

# Access to procedures and non-refoulement - Denmark | DIP EUAA

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## Overview

### Relevant EU legislation

In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty of the European Union (TEU) and to the Treaty of the Functioning of the European Union (TFEU), Denmark is not taking part in the adoption of the Asylum Procedures Directive (APD) and is not bound by it or subject to its application.

A national legal framework applies through the Aliens Consolidated Act LBK no. 1009 of 02/09/2024 | [Bekendtgørelse af udlændingeloven LBK nr 1009 af 02/09/2024](#)

### National legislation

Aliens Consolidated Act, Law no. 1009 of 02/09/2024 | [Bekendtgørelse af udlændingeloven, LBK nr 1009 af 02/09/2024](#)

Executive Order on foreigners' access to Denmark on the basis of a visa | [Bekendtgørelse om udlændinges adgang til Danmark på grundlag af visum \(14 June 2021\)](#)

## Competent authority and stakeholders

Area	Competent national authority	Assistance to competent authority (if applicable)
Screening at the external border	Danish Police   <a href="#">Politiet</a>	
Biometric data	Danish Police   <a href="#">Politiet</a>	
Making an application	<b>At the border:</b> Danish Police   <a href="#">Politiet</a> <b>On the territory:</b> Danish Police   <a href="#">Politiet</a> <b>In detention:</b> Danish Police   <a href="#">Politiet</a>	
Registering an application	Danish Police   <a href="#">Politiet</a>	
Lodging an application	Danish Police   <a href="#">Politiet</a>	
Information provision	Danish Immigration Service (DIS)   <a href="#">Udlændingestyrelsen</a> Danish Police   <a href="#">Politiet</a>	Danish Refugee Council (DRC)   <a href="#">Dansk Flygtningehjælp</a>

## **Access to the territory**

### **Official external border-crossing points**

Denmark has three types of [external border crossing points](#), land, sea and air borders. The only land border of Denmark is with Germany.

Denmark has [24 external air border-crossing points](#), in addition to 1 in the Faroe Islands and 16 in Greenland.

Denmark has [105 external sea border-crossing points](#), in addition to 11 in the Faroe Islands and 18 in Greenland.

### **Emergency measures in cases of mass arrivals**

Chapter 6a of the Aliens Act provides for handling a mass influx of refugees and migrants to Denmark.

- Section 37f – The Minister for Immigration and Integration can decide that certain provisions of the Planning Act and the Building Act do not apply to properties used for asylum accommodation or detention facilities in special cases, provided safety and fire security measures are ensured, and noise-shielding measures are implemented in noisy areas.
- Section 37g – The Minister may allow the police and the Immigration Service to use properties owned by administrative authorities for tasks related to immigration matters, in exchange for remuneration.
- Section 37h – In certain cases, the Danish Immigration Service may require a municipality to operate accommodation facilities for asylum seekers, with detailed instructions on handling the operation.
- Section 37i – Private individuals can be authorized by the police or the Danish Immigration Service to assist in carrying out official tasks related to immigration under the law.

- Section 37j – In very special cases, the police can announce a ban on transportation across Danish national borders (train, bus, ferry) to regulate the movement of people.
- Section 37k – Foreign nationals in detention must be presented to a court within 4 weeks of detention to determine the legality and duration of the detention. If the detention continues beyond the specified period, it must be reviewed by the court within 4 weeks.
- Section 37l – The minister can set a monthly limit (ceiling) on the number of residence permits granted for family reunification of foreign nationals living in Denmark, except when doing so would violate Denmark's international obligations. However, family reunification must still be granted when required by international law.

## **Protection from refoulement**

The principle of protection from *refoulement* is enshrined in Section 31 of the Danish Aliens Act.

According to Section 31 of the Danish Aliens Act:

1. *An alien may not be returned to a country in which he will be at risk of the death penalty or of being subjected to torture or inhuman or degrading treatment or punishment, or where the alien will not be protected against being re-transferred to such a country.*
2. *An alien who is subject to section 7(1) may not be returned to a country in which he will risk persecution on the grounds set out in Article 1 A of the Convention Relating to the Status of Refugees (28 July 1951), or where the alien will not be protected against being re-transferred to such a country. This does not apply if the alien must on reasonable grounds be considered a danger to national security or if, after a final judgment for a particularly dangerous crime, the alien must be considered a danger to society but see subsection (1).*

The *non-refoulement* assessment takes place **only** once for both the international protection and the return procedures, as a failed asylum decision may automatically lead to a return decision.

A decision to refuse a refugee application for a residence permit or a decision to terminate or revoke such a residence permit, must include a decision as to whether the alien may be returned from Denmark if he does not leave voluntarily.

**Interview phase:** during the interviews, there are predefined questions envisaged to evaluate the possible treatment the applicant will face if returned to their country of origin.

**Outcome of the decision:** the *non-refoulement* is specifically referenced in the decision issued by the competent authority.

Denmark will readmit an assessment of the principle of non-refoulement to the asylum authority if necessary. Also, the authority who made the final decision can reopen the case on its own initiative if there are significant new information.

#### **Protection from *refoulement* at external air borders**

Not applicable.

#### **Protection from *refoulement* at external land borders**

Not applicable.

#### **Protection from *refoulement* at external sea borders**

Not applicable.

#### **Protection from *refoulement* in case of emergency measures related to mass arrivals**

When a person does not qualify for international protection but could not be returned for *non-refoulement* reasons, a "tolerated stay" permit could be granted. This permit will be also issued in case the third country national fulfilled the conditions for international protection but also fell within the exclusion clause. In

these cases, the permit would be re-examined every 6 months to assess whether return is possible.

## **Border procedure**

Denmark is not bound by the recast Asylum Procedure Directive. According to the provisions of the Aliens Act, including section 48 a (1), it is possible by law to refuse a person, who does not meet the entry requirements and applies for asylum at the border, if the said person arrives from a safe third country.

## **Procedural aspects**

Denmark is not bound by the Asylum Procedure Directive, and as a result, there is no distinction in national law between the lodging, registering, and making of an asylum application. In Denmark, an asylum application is considered officially lodged once the Danish Police have completed the initial asylum registration process.

## **Making an application**

### **Responsible authority and place**

Any foreign national who is in Denmark, regardless of how the person entered the country, can make an application for asylum. If an individual is in need of asylum and would like to apply for a residence permit as a refugee, they must contact the police at the Danish border, at an airport, at a police station or at the Reception Center Sandholm.

### **Possibility to apply from outside the territory**

An application for asylum in Denmark cannot be filed if the person is in a country other than Denmark (including applications in person to diplomatic missions

abroad).

## **Formal requirements for making an application**

A person who wishes to apply for asylum must submit an official application in person to the police. The police conduct the initial registration of the application before referring the applicant to the Immigration Service for subsequent registration when the application for international protection is lodged.

Applications for international protection must be submitted in person and cannot be submitted by proxy.

The Aliens Act enables applicants to submit applications for international protection on behalf of themselves as well as accompanying family members, such as a spouse and children under the age of 18. The presence of family members included on the application is required when the application is submitted to the police.

## **Registering an application**

### **Responsible authority and place**

The responsibility for registering an application lies with the Police. The police perform the initial registration of an application immediately after the applicant has submitted a formal request for international protection.

Following the initial registration by the police, applicants are provided with information, assistance and directions on transportation to the Reception Centre Sandholm if the registration has taken place somewhere else. They will be provided with a ticket. If needed, the police may arrange transport, temporary accommodation and healthcare until the applicant is accommodated at the Reception Centre Sandholm.

### **Practical steps to register the application**

The procedure consists of two different steps:

- the initial registration of the application for international protection is conducted by the police;
- a subsequent registration is conducted by the Immigration Service.

The applicant will be fingerprinted and photographed by the police during the initial registration (applicants under the age of 14 are not fingerprinted). Upon completion of the initial registration with the police, the applicant is referred to the Reception Centre Sandholm.

At the Reception Centre Sandholm, the applicant will be assigned accommodation, and the Danish Immigration Service conducts the subsequent registration of the application for international protection.

### **Data collection**

According to Section 40a.1 and 2 of the Aliens Act, the Immigration Service, the Agency for International Recruitment and Integration, the Ministry of Foreign Affairs (representations) and the police record fingerprints and facial photos (biometric data) to identify applicants, undertake identity checks within foreign affairs and issue residence cards. Biometric features are captured and recorded by the police and the Danish Immigration Service during the registration of an application for international protection. Asylum seekers will have their biometric features recorded in connection with submitting their application for asylum.

According to Section 40a.3 of the Aliens Act, fingerprints and photographs are registered in a special computerised register which is maintained by the National Commissioner of the Police. The police case officers have access to the register for asylum applications. The National Commissioner of Police is the authority responsible to register and manage its data.

### **Documentation**

Denmark is not bound by the Asylum Procedure Directive, and as a result, there is no distinction in national law between the lodging, registering, and making of an asylum application. After the application is officially lodged, the applicant is issued with an asylum card as proof of seeking asylum in Denmark.

## **Lodging an application**

### **Responsible authority and place**

Denmark is not bound by the Asylum Procedure Directive, and as a result, there is no distinction in national law between the lodging, registering, and making of an asylum application. In Denmark, an asylum application is considered officially lodged once the Danish Police have completed the initial asylum registration process. .

### **Formal requirements to lodge an application for international protection**

These are no formal requirements to lodge an application.

### **Documentation**

As a part of the subsequent registration, the Danish Immigration Service provides the applicant with an asylum card as proof that the applicant is an asylum seeker in Denmark. A seven-digit number is printed on the card and serves as the applicant's personal ID number. This number is used to identify the applicant by the Danish Immigration Service and the reception centre. The asylum card must always be on hand, and the applicant must provide this card to any public or state officials with whom they need to get into contact.

### **Information provision**

Information not currently available.

## **Passport and other documents**

### **Obligation to surrender original documents**

### **Requirement to submit original documents**

Article 40(1) and (10) of the Aliens Act stipulates that applicants of international protection are required to surrender their national passport to the authorities. Pursuant to the Aliens Act, Section 40(10), documents or objects assumed to be important for the establishment of a foreigner's identity, ties with other countries or important for the application for international protection may be seized by the immigration authorities.

### **Consequence of a refusal to surrender documents**

Documents or objects can be seized by the police.

### **Return of original documents to the applicant**

The national passport can – if necessary – be deposited during the asylum procedure.

### **Other documents**

Providing original identity/travel documents is not a requirement for submitting an asylum application or to process the application by the Immigration Service. Both original documents and photocopies will be taken into consideration, along with all other merits of the case, when determining the identity of the applicant. If necessary, the Immigration Service will check the authenticity of the documents with assistance from other authorities. An applicant can submit original or photocopied documents throughout the entire application process.

### **Requirement to read digital data**

Information is currently not available.

### **Guarantees for applicants**

## Confidentiality principle

Information is currently not available.

## Information provision

Denmark has developed a comprehensive and multilingual approach to informing asylum seekers about their rights and the asylum process, even though it is not bound by the EU Asylum Procedure Directive. An application is considered lodged once the Danish Police complete the initial registration.

Information on the different steps of the asylum procedure is accessible in English and Danish through the [official web portal of the Danish Immigration Service](#). The Immigration service also operates a call centre, which addresses enquiries by applicants and provides guidance on topics related to applications. Telephone guidance is a supplement to the guidance that can be accessed on the official portal of the Danish Immigration Service.

The Danish Aliens Act requires authorities to inform applicants-especially those in detention-of their right to contact the Danish Refugee Council. Information is delivered through various formats, including a video shown during registration that explains the entire process, from police registration to appeals, the EURODAC and Dublin system, legal aid, accommodation, and medical screenings. This [video](#) is available in 20 languages and tailored to the applicants' language needs. Beyond the video, applicants receive written leaflets and participate in mandatory oral sessions and an E-Learning course at the reception centres, all of which provide opportunities to ask questions and clarify rights and obligations.

Unaccompanied minors receive specialised information, including tailored videos and guidance on age assessments and family tracing, as well as details on alternative residence permits in case of a negative asylum decision. For third-country nationals in detention, the police or legal representatives usually provide initial information about seeking asylum, while the Danish Immigration Service

responds only to specific inquiries. Once an application is accepted for processing, the applicant receives a formal notification with details about the possibility of applying for a humanitarian residence permit.

Several organisations also assist asylum seekers with the provision of information, counselling, assistance with reunification cases and support to LGBTIQ applicants in the asylum system.

Links to information provided in the national context:

**Authority/agency:** Danish Immigration Service

**Title:** Processing of an asylum case

**Type:** Website

**Hyperlink:** <https://www.nyidanmark.dk/en-GB/You-are-waiting-for-an-answer/Asylum/Proces>

**Authority/agency:** Danish Immigration Service

**Title:** Film about asylum

**Type:** Website

**Hyperlink:** <https://www.nyidanmark.dk/en-GB/Words-and-concepts/US/Asylum/Film-about-asylum/?anchor=6BF097C610824BAB8D0EF5264A7CC525&callbackItem=B88F41FCC1>

**Authority/Agency:** Danish Red Cross

**Title:** Red Cross Asylum

**Type:** Website

**Hyperlink:** <https://www.rodekors.dk/vores-arbejde/asyl>

## **Interpretation**

An interpreter is provided by the police during the initial registration.

An interpreter is provided by the Danish Immigration Service during interviews.

## **Legal assistance and representation**

An applicant has the right to legal aid throughout the whole asylum procedure, but it is not provided free of charge until the applicant receives a negative decision on their asylum application and it is appealed to the Refugee Appeals Board. General rules to access legal assistance are provided under Part 31 of the [Danish Administration of Justice Act \(extracts\)](#), Articles 323–336.