Legislative amendment on the Rules of Procedure of the Immigration Appeals Board

The Executive Order establishes the revised rules of procedure governing the organisation, mandate and jurisdiction of the Danish Immigration Appeals Board | *Udlændingenævnet*. The Order was adopted pursuant to Section 52a (10) of the Danish Aliens Act and entered into force in February 2026, repealing the previous procedural framework (Executive Order No. 1167 of 5 November 2024).

Mandate and jurisdiction
The Immigration Appeals Board is an independent, quasi-judicial administrative appeals body responsible for reviewing immigration-related decisions adopted by first-instance administrative authorities. It is distinct from the Refugee Appeals Board (*Flygtningenævnet*), which decides on asylum appeals.
The Immigration Appeals Board **examines appeals against decisions** issued by the Danish Immigration Service, the Danish Agency for International Recruitment and Integration (SIRI), the Danish Return Agency, the Police and, in certain cases, the Prison and Probation Service and the Immigration Office of the Faroe Islands, while certain categories of decisions remain excluded from appeal in accordance with statutory limitations.

The Immigration Appeals Board may:

- uphold decisions;
- overturn decisions; or
- remit cases to first-instance authorities.

The Board may also refer cases to the Danish Return Agency for departure control and enforcement monitoring where there is reason to believe an individual has not complied with departure obligations. Decisions are adopted by majority vote. Disagreed opinions may be recorded confidentially.

The amended order establishes procedures for:

- reopening cases;
- correcting procedural irregularities;
- reconsideration where parties were not properly notified; and
- renewed oral hearings where justified.

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With the amended order the jurisdiction of the Immigration Appeals Board covers a broad range of cases, including review of:

- residence permits;
- family reunification;
- visa refusals;
- expiry of residence permits;
- return decisions;
- expulsion and reporting obligations;
- EU free movement residence rights; and
- procedural decisions concerning return and departure deadlines.
- specific cases concerning appeals against decisions issued by the Danish Immigration Service pursuant to the Ukraine Special Act, in accordance with Section 28(3) of that Act as well as appeals against decisions concerning separate accommodation arrangements under Section 14 of the Special Act.

Organisation and composition of the Immigration Appeals Board

The Executive Order establishes a revised rules of procedure intended and reinforces the the Board's jurisdiction. The Board continues to be composed of a Chairperson, who under the new rules must be a High Court or Supreme Court judge, Vice-Chairpersons appointed from the judiciary, and additional members appointed from legal professionals and representatives of the Ministry of Immigration and Integration. Cases are generally decided by three-member panels, thereby ensuring a combination of judicial and administrative expertise. The amendment formalises appointment procedures and introduces clearer provisions regarding mandates, reappointment and institutional continuity. At the same time, the Chairperson is granted managerial authority, including authorisation to allocate cases, represent externally the Board as well as to issue certain procedural or inadmissibility decisions without referral to a full panel. Members are appointed for four-year terms with limited possibilities for reappointment. Appointment procedures are formalised and involve nominations from judicial authorities, the Danish Bar Association and the Ministry of Immigration and Integration.

Governance and coordination mechanisms

The amended order introduces several measures aiming at improving case management and accelerating administrative proceedings by establishing a Presidency (*Formandskab*), composed of the Chairperson and Vice-Chairpersons. The Presidency is responsible for:

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- appointment of Board members;
- election of the Chairperson;
- oversight of the Board's work; and
- publication of an annual report on activities.

The Order reforms the governance structure of the Immigration Appeals Board through the establishment of a Coordination Committee| *Koordinationsudvalg*. The Committee is assigned with establishing general case-processing guidelines, interpretation of new legislation and judgments, consistency of administrative practice, responses to legislative consultations and monitoring of case-processing times. Compared to the previous framework the amended order introduces a structured mechanism for ensuring coherence, harmonisation and operational oversight of the Board's activities. In addition, the Executive Order reinforces transparency obligations through the publication of annual reports, selected practice summaries and conclusions of the Coordination Committee meetings.

A Secretariat, supported by the Danish Return Agency, assumes a strengthened role in the preparation of cases, collection of case files and evidence, organisation of hearings and interpretation, assessment whether whether proceedings should be conducted in written or oral form (a rule, cases will be decided based on written procedures, while oral hearings will be applicable in exceptional circumstances), support with legal analysis and drafting and update of the Immigration Appeals board website including selected case summaries and practical notes. Another amendment, relates to interoperability and information-sharing obligations. Under the new executive Order the Secretariat is authorised to exchange, update and process information within EU-wide databases, including the Schengen Information System (SIS), the Visa Information System (VIS) and the Entry/Exit System (EES).

Appeal procedure and deadlines

The Order establishes new rules on deadlines for appeals which must be submitted within deadlines of eight weeks upon notification of the decision and applicable fees (DKK 1,040 in 2026), particularly in residence and au pair-related cases. Fees may be refunded fully or partially. The amended order also formalises the use of digital communication, including automated acknowledgements, as standard administrative practice. According to the amended act, the Chairperson may:

- reject late appeals;
- grant exceptions to time limits;

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- dismiss inadmissible appeals;
- decide straightforward cases without referral to a full panel;
- grant suspensive effect to appeals;
- extend departure deadlines; and
- reject reopening requests where no new grounds exist.

Source(s)

- Retsinformation: State online legal information system (5 February, 2026), Bekendtgørelse om forretningsorden for Udlændingenævnet BEK nr 248 af 05/02/2026 [Executive Order BEK No. 248 of 5 February 2026 on the Rules of Procedure of the Immigration Appeals Board], https://www.retsinformation.dk/eli/lta/2026/248

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