



Information about

Revocation of Residence Permits



In February 2019, the Danish Parliament (Folketing) passed new legislation regarding foreigners and integration. The new legislation has created insecurity among refugees.

This booklet briefly explains how the new legislation affects the rights of refugees in relation to residence permits in Denmark. On the last page you can see where you can get further information and guidance.

Residence permits in Denmark

Refugees in Denmark can qualify for different types of residence permits:

Article 7, section 1 You can qualify for convention status according to the Danish Aliens Act Article 7, section 1. This residence permit can be obtained if you are individually persecuted for certain reasons described in the UN Convention on Refugees (e.g. political activities or religion).

Article 7, section 2 You can qualify for protection status according to the Danish Aliens Act Article 7, section 2, either if you have been individually persecuted (here it does not have to be due to certain reasons), or if you have fled due to civil war (and applied for asylum in Denmark before November 14th, 2014).

Article 7, section 3 You can qualify for temporary protection status according to the Danish Aliens Act Article 7, section 3. Those who have applied for asylum after November 13th, 2014, and fled due to civil war, have been granted a residence permit pursuant to Article 7, section 3.

All types of residence permits for refugees are temporary. They are given for either 2 years or 1 year at a time and can then be extended.

Extension of residence permits

In the past, refugees' temporary residence permits were extended more or less automatically. But now the authorities have a greater focus on not extending residence permits or on revoking them if the individual refugee no longer needs protection. That is, if the authorities assess that the individual refugee is no longer at risk in his or her country of origin.

Revocation or denied extension of a residence permit will always be

based on an individual assessment.

When are you at risk of having your residence permit revoked or extension of it denied?

There is a difference in how difficult it is to revoke a residence permit depending on the type of residence permit you have.

Article 7, section 1 Refugees with convention status are protected by the UN Convention on Refugees. It takes a lot in this case before the authorities can refuse to extend or revoke a residence permit. It will require fundamental, stable and lasting change in the country of origin.

Article 7, section 2 Refugees who have protection status due to individual circumstances may have their residence permit revoked or refused an extension if the situation has now changed in such a way that they are no longer at risk in their home country.

Article 7, section 3 Refugees who are granted a residence permit in Denmark on the grounds of general conditions of war and conflict (e.g., civil war) in their home country, can have their residence permit revoked or refused an extension of it if safety in the area they come from is improved.*

* It is enough that safety has improved - there does not have to be peace in the country of origin, and the situation in the country does not have to be stable (this also applies to some of those who before 2015 have received a residence permit on the grounds of Article 7, section 2)

Is the fact that you have lived and established yourself in Denmark for several years no longer taken into consideration?

With the new legislation, the Danish authorities do not have to take the refugees' connection to Denmark as much into consideration as they should in the past when assessing whether a residence permit under Article 7, section 3 or Article 7, section 2 should be extended. But the authorities still must decide each individual case in accordance with Denmark's international agreements.

This means that the following is still taken into consideration:

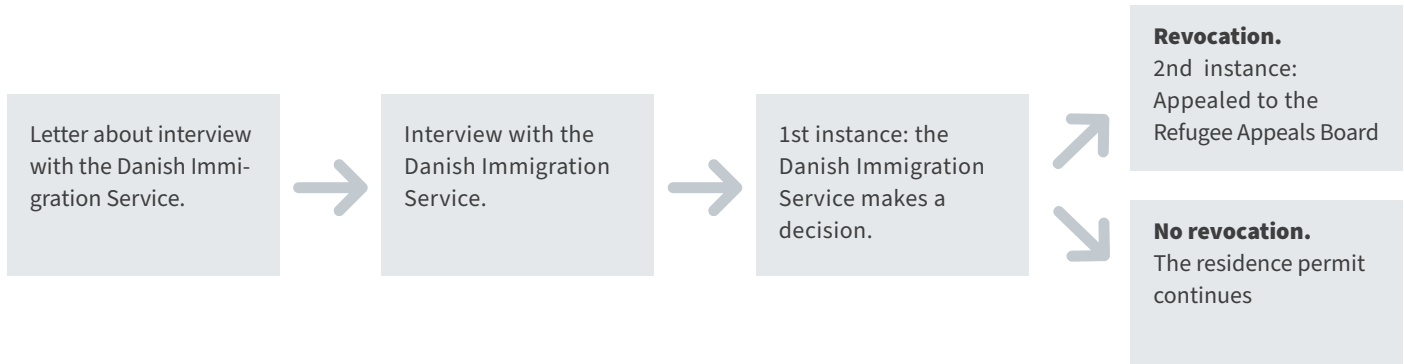
- Danish language skills
- Work
- Education
- Family
- Volunteering
- Health

These circumstances thus still have an impact on the possibility of staying in Denmark - and also have an impact on whether you can obtain a permanent residence permit at a later date.

The new legislation does not change the requirements for obtaining a permanent residence permit or citizenship in Denmark. The new legislation also does not change the rights and obligations one has in relation to integration in Denmark.

If you are summoned for an interview about an extension or revocation of your residence permit?

If the Danish authorities consider revoking or refusing to extend a residence permit, you will be summoned for an interview at the Danish Immigration Service in Centre Sandholm - you will receive a letter in your e-box.





What is important to know before the interview?

- Attend and bring the documents mentioned in the letter from the Danish Immigration Service.
- You can bring a support person to the interview – inform the Danish Immigration Service in good time.
- Fill in and send a form about connection to Denmark to the Danish Immigration Service before the interview.
- If you are prevented from attending, ask for the interview to be moved to another day.
- The interview can last a whole day.
- An interpreter will be present.
- It is a good idea to prepare for the interview – think back to what happened before you fled your home country and be ready to talk about it again.
- You can apply for access to documents in your case with the Danish Immigration Service.

What is the interview about?

At the interview, you will be asked why you fled to begin with, and if there are other and new reasons why you are worried about having to return to your country of origin.



Remember:

- You need to focus on the things that are special to your own and your family's situation.
- You need to tell if you fear that your children will have problems if they return to their country of origin.
- You need to talk about everything that may be relevant to your case, including the things that can be difficult to talk about. It can also be things that have happened after you fled.
- Do not wait to tell important information for a later interview or to the Refugee Appeals Board, as this may damage your case.
- Ask for breaks if needed.
- You should not answer questions that you do not understand. If you do not understand the question, you can ask to have the question repeated or to have it reformulated. If you have difficulties understanding the interpreter, you should say so immediately.

At the interview, you will also be asked about your connection to Denmark. Among other things, whether you speak Danish, have work or good friends and family in Denmark. You will also be asked about your health.

What happens if you are refused and lose your residence permit with the Danish Immigration Service?

You get a decision from the Danish Immigration Service in your e-box. If you as a refugee are refused an extension of your residence permit or have your residence permit revoked, the case will automatically be appealed to the Refugee Appeals Board.

At the Refugee Appeals Board, you get an attorney to help you, and it is the Danish state that pays for the attorney. It is a good idea to choose an attorney who has a lot of experience with asylum and revocation cases.

If you lose your residence permit?

If you lose your residence permit in Denmark, it is because the Refugee Appeals Board believes that you are no longer in danger in your country of origin, and that you do not have a connection to Denmark that is strong enough for you to still be allowed to stay in Denmark.

What happens then?

If you lose your residence permit in Denmark, you no longer have legal residence in the country.

This means, among other things:

- The departure deadline is 30 days, but there may be cases where you can be allowed to extend this departure deadline upon application:
 - If you have minor children who must finish school or exams.
 - If you need extra time to cancel housing, daycare etc.
 - If you plan to travel to your country of origin under the repatriation scheme.
- When the departure deadline has expired, you are no longer allowed to work in Denmark.
- You must vacate your home as you can no longer pay your rent, and possibly move to a deportation centre.



Permanent work (37 hours) with the same employer for 2 years?

If you have worked for 2 years without interruptions with the same employer, you can apply for a residence permit because you have a special connection to the labour market.

You must have worked full time, and this can be both skilled and unskilled work. The work must be on ordinary salary and employment terms with a valid contract.

Apply no later than 7 days after you have had your residence permit revoked or refused to be extended. If you apply after 7 days, it's too late!

You must apply to SIRI – which is the Danish Agency for International Recruitment and Integration. You can search online at www.nyidanmark.dk

Family member reunited with a refugee?

If you are reunited family member of a refugee who loses his or her residence permit, you will typically also have your residence permit revoked.

If it happens, you should appeal yourself as soon as possible to the Immigration Appeals Board (which is a different authority than the Refugee Appeals Board). It does not happen automatically.

When you appeal, remember to request a suspensive effect to be sure of being allowed to stay in Denmark while the appeal is being processed. This is also necessary if you later want to seek repatriation help. Be sure to write in the appeal that you are family member reunited to a refugee.

You do not get an attorney to help you in the Immigration Appeals Board.

The Immigration Appeals Board only makes a decision in the case, when the person to whom the family member has been reunited receives a decision from the Refugee Appeals Board.

Repatriation?

For many years it has been possible to get financial support if you want to return to your home country voluntarily. You can get support for the trip, help with medicine and health insurance, schooling for children and financial help to start life in your home country again.

You can receive this support if you choose to return home voluntarily, but also if you as a refugee or family member reunited with a refugee are refused an extension of or have your residence permit revoked.

Remember: 30 days to apply for repatriation

It is very important that you apply for support to return home before your departure deadline expires, if you have been refused an extension of or have had your residence permit revoked and want to apply for repatriation support. The deadline for applying is within 30 days after the final decision in the Refugee Appeals Board.

Contact DRC

Danish Refugee Council

Asylum counselling and revocation

We advise on all phases of the asylum procedure, on revocation and refusal of extension, as well as on final rejection and repatriation.

Borgergade 6, 1300 Copenhagen

Phone: 3373 5000 (weekdays 9 AM-4 PM)

E-mail: advice@drc.ngo

Repatriation

Counselling and information for refugees and migrants who are considering returning voluntarily to their country of origin or former country of residence.

More information: www.atvendehjem.dk

E-mail: atvendehjem@drc.ngo

Phone: 3373 5000

Volunteer counselling

Questions about e.g., family reunification, permanent residence, citizenship, the Integration Act and social legislation.

The counselling is staffed with lawyers, social workers and other professionals who work as volunteers.

Find more info, addresses and opening hours here: <https://drc.ngo/da/stot-nu/frivillig/aktiviteter-og-projekter/frivilligradgivningen>



DRC DANISH
REFUGEE
COUNCIL

• We are there