



Danish Refugee Council
31th of August 2006

A coherent refugee policy

Introduction

The Danish Refugee Council is an advocate for the rights of refugees. We work for the protection of the world's refugees and for durable solutions for those displaced, and we believe national refugee work should be viewed in an international context. National and international initiatives should provide protection for as many refugees as possible, create durable solutions and be based on a burden-sharing principle to ensure that the poorest countries are not solely responsible for the care of the majority of the world's refugees and displaced persons.

The Danish Refugee Council has a particular obligation towards the most vulnerable refugee groups, not least women and children, who make up three-quarters of the global refugee population.

The efforts of the Danish Refugee Council are based on humanitarian principles and human rights, and our aim is that Denmark should continue to assume its responsibility to assist the world's refugees – both in complex emergencies around the world and in Denmark.

Refugees who seek asylum or who are granted residence in Denmark should meet a humane society. Our established core-values of human equality and respect for differences between individuals must also apply to people coming into this country as refugees.

In Denmark, refugees should encounter a society that is governed by law and administers its decisions in full accordance with both national law and the obligations stipulated in its international conventions. As such, we cannot allow discrimination. If a refugee has been granted the right to live among us, his or her integration must be based on a concept of equal rights in society.

Against this background, the Danish Refugee Council's position on central elements of refugee policy is set out below.

1. Assistance in regions affected by conflict

Resources for humanitarian assistance go a long way in regions affected by conflict, and it is here that more than 90% of the world's 33 million refugees and displaced persons currently reside. Even so assistance and protection to refugees in these areas must be strengthened. Today, far too many find themselves in a situation without prospects rather than being given a chance to build a life and support themselves. This requires:

- The efforts in conflict-affected regions must be long- term, regional and build a bridge between emergency relief and development aid.
- The efforts in conflict-affected regions must contribute to conflict resolution by integrating the refugees' own resources.

- The wealthier countries should allocate far more resources to the work in conflict-affected regions, and Denmark should be at the forefront.

2. Externalising refugee protection

In recent years, European politicians have discussed the establishment of refugee protection systems and safe zones in conflict-affected regions. The aim is to improve the protection capacity of the countries of origin and transit and thus prevent refugees from arriving into Europe with the aid of human traffickers and smugglers.. Although it is important to build asylum systems to strengthen refugee protection in regions affected by conflict, the overriding priority must remain the individual treatment of asylum seekers in practice and to ensure that Europe does not simply export its legal and moral responsibility. This requires:

- Better refugee protection systems and a stronger international presence in the world's conflict-affected regions, which can help shorten the refugees' route to effective protection, i.e. assurances that they will not be returned to persecution, the provision of basic rights, daily necessities including education and health care and, in the longer term, a permanent solution for their return, local integration or resettlement.
- Europe must reinforce and coordinate its efforts in conflict-affected regions to ensure that increased protection capacity goes hand in hand with support for long-term development programmes that extend to refugees, internally displaced persons, returnees and the local population.
- It is unacceptable to return asylum seekers whose applications have not been processed to so-called safe zones. Refugees arriving on Danish territory are Denmark's responsibility, and their cases should be considered in Denmark with the due process and legal guarantees embodied in Danish law.
- We do not need more refugee camps, but permanent solutions for refugees.

3. International cooperation on the resettlement of refugees

Visa regulations, strengthened border controls, etc. are making it increasingly difficult for refugees to find safety by their own means. Many cannot leave their country where they are persecuted, and others are forced into a hopeless existence in refugee camps. Currently over seven million refugees have been living in a refugee camp for more than ten years. A need thus exists for strengthened cooperation with UNHCR on the resettlement of refugees. Recommendations include:

- The new Europe should offer 90,000 resettlement places a year, corresponding to an average of 200 places per million inhabitants.
- Denmark, one of the richest nations in the new Europe, could easily raise its annual quota from 500 to 1500 persons.
- Provision should be made for resolving extraordinary refugee situations or for helping specific refugee groups – for example, refugees having special ties to Denmark – through special visa arrangements at Danish and other European embassies.

4. Humanity in Danish asylum policy

In several areas, refugees and asylum seekers are unnecessarily affected by the provisions of the Danish Aliens Act and by current administrative practices. There should be more room in the asylum policy for humanitarian considerations, requiring:

- The possibilities for granting humanitarian residence permits should be improved so that the relatively few, particularly vulnerable asylum seekers who are completely helpless in case of return can be offered a life under decent conditions in Denmark.
- The existing administrative procedures should be changed so that: (a) an application for a humanitarian residence permit automatically is given suspensive effect to the setting of a return date; (b) legal assistance is made available to the applicant; (c) the necessary medical documentation is procured; and (d) general consideration is given to the fact that these asylum seekers typically have very few resources and are often traumatised, and that they may therefore have difficulty in fully comprehending their own situation.

5. Refugee return and repatriation

In many cases, the happiest outcome of a refugee situation is for refugees to return home and resume their lives. Unfortunately, such a prospect is often very remote, and the majority must then seek to rebuild their lives in a neighbouring country or even further from home. It is important that this re-establishment can take place within a secure framework.

- Today, refugees in Denmark can be returned within a period of seven years, if the situation in their country so permits, and the risk of persecution no longer exists. Seven years of uncertainty is inhuman, and the time limit before granting permanent residence status in Denmark should be reduced to three years.
- The voluntary return of refugees to their home country should continue to be supported both through initiatives in Denmark (counselling, financial support, etc.) and in the country of origin. Many refugees still retain the dream of returning home, despite having lived in Denmark for many years.

6. Returning rejected asylum seekers

For a number of years, it has been difficult to return rejected asylum seekers i.e. asylum seekers who through a status determination procedure have been proven not to be refugees. This may be due to practical obstacles, including chaotic conditions in the home country, as is the case today in, for instance, Iraq and Somalia. Other reasons include the individual asylum seeker's reluctance to cooperate in his or her return, or the home country's reluctance to receive its own citizens.

- In the case of rejected asylum seekers who **cannot** be returned due to various practical obstacles, provision should be made to enable them to obtain a temporary residence permit quickly - so that they can live normal daily lives, educate themselves and contribute to the Danish society through work and self-support.
- No rejected asylum seekers should be forcibly returned to unsafe areas or to countries whose governments are unwilling to receive them.

- Rejected asylum seekers must return home quickly whenever possible. If this does not happen, the purpose of the asylum system is lost and the protection of refugees undermined.

7. Equal rights

The Danish Refugee Council is against solving integration problems by limiting the fundamental rights of refugees and immigrants. Refugees granted residence in Denmark should be afforded optimal conditions for becoming a part of the Danish society. They should be treated on an equal footing with Danes, and should receive focused support to help them learn Danish and find a place in Danish work and social life. Refugees granted residence have the same obligations as Danes and thus must naturally have the same legal status in society – without any form of direct or indirect discrimination.

- So-called "starting assistance" should be abolished. This particularly reduced cash assistance for refugees is an expression of discriminatory treatment and creates poverty with no guarantee of employment. It leads to reduced status - not equal status. In some areas, it also works against integration and can lead to the marginalisation of both adults and children.
 - Where the reunification of refugee families is concerned, no special attachment requirements or other prerequisites should apply.
 - The compulsory settlement of refugees should be abolished. Today, refugees are spread across the whole country and, except in special circumstances cannot move from the municipality in which they were placed for the first three years. Refugees should be able to choose for themselves where in the country they wish to live so that they have an opportunity to be close to any relatives, their social networks or relevant educational and employment opportunities.
 - Citizenship rules that prevent traumatised refugees from obtaining exemption from language requirements should be abolished. Excluding a specific group of people and a specific diagnosis from exemption is discriminatory and increases the pressure on a group that is already vulnerable. Rather traumatised refugees need protection and security.
 - Instead of curtailing the rights of families on housing waiting lists who are receiving cash assistance/starting assistance, authorities should offer alternative housing options.

8. Special integration efforts

Refugees are in a special situation, and the background to their arrival in Denmark is often harsh and tragic. The three-year integration programme that municipalities are required to implement reflects the special effort needed to help new refugees before they can be expected to operate on a par with other citizens. Some individuals need a great deal of help, while others manage quickly by themselves. In areas where it is particularly difficult to achieve success, an extra effort must be made.

- All traumatised refugees must have access to qualified medical and psychological treatment without long waiting periods. Prompt treatment is important for the individual, but also crucial for the individual's children and family. At the same time, focus must be placed on the

subsequent integration of the vulnerable refugees, who often have competences that are "left dormant".

- Educational opportunities for refugees must be increased. Many of the refugee children who come to Denmark have been forced to break off their schooling and therefore have an academic gap that the Danish education system must help fill. A primary objective must naturally be for the children to master the Danish language, but there may also be a need for other special support, such as mother-tongue based tuition, help at school with homework and so on.
- Sanctions such as the suspension of child benefit or other financial support if children and young people are having problems with their school attendance or education, etc. should be replaced by offers of help and support for the families, for instance by (a) providing improved guidance, (b) equipping educational institutions to combat discrimination and marginalisation, and (c) ensuring age-equivalent education for late-enrolled children and young people who frequently fall behind academically because of their flight and life in refugee camps and asylum centres.
- Despite efforts over many years, far too many refugees and immigrants still have difficulty finding paid work. A differentiated approach is needed to this problem, depending on whether the refugees have an educational and work experience, have never held a job, or are traumatised. The solutions offered should share the following common characteristics: (a) an overall evaluation of skills including concrete, practical tests and offers of a supportive network; (b) closely monitored introduction to a workplace involving a mediator; (c) mentors to support the workplace introduction; and (d) in the case of ordinary employment, the offer of voluntary support from a colleague to the new employee for a period.

9. Citizenship and friendships

It is important that refugees become a part of the community. Many of them still live relatively isolated from other members of Danish society. Their lack of networks with Danes often makes it difficult for refugees to become integrated, socially and work-wise, into the local community. This has numerous consequences, including the impossibility of practising Danish language skills on a daily basis, an inadequate understanding of how Danish society operates and greater difficulty accessing the labour market. Volunteer-based integration work is thus crucial to help refugees understand Danish norms and values and to become acquainted with the fundamental rights and obligations of Danish citizens. Volunteer work helps build important human relationships between families, young people and the elderly. There is time to be together on equal terms.

- Volunteer-based work is therefore central to the integration effort. Volunteers should be active players in integration initiatives and help find solutions to fundamental integration problems, including (a) the weak affiliation of refugees and immigrants to the labour market; (b) the difficulties young people have completing their education after primary and lower secondary school; (c) the concentration of problems into vulnerable housing areas; and (d) the need for contact with Danes through contact families, etc.

10. Improvements in the asylum system

The present Danish Aliens Act is a product of both the original Aliens Act dating from 1983 and the frequent restrictions and adjustments implemented since then. The result is a Danish asylum procedure that in some aspects is open to criticism and that in the opinion of the Danish Refugee Council, should be reconsidered as regards the following:

- The use of detention in respect of asylum seekers should be limited. The Danish Aliens Act provides for the detention of asylum seekers at several stages of the asylum procedure, and detention is used extensively. In many cases, less radical measures, such as compulsory reporting, could be used instead.
- The so-called “motivation inducing measures” should not deprive asylum seekers of all pocket money. Asylum seekers should always have a minimum of pocket money available for small daily necessities. The lack of pocket money can easily lead to undesirable situations, such as the sale of food, theft, etc.
- The asylum case processing period is always a burden for asylum seekers and should be reduced as much as possible.
- The period that asylum seekers stay in an asylum centre should be subject to an upper limit of, for example two years, unless centre standards are significantly improved.
- The children of asylum seekers should be allowed to attend lessons in the Danish Folkeskole (primary and lower secondary school) no later than six months after moving into an asylum centre.
- Lay representation on the Danish Refugee Board. The right to have lay representation, possibly to be appointed by the Danish Refugee Council, should be restored to the Danish Refugee Board, the tribunal-type body that makes final decisions in refugee cases. This will strengthen its presence of specialist knowledge concerning refugee protection and improve procedural fairness in the final decisions of the Board.