediate returns according to subsection (1) and on the resumption or commencement of serving a sentence according to subsection (2).

## Part 9a

### *Framework for accommodation and use of force and other types of intervention in the right of self-determination etc. in relation to unaccompanied minor aliens*

**62b.**-(1) The head of an accommodation facility as referred to in section 42a(5) at which unaccompanied minor aliens are accommodated exclusively (a children's centre), must draw up a set of house rules that indicate specific rules and guidelines for accommodation at the centre.

(2) A set of house rules must include rules on –

- 1) The duty to take part in schooling;
- 2) Use of common grounds in the late evening and at night;
- 3) Quietness in rooms in the evening and night hours;
- 4) The duty to take care of the buildings and furniture of the children's centre;
- 5) Prohibition against use or possession of alcohol and controlled drugs at the children's centre; and
- 6) Smoking within the area of the children's centre.

(3) A set of house rules may include other rules and guidelines for accommodation at the children's centre found necessary by the head in order to safeguard the general functions of the children's centre.

(4) An unaccompanied minor alien who is accommodated at a children's centre must be informed of the house rules of the centre, including the consequences of not observing the house rules.

(5) Where an unaccompanied minor alien fails to observe the house rules as referred to in subsections (2) and (3) and the staff find that an educational reprimand is not a sufficient reaction, the staff may exclude the alien from specific events or activities, etc.

(6) Where gross or repeated breaches of the parts of the house rules established as provided by subsection (2) above are committed, the head of a children's centre or the person so authorised by the head may order that an unaccompanied minor alien has to be deprived fully or partly of his supplementary allowance set out in section 42b(9) unless special conditions otherwise require.

(7) The sanction imposed must be in reasonable proportion to the extent and character of the specific breach of the house rules.

(8) The Public Administration Act applies too in connection with decisions according to subsection (6) when the accommodation operator is a private organisation or company, see section 42a(5), the second sentence.

**62c.**-(1) The staff of an accommodation facility as set out in section 42a(5) may use a substance test where an unaccompanied minor alien has a misuse or there are specific reasons to assume that the alien has taken substances. Before then, the unaccompanied minor alien must have granted general consent to the use of a substance test. In respect of unaccompanied minor aliens under the age of 12, the alien's representative as set out in section 56a(1) must have granted general consent allowing the alien to consent to being subjected to a substance test in specific situations.

(2) The staff of an accommodation facility as set out in section 42a(5) must inform the unaccompanied minor alien and his representative, see section 56a(1), of the rules for being subjected to a substance test prior to the granting of general consent to the use of substance tests.

(3) Substance tests may be used only when the unaccompanied minor alien cooperates voluntarily on being subjected to it.

(4) The Minister for Immigration and Integration may upon negotiation with the Minister for Children and Social Affairs lay down more detailed rules on the use of substance tests according to subsection (1) – (3), including rules on the procedure to be used and requirements as to the content of consent.

**62d.**-(1) The staff of an accommodation facility, see section 42a(5), may guide an unaccompanied minor alien physically.

(2) A requirement for physical guidance under subsection (1) above is that it is assessed to be necessary in the interest of comfort and well-being at the accommodation facility in situations where an unaccompanied minor alien bothers or harasses the other aliens staying at the accommodation facility, the staff or other persons present at the accommodation facility.

**62e.**-(1) Using force and other interventions in the right of self-determination, see sections 62f – 62i, in relation to unaccompanied minor aliens placed at an accommodation facility, see section 42a(5), may only take place exceptionally and may never replace care and measures of a social education nature.

(2) Prior to any form of use of force or other intervention in the right of self-determination, the staff must search for all possibilities of achieving the alien's voluntary cooperation on a necessary measure.

(3) The use of force and other intervention in the right of self-determination must be in reasonable proportion to the ends that the staff seeks to achieve. Where less intrusive measures are sufficient, they should be used.

(4) The use of force and other intervention in the right of self-determination must be carried through as gently and briefly as circumstances permit and with the greatest possible regard for the personal integrity of the unaccompanied minor alien. In addition, in the use of force or intervention, account should be taken of other persons present thus that it will not cause unnecessary offence or nuisance. Fixation and humiliating, derisive or other degrading treatment is not allowed.

**62f.** The staff of an accommodation facility as set out in section 42a(5) may briefly restrain an unaccompanied minor alien or guide the alien away from a situation when

this is necessary to prevent the alien from spoiling or damaging property to a not insignificant extent.

**62g.** The staff of an accommodation facility, see section 42a(5), may restrain an unaccompanied minor alien or guide the alien to another common room, etc. when the alien displays behaviour that involves danger to the alien himself, the staff or the persons who are otherwise present at the accommodation facility.

**62h.** The staff of an accommodation facility, see section 42a(5), may bring back an unaccompanied minor alien who absconds where the alien displays behaviour that involves a risk of injury to the alien himself or to others.

**62i.-(1)** The head of an accommodation facility, see section 42a(5), or the person so authorised may decide without any court order that a search must be conducted of an unaccompanied minor alien's person or room if there are certain grounds to assume that the alien is in possession of effects and such possession has the consequence that the interests of order or safety cannot be safeguarded.

(2) The head of an accommodation facility, see section 42a(5), or the person so authorised may decide without any court order to take effects found in the alien's possession into safekeeping, if it is estimated to be required in the interests of order or safety.

(3) The Minister for Immigration and Integration may upon negotiation with the Minister for Children and Social Affairs lay down more detailed rules on how to carry through a search of the unaccompanied minor alien's person or room and effects taken into safekeeping in connection with the search.

**62j.-(1)** The use of force or other interventions in the right of self-determination under sections 62f – 62i and the use of force in general must be registered and reported to the Immigration Service by the accommodation facility set out in section 42a(5).

(2) The Minister for Immigration and Integration may lay down more detailed rules on the registration and reporting under subsection (1).

**62k.** An unaccompanied minor alien who has been subjected to the use of force or other intervention in his right of self-determination must be informed of the reporting under section 62j and be given the opportunity to make a statement about the incident.

## Part 9b

### *Placement of unaccompanied minor aliens at partly locked, secure and specially secure residential facilities*

**62l.-(1)** The Children and Youth Committee of the local authority in which the accommodation facility is located may decide that an unaccompanied minor alien who is placed at an accommodation facility as stated in section 42a(5) and covered by section 42a(1), the first sentence, or subsection (2), must be placed outside the accommodation facility according to sections 62m – 62o when the requirements for such placement are fulfilled.

(2) A decision under subsection (1) may only be made when there is reason to assume that the unaccompanied minor alien's problems cannot be solved while the alien continues to stay at the accommodation facility. The placement does not require consent from the unaccompanied minor alien.

(3) The chairperson or in his absence the deputy chairperson of the Children and Youth Committee may make a preliminary decision concerning placement according to subsection (1) when, taking account of the immediate needs of the unaccompanied minor alien, the placement should not await consideration of the case by the Children and Youth Committee. A preliminary decision made under subsection (1) must as soon as possible and no later than seven days after the commencement of the decision be submitted to the Children and Youth Committee for approval no matter whether the measure has been ended.

(4) Decisions under subsection (1) must be made on the basis of a recommendation from the Local Council concerning placement outside the accommodation facility to be prepared according to the rules of section 62p.

(5) The expenditure required for placement in partly locked residential facilities and partly locked units, secure residential facilities and specially secured units in connection with placement according to subsection (1) of unaccompanied minor aliens must be paid by the Immigration Service. Where an unaccompanied minor alien is granted a residence permit, the expenditure must be paid by the Immigration Service until and including the end of the first whole month after the date of allocation of the alien under section 10(1) of the Integration Act. Expenditure required for the consideration of cases under subsection (1) concerning placement of unaccompanied minor aliens must be paid by the Local Council.

(6) Where an unaccompanied minor alien, who is placed outside the accommodation facility under subsection (1), is granted a residence permit the placement decision must remain in force until, according to the rules of the Social Service Act, a decision has been made on whether the placement should be continued or ended. A decision on continuation or ending of a placement implemented according to subsection (1) must be made by the Children and Youth Committee of the local authority to which the alien has been allocated under section 10(1) of the Integration Act and no later than one month after the Local Council has been informed by the Immigration Service that the alien has to be allocated to the local authority. The decision to continue or end the placement implemented under subsection (3) must be made by the Children and Youth Committee of the local authority to which the alien is allocated, see section 10(1) of the Integration Act, no later than seven days after the Local Council has been informed by the Immigration Service that the alien has to be allocated to the local authority.

(7) The Minister for Immigration and Integration may lay down more detailed rules on preliminary decisions according to subsection (3), including rules on written notification of preliminary decisions to the representative set out in section 56a(1) on the duration of the effects of decisions and the powers of the board chief of the Social Appeals Board to make preliminary decisions.

(8) The Minister for Immigration and Integration may upon negotiation with the Minister for Children and Social Affairs lay down more detailed rules on –

- 1) The Children and Youth Committee's consideration of cases concerning placement etc., including the right to be heard before the Children and Youth Committee before decisions are made;
- 2) Renewed decisions when long-term measures are sustained;
- 3) The unaccompanied minor alien's right to a companion;
- 4) The unaccompanied minor alien's right to free legal aid;
- 5) Interviews to be conducted with an unaccompanied minor alien before placement decisions are made;
- 6) Information about the right to see case documents and the right to be heard;
- 7) The choice of placement facility;
- 8) Changes in placement facility etc. during the minor alien's stay and preliminary decisions on the change of placement facility etc.;
- 9) Placement of an unaccompanied minor alien accommodated at a private residential facility upon directions from the Immigration Service, see section 42a(7); and
- 10) Powers of the Social Appeals Board to address cases concerned with special support to unaccompanied minor aliens at its own initiative.

(9) The Minister for Children and Social Affairs may upon negotiation with the Minister for Immigration and Integration lay down more detailed rules on the payment by the Immigration Service for an unaccompanied minor alien's stay in partly locked residential facilities, partly locked units, secure residential facilities and specially secured units when the stay is part of a placement according to subsection (1).

**62m.-(1)** The Children and Youth Committee may make decisions on placement in partly locked residential facilities and partly locked units, see section 66(1) para. 6) of the Social Service Act when the requirements of subsection (2) are satisfied.

(2) Placement in partly locked residential facilities and partly locked units of residential facilities for children and young persons between 12 and 17 years according to section 66(1) para. 6) of the Social Service Act may solely be ordered when it is imperative for the socio-educational treatment that outer doors and windows can be locked during certain periods or that the unaccompanied minor alien can be restrained physically. There must moreover be an obvious risk that the alien's health or development will suffer serious harm due to –

- 1) Criminal behaviour on the part of the alien;
- 2) The alien's misuse problems; or
- 3) Other behaviour or adjustment problems on the part of the alien.

(3) The Council of the local authority in which the accommodation facility is located must determine the specific framework and terms for detention and restraint in the course of the specific placement at a partly locked residential facility or a partly locked unit of a residential facility as set out in sections 12 and 13 of the Act on Adult Responsibility for Children and Young Persons in Care.

(4) The Minister for Immigration and Integration may upon negotiation with the Minister for Children and Social Affairs lay down rules according to which the Children and Youth Committee may decide to grant exemptions from the age limit in subsection (2) in special situations relating to aliens below the age of 12 years.



(5) The Minister for Children and Social Affairs may upon negotiation with the Minister for Immigration and Integration lay down more detailed rules on the use of and the conditions during placement at partly locked residential facilities and partly locked units of a residential facility.

**62n.**-(1) The Children and Youth Committee may make decisions on placement in secure residential facilities, see section 66(1) para. 6) of the Social Service Act, when the requirements of subsection (2) are satisfied.

(2) Placement at a secure residential facility for children and young persons between 12 and 17 years of age as set out in section 66(1) para. 6) of the Social Service Act may solely be ordered if there is an obvious risk that the unaccompanied minor alien's health or development will suffer serious harm due to misuse problems, criminal behaviour or other behaviour or adjustment problems on the part of the alien, see section 62m(2) paras. 1) – 3) and when –

- 1) It is absolutely imperative to prevent that the alien harms himself or others and the risk of harm cannot in an appropriate way be averted by other, more lenient measures;
- 2) It is absolutely imperative in an initial observation period to provide a basis on which to carry out further socio-educational treatment; or
- 3) It is established on the basis of the initial observation period under para. 2) that it is absolutely imperative to commence a long-term treatment programme at a secure unit or residential facility.

(3) The Local Council must determine the specific framework and terms to be applied during the placement at a secure residential facility.

(4) The Minister for Immigration and Integration may upon negotiation with the Minister for Children and Social Affairs lay down more detailed rules according to which the Children and Youth Committee may decide to grant exemptions from the age limit of subsection (2) in special situations in relation to aliens below the age of 12 years.

(5) The Minister for Children and Social Affairs may upon negotiation with the Minister for Immigration and Integration lay down more detailed rules on the use of and the conditions at secure residential facilities including rules on the right of the Local Council to define the specific framework and terms of the particular placement.

**62o.**-(1) The Children and Youth Committee may make decisions on placement at specially secured units in cases where the requirements of subsection (2) are satisfied.

(2) Specially secured units for children and young persons between 12 and 17 years under section 66(1) para. 6) of the Social Service Act may solely be used in the case of unaccompanied minor aliens when –

- 1) There exists a basis for placement in a secure residential facility according to section 62n(2);
- 2) Placement in a secure residential facility is not or will not be sufficient because due to preceding particularly violent or psychologically deviating behaviour, the unaccompanied minor alien has rendered a stay or continued stay at a secure unit or residential facility unsafe; and

3) There exists in relation to the unaccompanied minor alien with psychologically deviant behaviour a written medical assessment indicating that the alien displays current symptoms of a diagnosis.

(3) Where the requirements of subsection (2) are satisfied in the case of an unaccompanied minor alien who has attained the age of 15 years, the head of a secure residential facility or the person he so authorises may make a preliminary decision independently of whether there may be a specially secured unit at the secure residential facility ordering transfer to a specially secured unit. The decision must be submitted immediately to the Children and Youth Committee of the local authority in which the accommodation facility, see section 42a(5), is located for its decision.

(4) The Local Council must determine the specific framework and terms to be applied during the concrete placement at a specially secured unit.

(5) The Minister for Immigration and Integration may upon negotiation with the Minister for Children and Social Affairs lay down more detailed rules on notification of the representative of the unaccompanied minor alien, see section 56a(1).

(6) The Minister for Children and Social Affairs may upon negotiation with the Minister for Immigration and Integration lay down more detailed rules on the use of and the conditions at specially secured units, including rules on the right of the Local Council to determine the specific framework and terms of the particular placement.

**62p.** A recommendation of placement outside the accommodation facility set out in section 42a(5) according to section 62l read with sections 62m – 62o must include –

- 1) The professional examination, see section 62q, including a description showing that the requirements of section 62l read with sections 62m – 62o are considered satisfied;
- 2) The plan for the placement, see section 62t, including the support and initiatives intended for the unaccompanied minor alien during placement outside the accommodation facility, see section 42a(5); and
- 3) The views of the unaccompanied minor alien concerning the intended placement.

**62q.-(1)** Where the Immigration Service is made aware that an unaccompanied minor alien who is subject to section 62l(1) has behaviour and adjustment problems of such a nature that the assessment is that the problems cannot be solved by the accommodation operator, the Immigration Service must ask the Local Council of the local authority in which the accommodation facility, see section 42a(5), is located to initiate a professional examination of the alien to assess if the alien may be placed at a facility under section 62l read with sections 62m – 62o. An accommodation operator may upon agreement with the Immigration Service file its own request to the Local Council for initiation of the professional examination.

(2) The professional examination of the unaccompanied minor alien to be carried through under subsection (1) must include an assessment of the alien's development and behaviour.

(3) The examination may include other conditions of importance for the assessment of whether the alien must be placed at a facility under section 6l read with sections 62m – 62o, including schooling, health, leisure and friendship conditions in case the

statement by the accommodation operator under subsection (4) does not include sufficient information about these conditions and the circumstances make it appropriate.

(4) The accommodation operator must provide a statement for the purpose of the examination to be made by the Local Council, which must include details about the conditions referred to in subsections (2) and (3) to the extent they are known to the accommodation operator.

(5) An interview must be conducted with the unaccompanied minor alien as part of the examination. The interview may be omitted in so far as the alien's maturity or the character of the case will decisively make such an interview inappropriate. If the interview cannot be conducted, it must be sought to obtain information about the alien's views. The unaccompanied minor alien's representative, see section 56a(1), must be heard in connection with the examination conducted by the Local Council.

(6) Where it is necessary in order to determine if there is an obvious risk of serious harm to the unaccompanied minor alien's health or development, the Children and Youth Committee may, without any consent from the representative set out in section 56a(1) and the alien who has turned 15 years, decide to carry through the examination during a stay at a residential facility or admission to hospital, including a psychiatric unit. Such an examination must have been concluded within two months from the decision by the Children and Youth Committee.

(7) The examination must be concluded no later than two months after the date when the Immigration Service asked the Local Council to initiate the examination. Where the examination may not be concluded within two months due to exceptional circumstances the Local Council must prepare a preliminary assessment and as soon as possible thereafter conclude the examination.

**62r.-(1)** A placement according to section 62l read with sections 62m – 62o must be terminated when the purpose has been achieved, when the placement no longer serves its purpose or when the unaccompanied minor alien has turned 18 years.

(2) The decision to terminate a placement under subsection (1) must be made by the Local Council of the local authority in which the accommodation facility, see section 42a(5), is located.

(3) Where the Local Council decides to terminate a placement, see subsections (1) and (2), the Local Council must immediately notify the Children and Youth Committee. If the Local Council is unable to grant a request from the alien or the alien's representative according to section 56a(1) for termination of the placement, the case must be submitted to the Children and Youth Committee for decision.

**62s.-(1)** The Council of the local authority in which the accommodation facility, see section 42a(5), is located, must make an assessment no later than three months after the placement of the alien has been initiated according to section 62l read with sections 62m – 62o of whether the measure must be varied and if the plan for the measure initiated, see section 62t, needs to be revised. The Local Council must subsequently carry through such an assessment at intervals of no more than three months.

(2) The assessment of a measure according to subsection (1) and of the need to revise the initiated plan must be based on the ongoing supervision of the unaccompanied minor alien, see section 62v, and following contact with the alien's representative, see

section 56a(1). The assessment must include consideration of whether other conditions than those described so far, see section 62t, are relevant and, if so, these must be made part of a revised plan.

**62t.**-(1) The Council of the local authority in which the accommodation facility, see section 42a(5), is located must before the decision of placement is made, see section 62l read with sections 62m – 62o, draw up a plan for the measures to be initiated during the placement. Where the regard for the unaccompanied alien makes it impossible to await the drafting of a plan, a brief statement of the purpose of the measure is sufficient. In that case, the Local Council is responsible for drawing up a plan according to the first sentence above as soon as possible and no later than within three months for the measures initiated in connection with the placement.

(2) The plan must indicate the purpose of the measure and the effort required to attain the purpose. The starting point for the plan must be the results of the professional examination of the conditions of the unaccompanied minor alien set out in section 62q. In relation to the problems uncovered by the examination, the plan must moreover include specific goals for the unaccompanied minor alien's well-being and development in accordance with the purpose referred to in the first sentence.

(3) The plan must indicate the expected duration of the placement.

(4) The Minister for Immigration and Integration may lay down more detailed rules for the preparation of plans for the measures to be initiated, including plans for unaccompanied minor aliens who have a substance abuse that requires treatment.

**62u.**-(1) An unaccompanied minor alien has the right to have interaction and contact with network persons, including siblings, grandparents, other relatives, friends, etc. during the placement referred to in section 62l read with sections 62m – 62o.

(2) The Minister for Immigration and Integration may lay down more detailed rules for the implementation of interaction and contact, including rules on the possibility of supervised, limited, or interruption of interaction and contact.

**62v.** The Council of the local authority in which the accommodation facility as set out in section 42a(5) is located must ensure personalised supervision of unaccompanied minor aliens who have been placed outside their accommodation facility under section 62l read with sections 62m – 62o.

## Part 10

### *Commencement and transition provisions*

**63.**-(1) This Act enters into force on 1 October 1983, but see sections 64 and 65.

(2) As of the same date, the Act on Aliens' Admission into Denmark etc., i.e. Consolidation Act No. 344 of 22 June 1973, is repealed.

(3) The rules of this Act on expulsion due to a criminal offence apply to all cases in which judgment at first instance has not been given at the coming into force of this Act.

**64.** (Omitted)

**65.** (Omitted)

66. This Act does not extend to the Faroe Islands and Greenland, but may, by a royal decree, be extended wholly or partly to these parts of the Kingdom, subject to the variations required by circumstances particular to the Faroe Islands and Greenland.

Act No. 574 of 19 December 1985 includes the following commencement provision:

### **Section 2**

This Act enters into force on the day following its promulgation in the Danish Law Gazette<sup>4)</sup> and applies to all cases which the Refugee Appeals Board has not yet completed.

Act No. 686 of 17 October 1986 includes the following commencement provision:

### **Section 3**

(1) Section 1 paras. 1) – 10) and 12) of this Act enter into force on the day following the promulgation of this Act in the Danish Law Gazette<sup>5)</sup>. However, section 1 paras. 1), 3), 8) and 10) do not apply to aliens who have entered this country before then and applied for a residence permit under the existing rules. Section 1 para. 7) applies solely to aliens who have entered this country after the commencement of this Act.

(2) The Minister of Justice will determine the date of commencement of section 1 para. 11).<sup>6)</sup>

Act No. 387 of 6 June 1991 (the EC Asylum Convention) includes the following commencement provisions:

### **Section 2**

The Minister of the Interior will determine the date of commencement of this Act.<sup>7)</sup>

### **Section 3**

The rules of this Act apply to all cases in which an application for a residence permit has been submitted after the commencement of this Act.

Act No. 385 of 20 May 1992 (Structure of the Prosecution Service) includes the following commencement provision:

### **Section 5**

(1) This Act enters into force on 1 October 1992.

(2) (Omitted)

(3) Section 1 paras. 1) and 3) – 37) and sections 2 – 4 of this Act are effective in respect of cases in which charges have not yet been raised at first instance at the coming into force of this Act.

Act No. 482 of 24 June 1992 (Family reunification, more efficient asylum procedures, etc.) includes the following commencement provision:

#### **Section 4**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>8)</sup>

(2) However, section 1 paras. 2) – 5) and section 2 do not apply to aliens who before the passing of this Act had applied for a residence permit or lawfully taken up residence in Denmark under the existing rules.<sup>9)</sup>

Act No. 421 of 1 June 1994 (More efficient asylum procedures, imposition of solitary confinement and supervised correspondence and visits in relation to detained aliens, a payment scheme for asylum seekers' subsistence, etc.) includes the following commencement provision:

#### **Section 3**

(1) This Act enters into force on 1 July 1994.

(2) Section 1 para. 14) of this Act does not apply to cases in which it has been decided to schedule proceedings before the Refugee Appeals Board before the commencement of this Act.

Act No. 382 of 14 June 1995 (More efficient processing of asylum cases before the Refugee Appeals Board, counselling of asylum seekers, transfer of the work involved in interviewing asylum seekers from the police to the Immigration Directorate, fingerprinting of asylum seekers, etc.) includes the following commencement provision:

#### **Section 3**

(1) This Act enters into force on 1 September 1995.

(2) However, section 1 paras. 1), 2), 4) – 6), 9), 11), 17), 19) and 20) and section 2 para. 1) enter into force on the day following the promulgation of this Act in the Danish Law Gazette.<sup>10)</sup>

(3) The Minister of the Interior determines the date of commencement of section 1 paras. 15), 16) and 18) and section 2 paras. 2) and 3).<sup>11)</sup> The Minister of the Interior may lay down rules on the border crossing points at which section 1 para. 15) and section 2 para. 2) will come into force.

(4) Section 1 paras. 17), 19) and 20) do not apply to cases in which it has been decided to schedule proceedings before the Refugee Appeals Board before the commencement of these provisions.

(5) Section 1 paras. 1) and 2) do not apply to aliens who had applied for a residence permit before these provisions enter into force.

Act No. 290 of 24 April 1996 (Temporary residence permits to persons from Serbia-Montenegro, etc.) includes the following commencement provision:

#### **Section 4**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>12)</sup>

(2) Section 1 para. 3) does not apply to aliens who had applied for a residence permit before this Act enters into force.

(3) Section 1 para. 9) applies solely to persons who enter Denmark after the commencement of this Act.

Act No. 410 of 10 June 1997 (the Schengen Convention etc.) includes the following commencement provisions:

#### **Section 3**

(1) The Minister of the Interior must determine the date of commencement of this Act.<sup>13)</sup> The Minister may decide that the particular provisions of this Act enter into force at different times and enter into force only at specific border crossing points.

(2) However, section 1 paras. 12), 20), 28) and 29) and section 2 paras. 5), 6) 8) and 10) will enter into force on the day following the promulgation of this Act in the Danish Law Gazette.<sup>14)</sup>

#### **Section 4**

This Act applies to all cases in which an application for a residence permit is submitted after the commencement of this Act.

Act No. 473 of 1 July 1998 (Permanent residence permit, asylum, family reunification and expulsion, etc.) includes the following commencement provision:

#### **Section 4**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette, but see subsection (2).<sup>15)</sup>

(2) Sections 9(11) and 19(1) para. 4), the second sentence, of the Aliens Act as worded by section 1 paras. 9) and 13) and section 1 paras. 11), 14), 21) and 35) and section 2 para. 2) of this Act will enter into force on 1 January 1999.

(3) Section 11(2) – (8), section 27(1) and section 42a(1), the second sentence, of the Aliens Act as worded or amended by section 1 paras. 11), 21) and 35) of this Act do not apply to aliens granted a residence permit before 1 January 1999. Section 1 para. 14) is effective for residence permits granted on or after 1 January 1999.

(4) Section 7(2), the first sentence, section 9(1) para. 2) head d), section 9(2) para. 4), section 9(3), (4) and (7) – (10), section 19(1) para. 4), the first sentence, section 42a(7) and section 52(1) para. 1) of the Aliens Act as worded or amended by section 1 paras. 1), 2), 4) – 9), 13), 37) and 48) of this Act do not apply to aliens who had submitted an application for or been granted a residence permit before the commencement of this Act. Section 1 paras. 3) and 36) take effect for aliens who submit an application for a residence permit from and after the commencement of this Act.

(5) Section 10(1), section 19(6), sections 22 – 26, section 27(1), section 32(1) – (4), section 33(1) and (8), section 35 para. 1), section 36(1), the first and second sentences, section 48a(1), section 49(1), section 50a, section 51(2), section 52(1) paras. 3) and 4) and section 57(1), the first sentence, and subsection (2) of the Aliens Act as worded or amended by section 1 paras. 10), 15) – 20), 22), 25) – 27), 29) – 31), 41), 43), 46), 47), 49), 50) and 52) of this Act will only apply if the offence giving rise to the expulsion has been committed after the commencement of this Act. The same applies to section 58g, the first sentence, of the Aliens Act as worded by section 1 para. 32) of Act No. 410 of 10 June 1997 amending the Aliens Act (the Schengen Convention, etc.) as amended by section 2 para. 6) of this Act. If the offence giving rise to the expulsion had been committed before the commencement of this Act, the rules previously in force must be applied.

(6) Section 50(1) of the Aliens Act as worded by section 1 para. 45) of this Act and section 57(1), the second sentence, and subsection (2) of the Aliens Act as worded by section 1 para. 52) of this Act do not apply to aliens who had submitted their first application for revocation of the expulsion before the commencement of this Act.

(7) In respect of applications for administrative revocation of a ban on re-entry submitted before the commencement of this Act, the rules of section 32(4) of the Aliens Act previously in force as worded by Consolidation Act No. 650 of 13 August 1997 will continue to apply.

Act No. 424 of 31 May 2000 (Requirement of a separate dwelling upon family reunification, national attachment required for spousal reunification and efforts to prevent marriages not based on the parties' own free will) includes the following commencement provision:

### **Section 6**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>16)</sup>

(2) Section 9(1) para. 2), subsection (2) para. 7), subsection (4), the first and fourth sentences, subsection (7), the first and third sentences, and subsections (8) – (11) and section 19(1) para. 5), the first sentence, and para. 6), the first sentence, of the Aliens Act as worded or amended by section 1 paras. 1) – 10) and 15) of this Act do not apply to aliens who had submitted an application for or been granted a residence permit before the commencement of this Act.

Act No. 458 of 7 June 2001 (Detention of asylum seekers and administrative expulsion, etc.) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 August 2001. Section 1 para. 8) of this Act enters into force on the day following the promulgation of this Act in the Danish Law Gazette.<sup>17)</sup> Section 1 paras. 10) – 13) enters into force on 1 July 2001.

(2) Section 25a(1) para. 1), section 35(2) and section 36(3) of the Aliens Act as worded by section 1 paras. 1), 3) and 5) of this Act must be applied solely if the offence giving rise to the expulsion has been committed after the commencement of this Act.



(3) Section 36(4) of the Aliens Act as worded by section 1 para. 5) of this Act does not apply to aliens who had submitted an application for a residence permit under section 7 of the Aliens Act before the commencement of this Act.

Act No. 362 of 6 June 2002 (Initiatives against terrorist activity etc., follow-up on Resolution No. 1373 of 28 September 2001 of the Security Council of the United Nations on the combat of terrorism) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>18)</sup>

(2) Section 10(3) and (4), section 22 paras. 4) and 6), section 25, section 25a(1) para. 1) and section 26(2) of the Aliens Act as worded or amended by section 1 paras. 1) and 4) – 8) of this Act must solely be applied if the offence giving rise to the expulsion has been committed after the commencement of this Act. If the offence giving rise to the expulsion was committed before the commencement of this Act, the previous rules in force must be applied.

Act No. 365 of 6 June 2002 (Abolition of the de facto refugee concept, more efficient asylum proceedings, tighter requirements for the granting of permanent residence permits and tighter requirements for family reunification, etc.) includes the following commencement provision:

### **Section 8**

(1) This Act enters into force on 1 July 2002, but see subsections (2) – (5).

(2) Section 7, sections 9 – 9e, section 19(1) para. 1), section 19(1) para. 5) and section 26(1) of the Aliens Act as worded, inserted or amended by section 1 paras. 1), 2), 3), 21), 24), 29) and 30) of this Act do not apply to aliens who had submitted an application for or been granted a residence permit before the commencement of this Act. The rules previously in force must be applied to such aliens.

(3) Sections 11 and 11a of the Aliens Act as worded or inserted by section 1 paras. 5) and 6) of this Act, do not apply to aliens who had submitted an application for or been granted a residence permit before 28 February 2002. The rules previously in force apply to such aliens.

(4) Section 26(1) of the Aliens Act as amended by section 1 paras. 29) and 30) of this Act applies solely to decisions under sections 22 – 25b of the Aliens Act if the offence giving rise to the expulsion has been committed after the commencement of this Act. If the offence giving rise to the expulsion was committed before the commencement of this Act, the rules previously in force must be applied.

(5) (Omitted)

Act No. 367 of 6 June 2002 (Proposal for the Council Directive on the definition of assistance towards illegal entry and transit and unlawful residence and the repeal of access to suspensive effects of complaints against certain decisions on administrative expulsion of EU/EEA nationals etc.) includes the following commencement provision:

## **Section 2**

(1) Section 1 paras. 1)–5) of this Act enters into force on the day following the promulgation of this Act in the Danish Law Gazette.<sup>19)</sup> The Minister for Refugee, Immigration and Integration Affairs must determine the date of commencement of section 1 para. 6).<sup>20)</sup>

(2) Section 33(1), the second sentence, and subsection (3), the third sentence, of the Aliens Act as amended and inserted by section 1 paras. 3) and 4) of this Act apply solely if the offence giving rise to the expulsion has been committed after the commencement of this Act. If the offence giving rise to the expulsion had been committed before the commencement of this Act, the rules previously in force will continue to apply.

Act No. 1044 of 17 December 2002 (Repeal of the Yugoslavian Refugees Act) includes the following commencement provision:

## **Section 6**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>21)</sup>

(2) This Act does not apply to persons who had submitted an application for a residence permit under section 7 of the Aliens Act before the commencement of the Act.

Act No. 60 of 29 January 2003 (Processing of cases involving unaccompanied minor asylum seekers) includes the following commencement provision:

## **Section 3**

(1) This Act enters into force on 1 April 2003.

(2) This Act does not apply to aliens who had been granted a residence permit or registered as asylum seekers under section 48e(1) of the Aliens Act before 1 April 2003.

Act No. 425 of 10 June 2003 (Purpose of the Act, reporting of national figures, allocation, the introduction programme, services, obligation to be available, funding, etc. and earlier permanent residence permits to well-integrated aliens, etc.) includes the following commencement provision:

## **Section 4**

(1) (Omitted)

(2) Section 2 of this Act enters into force on the day following the promulgation of this Act in the Danish Law Gazette.<sup>22)</sup>

(3) (Omitted)

(4) Sections 11 and 11a(2) and (4) of the Aliens Act as amended by section 2 paras. 3)–12) of this Act do not apply to aliens who had submitted an application for or been granted a residence permit before 28 February 2002. The rules applicable until 1 July 2002, see Consolidation Act No. 711 of 1 August 2001, must be applied to such aliens.

Act No. 1204 of 27 December 2003 (Amendment of the rules on the attachment requirement for spousal reunification and reinforced efforts to prevent marriages contracted against a person's own wishes) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 January 2004.

(2) Section 9(8) of the Aliens Act as worded by section 1 para. 2) of this Act does not apply to aliens who had submitted an application for a residence permit before the commencement of this Act. The provision of section 9(8) of the Aliens Act previously in force applies to such aliens.

Act No. 427 of 9 June 2004 (Amendment of the rules on family reunification with children, including constraints on the access to family reunification with children for persons who have been convicted of sexual abuse or violence etc. against children, tighter requirements for residence permits for foreign religious preachers, etc., constraints on the access to spousal reunification for persons convicted of violent assault on a previous spouse or cohabitant etc.) includes the following commencement provision:

### **Section 3**

(1) This Act enters into force on 1 July 2004, but see subsections (2) and (3).

(2) Section 9(1) para. 2) and subsections (10), (11), (13), (14) and (16), section 9f and section 19(1) para. 8) of the Aliens Act as inserted or amended by section 1 paras. 1), 6), 9), 20) and 30) of this Act do not apply to aliens who had submitted an application for or been granted a residence permit before the commencement of this Act. The rules previously in force must be applied to such aliens.

(3) Section 19(5) of the Aliens Act as inserted by section 1 para. 31) of this Act applies *mutatis mutandis* to aliens who had been granted a residence permit under section 9c(1) of the Aliens Act as religious preachers or missionaries before the commencement of this Act.

(4) Section 33(1), the second sentence, and subsection (3), the fourth sentence, of the Aliens Act as amended and inserted by section 1 paras. 36) and 37) of this Act do not apply to aliens whose application for renewal of a residence permit had been refused before the commencement of this Act, where such permit had been granted for the purpose of a temporary stay and is not renewable under the established practice. The rules previously in force apply to such aliens.

Act No. 429 of 9 June 2004 (Changed visa requirements, expulsion by judgment for unlawful coercion in connection with contraction of marriage, child abduction or human trafficking and the termination of cash allowances to asylum seekers in the urgent manifestly groundless procedure, etc.) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 October 2004.

(2) Section 4(2) – (5) and sections 4c, 47b and 47c of the Aliens Act as inserted by section 1 paras. 2), 3) and 30) of this Act do not apply to aliens who had submitted an application for a visa before the commencement of this Act.

(3) Section 22 paras. 6) and 7) and section 26(2) of the Aliens Act as amended and inserted by section 1 paras. 4) – 7) of this Act apply solely if the offence giving rise to the expulsion has been committed after the commencement of this Act. If the offence giving rise to the expulsion had been committed before the commencement of this Act, the rules previously in force must be applied.

(4) Section 42b(3), the second and fifth sentences, subsection (8), the first sentence, subsection (9), the first sentence, and subsection (12) of the Aliens Act as amended and inserted by section 1 paras. 13), 14), 16), 18) and 22) of this Act do not apply to aliens who had submitted an application for a residence permit under section 7 before the commencement of this Act. The rules previously in force must be applied to such aliens.

(5) Section 46(2) of the Aliens Act as amended by section 1 para. 29) of this Act does not apply to aliens who had appealed against a decision concerning the calculation of cash allowances to the Minister for Refugee, Immigration and Integration Affairs before the commencement of this Act. The rules previously in force apply to such aliens.

(6) Section 58g para. 6) of the Aliens Act as inserted by section 1 para. 35) of this Act applies solely to aliens where, after the commencement of this Act, they are expelled according to section 25b after having received refusal of their application for a residence permit under section 7.

Act No. 323 of 18 May 2005 (Participation in the Eurodac Regulation and the Dublin Regulation on an inter-country foundation, etc.) includes the following commencement provision:

## **Section 2**

(1) The Minister for Refugee, Immigration and Integration Affairs will determine the date of commencement of this Act.<sup>23)</sup>

(2) Section 29a(1) of the Aliens Act as amended by section 1 para. 2) of this Act does not apply to requests for permission to take charge of, take back or accept aliens submitted before the commencement of this Act. The rules previously in force apply to such cases.

(3) Sections 40a(5), 58i and 58j of the Aliens Act as amended or inserted by section 1 paras. 5) and 9) of this Act do not apply in cases where the alien had been fingerprinted before the commencement of this Act. The rules previously in force apply to such cases.

Act No. 324 of 18 May 2005 (More severe penalties for unlawful employment, abolition of the food box programme, improvement of the basis of information in cases of health-induced humanitarian residence permits, specification of the independence of the Refugee Appeals Board, emphasis on the regard for family unity, widening of the group of persons who may receive assistance under the Repatriation Act, etc.) includes the following commencement provision:

## **Section 4**

(1) This Act enters into force on 1 July 2005.

(2) Section 11a(6), section 11b and section 59(2) and (3), subsection (7) para. 6) and subsection (9) of the Aliens Act as inserted by section 1 paras. 8), 9), 32), 33) and 34) of this Act apply to offences committed after the commencement of this Act. The rules previously in force apply to offences committed before that date.

(3) Members of the Refugee Appeals Board appointed before the commencement of this Act remain members until the expiry of the term of their appointment. Section 53(4), the fourth sentence, of the Aliens Act as worded by section 1 para. 23) of this Act does not apply during the mentioned period. Section 53(4), the second sentence, of the Aliens Act as worded by section 1 para. 23) of this Act applies to such members too.

(4) Section 53(5) of the Aliens Act as worded by section 1 para. 23) of this Act applies to the election of chairpersons after the commencement of this Act.

Act No. 402 of 1 June 2005 (Enhancement of the learning of Danish by family-reunified persons and earlier and intensified Danish language education for refugees etc.) includes the following commencement provision:

#### **Section 4**

(1) This Act enters into force on 1 July 2005.

(2) Section 9(2) and (3) of the Aliens Act as worded by section 3 para. 1) of this Act does not apply to aliens who had submitted an application for or been granted a residence permit before the commencement of this Act. The rules previously in force apply to such aliens.

Act No. 243 of 27 March 2006 (Integration contracts, declaration of integration and active community commitment, tighter requirements for permanent residence permits, education obligation for young newly arrived aliens, sickness follow-up in relation to introduction benefit claimants on sick leave etc.) includes the following commencement provision:

#### **Section 3**

(1) This Act enters into force on 1 April 2006, but see subsections (2) – (6).

(2) - (5) (Omitted)

(6) Section 11(9) para. 2), section 11(11) and section 11c of the Aliens Act as inserted or worded by section 2 paras. 1) – 3) of this Act do not apply to aliens who had submitted an application for or been granted a residence permit before the commencement of this Act. The rules in force until 1 July 2002, see Consolidation Act No. 711 of 1 August 2001, apply to aliens who had submitted an application for or been granted a residence permit before 28 February 2002. The rules in force until 1 April 2006, i.e. Consolidation Act No. 826 of 24 August 2005, apply to aliens who had submitted an application for or been granted a residence permit on or after 28 February 2002.

Act No. 301 of 19 April 2006 (Advanced time limit for application in cases concerning humanitarian residence permits, reporting obligation upon suspected re-education travel,

restriction of the access to family reunification for persons convicted of child abduction, changed rules on education and activity measures for adult asylum seekers etc.) includes the following commencement provision:

### **Section 3**

(1) This Act enters into force on 1 May 2006, but see subsections (2) – (8).

(2) Section 42c(3) para. 2), section 42e(2), the second sentence, section 42f and section 46e, the first sentence, of the Aliens Act as amended or worded by section 1 paras. 31) – 40) and 47) of this Act enter into force on 1 September 2006.

(3) Section 10(4) and section 32(6) and (7) of the Aliens Act as amended and worded by section 1 paras. 10), 20) and 21) of this Act and section 50b of the Aliens Act as inserted by section 1 para. 48) of this Act enter into force on 30 April 2006.

(4) Section 9(16) of the Aliens Act as amended by section 1 para. 6) of this Act does not apply to aliens who had submitted an application for or been granted a residence permit before the commencement of this Act. The rules previously in force apply to such aliens. In cases where an application for a residence permit under section 9(1) para. 1) or 2) of the Aliens Act had been refused before the commencement of this Act, the first and second sentences above will only apply to the consideration of an appeal if it is submitted within two months of the commencement of this Act. In cases where an application for a residence permit under section 9(1) para. 1) or 2) of the Aliens Act submitted before the commencement of this Act has been refused after the commencement of this Act, the first and second sentences above will solely apply to the consideration of an appeal if it is submitted within two months of the date of the decision.

(5) Section 9b and section 33(4) of the Aliens Act as amended and worded by section 1 paras. 9) and 23) of this Act apply solely to aliens who submit an application for a residence permit under section 7 of the Aliens Act after the commencement of this Act.

(6) Section 59a(1) of the Aliens Act as amended by section 1 para. 54) of this Act applies to offences committed after the commencement of this Act. The rules previously in force apply to offences committed before that date.

(7) The rules on payment for the re-issue of residence cards provided by section 44(3) of the Aliens Act as inserted by section 1 para. 41) of this Act do not apply to aliens who had requested re-issuance of their residence cards before the commencement of this Act.

(8) The Minister for Refugee, Immigration and Integration Affairs will determine the date of commencement of section 2a(3) of the Aliens Act as inserted by section 1 para. 2) of this Act and of section 2b(4), section 28(6), section 38(1) – (3), section 39(3) and section 59(1) para. 1) of the Aliens Act as amended by section 1 paras. 3), 18), 26) – 28), 30) and 49) of this Act.<sup>24)</sup>

Act No. 429 of 10 May 2006 (Suspended expulsion, tightening of the expulsion rules and the rules on bans on re-entry etc.) includes the following commencement provision:

### **Section 2**

This Act enters into force on 1 June 2006 and applies to offences committed after the commencement of the Act. The rules previously in force apply to offences committed before the commencement of this Act.

Act No. 532 of 8 June 2006 (Change of the rules on the granting of residence permits based on employment to nationals of Estonia, Latvia, Lithuania, Poland Slovakia, Slovenia, the Czech Republic and Hungary and nationals of Bulgaria and Rumania etc.) includes the following commencement provision:

## **Section 2**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette,<sup>25)</sup> but see subsection (2).

(2) The Minister for Refugee, Immigration and Integration Affairs determines the date of commencement of section 9a(19) of the Aliens Act as inserted by section 1 para. 4) of this Act. In that connection, the Minister for Refugee, Immigration and Integration Affairs may decide that only parts of section 9a(5)–(18) will apply to nationals of Bulgaria and Rumania.

Act No. 89 of 30 January 2007 (Introduction of a self-service model, a new and simplified drafting of the maintenance requirement in family reunification cases and reform of the higher education area) includes the following commencement provision:

## **Section 5**

(1) This Act enters into force on 1 February 2007, but see subsections (2)–(6).

(2) Section 9(3), (5), (12), (17), (22) and (23) of the Aliens Act as worded by section 1 paras. 2), 3), 5), 6), 8) and 9) and section 19(1) paras. 6) and 7) of this Act as amended by section 1 para. 15) of this Act apply solely to aliens who submit an application for a residence permit under section 9(1) paras. 1)–3) or an application for renewal of a residence permit granted under section 9(1) paras. 1)–3) of the Aliens Act after the commencement of this Act. In respect of aliens who had submitted their first application for a residence permit under section 9(1) paras. 1)–3) of the Aliens Act before the commencement of this Act, the rules previously in force apply to the decision of the application.

(3) Section 9(19), the first sentence, of the Aliens Act as amended by section 1 para. 7) of this Act does not apply to aliens who had submitted an application for a residence permit before the commencement of this Act. The rules previously in force apply to such aliens.

(4) Section 9g of the Aliens Act as inserted by section 1 para. 11) of this Act applies solely to aliens who submit an application for a residence permit under section 9(1) paras. 1)–3) of the Aliens Act after the commencement of this Act.

(5) Section 11d of the Aliens Act as inserted by section 1 para. 12) of this Act applies solely to aliens who submit an application for a permanent residence permit after the commencement of this Act.

(6) Section 19(1) paras. 4) and 5) of the Aliens Act as worded by section 1 paras. 13) and 14) of this Act applies solely to aliens who submit an application for a residence permit under section 9(1) paras. 1)–3) of the Aliens Act or an application for renewal of a residence permit granted under section 9(1) paras. 1)–3) of the Aliens Act after the commencement of this Act. The provisions moreover apply solely to cases where the alien or the person living in Denmark receives assistance under the Act on Active Social Policy or the Integration Act after the commencement of this Act. The rules previously in force apply to aliens who had submitted their first application for a residence permit under section 9(1) paras. 1)–3) of the Aliens Act before the commencement of this Act.

Act No. 1336 of 19 December 2008 (Consequential amendments due to the Act on the recovery of public debts) includes the following commencement provision:

### **Section 167**

(1) This Act enters into force on 1 January 2009, but see subsection (2). Section 11 applies solely to decisions to withhold funds from wages and salaries made after this Act has entered into force.

(2) (Omitted)

Act No. 486 of 12 June 2009 (Tightening of the expulsion rules and the rules on entry bans, exclusion, etc. in relation to aliens on the sanctions lists of the UN and the EU etc.) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 July 2009.

(2) Sections 22 – 24a, 26(2), 32(2) – (4) and 59b of the Aliens Act as inserted or amended by section 1 paras. 5)–22) and 26) of this Act apply to offences committed after the commencement of this Act. The rules previously in force apply to offences committed before the commencement of this Act.

Act No. 487 of 12 June 2009 (Processing of cases concerning administrative expulsion of aliens who must be considered a danger to national security, etc.) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 July 2009.

(2) The rules of Part 7b of the Aliens Act as worded by section 1 para. 7) of this Act will also apply to the processing of cases instituted or brought before the court before the commencement of this Act. A case instituted or brought before a district court before the commencement of this Act must be referred for continued proceedings before the Copenhagen City Court on the commencement of this Act, while proceedings in a case instituted before or referred to the High Court before the commencement of this Act must be completed by the High Court. Irrespective of section 45d(3) of the Aliens Act as worded



by section 1 para. 7) of this Act, a case instituted before, referred to or brought before the court before the commencement of this Act will solely have suspensory effect if it follows from the rules previously in force.

Act No. 1511 of 27 December 2009 (Implementation of the Regulation concerning a community code for visa processing (the Visa Code), authority to issue rules on study activity, etc.) includes the following commencement provision:

#### **Section 4**

(1) This Act enters into force on 1 January 2010, but see subsections (2) and (3).

(2) Section 3 paras. 1), 4), 6), 10), 13), 14), 21) and 23) enters into force on 5 April 2010.

(3) The Minister for Integration determines the date of commencement of section 3 paras. 2), 3), 22) and 24) – 26) of this Act.<sup>26) 27)</sup> The Minister may direct that the provisions enter into force as of different dates.

(4) Section 2a(4), section 4(1), section 40(10) and (11) and section 47c of the Aliens Act as worded, amended or repealed by section 3 paras. 1), 6), 13), 14) and 21) of this Act do not apply to applications submitted before 5 April 2010. The rules previously in force apply to such applications.

Act No. 572 of 31 May 2010 (Tighter expulsion rules, correlation of data registers to achieve improved control, reform of the rules on permanent residence permits, termination of study residence permits if aliens work illegally, tightened rules on the submission of applications for a residence permit upon entry into this country and suspensive effects, etc.) includes the following commencement provision:

#### **Section 2**

(1) This Act enters into force on 1 August 2010, but see subsections (2) and (3).

(2) The Minister for Refugee, Immigration and Integration Affairs determines the date of commencement of section 9f(4) of the Aliens Act as worded by section 1 para. 6) of this Act.

(3) Sections 11, 11a, 27(1), 46(2) and 46a of the Aliens Act as worded or amended by section 1 paras. 7) – 10), 21), 28) and 29) of this Act will enter into force on the day following the promulgation of this Act in the Danish Law Gazette and apply to aliens who submit an application for a permanent residence permit on or after 26 March 2010. The rules previously in force apply to aliens who have submitted an application before 26 March 2010. The repeal of sections 11c and 11d of the Aliens Act, see section 1 para. 11) of this Act, will take effect on the day following the promulgation of this Act in the Danish Law Gazette.<sup>28)</sup> The repeal applies to aliens who submit an application for a permanent residence permit on or after 26 March 2010.

(4) Section 9(5), the first sentence, of the Aliens Act as amended by section 1 para. 1) of this Act will apply solely in cases where an application for a residence permit under section 9(1) para. 1) of the Aliens Act is submitted after the commencement of this Act. The rules previously in force apply to aliens who had submitted an application before the commencement of this Act. Section 9(18), section 9a(4), section 9b(3), section 9c(5),

section 9f(7) and section 33(5), the first sentence, of the Aliens Act as worded and inserted by section 1 paras. 2) – 6) and 24) of this Act will apply solely to aliens who submit an application after the commencement of this Act. The rules previously in force apply to aliens who had submitted an application before the commencement of this Act.

(5) Sections 17(2) and 44c of the Aliens Act as inserted and worded by section 1 paras. 12) and 27) of this Act will solely apply to aliens who depart from Denmark after the commencement of this Act and stay outside Denmark for more than three months on re-education travel or other stays abroad with negative impact on their schooling and integration. The rules previously in force apply to other aliens.

(6) Section 19(1) para. 10) and section 22 para. 6) of the Aliens Act as inserted and amended by section 1 paras. 15) and 20) of this Act apply solely to offences committed after the commencement of this Act. The rules previously in force apply to offences committed before the commencement of this Act.

(7) Section 19(2) para. 4) of the Aliens Act as inserted by section 1 para. 18) of this Act applies solely to aliens who, after the commencement of this Act, travel to the country in which the authority that granted the residence permit had found that the alien would be at risk of persecution covered by section 7.

(8) Section 33(3), the first sentence, of the Aliens Act as amended by section 1 para. 22) of this Act applies solely to aliens who lodge an appeal after the commencement of this Act. The rules previously in force apply to aliens who had lodged an appeal before the commencement of this Act.

Act No. 1542 of 21 December 2010 (Regulation to amend the Convention on the Implementation of the Schengen Accord and Regulation in respect of the movement of holders of a long-stay visa, abolition of the guarantee scheme in visa matters, etc.) includes the following commencement provision:

## **Section 2**

(1) This Act enters into force on 1 January 2011, but see subsection (2).

(2) Section 4(2) – (7), section 40(11) and section 47b of the Aliens Act as repealed by section 1 paras. 7), 11) and 12) of this Act continue to apply to aliens who had submitted an application for a visa before the commencement of this Act.

Act No. 1543 of 21 December 2010 (Revision of the rules on unaccompanied minor aliens etc.) includes the following commencement provision:

## **Section 3**

(1) This Act enters into force on 1 January 2011.

(2) Section 9c(3), section 40c(2) and section 56a(1), the fifth sentence, of the Aliens Act as worded by section 1 paras. 1), 2) and 4) of this Act will apply solely to unaccompanied minor aliens who enter Denmark on and after 1 January 2011.

(3) If the Immigration Service has initiated a search for the parents or other family network of an unaccompanied child before 1 January 2011 without the child's consent and the search has not been completed by 1 January 2011, the Immigration Service must only continue the

search if the child consents to it, see section 56a(9) of the Aliens Act as worded by section 1 para. 7) of this Act.

Act No. 1604 of 22 December 2010 (Charges for submitting applications and complaints in the areas of family reunification, education and business activity) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 January 2011.

(2) This Act applies solely to applications submitted after the commencement of this Act, appeals against refusal of applications submitted after the commencement of this Act, and applications for the reopening of applications submitted after the commencement of this Act.

Act No. 248 of 30 March 2011 (Amendments as a consequence of the Directive on common standards and procedures of the Member States for the return of third-country nationals who stay unlawfully (the Return Directive etc.)) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 April 2011.

(2) Section 32(4), the fourth sentence, of the Aliens Act as inserted by section 1 para. 5) of this Act applies to aliens who enter Denmark after this Act has entered into force violating a re-entry ban previously issued in connection with expulsion under section 25b.

(3) Section 58g para. 1) of the Aliens Act as amended by section 1 para. 11) of this Act applies to aliens who are expelled from Denmark according to sections 22 – 24 of the Aliens Act and subjected to a ban on re-entry as from the commencement of this Act. The rules previously in force apply to aliens who had been expelled according to sections 22 – 24 and were subjected to a ban on re-entry before the commencement of this Act.

(4) Section 58g para. 6) of the Aliens Act as inserted by section 1 para. 14) of this Act applies to aliens who are expelled under section 25b on or after the commencement of this Act.

Act No. 601 of 14 June 2011 (Reform of the spousal reunification rules, etc.) includes the following commencement provision:

### **Section 3**

(1) This Act enters into force on 1 July 2011, but see subsection (2).

(2) The Minister for Refugee, Immigration and Integration Affairs determines the date of commencement of section 9(2), the second sentence, of the Aliens Act as amended by section 1 para. 2) of this Act. The Minister may lay down transitional rules in that connection.

(3) Section 9(1) para. 1), section 9(4), the first and fourth sentences, section 9(7), the first sentence, section 9(12) – (15) and (30) and section 9h(1) paras. 1) and 8) of the Aliens Act

as inserted or amended by section 1 paras. 1), 3), 4), 6), 8), 18), 21) and 22) of this Act do not apply to aliens who had submitted an application for a residence permit before the commencement of this Act. The rules previously in force apply to such aliens.

Act No. 758 of 29 June 2011 (Tighter expulsion rules) includes the following commencement provision:

### **Section 2**

This Act enters into force on 1 July 2011 and must be applied to offences committed after the commencement of this Act. The rules previously in force apply to offences committed before the commencement of this Act.

Act No. 418 of 12 May 2012 (New balance of the rules on spousal reunification, fees, derogation from section 7(8) of the Act on the Processing of Personal Data in certain cases in connection with the transition to electronic case processing, representation agreements according to the Visa Code, etc.) includes the following commencement provision:

### **Section 9**

(1) This Act enters into force on 15 May 2012, but see subsection (2).

(2) Section 1 para. 90) enters into force on 1 December 2012.

(3) Section 1 paras. 3), 7)–16), 18)–25) and 28) do not apply to aliens who had submitted an application for a residence permit before the commencement of this Act. The rules previously in force apply to such aliens. If a residence permit based on spousal reunification may not be granted under the rules previously in force, the Immigration Service must determine at the same time whether a residence permit may be granted under section 9 or 9c of the Aliens Act as amended by section 1 paras. 7)–16), 18)–25) and 28) of this Act.

(4) Section 1 paras. 9), 24), 25) and 62) of this Act do not apply to aliens granted a residence permit before the commencement of this Act. The rules previously in force apply to such aliens.

(5) In respect of aliens who are granted a residence permit in the period from 15 May 2012 until the Danish language test at A1 level and the Danish language test at A2 level, see section 9(30) and (32) of the Aliens Act, have been established, the time limits of six and fifteen months set out in section 9(30), the second and fourth sentences, and subsection (32), the second and third sentences, must be reckoned from the date when the tests are established.

(6) Decisions concerning renewal, termination and revocation of residence permits granted under section 9c(1), the first sentence, must be made by the Agency for International Recruitment and Integration when the residence permit has been granted for the purpose of education, au pair service, traineeships, volunteer work and stays under an agreement between Denmark and another state as referred to in section 45 of the Aliens Act or as a consequence of family ties to an alien who holds a residence permit under section 9a(2) paras. 1)–6) or an alien who holds a residence permit granted for the purpose of a traineeship or education.

Act No. 566 of 18 June 2012 (Amendment of the rules on a basis for successful integration as a requirement for family reunification with children) includes the following commencement provision:

### **Section 2**

This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>29)</sup>

Act No. 567 of 18 June 2012 (Amendment of the rules on children's reacquisition of residence permits etc.) includes the following commencement provision:

### **Section 2**

This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>30)</sup>

Act No. 571 of 18 June 2012 (Establishment of the Immigration Appeals Board and election rights and eligibility for local and regional authority elections etc.) includes the following commencement provision:

### **Section 3**

(1) This Act enters into force on 1 January 2013.

(2) Section 52b(5) of the Aliens Act as worded by section 1 para. 12) of this Act does not apply to decisions made before the Act entered into force.

(3) Cases that were pending on 1 January 2013 concerning decisions that may be brought before the Immigration Appeals Board under section 52b of the Aliens Act as worded by section 1 para. 12) of this Act must be referred to the Immigration Appeals Board for further processing.

Act No. 572 of 18 June 2012 (Revision of the rules on permanent residence permits, amendment of the requirements from aliens living in Denmark for obtainment of spousal reunification, expansion of the Refugee Appeals Board and long-stay visas for adoptive children) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 July 2012, but see subsections (2) and (3).

(2) Section 1 para. 34) of this Act enters into force on 1 October 2012.

(3) Section 1 paras. 32), 33) and 35) – 37) of this Act enter into force on 1 January 2013.

(4) Section 1 paras. 35) and 36) of this Act do not apply to members of the Refugee Appeals Board who had been appointed before 1 January 2013. Members of the Refugee Appeals Board who had been appointed for at least eight years on 1 January 2013 have a right of reappointment for an additional four-year period at the end of the current term of their appointment, whereupon reappointment may no longer take place. Members of the Refugee Appeals Board who had been appointed for less than eight years on 1 January 2013 have a

right of reappointment for an additional four-year period at the end of the current term of their appointment with the possibility of reappointment for yet another four-year period, whereupon they are no longer eligible for reappointment.

(5) Section 1 paras. 1) – 5) of this Act does not apply to aliens who have been granted a permanent residence permit under section 11(3) – (6) of the Aliens Act as worded by Act No. 572 of 31 May 2010. The rules previously in force apply to such aliens.

(6) Section 1 paras. 9) – 25) of this Act does not apply to aliens who had submitted an application for a permanent residence permit before the commencement of this Act. The rules previously in force apply to such aliens. If a permanent residence permit may not be granted under the rules previously in force, the Immigration Service must determine at the same time whether a permanent residence permit may be granted under section 11(3) – (6) of the Aliens Act as worded by section 1 paras. 9) – 25) of this Act.

Act No. 432 of 1 May 2013 (Better protection of victims of trafficking) includes the following commencement provision:

### **Section 2**

This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>31)</sup>

Act No. 433 of 1 May 2013 (Right to continued stay for reunified spouses who are victims of assault and battery) includes the following commencement provision:

### **Section 2**

This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>32)</sup>

Act No. 434 of 1 May 2013 (Strengthening of measures against coercion in connection with marriage and religious weddings) includes the following commencement provision:

### **Section 4**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette,<sup>33)</sup> but see subsection (2).

(2) Section 2 paras. 1) – 3) and 5) enter into force on 1 October 2013.

(3) Section 2 para. 1) applies solely to aliens who are granted a residence permit after the commencement of this Act.

(4) Section 2 para. 4) applies solely if the offence giving rise to the expulsion has been committed after the commencement of this Act.

Act No. 647 of 12 June 2013 (Changed organisation of the regional State Administration structure, simplification of rules and cost-covering self-payment in the family law area etc.) includes the following commencement provisions:

### **Section 25**

This Act enters into force on 1 July 2013.

### **Section 26**

(1) The processing of cases pending before the five regional state administration offices at the commencement of this Act must be completed by the State Administration.

(2) (Omitted)

Act No. 1616 of 26 December 2013 (Revision of visa rules, accreditation programme for foreign enterprises, adjustment of rules on deferral periods, powers to refuse applications conferred on Danish representations, calculation of short-term stays etc.) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 January 2014, but see subsection (2).

(2) The Minister of Justice determines the date when section 1 paras. 15), 17) and 21) of this Act will enter into force and when section 46a(8) of the Aliens Act as worded by section 1 para. 20) of this Act will enter into force.<sup>34)</sup>

Act No. 1618 of 26 December 2013 (Expanded access to correlating registers, powers to establish rules on the use of application forms or a digital application solution, amendment of the rules on suspensive effects in cases concerning humanitarian residence permits, search for family networks etc.) includes the following commencement provision:

### **Section 4**

(1) This Act enters into force on 1 January 2014.

(2) Section 1 para. 7) will not apply to applications for a humanitarian residence permit under section 9b of the Aliens Act submitted before this Act enters into force. The rules previously in force must be applied to such applications.

(3) Section 3 will take effect as from the income year 2014.

Act No. 1619 of 26 December 2013 (Implementation of the amended Dublin Regulation of 26 June 2013) includes the following commencement provisions:

### **Section 2**

This Act enters into force on 1 January 2014.

### **Section 3**

(1) This Act applies to applications for international protection submitted after the Act has entered into force and requests to take over or take back aliens submitted to another Member State after the Act has entered into force irrespective of when the application was submitted.

(2) In case a request for take-over or take-back has been submitted to another Member State before this Act enters into force, the rules previously in force must be applied.

Act No. 85 of 28 January 2014 (The right to continuation of a residence permit upon the death of a spouse) includes the following commencement provision:

### **Section 2**

- (1) This Act enters into force on 1 February 2014.
- (2) This Act does not apply to cases that had been completed before the Act entered into force, but see subsection (3).
- (3) Upon the submission of a request for reopening before 1 August 2014, this Act will apply to completed cases in which a reunified spouse had been refused renewal of or had his or her residence permit revoked on the grounds of the death of the spouse or cohabitant living in Denmark where the time limit for departure had been set at 1 February 2012 or later. The same applies to completed cases concerning denial of renewal or revocation of a residence permit concerning children of an alien covered by the first sentence above.
- (4) Cases that fall within subsection (3) must be reopened upon request.
- (5) A request for the reopening of cases that fall within subsection (3) may be submitted in this country irrespective of whether the time limit for departure had expired before this Act entered into force.

Act No. 516 of 26 May 2014 (Change of the rules on refusal of entry etc. to the implementation of Directive 2008/115/EC on common standards and procedures of the Member States for the return of third-country nationals with unlawful residence (the Return Directive) etc.) includes the following commencement provision:

### **Section 3**

- (1) This Act enters into force on 1 January 2015.
- (2) Section 32(4), the third sentence, as worded by section 1 para. 13) of this Act does not apply to aliens who entered Denmark before this Act entered into force contrary to a ban on entry that had been issued previously in another Member State. The rules previously in force must be applied to such aliens.

Act No. 738 of 25 June 2014 (Possibility of reopening certain cases concerning family reunification with children) includes the following commencement provision:

### **Section 2**

- (1) This Act enters into force on 1 July 2014.
- (2) An alien who has received refusal of an application for a residence permit under section 9(1) para. 2) of the Aliens Act in the period as from 1 July 2004 until and including 19 June 2012 with reference to the absence of a basis for successful integration in this country as set out in section 9(16) of the Aliens Act or whose application for a residence permit under section 9(1) para. 2) has been refused with reference to the fact that the alien did not have lawful residence in Denmark, had been given a time limit for departure or had another application for a residence permit pending, see section 9(21) of the Aliens Act, may have his case reopened in case the alien -



- 1) Has essentially stayed in Denmark through the period from the refusal or the rejection of the application and until the attainment of 18 years or, if the alien is under 18 years old, until the date when the request for reopening was submitted;
- 2) Has not been expelled by judgment for a criminal offence committed in this country or sentenced to a suspended or unsuspended prison sentence for a criminal offence committed in this country;
- 3) Has not after attaining 18 years had his subsistence expenses covered under section 42a(2) of the Aliens Act; and
- 4) Submits a request for reopening no later than on 1 January 2015.

(3) Section 9(16) of the Aliens Act must be applied to the processing of cases that are reopened under subsection (2). It must be considered in the assessment whether at the time when the request for reopening was submitted the alien was well integrated in Danish society.

(4) If a case is reopened under subsection (2), section 9(21) of the Aliens Act does not apply.

(5) A request to have a case reopened under subsection (2) may be given suspensory effect in respect of the time limit set for departure if special reasons make it appropriate.

Act No. 1488 of 23 December 2014 (Reform of international recruitment etc.) includes the following commencement provision:

#### **Section 4**

(1) This Act enters into force on 1 January 2015, but see subsection (2).

(2) Section 1 para. 10) of this Act and section 9a(17) of the Aliens Act as inserted by section 1 para. 19) of this Act enter into force on 1 April 2015.

(3) Section 1 paras. 7), 8), 12), 13), 16), 18), 31), 38), 39), 43), 44), 45), 49), 53), 66), 70) and 71) do not apply to aliens who had submitted an application for a residence permit before this Act enters into force. The rules previously in force apply to such aliens, but see subsections (4) – (7).

(4) The repeal of section 9a(2) para. 4) read with section 1 para. 8) of the Act, does not apply to aliens who apply for a corporate residence permit under section 9a(2) para. 4) in the period from 1 January until 31 March 2015 and aliens who apply for renewal of a corporate residence permit granted under section 9a(2) para. 4). The rules previously in force apply to such aliens. Companies that apply for corporate approval or renewal of a corporate approval after the Act has entered into force and before 1 April 2015, may be granted a corporate approval or have a corporate approval renewed until 31 March 2015.

(5) Section 9a(4), the third sentence, section 9h(8), the first – third sentences, section 9i(3), the second sentence, section 9j(2), the second sentence, section 9k(2), the second sentence, section 9l(2), the second sentence, section 9m(2), the second sentence, and section 9n(2), the second sentence of the Aliens Act as worded by section 1 paras. 13), 31), 38) and 43) of this Act apply to decisions made after the Act has entered into force.

(6) Section 9a(12) of the Aliens Act as worded by section 1 para. 18) of this Act does not apply to aliens who hold a residence permit at the time when the Act enters into force and submit their first application for renewal of their residence permit after the Act has entered into force. In such cases, the rules previously in force must be applied. As regards

subsequent applications for renewal of the residence permit, the alien must meet the requirements set out in section 9a(12) of the Aliens Act as worded by section 1 para. 18) of this Act.

(7) Section 17(5) of the Aliens Act as amended by section 1 para. 49) of this Act applies to decisions made after the Act has entered into force in respect of aliens who have applied for a residence permit or renewal of a residence permit for the purpose of research work at a university or in a company in Denmark or for the purpose of taking a common programme of education.

Act No. 153 of 18 February 2015 (Temporary protection status for certain aliens and refusal to consider asylum applications on their merits where the applicant has obtained protection in another EU Member State etc.) includes the following commencement provision:

## **Section 2**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>35)</sup>

(2) This Act does not apply to applications for a residence permit under section 7 of the Aliens Act submitted before 14 November 2014. The rules previously in force apply to such applications.

Act No. 176 of 24 February 2015 (Reinforced measures to prevent recruitment for armed conflicts abroad etc.) includes the following commencement provision:

## **Section 4**

(1) This Act enters into force on 1 March 2015.

(2) (Omitted)

(3) Section 21b(1) of the Aliens Act as worded by section 2 para. 4) of this Act applies solely where the conditions that may cause the termination of a residence permit or right of residence occur after the Act has entered into force.

Act No. 394 of 14 April 2015 (The State Administration's notification of local authorities upon the issuing of registration certificates and residence cards under the EU rules and adjustment of the requirements regarding dwellings etc.) includes the following commencement provision:

## **Section 2**

(1) This Act enters into force on 1 June 2015.

(2) Section 1 para. 1) does not apply to cases in which before the Act enters into force an application for a residence permit under section 9(1) paras. 1) – 3) or section 9c(1) has been submitted and in which it is proved that an alien has the disposal of a separate dwelling according to section 9 subsection (6) or (15), the third sentence, or subsection (20), the third sentence, or section 19(1) para. 6), the first sentence, or para. 7), the first sentence. The rules previously in force must be applied to such cases.

(3) Section 1 paras. 2) – 5) of this Act applies if the criminal offence has been committed on 1 June 2015 or later. If the criminal offence had been committed before 1 June 2015 the rules previously in force must be applied.

Act No. 685 of 27 May 2015 (Implementation of the agreement on a better au pair programme etc.) includes the following commencement provision:

### **Section 3**

(1) This Act enters into force on 1 July 2015.

(2) Section 1 para. 4) and section 2 para. 2) of this Act do not apply to aliens who had submitted an application for a residence permit before the Act entered into force. The rules previously in force must be applied to such aliens.

(3) Section 1 para. 9) of this Act applies to conditions that have arisen after the Act entered into force in cases in which the au pair in question has submitted an application for a residence permit on 1 July 2015 or later.

(4) (Omitted)

Act No. 1273 of 20 November 2015 (Handling of the refugee and migrants situation) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette,<sup>36)</sup> but see subsection (2).

(2) Sections 37h, 37i and 37k of the Aliens Act as worded by section 1 para. 12) of this Act will be repealed on 1 December 2019.<sup>37)</sup>

(3) The Bill may be given the Royal Assent immediately upon its adoption.

Act No. 1499 of 11 December 2015 (Carrier's liability in connection with temporary border control at the internal Schengen borders) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>38)</sup>

(2) The Bill may be given the Royal Assent immediately upon its adoption.

Act No. 1741 of 22 December 2015 (The Social Appeals Board as a family law appeals authority etc.) includes the following commencement provisions:

### **Section 12**

This Act enters into force on 1 January 2016.

## **Section 13**

(1) Cases that are pending before the Minister of Social and Interior Affairs according to one of the Acts referred to in sections 1 – 8, 10 and 11 where after the commencement of this Act the Social Appeals Board must deal with such cases and where the processing of the cases has not been completed when the Act enters into force must be finished by the Social Appeals Board.

(2) Requests for the reopening of decisions, including decisions on access to public documents and decisions concerned with case processing, made by the Minister for Social and Interior Affairs in cases according to one of the Acts referred to in sections 1 – 8, 10 and 11 where, after the commencement of this Act, the Social Appeals Board must make the decisions in such cases, must be submitted to and be dealt with by the Social Appeals Board.

(3) Subsection (2) will apply *mutatis mutandis* to all other forms of communications in the cases referred to in subsection (2).

(4) Requests for access to documents in cases that have been processed by the Minister for Social and Interior Affairs under one of the Acts referred to in sections 1 – 8, 10 and 11 where the Social Appeals Board must process such cases after the commencement of this Act, must be submitted to and dealt with by the Social Appeals Board.

Act No. 102 of 3 February 2016 (Postponement of the right to family reunification for persons with temporary protection status, tightening of the rules for permanent residence permits, tightening of the rules on the revocation of the residence permits of refugees, etc.) includes the following commencement provision:

## **Section 2**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette,<sup>39)</sup> but see subsection (2).

(2) Section 1 paras. 12), 16) – 24), 26), 100) – 102), 104) and 105) enter into force on 1 March 2016.

(3) Section 1 paras. 10), 27) – 52) and 59) do not apply to applications for a permanent residence permit submitted before the Bill was introduced. The rules previously in force must be applied to such applications.

(4) Section 1 paras. 12), 16) – 24), 26), 100) – 102), 104) and 105) do not apply to applications submitted before this Act enters into force, appeals against refusals in relation to applications submitted before the Act enters into force and applications for reopening concerning applications submitted before the Act enters into force, see subsection (2). The rules previously in force must be applied to such applications and appeals.

(5) Section 19(3), the second sentence, of the Aliens Act as worded by section 1 para. 58) apply solely to aliens who travel after the Act enters into force, to the country in which the authority that granted the residence permit had found that the alien would be at risk of persecution as comprised by section 7 and 8(1) and (2) of the Aliens Act read with section 19(2) para. 4) of the Aliens Act.

(6) Section 1 paras. 72), 77), 79), 94) and 95) do not apply to cases in which before the Act enters into force a permit has been granted under the provision of section 42a(8) of the

Aliens Act previously in force or where permits for a separate dwelling have been granted to families with children according to the previous provision of section 42l of the Aliens Act. The rules previously in force must be applied to such permits.

(7) Section 1 paras. 84) – 90) and 92) apply to the disbursement of the basic allowance and the dependents supplement that follows the first cut-off date, see section 42b(1), the third sentence, and section 42b(7), the fourth sentence, of the Aliens Act, occurring after this Act has entered into force. Section 1 para. 91) must be applied to the disbursement of the supplementary allowance from the first full period of 14 days on which the calculation of the supplementary allowance is based occurring after the Act has entered into force.

Act No. 661 of 8 June 2016 (The minimum salary scheme) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 10 June 2016.

(2) The Act does not apply to aliens who have submitted an application for a residence permit before 10 June 2016. The rules previously in force must be applied to such aliens.

Act No. 612 of 8 June 2016 (Abolition of the green card programme) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 10 June 2016.

(2) This Act does not apply to applications for a residence permit submitted before 10 June 2016. The rules previously in force must be applied to such applications.

(3) This Act does not apply to applications for renewal of residence permits. The rules previously in force must be applied to such applications.

(4) This Act does not apply to applications for residence permits for the family accompanying an alien with a residence permit under the previous provision of section 9a(2) para. 1) of the Aliens Act. The rules previously in force must be applied to such applications.

(5) Section 1 para. 23) does not apply to aliens with a residence permit under the previous provision of section 9a(2) para. 1) of the Aliens Act. The rules previously in force must be applied to such aliens.

(6) Section 1 para. 29) does not apply to aliens with a residence permit under the previous provision of section 9a(2) para. 1) of the Aliens Act based on an application submitted on 1 January 2015 or later.

Act No. 664 of 8 June 2016 (Abolition of the two-year time limit in cases involving family reunification with children) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>40)</sup>

(2) Section 9(16) of the Aliens Act as amended by section 1 of this Act does not apply to aliens who have submitted an application for a residence permit before the Bill was introduced.

Act No. 1743 of 27 December 2016 (Introduction of a public sanctions list of foreign religious preachers and others who may be excluded from entry) includes the following commencement provisions:

**Section 2**

This Act enters into force on 1 January 2017.

**Section 3**

The Minister for Immigration and Integration will table proposals for revision of this Act in the parliamentary year 2021-2022.

Act No. 1744 of 27 December 2016 (Amendment of the expulsion rules etc.) includes the following commencement provision:

**Section 2**

(1) This Act enters into force on 1 January 2017.

(2) Section 1 paras. 2), 3) and 5) do not apply to legal offences committed before 1 January 2017. The rules previously in force must be applied to such offences.

Act No. 188 of 27 February 2017 (Transfer of duties from the Ministry of Immigration and Integration to the Refugee Appeals Board and the Immigration Appeals Board etc.) includes the following commencement provision:

**Section 2**

This Act enters into force on 1 March 2017.

**Section 3**

(1) Section 1 para. 2) does not apply to applications for a residence permit submitted before the Act enters into force. The rules previously in force must be applied to such applications.

(2) Section 1 paras. 7) – 9), 11), 13) and 16) do not apply to appeals lodged before the Act has entered into force. The rules previously in force must be applied to such appeals.

(3) Section 1 para. 3) does not apply to applications for a residence permit submitted before the Act has entered into force. The rules previously in force must be applied to such applications.

Act No. 189 of 27 February 2017 (Reinforced supervision of aliens on discretionary leave to remain and criminals who have been expelled, including introduction of information duties, more severe sentences, sentence enforcement with an electronic tag and special possibilities of remand custody and changed rights to lodge appeals) includes the following commencement provision:

#### **Section 4**

(1) This Act enters into force on 1 March 2017, but see subsection (2).

(2) Section 35b of the Aliens Act as worded by section 1 para. 2) of this Act enters into force on 1 June 2017.

(3) Section 42a(13) of the Aliens Act as worded by section 1 para. 8) of this Act will have effect for the disbursement of the basic allowance and dependents supplement that follows the first cut-off date, see section 42b(1), the third sentence, and subsection (7), the fourth sentence, of the Aliens Act occurring after the Act has entered into force and for the disbursement of the supplementary allowance from the first full period of 14 days on which the calculation of the supplementary allowance is based occurring after the Act has entered into force.

Act No. 228 of 7 March 2017 (Amendment of the rules concerning revocation of residence permits for study purposes due to illegal working) includes the following commencement provision:

#### **Section 2**

(1) This Act enters into force on 15 March 2017.

(2) This Act does not apply to aliens who request reopening or appeals against a decision to revoke a residence permit under section 19(1) para. 12) of the Aliens Act if the decision was made before the commencement of the Act and if the time limit for departure has expired at the time when the Act enters into force. The rules previously in force must be applied to such aliens.

Act No. 235 of 14 March 2017 (Amendment as a consequence of the Regulation on the European Border and Coast Guard etc.) includes the following commencement provision:

#### **Section 2**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>41)</sup>

(2) This Bill may be given the Royal Assent immediately upon its adoption.

Act No. 249 of 20 March 2017 (Mandatory course on Danish family law, freedom and democracy for religious preachers etc. and the declaration of promise to observe Danish legislation) includes the following commencement provision:

#### **Section 2**

(1) This Act enters into force on 1 April 2017.

(2) Section 1 para. 1) does not apply to aliens who have submitted an application for a residence permit under section 9f(1) of the Aliens Act before the commencement of this Act.

(3) Section 1 para. 3) does not apply to aliens who do not officiate or want to officiate at weddings with or without civil validity and have been granted a residence permit under

section 9f(1) of the Aliens Act before the commencement of this Act. The rules previously in force must be applied to such aliens.

(4) Moreover, section 1 para. 3) does not apply to aliens who officiate or want to officiate at weddings with or without civil validity and before the commencement of this Act have carried through an education programme on Danish family law according to the previously existing provision of section 9f(5) of the Aliens Act. The rules previously in force must be applied to such aliens.

### **Section 3**

The Minister for Immigration and Integration will present a proposal for revision of the Act in the parliamentary season 2019 – 2020.

Act No. 436 of 9 May 2017 (Tightening of the rules on permanent residence permits) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 15 May 2017.

(2) This Act does not apply to applications for a permanent residence permit submitted before 15 March 2017. The rules previously in force must be applied to such applications.

Act No. 476 of 17 May 2017 (Possibility in a situation of crisis of refusing entry for asylum seekers at the border) includes the following commencement provision:

### **Section 2**

This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>42)</sup>

Act No. 504 of 23 May 2017 (Abolition of the 26-year rule in spousal reunification cases) includes the following commencement provision:

### **Section 2**

This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>43)</sup>

Act No. 505 of 23 May 2017 (New right of residence scheme for the accompanying family of repatriating non-resident Danish nationals with certain occupational qualifications) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>44)</sup>

(2) This Act will be repealed as of 1 July 2018.

(3) A residence permit under section 9m(2) of the Aliens Act as worded by section 1 para. 9) of this Act may be granted upon application to an alien whose application for a residence permit under section 9(1) para. 1) head a) has been refused and to the alien's or the Danish national's under-age children regardless of the Danish national setting up residence in Denmark after having had his residence abroad, if –



- 1) The application for a residence permit under section 9(1) para. 1) head a) had been submitted before the commencement of this Act and in association with the setting up of residence in Denmark;
- 2) The spouse or cohabitant of the Danish national has received refusal of an application for a residence permit with reference to section 9(7) of the Aliens Act; and
- 3) An application for a residence permit under section 9m(2) of the Aliens Act as worded by section 1 para. 9) of this Act is submitted no later than two months after the refusal of a residence permit under section 9(1) para. 1), head a) of the Aliens Act, or if the refusal has been issued before the commencement of this Act, no later than two months after the commencement of the Act.

(4) Even if the requirements of section 9m(2) of the Aliens Act, i.e. Consolidation Act No. 412 of 9 May 2016, have not been met, applications covered by subsection (3) may be submitted in this country if –

- 1) The requirements of subsection (3) paras. 1) – 3) are met;
- 2) The Danish national has set up residence in Denmark as ascertained by an immediate assessment after having had his residence abroad;
- 3) The other requirements for a residence permit under section 9m(2) of the Aliens Act as worded by section 1 para. 9) of this Act may also immediately be considered satisfied; and
- 4) No special reasons otherwise require.

(5) Where the application may be submitted in this country, see subsection (4), the applicant will have the right to stay in Denmark while the case is processed by the Agency for International Recruitment and Integration.

(6) Decisions under subsection (4) may be brought before the Immigration Appeals Board. Section 33(3), the fourth sentence, and section 52b(6) and (7) of the Aliens Act apply *mutatis mutandis*.

Act No. 701 of 8 June 2017 (Further specification of the pay rate requirements under the minimum salary scheme) includes the following commencement provision:

## **Section 2**

(1) This Act enters into force on 1 July 2017.

(2) This Act does not apply to aliens who have submitted an application for a residence permit before 1 July 2017. The rules previously in force must be applied to such aliens.

(3) This Act does not apply to renewal of current residence permits under section 9a(2) paras. 2) and 12) head a) of the Aliens Act. Residence permits under section 9a(2) paras. 2) and 12) head a) may be renewed according to the rules in force when the original residence permit was issued.

Act No. 702 of 8 June 2017 (Peace and order at accommodation facilities for unaccompanied minor aliens etc.) includes the following commencement provision:

## **Section 4**

(1) The Minister for Immigration and Integration must determine the date for the commencement of this Act, but see subsection (2).<sup>45)</sup>

(2) Section 1 paras. 5) – 10) and 12) will enter into force on 1 July 2017.

(3) Section 1 para. 2) will have effect for the disbursement of the basic allowance and the dependents supplement that follows the first cut-off date, see section 42b(1), the third sentence, and subsection (7), the fourth sentence, of the Aliens Act, that occurs after this Act has entered into force and for the disbursement of the supplementary allowance from the first full period of 14 days on which the calculation of the supplementary allowance is based and which occurs after this Act has entered into force.<sup>46)</sup>

(4) Section 62b(6) of the Aliens Act as worded by section 1 para. 15) of this Act will have effect for the disbursement of the supplementary allowance from the first full period of 14 days on which the calculation of the supplementary allowance is based and which occurs after this Act has entered into force.

(5) Rules laid down under section 42a(13), see Consolidation Act No. 412 of 9 May 2016, that was amended to section 42a(15) by Act No. 189 of 27 February 2017, will remain in force until repealed or replaced by directions issued under section 42a(16) of the Aliens Act.

Act No. 704 of 8 June 2017 (Enhanced support towards repatriation, reintroduction of performance grants to local authorities and introduction of an absolute repayment claim, etc.) includes the following commencement provision:

### **Section 3**

(1) This Act enters into force on 1 July 2017.

(2) This Act must be applied to aliens who repatriate with support under the Repatriation Act on 1 July 2017 or later, but see subsection (3).

(3) (Omitted)

Act No. 1566 of 19 December 2017 (Tightening of the possibility of obtaining a permanent residence permit for aliens who have actively obstructed the clarification of their identity in connection with their application for a residence permit in this country) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 January 2018.

(2) This Act does not apply to applications for a permanent residence permit where the application for a residence permit to which the application for a permanent residence permit refers, as set out in section 11(3) para. 1) of the Aliens Act, has been submitted before this Act enters into force. The rules previously in force must be applied to such applications.

Act No. 122 of 26 February 2018 (More stringent control in the immigration area) includes the following commencement provision:

### **Section 2**

(1) This Act enters into force on 1 March 2018.

(2) Rules laid down under section 39(5) of the Aliens Act, i.e. Consolidation Act No. 1117 of 2 October 2017, will remain in force until repealed or replaced by directions issued according to this Act.

Act No. 123 of 26 February 2018 (Extension of the period of financial security in spousal reunification cases) includes the following commencement provision:

#### **Section 2**

(1) This Act enters into force on 1 March 2018.

(2) This Act does not apply to applications for a residence permit submitted before 15 November 2017. The rules previously in force must be applied to such applications.

Act No. 124 of 26 February 2018 (Abolition of the special, easy access to review by the courts of matters concerning family reunification with children) includes the following commencement provision:

#### **Section 2**

(1) This Act enters into force on 1 March 2018.

(2) This Act does not apply to final administrative decisions made before this Act enters into force. The rules previously in force must be applied to such decisions.

Act No. 318 of 25 April 2018 (Accommodation and maintenance of refugees and asylum seekers, notification of local authorities of certain decisions upon complaints and alteration of the calculation of the duration of a ban on re-entry, etc.) includes the following commencement provision:

#### **Section 2**

(1) This Act enters into force on 1 March 2018, but see subsection (2).

(2) Section 1 paras. 1) and 4) will enter into force on the day following the promulgation in the Danish Law Gazette.<sup>47)</sup>

(3) Section 1 para. 1) does not apply to deferral periods established before this Act enters into force.

(4) Section 1 para. 4) does not apply to the calculation of the duration of a ban on re-entry imposed under sections 22 – 24, section 25a(1) or section 25c of the Aliens Act before this Act enters into force. The rules of section 32(1), the second sentence, of the Aliens Act previously in force must be applied to such bans on re-entry.

Act No. 469 of 14 May 2018 (Tightened rules on the expulsion of criminal aliens) includes the following commencement provision:

#### **Section 2**

(1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>48)</sup>

(2) This Act does not apply to criminal offences committed before the Act enters into force. The rules previously in force must be applied to such offences, but see subsection (3).

(3) Judgments of suspended expulsion due to a criminal offence committed before this

Act enters into force must within the suspended period be given the same effect as a caution as referred to in section 24b of the Aliens Act as worded by section 1 para. 3) of this Act.

Act No. 738 of 8 June 2018 (Implementation of the revised Eurodac Regulation concerning the access of law enforcing authorities to conduct searches in the Eurodac system etc.) includes the following commencement provision:

#### **Section 2**

- (1) This Act enters into force on 1 July 2018, but see subsection (2).
- (2) The Minister for Immigration and Integration determines the date when section 1 paras. 6) and 7) will enter into force.

Act No. 740 of 8 June 2018 (Abolition of revision provisions, extension of expiration provisions and time limit for judicial reviews of detention through a period of suspension, etc.) includes the following commencement provision:

#### **Section 4**

- (1) This Act enters into force on 1 July 2018, but see subsection (2).
- (2) Section 37k of the Aliens Act as amended by section 3 paras. 2) – 4) of this Act will be repealed on 1 December 2021.

Act No. 741 of 8 June 2018 (More flexible rules for sideline work and voluntary work for foreign workers etc.) includes the following commencement provision:

#### **Section 2**

- (1) This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>49)</sup>
- (2) Section 1 paras. 1), 2) and 4) must also be applied to aliens who have been granted a residence permit for the purpose of employment or to taking a PhD programme under provisions of the Aliens Act previously in force.

Act No. 742 of 8 June 2018 (Reform of the rules on spousal reunification with a new integration requirement replacing the attachment requirement, more stringent housing requirements, etc.) includes the following commencement provision:

#### **Section 2**

- (1) This Act enters into force on 1 July 2018.
- (2) This Act does not apply to applications submitted before this Act enters into force. The rules previously in force must be applied to such applications but see subsection (3) and (4).
- (3) Where a residence permit cannot be granted on the basis of spousal reunification according to the previous provision of section 9(7) of the Aliens Act as repealed by section 1 para. 3) of this Act, the Immigration Service must at the same time consider if it will be possible to grant a residence permit under sections 9 or 9c of the Aliens Act as amended by section 1 paras. 1) – 32) of this Act.
- (4) Where the Immigration Appeals Board upholds a decision by which an application for a residence permit based on spousal reunification is refused according to the provision of

section 9(7) of the Aliens Act previously in force as repealed by section 1 para. 3) of this Act, the Board must at the same time ask the Immigration Service to consider if it will be possible to grant a residence permit under section 9 or 9c of the Aliens Act as amended by section 1 paras. 1) – 32) of this Act.

(5) Rules laid down under section 9 subsection (27), the third sentence, and subsection (36) of the Aliens Act, i.e. Consolidation Act No. 1117 of 2 October 2017, as amended most recently by section 24 of Act No. 503 of 23 May 2018, will remain in force until repealed or replaced by directions issued under section 9 subsection (31), the third sentence, and subsection (41) of the Aliens Act as amended by section 1 paras. 20) and 29) of this Act.

Act No. 743 of 8 June 2018 (Introduction of an employment requirement in return for the right to education and social assistance benefits and extension of the residence requirement and abolition of the provision on residence permits based on labour market participation) includes the following commencement provision:

#### **Section 4**

(1) This Act enters into force on 1 January 2019, but see subsection (2).

(2) Section 3 enters into force on 1 July 2018.

(3) (Omitted)

(4) (Omitted)

(5) Section 3 does not apply to aliens who have submitted an application for a residence permit or renewal of a residence permit under section 9a(2) para. 11) of the Aliens Act, i.e. Consolidation Act No. 1117 of 2 October 2017, before 1 July 2018. The rules previously in force must be applied to such aliens.

Act No. 1572 of 18 December 2018 (Adjustment of the supplementary transferred requirements for spousal reunification) includes the following commencement provision:

#### **Section 2**

This Act enters into force on the day following its promulgation in the Danish Law Gazette.<sup>50)</sup>

Act No. 173 of 27 February 2019 (Amendment of the rules on placement of unaccompanied minor aliens, adjustment of the right to complain in detention cases, specification of the rules concerning body searches of aliens conducted by the police upon their return, transfers of competence due to the discontinuation of the State Administration, etc.) includes the following commencement provisions:

#### **Section 4**

(1) This Act enters into force on 1 March 2019, but see subsection (2).

(2) Section 1 paras. 19), 21) – 23), 25) – 27), 29), 36), 37) and 39) – 41) and sections 2 and 3 of this Act enter into force on 1 April 2019.

(3) This Act applies to appeals against the initiation of measures under sections 36, 37c(5), 37d(1) and (3) and section 37e(1) and (4) of the Aliens Act submitted as from 1 March 2019.

(4) Rules prescribed under section 62n(3) of the Aliens Act, i.e. Consolidation Act No. 1117 of 2 October 2017, will remain in force until repealed or replaced by directions issued under section 62n(4) of the Aliens Act.

(5) Rules prescribed under section 62o(4) of the Aliens Act, i.e. Consolidation Act No. 1117 of 2 October 2017, will remain in force until repealed or replaced by directions issued under section 62o(5) of the Aliens Act.

Act No. 174 of 27 February 2019 (Wider access to revoke residence permits granted to refugees, a limit on the number of family reunification cases, more severe penalties for violation of bans on re-entry and failure to observe residence, information and reporting duties, reduced allowances to breadwinners, etc.) includes the following commencement provisions:

#### **Section 14**

(1) This Act enters into force on 1 March 2019, but see subsections (2) – (6).

(2) Section 1 para. 23) and section 8 para. 3) of this Act will enter into force on 1 June 2019.

(3) (Omitted)

(4) Section 1 para. 24) of this Act will enter into force on 1 June 2021.

(5) (Omitted)

(6) The Minister for Immigration and Integration determines the date when section 1 paras. 10), 11), 14) and 21) enter into force.

(7) Section 7(1) and (2) and section 8(1) and (2) of the Aliens Act as worded by section 1 para. 1) of this Act will take effect as from 1 July 2019 in the case of aliens who have already been granted a residence permit under section 7(1) and (2) and section 8(1) and (2) of the Aliens Act at the time when this Act enters into force. If a residence permit under section 9(1) or section 9c(1) of the Aliens Act which has been granted due to family ties with an alien who has been granted a residence permit under section 7 or section 8(1) or (2) of the Aliens Act was granted with a possibility of a permanent residence permit prior to the commencement of this Act, the residence permit must be considered after 1 July 2019 to have been granted for the purpose of temporary residence.

(8) In respect of aliens who had been granted a residence permit under section 7(1) or (2) or section 8(1) or (2) of the Aliens Act at the time when this Act enters into force, section 1 para. 4) of this Act will only take effect as from 1 July 2019. Decisions on renewal of residence permits for aliens who had been granted a residence permit under section 7(1) or (2) or section 8 (1) or (2) of the Aliens Act at the time when this Act enters into force and aliens who had been granted a residence permit under section 9(1) or section 9c(1) of the Aliens Act due to family ties to an alien with a residence permit under section 7(1) or (2) or section 8(1) or (2) of the Aliens Act will upon the commencement of this Act be granted for the purpose of temporary residence.

(9) Aliens who had been granted a residence permit under section 7(1) or (2) or section 8(1) and (2) of the Aliens Act at the time when this Act enters into force and aliens who had been granted a residence permit under section 9(1) or 9c(1) of the Aliens Act due to family ties with an alien with a residence permit under section 7(1) or (2) or section 8(1) or (2) of the Aliens Act and who had commenced a stay outside Denmark before this Act enters into

force, will continue after the commencement of this Act to be entitled to invoke the termination provision of section 17(1), the third sentence, of the Aliens Act, i.e. Consolidation Act No. 1117 of 2 October 2017.

(10) An alien who has commenced remand custody under section 35b of the Aliens Act, i.e. Consolidation Act No. 1117 of 2 October 2017, or the serving of a sentence under Part 13b of the Sentence Enforcement Act at the time when this Act enters into force will continue to be comprised by these rules and by section 8(5), section 20(3) para. 1), section 46(5) and (6) and section 106(2) of the Sentence Enforcement Act, i.e. Consolidation Act No. 1491 of 13 December 2017, and section 124(5) paras. 2) and 4) of the Criminal Code, i.e. Consolidation Act No. 1156 of 20 September 2018, until the commenced remand custody or sentence enforcement has been ended.

(11) (Omitted)

*The Ministry of Immigration and Integration, 10 March 2019*

Inger Støjberg

/Merete Milo

- 1) This Act includes provisions that implement parts of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. OJ 2004 no. L 229, page 35.
- 2) By section 2 para. 4) of Act No. 400 of 21 April 2010, a new subsection (4) was inserted into section 9f, whereupon subsections (4) to (6) became subsections (5) to (7). The provision came into force on 15 November 2010 according to Executive Order No. 1250 of 4 November 2010. The provision corresponds almost word for word to section 9f(4) as worded by section 1 para. 6) of Act No. 572 of 31 May 2010.
- 3) Section 3 paras. 2) – 4) of Act No. 740 of 8 June 2018 are concerned with amendments of section 37k of the Aliens Act. Section 37k of the Aliens Act as amended by section 3 paras. 2) – 4) of this Act will be repealed on 1 December 2021, see section 4(2) of Act No. 740 of 8 June 2018.
- 4) Act No. 574 of 19 December 1985 was promulgated in the Danish Law Gazette on 21 December 1985.
- 5) Act No. 686 of 17 October 1986 was promulgated in the Danish Law Gazette on 18 October 1986.
- 6) Section 1 para. 11) of Act No. 686 of 17 October 1986 is concerned with the insertion of section 59a and was put into force by Executive Order No. 788 of 14 December 1988.
- 7) Act No. 387 of 6 June 1991 (The EC Asylum Convention) as amended by section 2 of Act No. 382 of 14 June 1995, section 1 para. 1) of Act No. 290 of 24 April 1996 and section 2 of Act No. 410 of 10 June 1997 were put into force on 1 September 1997 by Executive Order No. 610 of 1 July 1997.
- 8) Act No. 482 of 24 June 1992 was promulgated in the Danish Law Gazette on 26 June 1992.
- 9) Section 1 paras. 2) – 5) of Act No. 482 of 24 June 1992 is concerned with an amended wording of section 9(1) paras. 2) and 5) and subsection (3), insertion of section 9(4) and (5) and amended wording of section 18(2) and section 19(2). According to the explanatory notes to the amending act the provisions of section 4(2) of the amending act do not apply to aliens who had applied for a residence permit or taken up residence lawfully in Denmark under the previous rules in force before the commencement of this Act.
- 10) Act No. 382 of 14 June 1995 was promulgated in the Danish Law Gazette on 15 June 1995. Section 1 paras. 1), 2) 4) – 6), 9), 11), 17), 19) and 20) and section 2 para. 1) are concerned with amended wording of section 19(1) para. 1) of the Aliens Act, insertion of a new subsection (2) into section 27 and amended wording of sections 34, 36(1), 37(3), and 40(3), insertion of section 40a, amended wording of section 53(2) – (6) and section 56(1) – (6) and insertion of a new para. 10) into section 1 of Act No. 387.
- 11) Section 1 para. 18) of Act No. 382 of 14 June 1995 is concerned with insertion of section 54(2). The amendment, which entered into force on 1 October 1995, applies to aliens who submit an application for asylum on and from that date, see section 3 of Executive Order No. 682 of 17 August 1995. Section 2 paras. 2) and 3) of Act No. of Act No. 382 of 14 June 1995 was concerned with amended wording of Act No. 387 of 6 June 1991, see Note 7. Section 2 para. 2) entered into force on 1 October 1995 and section 2 para. 3) entered into force on 1 January 1996, see section 1 and section 2, respectively, of Executive Order No. 682 of 17 August 1995.
- 12) Act No. 290 of 24 April 1996 was promulgated in the Danish Law Gazette on 25 April 1996.
- 13) The amendments that follow from Act No. 410 of 10 June 1997 were, apart from the amendments that according to section 3(2) of Act No. 410 of 10 June 1997 entered into force on 12 June 1997 by Executive Order No. 170 of 13 March 2001, put into force on 25 March 2001.
- 14) Section 1 paras. 20) and 28) of Act No. 410 of 10 June 1997 is concerned with amended wording of section 37(5) and section 48(2), the seventh sentence. Section 2 paras. 5) and 8) of Act No. 410 of 10 June 1997 is concerned with amended wording of Act No. 387 of 6 June 1991. Act No. 410 of 10 June 1997 was promulgated in the Danish Law Gazette on 11 June 1997.
- 15) Act No. 473 of 1 July 1998 was promulgated in the Danish Law Gazette on 2 July 1998.
- 16) Act No. 424 of 31 May 2000 was promulgated in the Danish Law Gazette on 2 June 2000.
- 17) Act No. 458 of 7 June 2001 was promulgated in the Danish Law Gazette on 8 June 2001.
- 18) Act No. 362 of 6 June 2002 was promulgated in the Danish Law Gazette on 7 June 2002.
- 19) Act No. 367 of 6 June 2002 was promulgated in the Danish Law Gazette on 7 June 2002.
- 20) Section 1 para. 6) of Act No. 367 of 6 June 2002, which was put into force by Executive Order No. 73 of 27 January 2003 on 1 March 2003, is concerned with insertion of section 59(5).
- 21) Act No. 1044 of 17 December 2002 was promulgated in the Danish Law Gazette on 18 December 2002.
- 22) Act No. 425 of 10 June 2003 was promulgated in the Danish Law Gazette on 11 June 2003.
- 23) Act No. 323 of 18 May 2005 was by Executive Order No. 235 of 17 March 2006 put into force on 1 April 2006 by the Minister for Refugee, Immigration and Integration Affairs.
- 24) Section 1 para. 2) of Act No. 301 of 19 April 2006 is concerned with insertion of subsection (3) into section 2a. Section 1 paras. 3), 18), 26) – 28), 30) and 49) of Act No. 301 of 19 April 2006 is concerned with amended wording of section 2b(4), section 28(6), section 38(1) – (3), section 39(3) and section 59(1) para. 1). The amendments entered into force on 13 October 2006, see Executive Order No. 979 of 26 September 2006.
- 25) Act No. 532 of 8 June 2006, which was promulgated in the Danish Law Gazette on 9 June 2006, entered into force on 10 June 2006.
- 26) Section 3 paras. 2), 22) and 24) of Act No. 1511 of 27 December 2009, which is concerned with section 2a(6) and (7), the heading of Part 8a and section 58d, the first sentence, entered into force on 5 January 2012 according to Executive Order 1418 of 22 December 2011.
- 27) Section 3 paras. 3) 25) and 26) of Act No. 1511 of 27 December 2009 which is concerned with section 2a(8) and (9), section 58g and section 58h(2) entered into force on 9 April 2013 according to Executive Order No. 352 of 5 April 2013.
- 28) Act No. 572 of 31 May 2010 was promulgated in the Danish Law Gazette on 1 June 2010.
- 29) Act No. 566 of 18 June 2012 was promulgated in the Danish Law Gazette on 19 June 2012.
- 30) Act No. 567 of 18 June 2012 was promulgated in the Danish Law Gazette on 19 June 2012.
- 31) Act No. 432 of 1 May 2013 was promulgated in the Danish Law Gazette on 2 May 2013.
- 32) Act No. 433 of 1 May 2013 was promulgated in the Danish Law Gazette on 2 May 2013.



- 33) Act No. 434 of 1 May 2013 was promulgated in the Danish Law Gazette on 2 May 2013.
- 34) Section 1 paras. 15), 17) and 20) in respect of section 46a(8) of the Aliens Act and para. 21) of Act No. 1616 of 26 December 2013 were by Executive Order No. 359 of 20 March 2015 put into force by the Minister of Justice on 1 May 2015.
- 35) Act No. 153 of 18 February 2015 was promulgated in the Danish Law Gazette on 19 February 2015.
- 36) Act No. 1273 of 20 November 2015 was promulgated in the Danish Law Gazette on 21 November 2015.
- 37) It follows from section 1 para. 2) of Act No. 740 of 8 June 2018 that section 2(2) of Act No. 1273 of 20 November 2015 will be repealed.
- 38) Act No. 1499 of 11 November 2015 was promulgated in the Danish Law Gazette on 12 December 2015.
- 39) Act No. 102 of 3 February 2016 was promulgated in the Danish Law Gazette on 4 February 2016.
- 40) Act No. 664 of 8 June 2016 was promulgated in the Danish Law Gazette on 9 June 2016.
- 41) Act No. 235 of 14 March 2017 was promulgated in the Danish Law Gazette on 15 March 2017.
- 42) Act No. 476 of 17 May 2017 was promulgated in the Danish Law Gazette on 18 May 2017.
- 43) Act No. 504 of 23 May 2017 was promulgated in the Danish Law Gazette on 24 May 2017.
- 44) Act No. 505 of 23 May 2017 was promulgated in the Danish Law Gazette on 24 May 2017.
- 45) Act No. 702 of 8 June 2017 entered into force on 1 September 2017 according to Executive Order No. 1012 of 28 August 2017 but see section 1 paras. 5) – 10) and 12) of Act No. 702 of 8 June 2017 that entered into force on 1 July 2017, see section 4(2) of the same Act.
- 46) Section 1 para. 2) of Act No. 702 of 8 June 2017 is concerned with the insertion of section 42a(14), whereupon subsections (14) – (16) will become subsections (15) – (17).
- 47) Act No. 318 of 25 April 2018 was promulgated in the Danish Law Gazette on 26 April 2018.
- 48) Act No. 469 of 14 May 2018 was promulgated in the Danish Law Gazette on 15 May 2018.
- 49) Act No. 741 of 8 June 2018 was promulgated in the Danish Law Gazette on 9 June 2018.
- 50) Act No. 1572 of 18 December 2018 was promulgated in the Danish Law Gazette on 19 December 2018.