



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

Sveavägen 166, 15<sup>th</sup> fl.  
SE-11346 Stockholm

Tel.: +46 10 10 12 800  
Email: [swest@unhcr.org](mailto:swest@unhcr.org)

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**Re:** Ekstern høring vedr. udkast til lov om midlertidig opholdstilladelse til personer, der er ordrevet fra Ukraine (UIM Id: 1934961)

Dear Sir/Madam,

The United Nations High Commissioner for Refugees (“UNHCR”) Representation for the Nordic and Baltic Countries (“RNB”) is grateful to the Government of Denmark for the invitation to provide observations on the “Proposal for the temporary protection of persons, who have been displaced from Ukraine” (Lovforlag nr. 145 - Forslag til Lov om midlertidig opholdstilladelse til personer, der er fordrevet fra Ukraine) - hereafter the “Proposal”.

UNHCR welcomes that the Danish Government is joining the consensus within the European Union to extend temporary protection for all Ukrainian nationals and recognized refugees who are fleeing from the hostilities in Ukraine in order to provide them with swift access to protection, employment and public services, including education and health care. UNHCR also welcomes that the Proposal indicates that the duration of the temporary protection will be guided by the decisions taken by the Council of the European Union under the Temporary Protection Directive. It is indeed important that decisions on ending temporary protection for refugees are applied in a uniform manner and based on a shared assessment of the situation by the countries hosting the refugees.

Given the extraordinary urgency to expedite the legislative process for the consideration of this Proposal – leaving less than a day for providing observations, UNHCR is not in a position to comment on all aspects of the Proposal and will therefore limit its observations to focus on a few selected areas.

**Persons covered under the Proposal**

UNHCR welcomes that the Proposal makes clear that it applies to all Ukrainian nationals as well as to refugees granted a protection status in Ukraine (similar to the provisions in Art 7 in the Danish Alien’s law) who were residents in the country and left it after 24 February 2022.

UNHCR notes that prior to the outbreak of hostilities, Ukraine also hosted a sizeable population of stateless persons estimated at around 35.000 persons. While it would have been preferable also to extend the Proposal to cover this group of persons with special protection needs, it is understood that anyone not covered specifically by the Proposal, including third country nationals fleeing from Ukraine, are not excluded from accessing protection in Denmark, as they can apply for asylum in Denmark and have their claim considered under the existing legislation. In this regard it would be important to consider suspending the automatic application of the

Dublin provisions for applicants falling outside the Proposal as a measure of solidarity and responsibility-sharing.

UNHCR notes that the initial exodus of refugees from Ukraine largely has been composed of women and children as well as elderly persons. While it is hoped that hostilities may end in the near future paving the way for the refugees to return, it is important that the provisions in the Proposal adequately cater for the eventuality that a significant number of family members may be forced to flee from Ukraine at a later point in time. In that situation, they will need to be swiftly assisted to join their families in Denmark. In UNHCR's view the Danish authorities are best served with enlarging the criteria in the Proposal, so as to ensure that all family members can be reunited, including children over the age of 18 as well as elderly parents - even if they did not live together with the family prior to the outbreak of the hostilities and also regardless of whether the persons concerned initially should have been granted temporary protection and issued with a residence permit in another EU country. Given the size of the refugee exodus, adopting this broader criterion would be fully justified in this situation as a tangible instrument of responsibility-sharing and in the interest of supporting the integration process for all members of the family who thereby also can assist each other.

#### **The process and initial accommodation arrangements**

UNHCR appreciates that all Ukrainians and others covered by the Proposal are allowed to stay at reception centers for the duration of the accelerated eligibility procedure and take note of the facts that several centers are available to accommodate those who may be considered having special needs, e.g., LGBTI+-persons.

UNHCR hopes that the procedure for extending temporary protection under the Proposal shall be based on a simplified process which allows for rapid determination of eligibility to minimize the time spent at a reception center

Furthermore, UNHCR hopes that it will be possible to extend an adequate standard of temporary accommodation upon arrival and until proper non-temporary accommodation may be allocated or found by the persons themselves. In this regard UNHCR notes that the majority of those having fled from Ukraine are mothers with their children and elderly persons which needs to be factored into the design of the most suitable type of temporary accommodation.

#### **Effective access to housing, labor market etc.**

As UNHCR understands the Proposal, all persons to whom temporary protection is granted under the Proposal, shall be granted a two-year residence permit which allows full and unconditional access to housing, the labor market, language classes and education for children under the age of 18, as well as access to the full integration program as well as the IGU-program.

While the Proposal does open up for the possibility to reduce or postpone access to services and assistance under certain conditions, UNHCR hopes that it will not be necessary for the Government to do so. Especially as many of the refugees who have fled from Ukraine have been exposed to traumatic experiences and since their flight have lived in constant fear and anxiety for the safety and well-being of all who have been left behind, family members, friends,

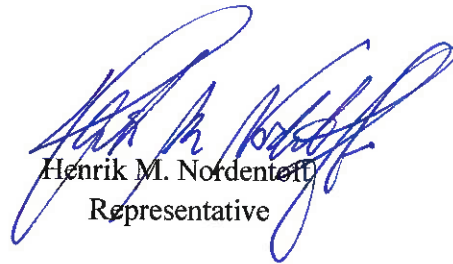
neighbours – and therefore do require significant emotional and psychological support in order to limit any long-lasting consequences, such as PTSD.

In this context, UNHCR recommends that an initial relocation to one area in Denmark may be regarded as temporary and relocation to another municipality may be granted more lenient for

Ukrainians, as other family members, close relatives or close pre-existing network might arrive at a later time – wherefore a reunification later on may be seen as beneficial for the intended integration into the Danish society.

Finally, UNHCR wish to express the hope that the Danish Government will support and participate in any solidarity mechanism, including a program of relocation from States receiving a very large number of refugees from Ukraine, which may be established should the exodus of refugees continue at the same pace as has been witnessed to date.

Yours sincerely,



Henrik M. Nordentoft  
Representative