

## DENMARK

### ARRIVALS

#### 1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years

Table 1:

Source: Danish Immigration Service

Month	2002	2003	Variation +/- (%)
January	779	404	-48.1
February	652	420	-35.6
March	673	397	-43.7
April	574	343	-40.2
May	470	381	-18.9
June	408	376	-7.8
July	382	327	-14.4
August	378	460	+21.7
September	397	422	+6.3
October	506	380	-24.9
November	422	355	-15.9
December	427	328	-23.2
<b>TOTAL</b>	<b>6,068</b>	<b>4,593</b>	<b>-24.3</b>

As indicated, the figure for those applying for asylum (excluding quota refugees) continued to decrease in 2003 and is now down to a third of the level of 2001. The considerable decrease in the number of applicants in 2003 is partly due to the political changes that have taken place in some of the traditional refugee-producing countries, especially Iraq and Afghanistan. At the same time it is likely that the reputation of Denmark as a country with a very restrictive Aliens Act has encouraged large numbers of asylum seekers to apply to other European countries. Thus, Norway, Sweden and Switzerland have received large numbers of asylum seekers in 2003, while Denmark has experienced a decline in numbers.

#### 2. Breakdown according to the country of origin/nationality, with percentage variation

Table 2:

Source: Danish Immigration Service

Country	2002	2003	Variation +/- (%)
Serbia and Montenegro	1,030	750	-27.2
Afghanistan	1,186	664	-44.0
Iraq	1,045	442	-57.7
Somalia	391	370	-5.4
Russian Federation	198	269	+35.9
Bosnia-Herzegovina	186	231	+24.2
Iran	178	158	-20.0
Stateless Palestinians	167	153	-8.4
<i>Others</i>	<i>1,687</i>	<i>1,556</i>	<i>-7.8</i>
<b>TOTAL</b>	<b>6,068</b>	<b>4,593</b>	<b>-24.3</b>

The statistics above include all asylum applications lodged in Denmark including ‘safe third country’ and ‘Dublin returns’ as well as disappearances and withdrawals etc. during the preliminary asylum procedure. In 2003, the largest groups of asylum seekers came from Serbia and Montenegro, Afghanistan, Iraq and Somalia. The decrease in the number of asylum applications in 2003 concerns almost all nationalities, except Bosnia-Herzegovina and the Russian Federation.

### 3. Persons arriving under family reunification procedure

Table 3: Positive decisions on family reunification procedure

Source: Danish Immigration Service

Category	2002	2003
Spouse and cohabitants	4,880	2,538
<i>of refugees in Denmark</i>	1,213	1,220
Minors	3,052	2,170
<i>of refugees in Denmark</i>	1,759	1,220
Parents over the age of 60	219	83
<i>of refugees in Denmark</i>	50	19
<b>TOTAL</b>	<b>8,151</b>	<b>4,791</b>

The total number of persons applying for family reunification in Denmark continued to decrease in 2003 from 11,250 in 2002 to 6,520 in 2003. Furthermore, the number of persons granted family reunification was almost halved from 2002 to 2003. The decrease in the number of persons allowed to come to Denmark on family reunification grounds was a direct outcome of the restrictions on family reunification that were introduced by Law No. 367 of 6 June 2002. These included the requirement that both spouses be over 24 and have stronger ties/attachment to Denmark than any other country.

### 4. Refugees arriving as part of a resettlement programme

Denmark has agreed with the United Nations High Commissioner for Refugees (UNHCR) to ‘lift out’ 500 refugees for resettlement annually.

### 5. Unaccompanied minor asylum seekers

159 (2002: 137)

Table 4:

Source: Danish Immigration Service

Country of origin	2002
Afghanistan	42
Somalia	24
Serbia and Montenegro	15
Iran	7
Iraq	7
Nigeria	5
Romania	5
China	4
Russian Federation	4
Stateless Palestinians	4
Burundi	3
Guinea	3
Algeria	2
<i>Others</i>	34
<b>TOTAL</b>	<b>159</b>

In Denmark, an unaccompanied minor is defined as a person under 18 years of age who enters the country either without parents or without persons who are responsible for them, for example siblings or grandparents. Also children who enter the country accompanied, but who are later abandoned, are treated as unaccompanied.

The number of unaccompanied minors has increased from 137 in 2002 to 159 in 2003. However, the number is quite small compared to 2001, where 239 lodged asylum claims in Denmark. 81% of the minors in 2003 were males and 82 % between the ages of 15 and 17.

All children can seek asylum in Denmark. The Danish Aliens Act does not contain special provisions for children. This means that in principle an unaccompanied minor must meet the same requirements and go through the same procedures as an adult asylum seeker. However, children are considered a particularly vulnerable group. This means two things: firstly, only children over the age of 12 are required to go through an actual asylum procedure and only after a concrete assessment of their personal and mental capacity (maturity). Minors of 15 years of age or above are always required to go through the normal procedure. Unaccompanied minors under the age of 12, or children not assessed to be mature enough, are not taken through the asylum procedure and, thus, are not asked to account for their claim in an interview. Instead, they are granted a special residence permit with reference to their being unaccompanied and minor. Secondly, every unaccompanied child registered as an asylum seeker in Denmark after 1 April 2003 will be assisted by a personally appointed representative, whose task it is to protect and uphold the rights and interests of the child. The representative will render support to the child during the examination of the asylum application; for example, by accompanying the child during the asylum interview. The representative will also support the child on a personal level. Once the Danish Immigration Service has established that the applicant is an unaccompanied, underage individual, the Danish Immigration Service will ask the Danish Red Cross to recommend a representative to the local county authority ('*statsamt*'), which will formally appoint the representative. The representative will not be affiliated with the immigration authorities and can, for example, be a relative or some other private citizen. If a child's asylum case is decided upon in the framework of the manifestly unfounded procedure, the Danish Immigration Service will appoint a barrister to accompany and represent the child.

If a child's application is examined and the Immigration Service rejects the application the unaccompanied minor will in most cases be granted a special residence permit, as stated above, on grounds that the minor is unaccompanied and the parents cannot be located. This would apply, in particular, if the child would face severe difficulties surviving in his/her or her country of origin due to the lack of an adequate support network in the form of family, other adults, public assistance, etc. Information on the child's health and need for particular care or support will also be taken into consideration. Finally, the general situation in the child's country of origin, for example conditions of war, will be taken into account.

## RECOGNITION RATES

### 6. The statuses accorded at first instance and appeal stages as an absolute number and as a percentage of total decisions

Table 5:

Source: Danish Immigration Service

Statuses	2002				2003			
	First instance		Appeal		First instance		Appeal	
	Number	%	Number	%	Number	%	Number	%
No status awarded	6,428	71.8	2,678	86.1	2,683	77.7	2,571	82.2
Convention status	1,134	12.6	133	4.3	500	14.5	224	7.2
Other statuses (B-	1,389	15.6	300	9.6	270	7.8	332	10.6

status and de facto-status)								
<b>TOTAL</b>	<b>8,951</b>	<b>100</b>	<b>3,111</b>	<b>100</b>	<b>3,453</b>	<b>100</b>	<b>3,127</b>	<b>100</b>

The B-status, also known as the protection status is to replace the de facto-status. This new status applies exclusively to asylum applications lodged after 1 July 2002. De facto-status may still be granted to applicants who lodged prior to 1 July 2002, irrespective of when their applications are examined by the Refugee Board.

### 7. Refugee recognition rates (1951 Geneva Convention) according to country of origin, at first instance and appeal stages

Table 6:

Source: Danish Immigration Service

Country of origin	2002				2003			
	First instance		Appeal		First instance		Appeal	
	Number	%	Number	%	Number	%	Number	%
Afghanistan	768	8.6	34	1.1	367	10.6	211	6.7
Bosnia-Herzegovina	7	0.1	77	2.5	3	0.1	21	0.7
Iran	32	0.4	54	1.7	40	1.2	68	2.2
Iraq	592	6.6	137	4.4	54	1.6	79	0.7
Russian Federation	76	0.8	15	0.5	53	1.5	22	0.7
Serbia and Montenegro	64	0.7	31	1.0	14	0.4	34	1.1
Somalia	618	6.9	10	0.3	103	3.0	9	0.3
Stateless	35	0.4	8	0.3	21	0.6	26	0.8
Turkey	3	0	2	0.1	4	0.1	3	0.1
<i>Others</i>	<i>324</i>	<i>3.6</i>	<i>64</i>	<i>2.1</i>	<i>111</i>	<i>3.2</i>	<i>83</i>	<i>2.7</i>
<b>TOTAL</b>	<b>2,519</b>	<b>28.1</b>	<b>432</b>	<b>13.9</b>	<b>770</b>	<b>22.3</b>	<b>556</b>	<b>17.8</b>

The declining recognition rate from 2002 to 2003 is significant for countries such as Afghanistan and Iraq, in which the Immigration Service generally believes that persecution is now less likely to occur. The de facto-status was replaced by the B-status, by Law No. 367 of 6 June 2002, and applies to applications for asylum lodged after 1 July 2002. The scope of B-status is narrower than the old provision. Thus, general conditions of unrest, for example in Somalia (especially in the central and southern regions) without individual reasons for fearing persecution, are no longer sufficient reason to receive B-status in Denmark.

## RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

### 8. Persons returned on 'safe third country' grounds

6 (2002: 8)

Refusals of entry on 'safe third country grounds' generally happen at Copenhagen Airport. According to administrative practices, safe third countries (outside Dublin Convention States) include the United States of America, Canada, Australia, Japan, Switzerland, Hungary and Poland. These rejections must not be confused with the rejections taking place under the Dublin Convention.

### 9. Persons returned on 'safe country of origin' grounds

Applicants originating from 'safe countries of origin' have the right to have their asylum application examined in Denmark but their claim is automatically processed under the accelerated 'manifestly unfounded' procedure. Accordingly, they are not requested to fill in a written application form, but are interviewed orally. A decision on the claim is made within a few days.

### **10. Number of applications determined inadmissible**

Under Danish law, an application for asylum may be deemed to be inadmissible either on 'safe third country' grounds or on the basis of the Dublin Convention (Dublin II Regulation).

### **11. Number of asylum seekers denied entry to the territory**

Refusal of entry to the territory of Denmark can only be denied to an asylum seeker if it is possible to return him/her to a safe third country. See Section 8 above.

### **12. Number of asylum seekers detained, the maximum length of and grounds for detention**

During the last few years, successive amendments to the Aliens Law, including recent changes introduced in 2002, have increased authorities' powers of detention at all stages of the asylum procedure.

Under current legislation, detention can be ordered under the following circumstances:

- Upon arrival, if the police consider the detention to be necessary to enforce a potential refusal of entry (pending return to a safe third country or transfer under the Dublin Convention). In practice, detention is widely used when the applicant's identity and/or travel route have not been established.
- For reasons of expediency in cases where an asylum seeker's claim is processed under the accelerated procedure for manifestly unfounded claims.
- If the police believe that it is likely an asylum seeker will attempt to evade a future extradition by absconding.
- Where asylum seekers have committed criminal offences that have resulted in an expulsion order. These individuals can be kept in detention until the end of the asylum determination procedure.
- Where asylum seekers obstruct the processing of their case, for example by failing to appear for interviews with the police or the Immigration Service, or refusing to provide information on identity, nationality or travel route.
- In cases where applicants have a violent or threatening attitude towards staff members of the accommodation centre or refuse to stay in the accommodation centre that has been allocated for them.
- Following the rejection of an asylum seeker's claim to ensure their deportation.
- Where a rejected asylum seeker refuses to cooperate with preparations for their departure from the country.

Except for those detained for criminal reasons, asylum seekers can only be detained if the police considers that alternative measures (for example deposit of the passport or other travel document with the police, stay at an address determined by the police or reporting to the police at specified times) are insufficient to ensure their presence. In practice, however, the authorities make limited use of these alternative measures.

There are no official statistics as to the number of asylum seekers detained. In practice, short term detention of asylum seekers in Denmark is widely used at all stages of the procedure, and appears to apply routinely to certain categories or nationalities of asylum seekers, including those processed under the accelerated 'manifestly unfounded' procedure and citizens from Russia and the Baltic countries.

As with the case of rejected asylum seekers who do not wish to co-operate with the Danish authorities in arranging their deportation/departure, the problem remains that there is no upper limit to the length of 'persuasive' detention set in current legislation or developed in practice. Furthermore, the judicial control exercised by the Hillerød Court (which supervises and decides on all cases regarding the detention of asylum seekers) appears to offer little more than a formal rather than a genuine individual assessment of the requirement for prolonging detention. Although there are no statistical surveys on this issue the overall impression noted was that trials at the Hillerød Court prolong detention measures almost automatically, and that there was little evaluation in court as to whether the period of detention

(for example 18 months) was proportionate to the objective for the detention (for instance to ensure an asylum seeker signs an application for a passport with the Iranian embassy).

### 13. Deportations of rejected asylum seekers

Table 7:

Source: Danish Police

Country of origin	Deportation with police officers	Deportation believed to have happened	Deportation observed by police	Voluntary deportation	Total 2003
Serbia and Montenegro	209	1,014	470	12	1,705
Iraq	3	472	224	3	702
Afghanistan	4	594	100	3	701
Bosnia-Herzegovina	75	209	262	10	556
Somalia	8	308	21	4	341
Iran	4	163	93	7	267
Russian Federation	1	88	71	2	162
Stateless Palestinians	5	106	25	9	145
Turkey	2	64	49	5	120
Macedonia	7	61	40	5	113
India	2	86	16	2	106
Bulgaria	-	16	86	2	104
Algeria	6	61	22	3	92
Armenia	1	43	27	-	71
China	-	55	13	-	68
Pakistan	7	41	15	1	64
Albania	12	29	20	1	62
Nigeria	6	42	10	2	60
Romania	-	14	26	4	44
Slovak Republic	1	3	38	-	42
Moldova	-	15	26	-	41
Azerbaijan	-	18	22	-	40
Syria	1	33	5	-	39
Lebanon	5	26	7	-	38
Libya	-	27	5	1	33
Vietnam	8	17	8	-	33
Sudan	1	24	6	1	32
Ukraine	5	13	12	-	30
Georgia	2	9	18	-	29
Morocco	3	15	8	2	28
Rwanda	3	20	3	-	26
Guinea	-	13	12	-	25
Bangladesh	-	19	5	-	24
Croatia	-	12	12	-	24
Sri Lanka	1	14	9	-	24
Cambodia	2	10	10	-	22
Czech Republic	-	-	15	6	21
Nepal	-	13	7	-	20
Poland	1	2	17	-	20
Jordan	-	17	2	-	19
Congo	1	16	1	-	18
Kazakhstan	-	2	15	-	17
Ecuador	-	10	6	-	16
Belarus	2	6	6	-	14
Burundi	-	11	2	-	13
Guatemala	-	1	12	-	13

Uzbekistan	2	6	5	-	13
Cameroon	-	11	1	-	12
Lithuania	1	3	7	1	12
Ethiopia	-	9	1	1	11
Stateless	1	7	4	-	12
<i>Others</i>	<i>16</i>	<i>101</i>	<i>69</i>	<i>5</i>	<i>187</i>
<b>TOTAL</b>	<b>408</b>	<b>3,965</b>	<b>1,966</b>	<b>92</b>	<b>6,431</b>

Please note the table above only indicates the number of rejected asylum seekers *believed* by the Danish Police to have left Denmark in 2003.

If an asylum seeker receives a final rejection the person is obliged to leave Denmark immediately. If an asylum seeker does not leave Denmark voluntarily, the police are responsible for ensuring their return by force. A series of incentives or 'motivational measures' exist to encourage the person to leave and/or co-operate in the return procedure. The measures start with the offer of a small amount of money to the rejected asylum seeker (approximately €400) if he/she commits to leaving the country voluntarily. If the person does not return voluntarily, harsher measures are incrementally introduced. For example, withdrawing allowances, moving the asylum seeker to a centre for rejected asylum seekers (Sandholm) and, ultimately, detention.

At the time of writing, the Danish police were not returning rejected asylum seekers to Iraq and Afghanistan by force due to the political and security situation in these countries. Also, it was not possible to deport stateless Palestinians to Kuwait and rejected asylum seekers to Kosovo due to political constraints. Criticism in the Danish media arose as a result of some groups of asylum seekers being subjected to 'motivational measures' despite the fact that it was actually not possible to return them, even with their consent and active co-operation and that voluntary return was not supported by international organisations such as UNHCR.

#### **14. Details of assisted return programmes, and numbers of those returned**

183 (2002: 170)

This included 42 Bosnians, 17 Somalis, 71 Iraqis, 22 Afghans and 15 Iranians.

The Voluntary Repatriation Programme for refugees (and immigrants), run by the Danish Refugee Council, continued in 2003. The programme principally included the following activities:

- advice and guidance for refugees and practical arrangements for their return journey;
- counselling services offered by Danish municipalities;
- visits to Bosnia-Herzegovina for elderly refugees to assess the possibility of return;
- a small-scale business management course for Bosnian refugees (in Bosnia and Herzegovina);
- and the organisation of a course on democracy for employees from 17 Bosnian municipalities.

In addition, a project financed by the Danish authorities focusing on the reconstruction of houses and business premises in Bosnia and Herzegovina continued in 2003.

The Act on Repatriation was amended in 2003 to encourage and make it easier for recognised refugees to return to their country of origin. One of the major changes included the option for elderly or disabled returnees to choose to receive a lifelong monthly payment over the existing monthly payment received for a five-year period (known as the 're-integration benefit'). The new benefit amounted to 80% of the existing 're-integration benefit'.

**15. Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin Convention (Dublin II Regulation)**

Table 8:

Source: Danish Immigration Service

<b>Applications</b>	<b>1997-2003 Number</b>	<b>1997-2003 %</b>	<b>2003 Number</b>	<b>2003 %</b>
Accepted to be processed/ taken back by other member state	8,633	91.5	961	90.7
Refused to be processed/ taken back by other member state	734	7.8	27	2.5
Pending cases as at 31 December 2003	72	0.8	72	6.8
<b>TOTAL</b>	<b>9,439</b>	<b>100</b>	<b>1,060</b>	<b>100</b>

When a foreign national applies for asylum in Denmark the police conduct an examination of the person's identity and travel route. This is to establish whether there is a basis for refusing entry, sending the person to a safe third country, or transferring/re-transferring the person to another EU Member State under the Dublin Convention. Most Danish requests are accepted by Germany (72%), Sweden (5%) and 23% are accepted by other EU Member States.

**SPECIFIC REFUGEE GROUPS**

**16. Developments regarding refugee groups of particular concern**

The most significant changes or developments regarding recognition practices concerned asylum seekers from Afghanistan, Iraq and Somalia.

Afghanistan

Almost all asylum applications from Afghan nationals made reference to conflicts with the Taliban regime or people affiliated with the Taliban. Given the fall of the Taliban and the rise of the Karzai government very few Afghans were recognised in 2003. It is the concern of the Danish Refugee Council that the Government has become less receptive to individual and unpredictable cases of abuse carried out by local warlords against ordinary Afghans. This trend in Danish government practice appears to be based around the fact that former Communists are able to live safely in Kabul, and ignores the reality that the current Afghan government does not exercise *de facto* control outside Kabul.

Furthermore, it should be noted that single women (women without husbands, brothers or fathers) could be granted refugee status as members of a vulnerable social group, since discrimination, harassment, abuse and oppression against women are widespread. However, this group is not being recognised on Geneva Convention grounds. Single women are invariably granted a residence permit on humanitarian grounds.

Iraq

The situation for Iraqi asylum seekers has been very similar to that of Afghan asylum seekers. The majority of Iraqi asylum seekers applied for asylum with reference to conflict with the former regime under Saddam Hussein. Although Iraqi asylum seekers may not qualify for refugee status given the fall of Saddam Hussein's regime, the Danish Refugee Council is particularly critical of the Danish government's failure to grant this group some form of temporary residence permit. Such a permit would have allowed Iraqi asylum seekers to work, receive vocational training and send their children to school while waiting for circumstances in Iraq to improve. Instead many Iraqis have been held back and are displaying signs of frustration in refugee accommodation centres.



### Somalia

There has been a shift from a high recognition rate of Somali asylum seekers under the old Section 7(2) of the Aliens Act (which provided 'de facto-status') to a high rejection rate (approximately 95-98%) under the new Section 7(2) (which introduces a 'special protection status'). The new Section 7 does not include general unrest in the country of origin as a sufficient reason for granting the new status. A specific individual reason for fearing persecution is required.

### Chechnya

Denmark receives very few applications from Chechen asylum seekers. One possible reason for this is that few Chechens have been recognised as refugees in Denmark (even public statistics record them as 'Russian citizens' rather than as a separate category). This suggests that a high-profile conflict with the Russians must be demonstrated before Chechens are considered to be at risk of persecution. Chechens that highlight 'low-profile conflict' with Russians are rejected on the grounds that there is an internal flight alternative. The Danish Refugee Council is critical of applying the concept of an internal flight alternative. It maintains that Chechens are a particularly vulnerable group that might be subjected to abuse in other parts of the Russian Federation, especially if they are forced to live there illegally.

### Kosovo

Most Albanian asylum seekers from Kosovo had their asylum applications rejected in 2003. Of particular concern were the continued attempts by the Danish authorities to deport persons with serious physical and mental illnesses, in spite of the fact that UNHCR indicated that these persons could not be returned with safety and dignity. The Danish authorities have only succeeded in returning very few persons with these illnesses.

## **LEGAL AND PROCEDURAL DEVELOPMENTS**

### **17. New legislation passed**

Amendments were passed in 2003, mainly related to the following areas:

- New procedures to motivate rejected asylum seekers to leave the country. (The motivational measures, which came into effect on 1 May 2003 included: withholding allowances; accommodation at the Sandholm Camp; reporting with the police and remanding in custody in the Sandholm Prison).
- Faster processing of applications for humanitarian residence (Under the 'old' law, an asylum seeker would be allowed to stay on in Denmark pending the assessment of his/her application for a humanitarian residence permit, provided that he or she applied within 10 days of receiving a final rejection of his/her asylum application. Now, an asylum seeker must apply for humanitarian residence following the first rejection of his/her asylum application.)
- New conditions mainly regarding allowances to asylum seekers accommodated in centres.
- New rules on family reunification to prevent forced marriages. (A new provision, a rule of presumption, states that if either your parents or grandparents were married to a cousin or close relative then your marriage to a cousin will be presumed to be a forced marriage, unless you are able to prove otherwise. Under these circumstances an application for family reunification will be turned down. Many NGOs have voiced concerns that such a provision could easily lead to (indirect) discrimination, since it would primarily affect certain, identifiable groups of the population.)
- New rules on family reunification for children over 15 years old. (In 2003 the Government significantly modified immigrant and refugee entitlement to reunification with children, stating that children over the age of 15 would only be allowed into Denmark by way of exception. The Government contended that too many children of refugees and immigrants were sent back to their country of origin until they were almost 18 years-old, as a means of ensuring they were not too influenced by the Danish way of living. The Government also wanted to address the situation, where one or both parents go to Denmark, but leave the child with grandparents or other relatives, again supposedly to keep the child away from Danish cultural influence. The draft law listed a series of exceptions, mainly concerned with a situation where both parents

reside in Denmark and the child would have nowhere else to go for his/her livelihood. Most NGOs, while in agreement that it was best for a child who was later to live as an adult in Denmark to begin life in that country, particularly vis-à-vis the child's education, skills acquirement and integration, were very concerned by the infringement of the basic right of any child to be with his/her parents, regardless of circumstances.)

**18. Changes in refugee determination procedure, appeal or deportation procedures**

See Section 17 above for new 'motivational' measures to enhance extradition and deportation of rejected asylum seekers. Apart from these measures there were no changes in the refugee determination, appeal or deportation procedures.

**19. Important case-law relating to the qualification for refugee status and other forms of protection**

See Section 16 for refugee groups of particular concern.

**20. Developments in the use of the exclusion clauses of the 1951 Geneva Convention in the context of the national security debate**

It was not clear that there was a more vigorous application of the exclusion clauses in the context of the national security debate in 2003. The authorities have been urged to pay attention to the possibility of asylum seekers being war criminals or terrorists. A prominent issue in public debate has been the inability of the Immigration Service and the Refugee Appeals Board to access 'classified information' about alleged terrorists. This means that if Danish intelligence informs the Refugee Appeals Board that a given asylum seeker cannot be granted asylum on the grounds that he is a terrorist and is thus covered by the exclusion clauses, the Refugee Board would nevertheless have to rule on the case without access to the information regarding the person's terrorist activities.

**21. Developments regarding readmission and cooperation agreements**

While the police and the Foreign Ministry are still striving to make readmission agreements with 'countries of origin' such as Armenia, the principle that Denmark will not 'pay' a country of origin for readmitting its own citizens (neither directly nor indirectly via development/aid programmes) was still upheld in 2003. There was some criticism in 2003 surrounding a governmental delegation to Afghanistan that was taken to indicate a link between the level of Danish development aid to Afghanistan and the willingness of the Afghan government to enter into readmission agreements concerning rejected Afghan asylum seekers.

**THE SOCIAL DIMENSION**

**22. Changes in the reception system**

In co-operation with the Danish Red Cross, the Immigration Service takes care of the accommodation and financial support of asylum seekers until they have either been granted asylum in Denmark or have left the country.

As of 1 March 2004, a total of 24 accommodation centres were in service around the country. This is a slight reduction due to a decrease in the number of persons seeking asylum in Denmark. The asylum centres in Sandholm and Avnstrup are reception centres for asylum seekers in their initial period of stay in Denmark. Rejected asylum seekers awaiting deportation are also gathered in Sandholm.

As of 1 July 2003, asylum seekers in Denmark over the age of 18 must attend classes and participate in activities at an asylum centre in order to receive full allowances. These duties were laid down in new rules adopted by the Danish parliament to encourage asylum seekers to make active use of their time pending the processing of their application. Apart from Danish classes and lectures on societal knowledge, most of the duties relate to the daily maintenance of the accommodation centre and the surrounding premises. If an asylum seeker does not meet the requirements, he or she will not be entitled to receive full allowances.

### **23. Changes in the social welfare policy relevant to refugees**

There were no changes in the social welfare policy relevant to refugees in 2003.

### **24. Changes in policy relating to refugee integration**

In 2003, the Danish government and parliament passed a bill on the reduction of social welfare benefit after six months for families where both spouses receive social welfare. In practice the new system, which aims to encourage people to actively seek employment, will affect more people with a migrant or refugee background. The reduction in benefit can be as much as €300.

The Government introduced an amendment to the social laws to correspond with changes to the Aliens Act discouraging families from sending children on 're-educational' stays in the country of origin (see Section 17 above for further details). The changes mean that families who have sent one or more of their children to the parents' country of origin will lose the child's benefits. The Danish Refugee Council was critical of the changes, questioning whether they would be effective in influencing families to keep their children in Denmark. Cutting off part of the social welfare available to families only happened after the child had been sent to the country of origin and would thus be unlikely to influence families, as very few would actually be aware of this legal consequence. The Danish Refugee Council was concerned that the main result of the changes would be to place further strain on disadvantaged families.

The Government passed 'the more people in jobs' reform in 2003, introducing a series of measures to educate and train people for employment: these measures were copied into the Act on Integration (which applies to newly-arrived refugees and those who have been reunified with families). The actual impact of this legislation, for example on the employment rate, is unclear at present.

Implementing the EU directives on anti-discrimination and equal treatment, the Danish government and parliament passed a new Act on Ethnic Equality. Though a positive step, the law leaves much to be desired in terms of easy access to legal redress against discrimination and differential treatment.

Finally, in 2003, the Government and parliament also passed a bill making it easier for 'well-integrated foreign nationals' to obtain a permanent residence permit in Denmark. The general rule is that foreign nationals are granted a temporary residence permit, to be extended every 12 months following an application. After seven years they are entitled to apply for a permanent residence permit. In the case of 'well-integrated foreign nationals' the seven-year rule can be shortened.

### **25. Changes in family reunion policy**

There have not been any significant changes in family reunification policies. On the contrary, the recent amendments to the Aliens Act, which make it harder for children to be reunified with their parents and for cousins to marry (see Section 17 above), is consistent with the Government's rhetoric in 2002, particularly the emphasis placed on combating forced marriages.

## **OTHER POLICY DEVELOPMENTS**

### **26. Developments in resettlement policy**

In 2003, the Government was still in the process of developing a strategy that links up domestic asylum policies with activities and programmes abroad including the region of origin.

### **27. Developments in return policy**

Concerns about speedy and efficient deportation of rejected asylum seekers remained high on the agenda (see Section 17 above for information on 'motivational' measures to enhance extradition and deportation of rejected asylum seekers).

### **28. Developments in border control measures**

There were no developments in border control measures in 2003.

### **29. Other developments in refugee policy**

The Government considered future administration of the resettlement agreement with UNHCR (according to which Denmark resettles 500 refugees annually) in light of the dramatic reduction in the number of spontaneous asylum seekers arriving in Denmark.

## **POLITICAL CONTEXT**

### **30. Government in power during 2003**

The two-party coalition of the Conservative People's Party and the 'Venstre', the largest liberal party in Denmark, remained in power in 2003. This coalition depends for its parliamentary majority on the votes of the far-right Danish People's Party.

### **31. Governmental policy vis-à-vis EU developments**

Despite the Danish government's reservation in the area of asylum and migration, it generally attaches great importance to keeping national legislation meticulously consistent with EU legislation in this field. However, in the case of legislation on family reunification, the Minister for Integration has stated clearly that Denmark will not adapt to EU rules (as per the Council Directive 2003/86/EC on the right to family reunification of 22 September 2003) since Danish legislation is and will remain stricter than EU legislation in this area.

### **32. Asylum in the national political agenda**

The Government contended that it had vastly improved and streamlined the asylum system and that the declining number of asylum seekers in Denmark was primarily the result of the clear signal that had been sent to economic migrants and others that abused the asylum system. Part of this signal was the introduction of the 'start help' or 'introductory benefit' in 2002 that refugees are entitled to during their first 7 years in Denmark, which amounts to 44-55% of normal social welfare benefit. This alongside restricted access to family reunification and political rhetoric was considered to be the likely reason for an overall decline, rather than the adoption in 2002 of the new B-status.

The Government's parliamentary supporter, the Danish People's Party, was more reluctant in its praise and repeatedly stated that more could be done to keep asylum seekers away from Denmark. Opposition parties united in agreement to abolish the 'introductory benefit' if they won the next election. They agreed that the benefit, rather than offer an incentive to refugees to seek employment more actively, obstructed integration by focusing families on making ends meet and thus preventing them from participating in a wide range of social activities.