Dublin procedure - Denmark

Overview

Content updated and validated on: 23/09/2025

Relevant EU legislation

Denmark is bound by the Dublin III Regulation and enforces its provisions directly under the national legislation Chapter 5a, Section 29 a. of the Aliens Act.

National legislation

Aliens Consolidated Act, Law no. 1009 of 02/09/2024 | Bekendtgørelse af udlændingeloven, LBK nr 1009 af 02/09/2024

Competent authorities and stakeholders

Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible):

Dublin Unit, 2nd Asylum Division – Center for Asylum, Danish Immigration Service | Dublin-enheden, 2. Asylkontor Center for Asyl, Udlændingestyrelsen

Place in the institutional framework:

Centralised. The Dublin Unit is within the 2nd Asylum Division of the Danish Immigration Service.

Competencies of the entity:

Yes	Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handling the form to be completed during registration)

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No	Organising Dublin transfers
Yes	Notifying the transfer decision
No	Accompanying/escorting applicants during a Dublin transfer
Yes	Sending and replying to take charge and take back requests to/from other Member States
No	Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)
Yes	Sending and replying to information requests to/from other Member States

Stakeholders involved in the procedure:

Handing over the common leaflet on the Dublin procedure	Danish Immigration Service | Udlændingestyrelsen
Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)	Danish Immigration Service | Udlændingestyrelsen by case officers of the 2nd and 3rd Asylum Division.
Referral of cases to the Dublin unit	Danish Immigration Service | Udlændingestyrelsen by case officers of the 2nd and 3rd Asylum Division. Dublin Unit is a part of 2nd Asylum Division. Danish Police | Politiet (non-applicants in the Dublin procedure)

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Sending and replying to a take charge or take back request	Danish Immigration Service | Udlændingestyrelsen by case officers of the 2nd and 3rd Asylum Division. Dublin Unit, Danish Immigration Service | Dublin-enheden, Udlændingestyrelsen
Sending and replying to information requests to/from another Member State	Danish Immigration Service | Udlændingestyrelsen by case officers of the 2nd and 3rd Asylum Division. Dublin Unit, Danish Immigration Service | Dublin-enheden, Udlændingestyrelsen
Notification of the transfer decision	Danish Immigration Service | Udlændingestyrelsen usually by the 2nd Asylum Division, including the Dublin Unit
Free legal assistance during the appeal of a transfer decision	When appealing a decision by the Danish Immigration Service, the applicant will be offered free legal assistance and representation by the Danish Refugee Council.
Representation of the asylum authority in an appeal against a transfer decision	Dublin Unit, Danish Immigration Service | Dublin-enheden, Udlændingestyrelsen
Organising the transfer to the responsible Member State	Danish Return Agency | Hjemrejsestyrelsen
Providing information on the transfer modalities to the applicant	Danish Return Agency | Hjemrejsestyrelsen
Accompanying/escorting applicants during a Dublin transfer when necessary	Danish Return Agency | Hjemrejsestyrelsen Danish Police | Politiet

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Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)	Danish Return Agency | Hjemrejsestyrelsen
Court/authority responsible for deciding on an appeal against a transfer decision	Danish Refugee Appeals Board | Flygtningenævnet

Provision of information on the Dublin procedure

The Danish Immigration Service is responsible for providing information about the Dublin procedure. Information about Dublin procedure is provided in multiple formats, including a video, written leaflet, and oral explanations before, during and after the initial interview.

The video which is presented to the applicant's language before the initial interview, outlines the entire asylum procedure and includes information about the Dublin Regulation. The applicant is also handed a leaflet (A) with information on the Dublin Regulation.

The Immigration Service case worker provides the asylum seeker with information about the Dublin III Regulation at the beginning of the initial interview (so called information and motive interview). During the interview, the responsible officer explains that the purpose of the interview is to determine whether Denmark or another EU member state will process the asylum claim under the Dublin Regulation. If the case will be processed in the Dublin Procedure, the applicant is informed of this at the end of the interview, and is handed a new leaflet (B) which further explains the Dublin procedure. The leaflet is translated in several languages to ensure all applicants understand the process.

When a transfer decision is made the Danish Immigration Service officer notifies the applicant orally and in person in a language that the applicant understands with the support of an interpreter who is also present. During this process, the applicant is informed about his/her legal rights, options to appeal and access to legal assistance. The representative of the Danish Immigration Service who is

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present, answers any further questions or provides clarifications about the Dublin procedure.

For specific groups such as unaccompanied minors, the Danish Immigration Service provides both general and tailored information that addresses their unique needs of the applicants within the asylum procedure including age and maturity.

The Danish Return Agency informs the applicant of practicalities of the transfer after the deadline for appeal is expired or the appeal itself is concluded.

Right to legal counselling on the Dublin procedure

When a person has been notified of the decision of transfer to another Member State pursuant to the Dublin Regulation, the person concerned has the right to appeal the transfer decision. The person concerned is entitled to free legal representation by the Danish Refugee Council (DRC) during the appeal process. DRC is authorised upon request of the applicant to act on his/her behalf when the person completes the appeal form/questionnaire. The Danish Immigration Service will then forward the case to DRC, who will schedule a meeting with a legal advisor and the applicant and prepare the appeal. The applicant can also choose representation by a lawyer in the appeal case. In such cases the applicants must pay the costs themselves.

Personal interview for determining the Member State responsible

Organisation of the interview: The Dublin procedure is part of the formal admissibility procedure. During the registration of an application for asylum, applicants are requested to appear for an initial interview with the Danish Immigration Service in order to determine the applicant's identity, claimed grounds for asylum and whether the Dublin procedure should be initiated.

Persons present during interview: Case officers of the 2nd and 3rd Asylum Divisions of the Danish Immigration Service conduct the initial interview with the applicant. A translator, speaking the language preferred by the applicant, is also present during the interview.

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Notification of the transfer decision

After the applicant's initial interview (so called information and motive interview), the Danish Immigration Service will decide if Denmark is responsible for examining the asylum application or if a request for take back or take charge will be sent to another Member State.

Typically, the applicant is informed immediately after the initial interview, if a request will be sent to another Member State. However, if further information is required about the applicant, this decision may be communicated at a later stage.

The Danish Immigration Service also assess whether an application should be processed in a designated safe country outside the EU such as the USA or Canada, particularly if the applicant previously stayed in such a country and travelled directly to Denmark from there.

In case of a transfer, the decision is issued shortly after an acceptance of transfer is received from another Member State, normally within a week or two. Applicants are as a main rule notified of the transfer decision orally by the Danish Immigration Service and in presence of an interpreter. In case the applicant has a legal representative, the decision is forwarded to the representative in writing.

Remedies

Competent authority/court	Refugee Appeals Board | Flygtningenævnet
Deadline for review/appeal	The deadline to lodge an appeal is seven days from the date the applicant is notified of the decision.
Deadline for decision on the review/appeal	There are no deadlines rooted in law, for when the Refugee Appeals Board must decide on an appeal case. However, it can be read from the remarks on the legislative draft from when the Dublin-III Regulation was incorporated into Danish Law, that it was proposed, that the Refugee Appeals Board should aim at examining the appeal cases within 10 days.

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Suspensive effect of the review/appeal	The appeal has automatic suspensive effect.

Transfer arrangements

The Danish Return Agency is in charge of the transfers, including contact with other Member States, organising the transfer, communicating the modalities of the transfer to the applicant, supervising the departure and securing that the applicant is guided to the airplane or accompanying him/her to the responsible Member State, if necessary, with the assistance of the Danish Police.

When a decision has been made regarding an applicant to be transferred or returned from Denmark, the case is referred to the Danish Return Agency. The agency then call the applicant for an interview to plan the transfer and explain the reasons behind the decision of transferral. During the interview, the person concerned will receive information about the process, including practical rules and modalities (i.e. baggage rules). After the interview a date for the departure from Denmark will be set.

The Danish Return Agency will assist with the departure by preparing travel documents and booking a ticket. The person concerned will usually receive a letter containing details about the planned journey, including the departure date, time and the location where s/he needs to appear.

The interview with the applicant is held as soon as possible after a final decision has been made about transfer to another Member State. After the interview a transfer is usually planned within two weeks to ensure a swift process.

If a person is being transferred to Denmark from another member state, a representative from the Danish Return Agency will meet the person at the airport. The person will be informed about the place of accommodation in the receiving member state, will receive instructions as to how to get there, and will be informed about any obligations that must be followed.

Denmark has no specific mechanism for identification of persons with special needs. However, during the initial interview with the Danish Immigration Service the case officer will pay attention to potential special needs and the applicant will always be asked questions regarding his/her health and personal situation. Also, the case worker at the Danish Return Agency will at the interview(s) with the

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person be observant to any special needs e.g. in matters of health, weakness, old age etc. and questions are asked as to the persons health. Moreover, with the consent of the applicant, health data with necessary supporting documents will be exchanged by the Danish authorities with the responsible member state via DubliNet prior to the transfer.

Guarantees for minors in the Dublin procedure

Assessment of the best interests of the child: There is specific legal provision or guidance on the assessment of the best interests of the child specifically for the purposes of the Dublin procedure.

In accordance with Article 6 of the Dublin III Regulation, an assessment of the best interests of the child is always undertaken prior to the transfer of an unaccompanied minor to another Member State. As part of this process, the personal representative is requested to provide an assessment on the child's best interests, which is subsequently incorporated into the Danish Immigration Service's overall assessment of the child's best interest before a decision is reached regarding a possible transfer.

Legal guardian: All unaccompanied minors will have a personal representative appointed as soon as possible after entering Denmark. The personal representative is appointed by the State Administration in cooperation with the Red Cross. There are no specific tasks listed in national legislation regarding the role of a legal guardian in supporting minors in the Dublin procedure. However, the personal representative supports and guides the unaccompanied minor through the entire asylum process, including the Dublin procedure.

The function of a personal representative in Denmark is carried out by the Danish Red Cross, which provides structured training and ongoing professional support to the representatives. This includes, participation in a series of mandatory internal courses, and each representative is assigned a mentor who provides guidance during the initial phase. Through this, the representatives are equipped to support unaccompanied minors throughout the entire asylum process, including in matters related to the Dublin procedure.

Detection of potential family reunification cases: Unaccompanied and separated children are informed of the possibility to trace family members through the Danish Immigration Service or through the Red Cross Tracing

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Program during the interview. The Danish Dublin Unit considers Article 16 of the Dublin III Regulation a binding provision. Therefore, reunification of family members including children, siblings or parents is applied whenever the criteria are fulfilled.

There are no specific rules for early detection of potential family reunification cases. However, DIS is obligated to inform unaccompanied minors about the possibility of initiating a search for missing family members based on the Danish Aliens Act Section 56 a (10).

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