
FOLKETINGET



Mr. Eduardo Ferro Rodrigues,
Speaker of the Assembly of the Republic of Portugal

**Speaker of the Danish
Parliament**

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Your Excellency,

1 March 2016

Thank you for the resolution adopted by the Assembly of the Republic of Portugal on 28 January 2016 regarding the Danish Parliament's adoption of the bill implementing the Government's asylum package on 26 January 2016.

Ref. 15-001073-14

I hope Denmark's ambassador his Excellency Mr. Suhr managed to respond to the many questions you raise in your address concerning the law, when he visited the European Affairs Committee of the Assembly of the Republic on 11 February.

I enclose for your further information a fact sheet prepared by the Danish Government explaining the details in the law. I am sure the ambassador will assist in clarifying any further questions you may have concerning the law.

Please feel free to submit the information to your Committee on European Affairs and other Sectoral Committees that might be interested in this information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Pia Kjærsgaard', written over a printed name.

Pia Kjærsgaard

Description of the new bill regarding the amendments to the Danish Aliens Legislation

The bill is based on the Government's Asylum Package submitted to the Danish Folketing (Parliament) on 13 November 2015, in which the Government proposed, among other things, 15 amendments to the conditions in the field of asylum. The bill will implement the necessary legislative amendments following from the Government's Asylum Package. The bill should be seen in connection with other action taken by the Government in this field.

Postponement of access to family reunification for foreigners with temporary protection status

Under the bill, the period in which foreigners with temporary protection status do not generally have access to family reunification will be prolonged from one to three years. This means that foreigners with temporary protection will not have access to family reunification for the first three years unless Denmark's international obligations so require.

Tightening of conditions for permanent residence permit

The conditions relating to the qualifying period for obtaining a permanent residence permit will in principle be tightened to six years' legal residence for all foreigners who, in addition, are required to fulfil a number of tightened fundamental conditions, including in relation to *vandelskravet* (the requirement of good repute) (1) and requirements of Danish language skills and employment.

Furthermore, all foreigners must fulfil an additional two out of four supplementary integration-relevant conditions in order to obtain a permanent residence permit. Foreigners who fulfil the fundamental conditions and all four supplementary integration-relevant conditions may obtain a permanent residence permit already after four years of legal residence in Denmark. Under the bill, the special less restrictive access to a permanent residence permit for refugees, etc. will be discontinued.

Seizure of cash and assets

It follows from current rules that an asylum seeker, who brings sufficient means to take care of him- or herself, should not also receive support from the Immigration Service. This reflects a basic principle of the Danish welfare state according to which the state will pay for those who cannot take care of themselves, but not for those who can. This applies to asylum seekers as well as to Danes seeking unemployment benefits. The Danish Immigration Service shall ensure that asylum seekers receive the necessary support while their asylum applications are being considered. The support includes basic maintenance, health care and accommodation. The basic aim is to ensure, that those who are in need, also receive the necessary support.

The asylum seeker is obliged to inform on any means that the asylum seeker brings with him or her.

The new bill provides the Danish authorities with the power to search clothes and luggage of asylum seekers – and other migrants without a permit to stay in Denmark – with a view to finding assets which may cover the expenses mentioned above.

With the bill:

- Amounts of cash will be seized where it is a matter of amounts exceeding DKK 10,000
- Items of major financial value i.e. exceeding DKK 10,000 will be seized. Personal items, however, of special sentimental value will not be seized

Items of special sentimental value, which are exempted from seizure, may include e.g. wedding rings, engagement rings, family portraits, decorations and medals, and the like. These are items which are of special importance to an asylum seeker for personal reasons irrespective of the use and market value of the item, and which cannot normally be replaced by a newly purchased item.

Other items may be seized, provided they are of major financial value. They are e.g. watches, mobile phones and computers. With respect to these items, the bill implies that only items of a value exceeding DKK 10,000 will be seized.

Items which are excluded from seizure according to the general rules on seizure of assets from Danish citizens with public or private debt will also be excluded from seizure from asylum seekers.

Period for requirement to cover the cost of maintenance etc. is extended

The bill also implies that the period for which asylum seekers with sufficient means may be required to cover the costs of their own and their family's maintenance is extended to the date when they are offered housing in a local community or – in case their asylum application is rejected – when they leave or are deported from Denmark.

Benefits to asylum seekers is reduced

The bill implies, furthermore, that the size of the cash benefits paid to asylum seekers (basic allowance, supplementary allowance and caregiver allowance) will be reduced by 10 percent in relation to the rates that would otherwise apply to 2016.

Access to lodging outside asylum centres discontinued

In addition, the bill states discontinuation of the access of asylum seekers to obtain lodging in separate and special dwellings outside asylum centres.

Changed criteria for selection of quota refugees

Furthermore, the criteria for the selection of quota refugees is to be amended, so that it includes a subsidiary criterion with emphasis on integration potential. This corresponds to what the VK (Liberal-Conservative) Government introduced in 2005.

Withdrawal of refugees' residence permit due to travel to home country

Under the bill, the rules will, moreover, be tightened regarding the withdrawal of a refugee's residence permit due to holiday or other short-term stay in his/her home country. According to the bill, when determining whether a refugee's residence permit should be withdrawn great importance should be attached to the fact that refugees, by voluntarily travelling to their home country, have themselves given rise to an assumption that the conditions justifying the granting of their residence permits have changed in such a way that the refugees are no longer at risk of persecution.

Fees for family reunification etc.

Lastly, the bill introduces fees for submitting applications for family reunification and fees for applications for permanent residence permits submitted by refugees, etc.

Exceptions will be made where international obligations so require.

- (1) Vandelskravet (the requirement of good repute) - the term good repute is used about a person with a good reputation and known to be honest, true and forthright.