

## UNHCR recommendations to Denmark on strengthening refugee protection in Denmark, Europe and globally

This document sets out a number of recommendations, which the Representation for the Nordic and Baltic Countries of the United Nations High Commissioner for Refugees (UNHCR) has developed, with a view to further strengthen the protection of refugees in Denmark, as well as to support Denmark's engagement in European and international fora where issues of refugee protection and asylum are being discussed. The recommendations are addressed to the Danish Government, parliamentarians and all other relevant actors and stakeholders and aim at contributing to constructive discussions on improvements of the protection and integration systems for refugees and stateless persons at the national, regional and international level.

UNHCR offers these recommendations as the agency entrusted by the UN General Assembly with the global mandate to provide international protection to refugees and, together with Governments, seek permanent solutions to their plight.<sup>1</sup> UNHCR is responsible for supervising the application of the 1951 Convention relating to the Status of Refugees (1951 Convention) – to which Denmark is a State party. The UN General Assembly has further entrusted UNHCR with a global mandate to provide protection to stateless persons worldwide and for preventing and reducing statelessness.<sup>2</sup>

### 1. Introduction

For decades, Denmark has made important contributions to international refugee protection – including through maintaining a well-established asylum and reception system, engaging in comprehensive integration efforts and participating in UNHCR's resettlement programme. As one of the first parties to sign on to the 1951 Convention, Denmark has a long tradition of providing sanctuary to those in need of international protection. Denmark is also a State party to both the 1954 and 1961 Statelessness Conventions and has over the years demonstrated a strong commitment to support efforts to end statelessness.

Like in several other European countries, the issues around refugee protection have increasingly been the subject of intense political and public debate in Denmark over the past decade – a politization that has led to an increasingly restrictive climate and regrettably at times have been accompanied by a harsh rhetoric and measures that have undermined the public support for the protection and integration of refugees.

With regard to Denmark's engagement on global refugee issues, UNHCR appreciates the strong partnership and cooperation that exists between Denmark and UNHCR in supporting the protection of the high number of forcibly displaced persons around the world and in the search for solutions to their plight. Denmark is a very important donor to UNHCR's global activities, enabling UNHCR to address critical humanitarian needs of the most vulnerable refugee populations as well as strengthening and building capacity in host countries.

<sup>1</sup> UN General Assembly, UNHCR Statute, 14 December 1950, [www.refworld.org/docid/3ae6b3628.html](http://www.refworld.org/docid/3ae6b3628.html), para. 1.

<sup>2</sup> UN General Assembly Resolution A/RES/50/152, 9 February 1996, available at: <http://www.unhcr.org/refworld/docid/3b00f31d24.html>, reiterated in subsequent resolutions.

## 2. Strengthening protection and integration policies in Denmark

While UNHCR acknowledges the challenges Denmark faced when responding to the increased number of asylum-seekers who arrived in Denmark in 2015 and 2016, UNHCR is concerned with the pace and scope of the restrictions that successive Danish Governments have introduced over the years to restrict asylum space. The measures, which were intended to deal with an exceptional situation, have remained in place even as the situation has normalized, and Denmark over the past years have seen the lowest number of asylum-seekers in a decade.

Over the past years, UNHCR has submitted observations on a range of Danish law proposals, such as the introduction of a temporary subsidiary protection category,<sup>3</sup> confiscation of valuables from asylum-seekers,<sup>4</sup> restrictions on family reunification,<sup>5</sup> reduced social benefits for refugees,<sup>6</sup> introduction of short-term residence permits,<sup>7</sup> mandatory regular review of protection needs,<sup>8</sup> increased use of cessation,<sup>9</sup> restrictive criteria for permanent residency and the temporary halt of the resettlement programme.<sup>10</sup>

UNHCR also regrets the adoption in 2019 of a package of legislative changes known as the so-called “paradigm shift” which places a disproportionate emphasis on the temporariness of asylum and thereby risks unsettling persons with strong protection needs and hindering their quick and supported integration into the Danish society.<sup>11</sup>

### 2.1. Quality asylum and reception system

Overall, Denmark has a well-established asylum and reception system, which guarantees the right for individuals to apply for asylum in the country and to have their asylum application processed in a fair and efficient asylum procedure.

Continuous investment in the first instance procedure performed by the Danish Immigration Service (DIS), including through quality management, can enhance the quality and timeliness of asylum decisions, which then are less likely to be overturned at second instance and may also reduce the number of appeals. UNHCR further recommends sustained support of the role performed by the Refugee Appeals Board (RAB) as the second instance. Such investments would in turn reduce the cost of reception conditions, thus saving resources and produce more efficient and fairer decisions for asylum-seekers.

UNHCR stands ready to continue to provide support to the DIS and RAB in their work on quality assurance and fulfilling Denmark’s international obligations.

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<sup>3</sup> UNHCR, Observations by the UNHCR Regional Representation for Northern Europe on the proposed amendments to the Danish Aliens Act: Lov om ændring af udlændingeloven (Midlertidig beskyttelsesstatus for visse udlændinge samt afvisning af realitetsbehandling af asylansøgninger, når ansøgeren har opnået beskyttelse i et andet EU-land mv.), November 2014 <https://www.refworld.org/docid/5813224b7.html> (UNHCR Observations, November 2014).

<sup>4</sup> UNHCR Observations on the proposed amendments to the Danish Aliens legislation, L 87, 6 January 2016, <https://www.refworld.org/docid/5694ed3a4.html> (UNHCR Observations on L87, January 2016), paras. 41-52.

<sup>5</sup> UNHCR Observations on L 87; UNHCR Observations, November 2014.

<sup>6</sup> UNHCR Observations on the proposed amendments to the Danish Social Security legislation, 12 January 2016 <https://www.refworld.org/docid/5694ec964.html>; UNHCR Observations on the proposed amendments to the Danish Social Security legislation (reduction of social welfare and change of bonus for language level test), 15 November 2017 <https://www.refworld.org/pdfid/5a0e95245.pdf>.

<sup>7</sup> UNHCR Observations on L 87, January 2016.

<sup>8</sup> UNHCR Observations on L 87, January 2016.

<sup>9</sup> UNHCR Press release <https://www.unhcr.org/neu/dk/24533-unhcr-flygtninge-bor-have-sikkerhed-for-at-de-ikke-sendes-hjem-til-usikker-situation.html>.

<sup>10</sup> UNHCR Press release <https://www.unhcr.org/neu/dk/21513-unhcr-beklager-danmarks-beslutning-om-ikke-at-genstarte-modtagelsen-af-kvoteflygtninge.html>.

<sup>11</sup> UNHCR Observations on the Proposed Amendments to the Danish Aliens Legislation (Sags Nr. 2018-20616, Akt Nr. 598518), 18 January 2019 <https://www.refworld.org/docid/5c6bccf16.html> (UNHCR Observations, January 2019)

UNHCR recommends Denmark to uphold the quality and efficiency of the Danish asylum procedure including by ensuring continued commitment to quality decision-making and safeguarding the resources of the Danish Integration Service and the Refugee Appeals Board.

## 2.2. Regular review of protection status and use of cessation

UNHCR has long advocated that refugees and beneficiaries of subsidiary protection are entitled to a secure and stable protection status, which should not be subject to regular review. Frequent periodic reviews of the protection need often undermine refugees' sense of security and hinders their integration. That is not to say that once protection has been accorded it can never cease. The refugee protection system – as set out in the 1951 Convention – was designed with that in mind, but an important feature is that refugees should be able to rely on that protection unless significant changes take place in the country they fled from which would bring to end the risk to their lives. It was never the intention that refugees were to be subjected to constant reassessments once their protection needs first had been established. From that moment focus should be on providing refugees with a set of rights and support in order to restart their lives, enable them to provide for themselves and their families and contribute to the society that hosts them.

As earlier expressed in observations on the related law proposal,<sup>12</sup> UNHCR is concerned about the introduction in early 2019 of a regular mandatory review applicable to all persons in need of international protection when their residence permits expire. As their status may be reviewed not only as a result of new country of origin information, but on any occasion when their residence permit has to be renewed, beneficiaries of international protection are left in uncertainty, also as the permits are of a short duration. UNHCR further observes that regular, mandatory status reviews may not only be detrimental for the individual, but also create an unnecessary burden on the asylum authorities and increased costs for the State. In many cases, it is unlikely that protection status will end, as the protection needs are not typically of a short duration. Many situations of forced displacement worldwide are regrettably of a protracted nature and go on for many years, even decades.

UNHCR is furthermore very concerned about the introduced lowered threshold for withdrawing or not renewing subsidiary and temporary subsidiary protection status according to Article 7:2 and 7:3 respectively of the Danish Aliens Act. These changes imply, for example, that improvements of the general conditions in the home country – which are not just of a temporary nature – can lead to a loss of protection regardless of whether the conditions – despite improvements – still are considered to be serious and the security situation remains fragile and unpredictable.<sup>13</sup> In UNHCR's view, however, the loss of protection status owing to changes in the circumstances that gave rise to the protection needs should only be considered where these changes are *fundamental* and *durable*. In UNHCR's and EU's terminology this is referred to as cessation. While 1951 Convention status and subsidiary protection status are legally distinct, the loss of subsidiary protection status should, in UNHCR's view, by analogy be guided by the same principles as those applicable to cessation under the 1951 Convention.<sup>14</sup>

<sup>12</sup> UNHCR Observations January 2019. See also, Lov om ændring af udlændingeloven, integrationsloven, repatrieringsloven og forskellige andre love, Lov 174 af 27/02/2019 (Gældende), <https://www.retsinformation.dk/Forms/R0710.aspx?id=207366> and the related law proposal as presented in January 2019: L 140 Forslag til lov om ændring af udlændingeloven, integrationsloven, repatrieringsloven og forskellige andre love <https://www.ft.dk/samling/20181/lovforslag/l140/index.htm>.

<sup>13</sup> UNHCR Observations November 2014, paras. 33-37.

<sup>14</sup> EU, Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), 20 December 2011, Articles 11, 14, 16 and 19, cf Article 1 C(5) and (6) of the 1951 Convention. See also, EU Court of Justice, Mohammed Bilali v. Bundesamt für Fremdenwesen und Asyl, C-720/17, 23 May 2019.

Cessation practices have to be used cautiously and restrictively with the necessary legal standards and procedural safeguards in place. Refugees and other beneficiaries of international protection should not be compelled to return to a still volatile situation in the country of origin.

UNHCR recommends Denmark to refrain from a regular mandatory review of the protection needs of beneficiaries of international protection and to align the standards and practice for the loss of subsidiary status (cessation) with the requirements of Article 1 C of the 1951 Convention.

### 2.3. Integration

The importance of effective integration has been underlined by most political parties in Denmark as a crucial focus area. Fostering sustainable integration at the local level through social cohesion and equal opportunities is also a key objective of the Global Compact on Refugees (GCR - see further below at 4.1.). Integration requires appropriate investments of time and resources from States, local authorities, the private sector and civil society that all have a key role to play in supporting integration, in addition to the efforts required from refugees themselves. Additionally, intensifying joint efforts and increased focus on countering growing intolerance and xenophobia against asylum-seekers and refugees is required.

UNHCR fully endorses the importance of integration policies with a holistic rights-based approach, based on which refugees gain access to education and labour markets, language training, civic orientation and social support as well as benefit from national services as a means to become self-reliant and contribute to society and their local community.

UNHCR is very concerned about the introduction of the “paradigm-shift” which changed the protection focus in Denmark from supporting integration and inclusion to a focus on primarily emphasizing the hoped-for short duration of protection and emphasis on using all instruments to effect return at the earliest opportunity.<sup>15</sup> In particular, UNHCR considers the strict requirements to be eligible for permanent residence, shortening of the period of residence permits and frequent reviews of protection needs as counter-productive to integration objectives. Insecure status is likely to harm employment prospects, and risks undermining the Government’s goal to ensure effective and non-discriminatory access for refugees to the labor market.

The Executive Committee of the High Commissioner’s Programme (ExCom)<sup>16</sup> has called on States to support refugees’ ability to attain local integration through the timely grant of a secure legal status and residency rights, and to facilitate their naturalization.<sup>17</sup> Anything else would be detrimental to refugees’ sense of security, which international protection is intended to provide. Further to this, UNHCR has noted that measures reducing the length of residence permits have a considerable impact on refugees’ attitudes and are detrimental to refugees’ security and stability.<sup>18</sup>

UNHCR recommends Denmark to facilitate integration for persons in need of international protection by,

1. Aligning the length of permits for the three protection categories;
2. Granting a secure and stable status with residence permit of a longer duration, preferably with a minimum duration of five years.

<sup>15</sup> See above at section 2 concerning paradigm shift.

<sup>16</sup> ExCom meets in Geneva annually to review and approve the agency’s programmes and budget, advise on international protection and discuss a range of other issues with UNHCR and intergovernmental and non-governmental partners. See further <https://www.unhcr.org/executive-committee.html>.

<sup>17</sup> UNHCR ExCom, Conclusion No. 104, para. (j), UNHCR, Thematic Compilation of Executive Committee Conclusions, August 2009, 4th edition <http://www.refworld.org/docid/4a7c4b882.html>.

<sup>18</sup> UNHCR, Note on the Integration of Refugees in the European Union, May 2007 <https://www.refworld.org/docid/463b24d52.html>.

## 2.4. Family reunification

UNHCR strongly believes that supported and well-managed access to family reunification enables in particular women and children to safely access protection. Effective and prompt family reunification procedures help discourage communities from having to resort to criminal smuggling networks, remove the risk of undertaking dangerous journeys, and ensure more gender equity in terms of access to protection. Family reunification is also a strong element in support of successful integration strategies and programs as well as an important factor in reducing mental health issues among refugees.

Over the last decades, many changes have been introduced in Denmark with respect to the legal framework on family reunification, gradually making it more difficult for refugees and other beneficiaries of international protection to reunite with their families.<sup>19</sup> While actions around family reunification really should be anchored in a family-centred approach with a focus on the well-being and support given to parents and their children for a fast and effective way of ensuring that reunification can take place safely, UNHCR regrettably sees that the rules around family reunification seem to have been caught up in the basket of restrictive measures and used as an element of deterrence.

In particular, UNHCR is concerned about the introduced restrictions for beneficiaries of temporary subsidiary protection, who since 2016 are subject to a mandatory three-year waiting period before they can apply for family reunification.<sup>20</sup> In UNHCR's experience, a prolonged separation can have devastating consequences on the wellbeing and integration of the refugees and their families. In recognition of this, UNHCR's ExCom has underlined that "every effort should be made to ensure the reunification of separated refugee families", and that reunification "takes place with the least possible delay."<sup>21</sup> Furthermore, UNHCR considers family reunification to be equally important for beneficiaries of subsidiary protection as it is for refugees. While the current legal framework in Europe does not oblige States to grant beneficiaries of subsidiary protection the same status or rights as those granted to refugees, UNHCR thus recommends that the same or similar rights be granted to persons holding temporary/subsidiary protection status as those recognized as 1951 Convention refugees, to avoid discrimination and ensure equal treatment.<sup>22</sup>

UNHCR is further concerned that the concept of family has been defined in a quite limited way. Even children may be denied family reunification if they are above 15 years of age. UNHCR considers that all children below the age of 18 should be presumed to be dependent on their parents and thus automatically be entitled to reunification. Children have specific rights to family reunification set out in the Convention on the Rights of the Child (CRC), which calls for positive, humane and expeditious procedures. Children and adolescents are in particular need of a stable family environment to ensure the development of their personal and social skills. Moreover, the discretionary possibility for extended family members, beyond the nuclear family, seems to be interpreted too restrictively with regard to the dependency requirement. UNHCR would strongly recommend the adoption of a more flexible definition of family in the refugee context that builds on the international and regional jurisprudence. In UNHCR's

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<sup>19</sup> UNHCR Observations on L 87; UNHCR Observations, November 2014. See also, Norwegian Organization for Asylum-Seekers (NOAS), Realizing Refugees' Right to Family Unity: The challenges to family reunification in Norway, Sweden and Denmark, December 2019 [https://www.noas.no/wpcontent/uploads/2019/11/Realizing\\_Refugees\\_Right\\_to\\_Family\\_Unity.pdf](https://www.noas.no/wpcontent/uploads/2019/11/Realizing_Refugees_Right_to_Family_Unity.pdf).

<sup>20</sup> UNHCR Observations on L 87, January 2016.

<sup>21</sup> UNHCR ExCom Conclusion, Family Reunification No. 24 (XXXII) - 1981, 21 October 1981, <https://www.refworld.org/docid/3ae68c43a4.html>, paras 1-2.

<sup>22</sup> The delay in family reunification has been tried at the Danish Supreme Court (which found no violation of Article 8 of the European Convention on Human Rights Convention) and is currently pending before the European Court of Human Rights. See further, UNHCR, Submission by the Office of the United Nations High Commissioner for Refugees in the case of M.A. v. Denmark (Application no. 6697/18) before the European Court of Human Rights, 21 January 2019 <https://www.refworld.org/docid/5c4591164.html>.

view, it is important that there is scope to grant family reunification to other close family members beyond the nuclear family where there is a social, emotional or economic dependency.

Lastly, even when the legal conditions for family reunification are met, many refugee families who seek to reunite also face numerous practical obstacles. UNHCR is concerned about the difficulties for family members in certain countries to access Danish Embassies as required by DIS for identification purposes and issuance of travel documents to Denmark. UNHCR thus recommends Denmark to reintroduce the possibility to appear before a Danish Consulate or Nordic Embassy for the issuance of travel documents. This will minimize the practical obstacles faced by many family members granted family reunification, but who find themselves in a country without a Danish Embassy.

UNHCR recommends Denmark to remove legal and practical obstacles to family reunification by:

1. Ensuring family reunification for all beneficiaries of international protection, including those covered by the new temporary subsidiary protection status under Article 7:3 of the Aliens Act, by allowing them to reunite with their family without a waiting-period;
2. Ensuring that all children between 15 and 18 are entitled to family reunification, in line with Article 1 of the Convention on the Rights of the Child;
3. Applying flexible and humane criteria for family reunification and allow other dependents beyond the nuclear family to reunite with their family members;
4. Reintroducing the possibility to appear before a Danish Consulate or Nordic Embassy for the issuance of travel documents.

## 2.5. Situation of stateless persons

Statelessness is an often-overlooked global challenge, leaving millions of people without a nationality and thus without access to basic rights and service. UNHCR thus appreciates that Denmark has demonstrated its support and commitment to the Global Campaign to end statelessness by 2024 (the #IBelong Campaign) and Denmark's contribution to the 2019 High-Level Segment on Statelessness (HLS) with an important pledge.<sup>23</sup>

The recently published UNHCR study: Mapping Statelessness in Denmark<sup>24</sup> analyses the Danish legislation and administrative practices in relation to the standards set in the UN Statelessness Conventions on identification, prevention and reduction of statelessness and protection of stateless persons. The mapping furthermore provides a comprehensive set of recommendations on how to address the existing gaps in legislation and administrative practices.

UNHCR welcomes that the Danish Nationality Act is in compliance with the 1961 Convention by, for example, permitting children born in Denmark who would be otherwise stateless to acquire Danish nationality upon application and without needing to meet the otherwise applicable requirements. UNHCR would nevertheless recommend that a more inclusive scope is adopted to ensure full implementation of Article 1 of the 1961 Convention and of Articles 3 and 7 of the CRC, to allow children who are born stateless in Denmark to acquire Danish nationality at birth automatically. If Denmark opts to continue to grant its nationality through an application procedure, stateless children who are born in Denmark and who reside in the country habitually, without having a lawful residence, should be allowed

<sup>23</sup> See further at <https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/>.

<sup>24</sup> UNHCR, Mapping Statelessness in Denmark, 10 November 2020, available at: <https://www.refworld.org/docid/5fe138154.html>.

to submit their application as soon as possible after birth in order not to be left stateless for an extended period of time.

UNHCR appreciates Denmark's pledge during the HLS to improve cooperation between relevant authorities regarding the identification of stateless persons. While there is competence within the Danish institutions to assess a person's statelessness for the purposes of registration, for example, in the context of establishing an asylum-seeker's identity, there is no dedicated statelessness determination procedure. Therefore, UNHCR recommends Denmark to strengthen the existing statelessness registration procedure under the DIS, as well as the relevant legislation concerning protection of stateless persons, with a view to establish a dedicated statelessness determination procedure to better protect beneficiaries of the 1954 Convention, including a status for those stateless persons who, due to their statelessness, are unable to return to their country of previous habitual residence.

Upon acceding to the 1954 Convention back in 1956, Denmark made several reservations to the Convention that may now have become outdated and obsolete due to subsequent developments in Danish legislation and policies. UNHCR thus recommends Denmark to consider withdrawing its reservations to the 1954 Convention.

UNHCR recommends Denmark to build on the commitment to end statelessness by:

1. [Aligning the Danish Nationality Act with the standards of the 1954 and the 1961 Conventions on Statelessness and the Convention on the Rights of Child so that children born stateless in Denmark will acquire citizenship automatically, or as soon as possible after birth, regardless whether they are legal residents;](#)
2. [Establishing a statelessness determination procedure including the granting of a formal status for those stateless persons who are unable to return to their country of previous habitual residence.](#)

### 3. Danish engagement in strengthening the EU refugee protection regime

Although Denmark does not formally participate in the Common European Asylum System (CEAS) of the EU and is not bound by the reform proposals currently being negotiated, UNHCR recognizes that Denmark has nevertheless maintained an active engagement in the broader discussions. UNHCR urges Denmark to continue to advocate for human rights, democracy and solutions as a foundation for building a coordinated European response and a unified European asylum and migration policy.

The new legislative cycle at EU level and the recent European Commission's Pact on Migration and Asylum provide new opportunities to forge common ground among Member States on evolving issues of asylum and migration, in line with the Global Compact on Refugees and the Global Compact for Migration. UNHCR considers that a comprehensive approach to address the internal and external aspects of asylum and migration policies would be the most effective, sustainable and humanitarian way of reaching an agreement among Member States on the reform of the CEAS, including on the issues of solidarity, protection-sensitive entry systems, a strong commitment to resettlement and complementary pathways as well as increased support to countries outside of the EU.

It is vital that the reform to secure key improvements to the EU asylum rules remains high on the political agenda. Cooperation on CEAS is a living, developing framework, not a static one, and UNHCR would encourage Denmark to consider its full participation in the common system and support the important process ahead, including on a predictable intra-EU solidarity mechanism, and fair and effective asylum procedure. In this respect, UNHCR notes that Denmark already applies certain asylum related legislative

acts, such as, the Dublin Regulation III, and although falling outside the CEAS, the Eurodac Regulation 2013 and the Return Directive.

Internal EU solidarity must be accompanied by continued access for people to the EU's asylum procedures. UNHCR does not support the efforts by some countries, including Denmark, to externalize their asylum processes to third, typically poor countries, or countries that are already protecting thousands of refugees. While some of the risks may be mitigated by putting in place necessary and extensive safeguards, externalization could lead to an exposure to danger and chain *refoulement*. It would also involve a shift of protection responsibilities to non-EU countries instead of contributing to increased solidarity and responsibility-sharing within the EU as well as with States outside the EU, who are currently hosting the majority of refugees. UNHCR therefore encourages Denmark to change its focus from promotion of externalization to effective access to EU territory, including finding a long-term predictable solution for disembarkation arrangements as well as ensuring timely returns for those who are not in need of international protection.

UNHCR is pleased that the EU Pact on Migration and Asylum released in September 2020 does not contain proposals on externalization. It must be possible to access European territory to have one's asylum application assessed – as it is demanded of countries globally in order to ensure compliance with the principle of non-refoulement. UNHCR welcomes the European Commission's continued support for the right to seek asylum, its rejection of pushbacks at borders and efforts to promote responsibility-sharing among its members through the recently released Pact. While still a draft proposal, the Pact is largely in line with UNHCR's recommendations<sup>25</sup> for fair, accelerated and simplified process for border procedures and refugee status determination<sup>26</sup>, for sharing relocation needs, for cooperation on disembarkations<sup>27</sup> and for an efficient system for returns.

UNHCR supports fair and efficient border procedures that adhere to international law, including EU legislation. Border procedures allow for quick identification of persons in need of international protection, persons with specific needs or heightened vulnerabilities as well as facilitate the return of persons found not to be in need of international protection.

To contribute to an effective EU protection regime, UNHCR recommends Denmark to:

1. Actively support the development of a Common European Asylum System, based on international protection standards, including access to protection in the EU and consider formal participation in the new Common European Asylum System, building on Denmark's already active engagement;
2. Support the establishment of an effective mechanism to facilitate greater intra-EU solidarity and responsibility sharing to support EU MS receiving a disproportionate number of asylum claims;
3. Continue engagement in cooperation with both countries of origin and transit to expand the global protection space for persons in need of international protection, while refraining from the promotion of externalization as this presents a threat to the global asylum system.

<sup>25</sup> UNHCR, EU Pact on Migration and Asylum: Practical considerations for fair and fast border procedures and solidarity in the European Union, August 2020 <https://www.refworld.org/docid/5f8838974.html>.

<sup>26</sup> UNHCR, Fair and Fast: UNHCR Discussion Paper on Accelerated and Simplified Procedures in the European Union, July 2019 <https://www.refworld.org/pdfid/5b589eef4.pdf>.

<sup>27</sup> UNHCR and International Organization for Migration (IOM), *Proposal for a regional cooperative arrangement ensuring predictable disembarkation and subsequent processing of persons rescued-at-sea*, June 2018 <https://www.unhcr.org/partners/eu/5b35e60f4/proposal-regional-cooperative-arrangement-ensuring-predictable-disembarkation.html>.



#### 4. Danish engagement in strengthening the global commitment for the protection of refugees

In the past decade, global forced displacement has increased in scale and complexity. UNHCR estimates that the global number of forcibly displaced had surpassed 80 million at mid-2020. This is nearly double the 2010 number of 41 million and an increase from the 2018 number of 70.8 million.<sup>28</sup>

Contrary to what is often portrayed, the majority of persons forced to flee from their homes stay in their own or flee to the immediate neighboring country, and not to Europe. Developing regions are hosting 85 per cent of the world's refugees, with the least developed countries providing asylum for one-third of the global total. Only a very small fraction of the displaced population may eventually move to the OECD countries.

While fewer people are coming to Europe, too many are still tragically losing their life at sea trying to reach safety. Pushbacks and abuses at land borders also continue, meaning many people cannot access Europe to seek protection. Meanwhile, the world's response to large-scale movements remains inadequate and underfunded leaving many refugees with a very uncertain future.

While acknowledging the global challenges of refugee protection, UNHCR is concerned by statements made in some European countries, including Denmark, that the international refugee system is broken and not functioning. These statements, while mainly fueled by frustrations about irregular migration towards and a lack of functioning responsibility-sharing arrangements within the European continent, are tearing at the fabric of the international protection system. This in turn risks setting a spiral in motion which may unsettle the entire system and its foundations in international refugee law. If the countries which today are hosting a majority of refugees would no longer feel bound by the international refugee protection system, it could lead to a situation where refugees would have to migrate further away from their region in order to find a country willing to provide protection.

With the world mobilizing to combat the spread of COVID-19, many countries are rightly adopting exceptional measures, limiting air travel and cross-border movements. However, wars and persecution have not stopped and UNHCR is concerned that measures adopted by some countries could block altogether the right to seek asylum. Refugees and the forcibly displaced face double challenges by the COVID-19 pandemic and have particular needs that should be considered as part of emergency preparedness efforts and the overall operational response.

##### 4.1. Global Compact on Refugees

The focus on strengthened burden and responsibility-sharing in the context of forced displacement enshrined in the Global Compact on Refugees (GCR) recognizes that there needs to be more complementarity between the approaches of humanitarian, development and peace-building actors to overcome the challenges of displacement, as well as to address root causes of displacement. The GCR, adopted in December 2018, although not legally binding, guides the international community as a whole in supporting refugees and countries and communities hosting large numbers through the mobilization of political will, a broadening of the base of support, and the activation of arrangements for more equitable and predictable burden- and responsibility-sharing.

The first Global Refugee Forum, convened in December 2019 to facilitate contributions towards the objectives of the GCR, indicated a strong international commitment to come together to work in the spirit of the UN's 2030 Agenda for Sustainable Development and help refugees and their hosts to live lives in dignity.

<sup>28</sup> UNHCR Mid-Year Trends 2020 <https://www.unhcr.org/statistics/unhcrstats/5fc504d44/mid-year-trends-2020.html>. UNHCR Global Trends 2019, <https://www.unhcr.org/globaltrends2019/>.

UNHCR appreciates Denmark's commitment to the GCR as well as the numerous concrete and impactful pledges made at the Global Refugee Forum in December 2019. UNHCR encourages Denmark to continue promoting and supporting the effective implementation of the GCR, including through the pledges made by Denmark and other States.<sup>29</sup>

#### 4.2. Resettlement and complementary pathways

As opportunities for voluntary repatriation and local integration of refugees in the current global landscape are increasingly limited, resettlement<sup>30</sup> becomes an even more important tool for protection and for finding solutions for some of the world's most vulnerable refugees. Intensified international efforts are critical to address the shortage of resettlement opportunities. Denmark, and other States, can demonstrate their commitment to global solidarity and responsibility-sharing with States hosting large numbers of refugees, by expanding resettlement programs and the range of legal pathways for refugees, which will also help to combat the business model of human smuggling and trafficking networks.

As part of the GCR, UNHCR, States and Partners adopted in 2019 a global three-year strategy on Resettlement and Complementary Pathways,<sup>31</sup> which calls for an increase in the number of resettlement places and countries engaged in resettlement, while promoting a whole of society approach, involvement of more actors and capacitate countries, civil society and other actors and build welcoming societies.

UNHCR has welcomed the Government's decision in 2019 to resume the Danish resettlement program which has resulted in the resettlement of a small number of refugees in need of special medical treatment. UNHCR also acknowledges the Government's decision to resettle 200 refugees, currently hosted by Rwanda, under the 2020 quota. Resettlement is an important way to manifest solidarity and responsibility-sharing with the main refugee-hosting countries, encouraging them to keep their borders open and to provide protection to those fleeing conflict and persecution.

With the in recent years historically low number of asylum-seekers in Denmark as well as Denmark's strong, well-coordinated and successful reception and integration programmes, it is UNHCR's assessment that Denmark has the capacity to receive a larger number of refugees for resettlement. Complementary pathways and community sponsorships are other ways of providing protection and enhancing integration. UNHCR thus appeals to Denmark to increase the quota in the years to come in order to respond to the growing global needs and to consider introducing of complementary pathways, including work and study visas and community-based sponsorship programs and measures to improve access to efficient family reunification procedures, as a demonstration of global solidarity and responsibility-sharing for refugee protection.

UNHCR is thankful for its long-standing partnership with Denmark on resettlement. Thousands of refugees, including many women and children, have been able to find safety and restart their lives through the Danish resettlement programme. UNHCR looks forward to further developing its cooperation with Denmark and working together to find solutions for refugees both in Europe and globally, through resettlement and in seeking other complementary pathways for refugees.

#### 4.3. Denmark's political and financial support to international refugee situations

UNHCR appreciates Denmark's role in international crisis management and its commitment to multilateralism and support for the UN. Denmark's humanitarian policy supports protection of vulnerable groups in displacement, including vulnerable girls/women, survivors of sexual and gender-based violence and persons with disabilities. Denmark also plays an important role with its support for the humanitarian-

<sup>29</sup> For further information about the Global Compact on Refugees, including pledges and contributions, see <https://globalcompactrefugees.org/index.php/>

<sup>30</sup> In Denmark, resettled refugees are referred to as "kvoteflygtninge".

<sup>31</sup> UNHCR, The Three-Year Strategy (2019-2021) on Resettlement and Complementary Pathways, June 2019 <https://www.unhcr.org/5d15db254.pdf>.

development nexus, including exploring opportunities for targeting development programs in large refugee-hosting countries to meet the needs of both host communities and refugees.

Denmark is one of UNHCR's most important donors providing a significant share of its contribution as flexible and unrestricted core funding. UNHCR appreciates Denmark's continued commitment to predictable and increased levels of flexible funding to both humanitarian and development programs benefitting host communities and refugees as well as to finding humanitarian solutions and developing new innovative approaches to end displacement.

To enhance Danish support to refugee protection around the world, UNHCR recommends Denmark to:

1. Continue to promote the Global Compact on Refugees – ensuring its effective implementation – and sustained engagement in placing protection and solutions of refugee situations at the top of the international political agenda;
2. Increase gradually the Danish resettlement quota and introduce complementary pathways, including work, study visa, community-based sponsorship programs and measures to improve access to efficient family reunification procedures, as a demonstration of responsibility-sharing and global solidarity for refugee protection;
3. Continue commitment to increased predictable financial and flexible humanitarian and development funding to support international and local organizations as well as host countries respond to refugee situations around the world.

**UNHCR Representation for the Nordic and Baltic Countries**

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