Denmark publishes guidance on the application of national legislation and the EU Pact on Migration and Asylum during transitional period

The guidance outlines how Danish authorities should apply and interpret elements of the EU Pact on Migration and Asylum during the transitional period from 12 June 2026 until national implementation (expected no later than 10 September 2026), taking into account Denmark's opt-outs and parallel agreements.

General framework and legal context
The EU Pact on Migration and Asylum (2024) reforms the Common European Asylum System but is not fully binding on Denmark due to its opt-out.
Denmark will apply selected instruments (including the AMMR Regulation, Eurodac Regulation, Screening Regulation, and parts of the Crisis Regulation) on an intergovernmental basis.Regulation (EU) 2024/1348 on a common procedure for international protection in the Union (Asylum Procedures Regulation) and Regulation (EU) 2024/1349 establishing a border procedure for return (Border Return Procedures Regulation) do not apply in Denmark until the necessary legislation is in place.

During the transitional period, the competent authorities shall:

- Apply existing national law, in particular the Aliens Act, as the primary legal basis;
- Interpret and apply national provisions, to the greatest extent possible, in conformity with the objectives and structure of the Pact;
- Ensure administrative continuity pending legislative implementation;
- Recognise that final interpretation and legal jurisdiction rests with independent appellate bodies.

Asylum Migration Management Regulation (AM Regulation)
With regard to asylum and migration management under the AM Regulation, Danish authorities may, from 12 June 2026, progressively align administrative practice with the Regulation where compatible with national law. The **AM Regulation replaces the Dublin Regulation** while retaining a broadly similar responsibility allocation system based on objective criteria and enhanced solidarity mechanisms. Existing Dublin-based legal references may continue to be

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

used where functionally equivalent under the new framework, particularly in relation to transfer decisions. P**rocedural deadlines for take charge and take back requests may be adjusted to reflect AM Regulation standards**, including recognition of tacit acceptance where applicable. R**esponsibility determinations will increasingly rely on Eurodac data**, particularly under Article 16 of Regulation (EU) 2024/1358, although full operational dependence on the new system is constrained by national legal limitations during the transitional phase.

The **scope of group of people** covered by the AM Regulation is broader than under the Dublin system, including, inter alia, quota beneficiaries. However, such extensions are not fully applicable in Denmark without corresponding amendments to the Aliens Act. Similarly, while the AM Regulation introduces an extended family unity criterion and a new education-based responsibility criterion, only the former may be interpreted within the limits of existing Dublin-compatible structures, whereas the latter requires further legislative clarification before application. In relation to unaccompanied minors, a divergence exists between the Dublin Regulation, which links responsibility to the State of the last application, and the AM Regulation, which links responsibility to the State of first registration. This divergence requires case-by-case assessment and, where necessary, consultation with the competent Ministry. for **unaccompanied minors** guidance provides that responsibility is linked to the first registration state.

Procedural safeguards, including appeals against transfer decisions, **will continue to benefit from automatic suspensive effect under national law,** as Articles 43 and 46 of the AM Regulation cannot be fully implemented during the transitional period. Transitional responsibility rules will depend on the timing of the application, the initiation of responsibility procedures, and the subsequent entry into force of national implementing legislation.

Duty to provide guidance, legal advice and audio recordings: The Ministry of Immigration and Integration refers that the authorities' practice in a number of areas will be able to continue as before in accordance with the AM Regulation. This applies, for example, to the duty to provide guidance, legal advice and the personal interview.

From June 12, 2026, the police will be responsible for providing the common information material to the alien pursuant to the AM Regulation. Given that Denmark has not implemented the necessary legislation by 12 June 2026, it is

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

also the assessment that the immigration authorities should subsequently, for example in connection with the initial asylum interview, guide the individual foreign national that Denmark will continue to apply the Dublin Regulation until the relevant legislation enters into force, but that the Dublin Regulation will be interpreted and applied to the greatest extent possible in accordance with the AM Regulation.

From June 12, 2026, DRC Danish Refugee Council can transition to providing legal advice and legal aid in accordance with the provisions of the AM Regulation.

When technically possible, the immigration authorities may use audio recordings in connection with the conduct of the personal interview pursuant to Article 22(7) of the AM Regulation.

Eurodac Regulation

The Eurodac framework in Denmark is currently based on Regulation (EU) No 603/2013 as implemented through the Danish Aliens Act, in particular provisions governing border control and the exchange of asylum-related information. Although the revised Eurodac system under Regulation (EU) 2024/1358 will enter into application on 12 June 2026, its full implementation in Denmark will be limited during the transitional period due to the absence of corresponding national legislative amendments.

Operational responsibility for the initial registration of asylum seekers remains with the **police**, acting on behalf of the immigration authorities under existing administrative arrangements. From 12 June 2026, the competent authorities may continue to register responsibility information in Eurodac, based on existing principles of information exchange and administrative practice.

Denmark will not be able to apply several new elements of the revised Eurodac Regulation during the transitional period. In particular, the extended categories of groups of persons subject to registration, including quota refugees, persons disembarked following search and rescue operations, and irregular migrants beyond current legal categories, cannot be recorded or transmitted. Similarly, the collection and transmission of facial images and certain additional biometric and identity data cannot be implemented without amendments to the Aliens Act.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

For **minors**, the reduced EU age threshold of six years cannot be applied, and the current threshold of 14 years remains in force. The new EU procedural safeguards linked to the revised biometric rules will not apply until national legislation is adopted.

In relation to **Eurodac searches**, Denmark will no longer be able to conduct searches concerning irregularly staying third-country nationals for asylum responsibility purposes once the revised system requires simultaneous registration and search functionality, as national law does not provide a basis for such registration during the transitional period. Existing law enforcement access procedures remain unaffected.

Screening Regulation

The guidance informs that the Danish administrative practice already largely corresponds to the objectives of Regulation (EU) 2024/1356, particularly in relation to identity and security checks at borders. However, full implementation is dependent on national legislation addressing procedural deadlines, mandatory health and vulnerability assessments, detention-related safeguards, and the establishment of an independent monitoring mechanism. During the transitional period, authorities shall continue existing procedures under national law. For unaccompanied minors, Danish law already provides a legal basis for appointing personal representatives, and this is broadly aligned with the requirements of the Screening Regulation.

The screening regulation introduces the concept of "legal fiction of non-entry". It is the opinion of the Ministry of Immigration and Integration that the English concept can be translated as "legal detention". The Ministry of Immigration and Integration is of the opinion that since the Screening Regulation does not contain specific provisions on deprivation of liberty, but instead grants the individual Member State significant discretion in terms of establishing provisions in national law to ensure that the alien remains available to the authorities, the current rules on deprivation of liberty in Danish legislation will thus be in accordance with the Screening Regulation. Measures to ensure the presence of third-country nationals during screening will continue to be governed by existing national provisions on detention and restriction of movement.

Crisis and Force Majeure Regulation

Denmark's partial participation does not allow full application of crisis derogations prior to national implementation. Derogations relating to procedural

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.
Document generated on 25-11-2026
For more information, please contact: ias@euaa.europa.eu

deadlines and responsibility transfers cannot be applied at national level. Where other Member States invoke crisis-related derogations, Denmark will continue to apply standard responsibility rules under existing national legal framework. National safeguard mechanisms under the Aliens Act, including emergency provisions relating to border control and rejection of entry in specific circumstances, remain applicable.

Institutional arrangements

The Ministry of Immigration and Integration shall be responsible for the interpretation and guidance during the transitional period, while operational implementation of registration and biometric procedures remains with the police under existing arrangements. Independent appeal bodies retain jurisdiction over the final interpretation of law and review of administrative decisions.

Source(s)

- Retsinformation: State online legal information system (15 June, 2026), Vejledning om anvendelse af national lovgivning og EU’s pagt om migration og asyl (VEJ nr 9586 af 15/06/2026) [Guidance on the application of national legislation and the EU Pact on Migration and Asylum], https://www.retsinformation.dk/eli/retsinfo/2026/9586

Date of development
15.06.2026
Country
Denmark
Thematic area(s)
Access to procedures and non-refoulement, Responsibility determination, First instance determination, Reception, Detention, Pact on Migration and Asylum
Development type
Policy

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.