Amendment of the Repatriation Act with reference to the Aliens Act on revocation or lapse of residence permits

The Act introduces amendments focusing on the scope of lapse or revocation of residence permits under section 7 and 8 of the Aliens Act, repayment of repatriation assistance, amendment of timeframes for appeal against revocation decision and extension of grounds for immediate deportation.

Summary of the amendments

Lapse of residence permits (Aliens Act §17 and new §17b): The amended Act clarifies that a residence permit, lapses if the foreign national resides outside the designated countries (per §29a(1) of the Aliens Act which generally covers countries considered safe for return) or obtains protection elsewhere. This amendment replaces the terminology in §17(4) concerning the lapse of residence permits for refugees. The original clause allowed for a permit to lapse if the individual was "in the home country or had obtained protection in a third country." The revised terminology broadens the scope under which a permit may lapse.
The amended act introduces a mandatory assessment, in cases of revocation of residence permits under the sections 7 and 8 of the Aliens Act. Authorities must assess whether a foreigner must retain or be granted protection under international obligations when revoking a permit.
Timeframe for appeals (§53a): Appeals to the Refugee Board against decisions on lapse or revocation of residence permits must be filed within 4 weeks unless exceptional circumstances apply.

Repatriation Act – Recovery of Assistance (§9): The amended act stipulates recovery of repatriation assistance if a foreigner returns within 2 years and his/her residence permit has not lapsed or been formally terminated under §17 of the Aliens Act.

Enforcement of sentences Act (§75a): The Act expands the scope of immediate deportation by increasing the minimum custodial sentence threshold from 4 months to 1 year.

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The provisions of the amendment act shall be effective as from 15 June 2025.

The Act does not apply to the Faroe Islands or Greenland unless enacted by royal decree with necessary amendments.

Source(s)

- Retsinformation: State online legal information system (10 June, 2025), Lov om ændring af udlændingeloven, repatrieringsloven og lov om fuldbyrdelse af straf m.v. [Act amending the Aliens Act, the Repatriation Act and the Enforcement of Sentences etc. Act], https://www.retsinformation.dk/eli/lta/2025/636

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