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Denmark country report

Government responses to increased influx of protection seekers in 2015/16 and 2022/23

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Abstract: This country report describes asylum, immigration and integration governance and policy changes from 2015-June 2023 in Denmark. It particularly focus on developments in the periods of high influxes of protection seekers to Europe in 2015/16 and 2022/23.

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The analyses in this report have been based on three sources:

- 1) review of existing research and government reports
- 2) document analyses of relevant legislation and policy processes
- 3) interviews (conducted in August) with relevant stakeholders: The Danish Immigration Service, the Danish Agency for International Recruitment and Integration (SIRI), Local Government Denmark (LGDK) and the Danish Agency for Higher Education and Science.

Lastly, The Danish Immigration Service, the Danish Agency for International Recruitment and Integration (SIRI), Local Government Denmark and the Danish Agency for Higher Education and Science were sent an early draft of the report, with concrete remarks and questions to quality assure that relevant policy processes were included and presented.

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We also want to thank Marie Korsrud for providing us with detailed reviews through her master's thesis.

It is important to specify that the analysis include changes up until June 2023.

NIBR is responsible for any errors or omissions.

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1 Welfare regime, immigration history and political situation

Denmark classifies as a social democratic welfare type regime which is characterised by principals of universalism, social protection, and policies for reducing unemployment rates (Lauzadyte-Tutliene, Balezentis and Goculenko, 2018; Esping-Andersen, 1990).

In the post-war period, the field of immigration was poorly regulated (Jønsson & Petersen, 2010). In the early 1970s, immigrants were increasingly considered to pose a social problem, and with the increased asylum arrivals in the 1980s, immigration and integration rose to the political agenda. Until 1999, refugees in Denmark either found their own housing or received assistance from the Danish Refugee Council (DRC), a humanitarian organisation which was responsible for helping refugees find permanent housing. DRC was also responsible for the integration activities during the first 18 months after refugees were granted residence permits (Damm 2005; Hernes 2017).

As part of a major reform of integration and asylum policies, the 1999 Integration Act introduced the right and obligation for refugees to participate in a specialised introduction programme for refugees, up to three years (Hernes 2017; Borevi & Bengtsson 2015). With the implementation of the Integration Act, the responsibility for housing and the integration programme was moved from the Danish Refugee Council to the municipalities.

In a European context, Denmark has often been described as one of the most restrictive countries when it comes to immigration and integration policies (Borevi *et al.* 2017; Goodman 2010; 2012). Prior to 2015, Denmark already had among the most restrictive regulations for permanent residency, family reunification and citizenship, even though they offered several integration measures for protection holders.

Denmark is an EU-member state and part of the Schengen border cooperation and the Dublin Regulation. However, they have opted out of the Common European Asylum system.

1.1 Political situation and main policy processes in 2015/16 and 2022/23

In Denmark, immigration and integration policies has been high on the political agenda for many years, where shifting governments has resulted in shifting integration and immigration policies.

Right before the high refugee influx in 2015, the Liberal Party Venstre (V) formed a minority government with support from the right-wing Danish People's Party (DF), the Liberal Alliance (LA) and the Conservative People's Party (KF). The Government Platform from June 2015 (before the high increase in asylum seekers) announced a more restrictive turn in the immigration and integration policies. During the autumn of 2015 and early 2016, several policy processes introduced more restrictive immigration and integration policies, concerning requirements for permanent residency and citizenship, different financial benefits, family reunification, and asylum and reception policies (Hernes 2017). Many (but not all) of the restrictions were entered as larger political compromises supported by the Social Democratic Party. The government also entered a larger tripartite agreement with the main employer and

employee organisations (Skjelbostad & Hernes 2021), and a larger compromise with the municipal organisation Local Government Denmark (hereinafter LGDK)¹.

On November 1, 2022, a parliamentary election was held in Denmark. On December 15 the same year, a new majority government was formed by the Social Democratic Party, the Liberal Party Venstre (V) and the Moderates (M) (Folketinget n.d.).

¹ LGDK is the organisation for Local Government Denmark (LGDK), and the association and interest organisation of the 98 municipalities in Denmark (Local Government Denmark n.d.)

2 Statistics: Asylum flows to Denmark

Over time, there have been considerable fluctuations in both the number of asylum arrivals and the number of persons granted protection in Denmark. In addition, there is demographic variation within cohorts from different sending countries. Here we present an empirical background on these asylum flows and permits, which provide context to the governmental response to the large influxes in 2015/16 and 2022/23, respectively.

2.1 Asylum flows and permits 2012–2023

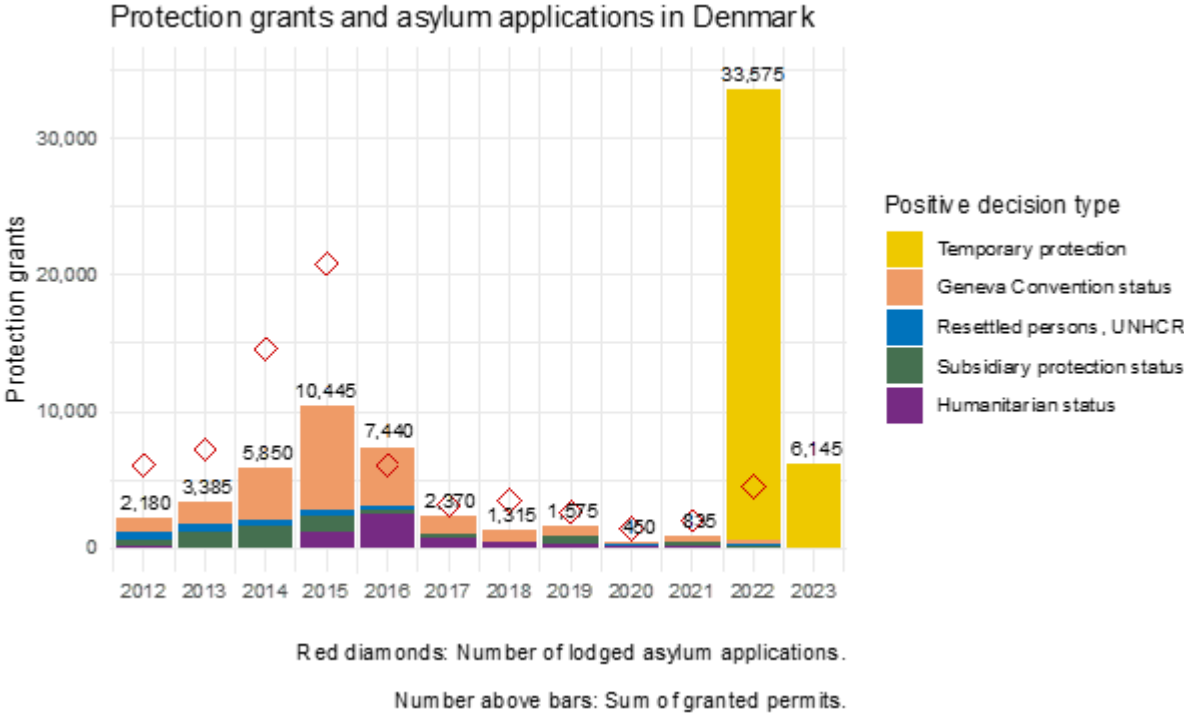
Like the other Northern European countries, the flows of refugee arrivals in Denmark are heavily impacted by the two major displacement events during 2015/16 and 2022/23 (ref. Figure 1). However, unlike Sweden and Norway, asylum arrivals in Denmark increased considerably already in 2014, to almost 15,000. Over 20,000 asylum applications were lodged in 2015, falling to some 6000 in 2016, and then dropping to a few thousand annually until the large influx of displaced persons following the full-scale war in Ukraine in 2022. Very few were granted protection after 2016, and in 2020 and 2021, less than 1000 residence permits were granted. Figure 1 displays the total number of asylum applications (red diamonds) and permits for persons granted protection 2012–2023. Usually, residence permits are granted in the year after an application is lodged. The permit types have changed over time; many Somalis were granted subsidiary protection before 2015, and most of Afghans with positive decisions during 2015–17 received these types of permits as well. The use of humanitarian status was almost exclusively granted to Syrians – however, these permits were not widely used, and almost twice as many Syrians were granted asylum under the Refugee Convention (Geneva Convention status).

Data on asylum flows

Data on asylum flows are sourced from Eurostat Asylum Statistics. These data are based on **administrative sources**, supplied to Eurostat by statistical authorities, interior ministries or related immigration agencies. The data presented in this chapter is a combination of five different datasets provided by Eurostat: decisions on and beneficiaries of temporary protection, first-time asylum applications, resettlement refugees, and first-instance decisions on asylum applications.

Source: [Information on data - Migration and asylum - Eurostat \(europa.eu\)](https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&plugin=1)

Figure 1: Persons granted protection in Denmark by type of residence permit vs. the number of lodged asylum applications (red diamonds) in the period 2012–2023.



Data: Eurostat (*migr_asydcfst*, *migr_asytpfm*, *migr_asyresa*, *migr_asyappctza*).

2.2 Situation in 2015/16

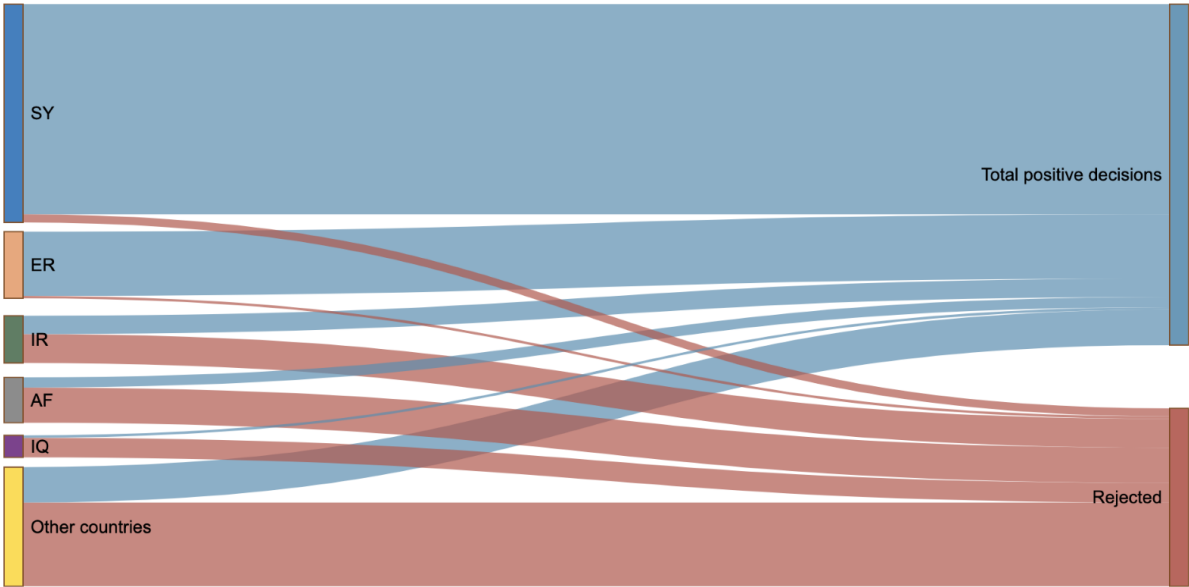
In 2015, the number of asylum seekers to the EU soared to 1.25 million, up from 560,000 the year before. Another 1.2 million arrived in 2016. In both years, half of the 1.25 million were Syrians, Afghans and Iraqis (Eurostat 2016). Asylum arrivals to Denmark (presented by red diamonds in fig. 1) doubled from ~7000 in 2013 to 14,500 in 2014, and then climbed by an additional 6000 from 2014 to 2015 (Figure 1, red diamonds). Like the other three Nordic countries, Denmark experienced a drop in arrivals from 2015 to 2016, falling by 71 %, only eclipsed by Norway, Sweden, Finland and Hungary. The flow in 2016 matched the 2013 level, at nearly 7000.

Compared to population size, Denmark received more protection seekers (3679 applicants per million inhabitants) than the EU average (2470) (ibid.). In 2015, 41 % of asylum applicants were Syrian citizens, a higher share than the EU average (29 %). The other main sending countries in 2015 were Iran (13 %) and Afghanistan (11 %).

Regarding the age and gender composition, about a third of all applicants were female, and a quarter were under the age of 18, based on all processed asylum applications in 2015–2017. While Syrians with approved and rejected asylum requests were similar – about a third were female, and a third were minors for both groups – female and minor Afghans were far more likely to be granted protection. In fact, half of the protection grants for Afghans was received by applicants under the age of 18 over this period, compared to 27 % of those who were denied asylum. This may be partly explained by the surge in arrivals of unaccompanied asylum-seeking children (UASC), which increased more than the total number of arrivals – from just above 800 in 2014, to more than 2100 in 2015 and 1100 in 2016 (Eurostat 2023).

Many of them were Afghans, about 800 in 2015. UASC arrivals fell to 460 in 2017 and has not surpassed 400 since. Another trait of the age composition is the dependency ratio, a standard indicator for the share of the population at working age (15–64 years) (see e.g. [WHO 2023](#)). Among refugees granted protection in 2015–2017, the dependency ratio, defined as the ratio between young and old divided by the working age population, was low for Eritreans (8 %) and Iranians (15 %), meaning that a very large share of them were of working age. Refugees granted protection from other dominant sending countries had a lower share of working-age refugees, due to large numbers of children under 14 years of age: Syrians (30 %), Afghans (29 %), Iraqis (47 %).

Figure 2: Relative shares of asylum seekers from the five largest sending countries to Denmark, by asylum grants (blue) and rejections (red) in the period 2015–2017.



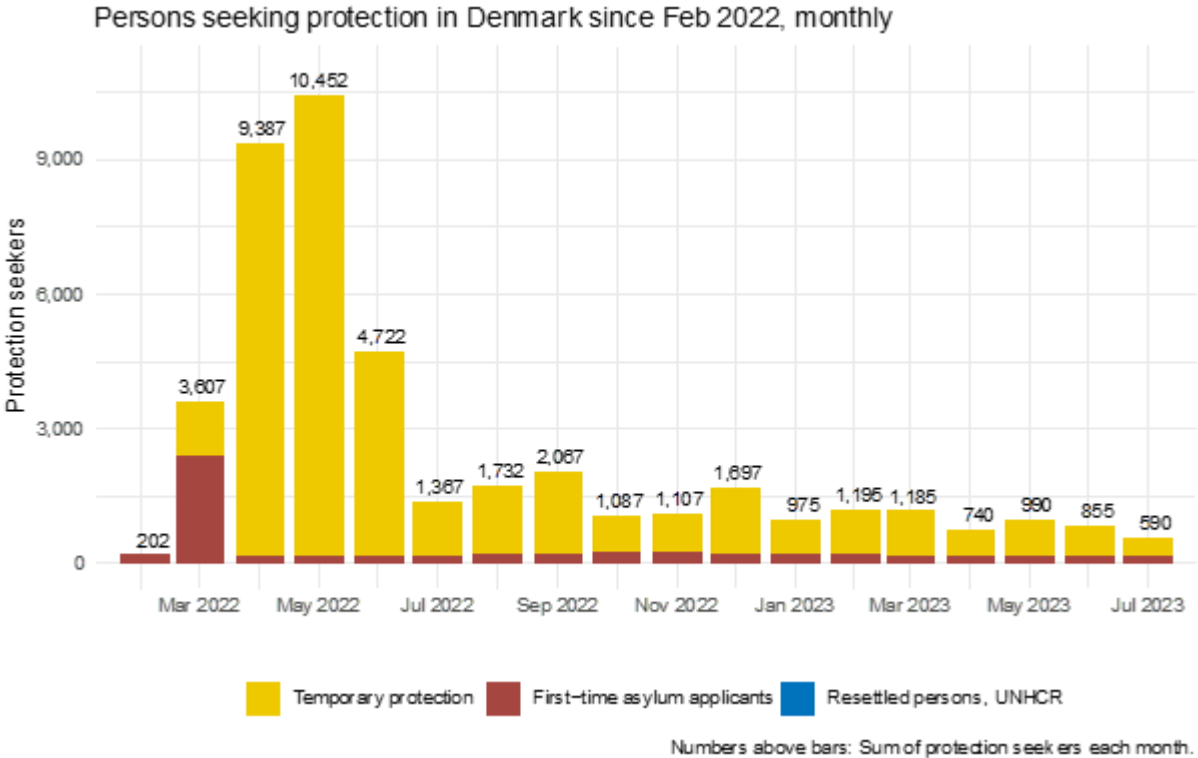
Data: Eurostat (*migr_asydcfsta, migr_asytpfm, tps00195, migr_asyappctza*).

As Figure 2 reveals, close to all asylum claims from Syrians (96 %) and Eritreans (96 %) were approved, while approval rates for the other main refugee groups were considerably lower: Iranians (39 %), Afghans (22 %) and Iraqis (11 %). The overall approval rate was 66 %.

2.3 Situation in 2022/23

In 2022, 33,500 migrants were granted protection in Denmark, of which 32,900 were Ukrainians (Figure 3). In addition to temporary protection permits to displaced persons from Ukraine, an additional ~4500 asylum seekers applied for protection in Denmark in 2022, but nearly all were Ukrainian nationals who arrived in March 2022, registered before the Special Act on temporary protection was implemented. The influx of protection seekers with other country backgrounds is negligible compared to the unmatched inflow of displaced persons following the war in Ukraine.

Figure 3: Asylum applicants, persons granted temporary protection after the invasion of Ukraine, and resettled persons in Denmark since Feb 2022.



Data: Eurostat (*migr_asyappctzm*, *migr_asytpfm*, *migr_asyresa*).

Ukrainian arrivals have stabilised below 1000 a month in 2023 (fig. 3). 34 % are minors (under 18 years of age). Among the adults who arrived since 2022, about 73 % are women, and the remaining 27 % are men. The dependency ratio of arrived Ukrainians is 49 %, meaning that half of arrivals are not of active working age. This is far higher than the largest refugee cohorts granted protection in 2015-2017, ranging from 8 % of Eritreans to 47% if Iraqis.

The Danish authorities track the number of temporary protection holders who leave the country and produce an estimate on currently residing protection holders every month. For some countries, many displaced persons from Ukraine have moved on since they first obtained a temporary residence permit. According to these stock data, which may be biased or incorrect, 37,000 displaced persons from Ukraine resided in Denmark as of August 2023, comprising 0.6 % of the Danish population (close to the EU average of 0.9 percent) ([Eurostat 2023](#)).

3 Governance and multilevel responsibilities

3.1 National responsibilities and actors

At the national level, the immigration and integration field has undergone continuous organisational changes, depending on the political parties in power. Centre-left governments have decoupled integration and immigration, placing the responsibility for immigration under the Ministry of Justice, and separating out integration responsibilities to either the Ministry of Interior (up until 2000) or the Minister for Children, Equality, Integration and Social affairs (2011-2014). Earlier right-oriented governments have traditionally merged the integration and immigration responsibilities into a separate Ministry of Immigration and Integration (from 2001-2011) (Kgl. Resolution 2011). Up until the new centre-right government took office in June 2015, the integration portfolio was placed within the Ministry of Children, Equality, Integration and Social affairs and the Ministry of Employment, while the Ministry of Justice was responsible for immigration policies.

The Danish Immigration Service (Udlændingestyrelsen) is responsible for processing asylum-applications, providing accommodation during the application phase and assigning refugees with granted permits to municipalities (Danish Immigration Service n.d.). These responsibilities have mainly remained intact after 2015. Concerning the integration field, different Danish government agencies were responsible for collecting and producing data, analysis, and knowledge exchange within the integration field. Two agencies had the responsibility for different integration analysis, the Danish Agency for Labour Market and Recruitment (STAR, who was responsible for efforts and integration to the labour market) and the Board of Appeals, while the Danish Authority of Social Services and Housing (Socialstyrelsen) was responsible for guidance, information and knowledge exchange towards regional and local authorities (Hernes & Tronstad 2014).

3.1.1 Changes after 2015

With the shift from a centre-left to a centre-right government in June 2015, the new government established a new specialised Ministry for immigration and integration. The integration portfolio was taken out of the Ministry of Children, Equality, Integration and Social Affairs and the Ministry of Employment, and the immigration portfolio from the Ministry of Justice, and the two portfolios were merged into the new Ministry of Immigration, Integration and Housing (later changed to only Ministry of Immigration and Integration in 2016) (Hernes 2020).

Additionally, the government established a specialised new agency, the Danish Agency for International Recruitment and Integration (SIRI). Different responsibilities were transferred to SIRI from both the Danish National Board of Social Services and the Danish National Board of Adoption (Ankestyrelsen). SIRI became responsible for processing applications for work and student permits, and for Danish language training and tests. SIRI also supports the municipalities' integration process, particularly the employment-oriented integration efforts through advice, courses and networks. In addition, SIRI collects and disseminates current best knowledge in the area to municipalities and other stakeholders. During the period of 2016/2017, SIRI also – together with the Danish Agency for Labour Market and Recruitment (Ministry of Employment) – collaborated with the Confederation of Danish Industry and the Confederation of Danish Employers to better manage the challenges due to the increasing number of refugees.

3.2 Coordination measures in times of high influxes

In 2022 and 2023, there were no major organisational changes as a response to the high increase of protection seekers. However, shortly after the full-scale invasion of Ukraine, several collaborative forums emerged across public organisations such as the Danish Immigration Service, the Danish Armed Forces, the Emergency Management Agency, the Confederation of Danish Industry, and employers' organisations. These collaborations were mostly present in the early stages after the full-scale invasion, however, LGDK and SIRI continued meetings regarding Ukraine about the challenges they were facing, and LGDK also had quarterly meetings with the Ministry.

The Government, partners in the labour market, LGDK and Danish Regions also entered a Partnership on Ukrainians in Work during the spring of 2022 to make it easier for displaced persons from Ukraine to find work in Denmark (Ministry of Employment 2022). The Danish government has used established crisis-management structures that come together in a time of crisis such as NOST (the National Operational Staff) which was established in 2005 (Interview LGDK; the Danish Emergency Management Agency, 2021). SIRI also used established networks and cooperations, some dating back to the refugee influx of 2015/16 where SIRI cooperated with the Confederation of Danish Industry and employers' organisations (Interview SIRI). LGDK had meeting forums with the Red Cross and the DRC the first months after the full-scale invasion. Both internal and external meetings was intensified due to the full-scale invasion of Ukraine, and to a greater extent than in 2015/16.

3.3 Divided responsibilities between different levels of government

With the Integration Act of 1999, integration policies were nationally regulated, but the municipalities became responsible for the implementation of these policies, e.g., the introduction programme and language training, adult education, and employment measures along with other related services such as elementary school and kindergartens. In Denmark, regional actors have not had a formal role in the integration process.

The Danish municipalities get different types of financial subsidies from the national government to fund the introduction programmes for protection holders. Firstly, they receive a financial grant "per capita" (for each protection holder settled in their municipality). The per capita grant is a monthly fixed sum paid over a three-year period for each person who resides in the municipality. The grant should cover additional social costs and general costs for the introduction programme. The municipalities also get a performance-based "bonus" for participants in the introduction programme who, within the introduction period of three years, have: 1) gotten ordinary employment (for at least six months), 2) started higher education or a vocational education (for at least six months), and 3) pass a Danish test. However, the state also provides grants if the protection holder has achieved one of the three above-mentioned criteria within the 4th or the 5th year of the introduction programme. Only these grants will be lower than if requirements are fulfilled within the first three years (Integration Act § 45 stk. 9). Lastly, Denmark has several reimbursement-based schemes as part of the state funding of the local introduction programmes. The Danish state reimburses 50 percent of expenses (within a maximum available amount) for language training, as well as work- and education-oriented measures. The state also reimburses 50 percent of expenses paid by the municipalities for help in the form of work tools and smaller workplace equipment (Hernes og Tronstad 2014).

3.3.1 Changes from 2015

In March 2016, the Danish government made an agreement with Local Government Denmark concerning the regulation and finance of the municipalities' responsibilities for refugee settlement and integration programmes. The agreement, followed by a legislative change, eased many of the existing requirements regulating the municipalities' obligations. For example, several detailed requirements and regulations of the municipalities' responsibilities for protection holders were eased, for example, housing standards, obligatory health checks, number of yearly conversations with participants in the introduction programme, maximum number of students in language classes, etc. Many of these changes were viewed as bureaucratic obstacles from the municipal community. The compromise also included extended funding to the municipalities in 2016-2018. The municipalities would get a 50% increase in the per capita grant in 2017 and 2018, and 50 % reimbursement for temporary accommodation. In line with the increased employment-focus in the new programmes, the performance-based grants for getting refugees employed was also significantly raised, while the language test bonus was somewhat reduced. The municipalities would also get an extra bonus for each additional refugee who had entered employment, compared to the previous year (Integration Act, 2015).

In 2022, as a response to the influx of displaced persons from Ukraine, LGDK and the Government agreed upon several initiatives to better support municipalities when receiving displaced persons from Ukraine. The agreement between the two parties stated that the government would provide the municipalities with the legal foundation needed to be able to quickly establish temporary housing for this group. Municipalities on the other end would strive to settle and take over the responsibility for displaced persons from Ukraine as soon as possible, no later than four working days after they received protection status. Municipalities were also given great flexibility regarding the Integration Act and they agreed upon following the situation closely and discussing financial aspects of the situation and the municipalities economy further in 2023 (the Government & LGDK 2022).

Municipalities were given the opportunity to report all expenses they had in 2022 related to settlement and integration of displaced persons from Ukraine. The government then compensated municipalities for their expenses based on a distribution key. However, for 2023, the government has set a limit of DKK 900 million which will be allocated to municipalities based on a distribution key.

3.4 Formal responsibilities for non-public actors

The Danish Immigration Service usually contract out the running of reception/asylum centres to the Red Cross. A few municipalities also have contracts with the Danish Immigration Service and provide reception centres for protection seekers.

In addition, while municipalities are responsible for language and civics training and tests, these services can be contracted out to private Language Centres (Sprogcentre) (De Danske Sprogcentre n.d.). About half of the Language Centres in Denmark are municipal, the other half is privatised.

The Red Cross and the Danish Refugee Council (DRC) have a strong standing in Denmark and are present in most municipalities where they perform different integration measures. In many municipalities, the organisations have a contract with the municipality stating which role and integration measures they should provide, ranging from social activities, everyday counselling, digital training, language support, to paying bills and learning how to apply for

family reunification. In some municipalities, there might not be a signed contract between the two parties, however, they can still collaborate. Both the Red Cross and the DRC receive funding from the government (Interview LGDK).

3.4.1 Changes after 2015

In 2016, the Danish government initiated two main agreements with municipalities and non-public partners. Two overarching agreements on integration were concluded: one between the government and the social partners on the employer and employee side, and one between the government and LGDK. These agreements were implemented in changes to the Integration Act, and later on the “United for better integration” initiative was established. The voluntary organisations were not part of the agreement but were invited to contribute to the effort and be part of the partnership (United for better integration n.d).

Most measures in the partnership were implemented by making amendments to the Integration Act and by a new Act on so-called “Integration Basic Education” (IGU) (for description of these changes, see chapter 10).

As part of this partnership, the Danish government introduced financial incentives for companies to hire newly arrived refugees. Companies that hired refugees (within one year of residency) received a bonus (worth DKK 20,000), while those who recruited refugees in their second year of residence received DKK 15,000 (Skjelbostad and Hernes 2022, Integration Act, 2015).

Due to the refugee influx, the Red Cross and the DRC formed an initiative called “Friends show the way” in 2016 as a measure to integrate protection holders in the civil society. The initiative still exists in almost every municipality.

4 Protection statuses and permits

While Denmark is an EU-member state, it is not part of the Common European Asylum System. Nevertheless, Denmark is part of the Schengen border cooperation and has also adopted the Dublin Regulation. The Danish Aliens Act regulates immigration to Denmark and follows international law on several aspects. The development of the Danish Aliens Act aligns to a great extent with the European Qualification Directive and makes distinctions between Convention Refugee Status and Subsidiary Protection when approving asylum applications. Protection holders of both refugee status and subsidiary protection were normally given a five-year permit before 2015 (Aliens Act 2023).

Unaccompanied asylum-seeking children apply for asylum on a regular basis. However, if they do not have the necessary maturity level to go through the asylum process, the Immigration Service consider whether the person should get a temporary residence permit until the child is considered mature enough to go through the regular asylum system. For unaccompanied asylum-seeking children whose asylum application have been rejected, the Immigration Service may assess the possibility of granting them a temporary residence permit if they are at risk of harm or will be in great need upon returning to their home country. This permit cannot be extended past the age of 18. Unaccompanied asylum-seeking children who have their asylum application approved, will receive a temporary residence permit of 1 to 2 years. By the time the residence permit expires, the Immigration Service will consider whether to extend the permit. When the child turns 18, they may receive a permanent residency if they fulfil the requirements.

Asylum seekers who have been granted residence permits risk losing their protection status if they travel back to their home country. Travel to a neighbouring country is permitted, but protection holders must be careful when travelling close to the border. Denmark can provide economic support in cases where protection holders wish to move back to their home country, regulated by the Repatriation Act (Repatriation Act, 2022).

4.1 Changes after 2015

In February 2015, an amendment was introduced to the Aliens Act giving the Danish authorities the possibility to provide a “General Temporary Protection Status” (Aliens Act § 7(3)). The new permit was mainly aimed at Syrian refugees and involved a one-year temporary residence permit. The permit has also been given to protection seekers from the Democratic Republic of Congo, but to a much lesser extent. For the existing statuses, the duration of the initial residence permit was also reduced from five to two years for refugees and one year for the category “Individual Temporary Protection Status”. This temporary protection was given to 866 Syrian refugees in 2015, and 2159 in 2016. The temporary protection given to Syrian refugees is perceived as a much weaker protection status than protection given by the Aliens Act § 7(1-2) (The Ministry of Immigration, Integration and Housing, 2015; the Ministry of Immigration and Integration, 2016; Bendixen, 2022).

Protection seekers granted a residence permit under the Aliens Act § 7(2) or 7(3) can appeal the choice of status to the Refugee Appeals Board (Bendixen, 2022).

No major changes were made regarding voluntary and temporary returns. Only one adjustment was made in 2016 stating that if a refugee travels to their home country during the first 10 years, the refugee must demonstrate a continued need for protection. After this change in legislation, the Danish Immigration Service still ascertains whether the refugee needs international protection, but in this assessment, substantial weight must be attached to

the circumstance that by travelling voluntarily to the country (in which the authority that had granted the residence permit had found that the alien would be at risk of persecution), the alien has himself created the assumption that the conditions on which the residence permit was based have changed in such a manner that the alien is no longer at any risk of persecution.

4.2 Changes in 2022

As an EU-member state, Denmark has opted out of the Common European Asylum System (CEAS), thus, they are not bound by the EU Temporary Protection Directive activated in March 2022. On 16 March, the Danish parliament passed a Special Act on displaced persons from Ukraine that resembles the TPD (EUR-Lex 2001) (hereinafter referred to as *the Special Act*). The Special Act applies to Ukrainian citizens and refugees recognised in Ukraine who either fled the country after 1 February 2022 or already resided or had a residence permit in Denmark on 1 February 2022. The Special Act does not apply to third-country nationals unless they have been recognised as refugees in Ukraine, nor to Ukrainians who have dual citizenships or a residence permit in a country other than Ukraine. A residence permit under the Special Act is valid for two years, until 17 March 2024, with the possibility of extension for an additional year (note that there has not yet been a statutory declaration by June 2023). Although displaced persons from Ukraine also have the option of applying for asylum, the Danish Refugee Appeals Board has suspended decisions in asylum cases of UA citizens (ECRE 2023). In September 2023, Denmark decided to follow the rest of the EU and has therefore extended the residence permit for displaced persons from Ukraine until March 2025 (Ministry of Immigration and Integration, 2023).

No custom rules have been made for unaccompanied asylum-seeking children from Ukraine. They receive a temporary residence permit in line with other displaced persons from Ukraine residing in Denmark.

Unlike other protection holders, displaced persons from Ukraine who have been granted residence in Denmark under the Special Act have the right to travel back to Ukraine and return to Denmark. However, the duration of the stay in Ukraine will depend on whether the Danish authorities recognise the aim of the travel as being justifiable (ECRE 2023). There is a cut-off time of 6 months. If displaced persons from Ukraine don't have a purpose worthy of recognition, the residence permit will expire after 6 months abroad. Displaced persons from Ukraine is not covered by the Repatriation Act.

Unrelated to the situation in Ukraine, one other change is worth mentioning. As a continuation of Taliban seizure of power in Afghanistan, a temporary special act was introduced for persons who have assisted the Danish Authorities in Afghanistan. This protection status (along with the temporary protection status given to displaced persons from Ukraine after 2022), is not considered asylum (Act:2055, 16/11/2021).

5 Registration and application process

5.1 Registration process and governmental responsibilities

When applying for asylum in Denmark, protection seekers can either visit a police station in Denmark or contact the police at the reception centre at Sandholm (as long as the protection seeker doesn't already hold a residence permit in Denmark). If the protection seeker holds a residence permit (on other grounds than asylum), the applicant can visit one of the 12 police districts closest to their home. In 2019, some changes were made between the departmental responsibilities regarding the registration process. The responsibility for registration of asylum seekers was transferred from the Ministry of Justice to the Ministry of Immigration and Integration. From then on, the police became responsible for the practical execution of the initial asylum registration throughout the country, before transporting the foreigner in question to Centre Sandholm for a subsequent registration conducted by immigration authorities (BEK:946 12/09/2019).

The initial registration conducted by the police entails creating the asylum case, conducting searches in relevant databases, taking photos and fingerprints for the purpose of identification and initiating a EURODAC hearing. The subsequent registration initiated by the immigration authorities at Centre Sandholm entails, among other things, creation of Person ID in the authorities' case management system Public 360, recording of biometrics for use in a residence card and issuance of asylum seeker card for accommodation (Interview, Danish Immigration Service).

Displaced persons from Ukraine may, unlike other protection seekers, apply through an online form. The application form contains thorough instructions on how to fill in the scheme and which documents should be attached. The form adapts to the applicants answers and the application will automatically be sent to the Immigration Service when completed. When applying digitally, the applicant will immediately receive a receipt which documents the application for residency pursuant to the Special Act. It is also possible to fill in and send the application on paper.

After the applicant has filled out and delivered the application, they must book a physical appointment with the Immigration Service for an identity check. The average processing time is 35 days (the Danish Immigration Service, 2023).

6 Accommodation and services during application process

The main rule in Denmark is that protection seekers should reside in reception centres during the application procedure. The reception centres are formally overseen by the Immigration Service but carried out together with various operators: The Prison and Probation Service (*Kriminalforsorgen*), the Red Cross and selected municipalities. There are separate centres for unaccompanied asylum-seeking children and protection seekers who need special care or are seriously ill (The Danish Immigration Service, n.d.).

There are some exceptions to the norm of settling in a reception centre if specific requirements are met. In most cases, at least 6 months must have passed since the application for asylum was submitted, unless the person is settled with a spouse (The Danish Immigration Service, 2018, 2020, 2021, 2022a; The Danish Immigration Service & SIRI, 2022). Further, the housing must fulfil requirements concerning the standard and it may not be located in a “vulnerable area”. The applicant and the host in Denmark must also meet specific requirements. Neither the applicant nor the host can have committed criminal acts and the host must have a residence permit in Denmark (Korsrud 2023).

Living privately also has consequences for financial allowances and other benefits. If the applicant lives alone, the person must be self-supported and loses the right to financial benefits, but still has the right to emergency healthcare. If the applicant lives with a spouse, the applicant loses the right to financial support for healthcare and financial support. The spouse must support the applicant. If the applicant is settled with other family or friends, the applicant retains the right to certain financial support and health care (The Danish Immigration Service, 2018, 2020, 2022a; L145 (2021-2022) p.28).

6.1.1 Changes in 2015 – upscaling capacity through new and existing structures

The increasing number of protection seekers led the Danish Immigration Service to upscale the number of asylum centres. Denmark had already received an increasing number of asylum seekers in 2014 and had upgraded the number of asylum centres in 2014 from 25 (2013) to 66 (2014). However, the refugee influx of 2015 further increased the need for asylum centres to a total of 94 asylum centres divided by 41 municipalities. However, because of the large drop in asylum seekers to Denmark in 2016, the Immigration Service reduced the number of asylum centres down to 55 in 2016.

The high number of applicants also made the processing time for asylum applications longer, and the time in asylum centres increased from 240 days in 2015 to approximately 550 days in 2016. Because of the number of applicants, it was necessary to increase the number of staff. The Immigration Service created a task force to speed up the application process (The Ministry of Immigration and Integration, 2016).

6.1.2 Policy response in 2022/23

Due to the high influx of displaced person from Ukraine, in addition to the ordinary reception system, emergency accommodation has been used to handle the large number (Nordic Council of Ministers, 2022, p. 11; the Government & LGDK, 2022). During the first months, the Danish Immigration Service opened asylum centres in several places in the country run

by the Red Cross, in agreement with certain municipalities. However, as these efforts were not sufficient to accommodate the large influx during the first months, many other municipalities also established emergency accommodation, for example in community centres or in closed schools. In this way, the municipalities took responsibility for running accommodation, reminiscent of asylum centres, but without initially having the authority or finances to do so. However, the Parliament quickly adopted a legislative change (in March 2022), which gave the municipalities the necessary authority to initiate accommodation for displaced persons from Ukraine during the application period. This new arrangement was not an obligation for the municipalities, as the municipalities could refer persons to the state-run reception centres (LGDK, Red Cross & DRC 2023).

Displaced persons from Ukraine also got more flexibility to live privately during the application period. For this group, there are no requirements to live in an asylum reception centre in the first period after the application has been submitted. This is because displaced persons from Ukraine have had access to a visa-free residence in Denmark up to three months based on an agreement between Denmark and Ukraine from 2009 (the Danish Immigration Service, 2022c). Displaced persons from Ukraine do not have to fulfil the same requirements as other asylum seekers to be able to live with family and friends during the application period, and they may also be entitled to financial support while living privately. Additionally, the Special Act allows private households to receive financial support to settle displaced persons from Ukraine and partially cover their costs for food and rent (Nordic Council of Ministers, 2022, p. 11; Korsrud 2023).

7 Settlement and intra-national distribution

7.1 Settlement model

After being granted a residence permit, the protection holders should transfer from a reception centre and be settled in a Danish municipality. Denmark has had the same settlement model since its introduction in 1999 (regulated in the Integration Act). The model restricts the protection holder's right to self-settlement. The Immigration Service allocate protection holders to municipalities according to a formula that calculates municipal quotas taking into account the municipality's population size, share of immigrants from outside the Nordic countries and EU/EEA and the number of recently arrived persons who are family reunified with refugees (Kaarsen, Vasiljeva & Skovgaard, 2016, pp. 6-7). Thus, the Danish model builds heavily on the principle of dispersed settlement, and the model restricts both the municipalities' and the protection holder's autonomy: the central distribution of refugees to the municipalities infringed the municipal autonomy, and the law restricted the protection holders' right to self-settle (Petersen & Jønsson, 2010, p. 190).

Although the Immigration Service allocate refugees to municipalities, municipalities have the opportunity to negotiate within the region on the number of settlements (however, this opportunity is not widely used). In Denmark, and in the municipalities, there is a broad support for the distribution key. For the municipalities, it is not perceived as an infringement, and there is the possibility to make agreements on redistribution of protection holders within the region. The distribution key also holds several advantages: no discussions in municipalities about burden distribution, the distribution key limits parallel societies, and it creates a shorter waiting period for protection seekers in asylum centres. Furthermore, the vast majority of protection holders stay in the original municipality even after the first three years (Interview LGDK). The Integration Act also regulates the refugees' right to move from the initial settlement municipality during participation in the introduction programme. Although there are a few exceptions (e.g. if they find work), the main rule is that if a protection holder moves during this period, he or she loses the right to participate in the introduction programme and the right to financial assistance, although the municipality they move to is obligated to offer Danish classes (Kaarsen et al., 2016, p. 4; Hernes et al. 2019). The rules also state that the municipalities have an obligation to take over the responsibility if the move is of significant importance for the integration process of the refugee in question, including if the refugee or his/her spouse obtains ordinary employment in the municipality, and the move is necessary to be able to carry out the work.

7.2 Changes in 2015/16

The Danish settlement model did not undergo any major changes as a response to the 2015/16 influx. As part of the government agreement with the municipal interest organisation LGDK (which later lead to a legislative change), the requirements for temporary housing were eased, with the justification that it was necessary for the municipalities to find enough accommodation for the large increase in settlements.

7.3 Changes in 2022/23

Denmark changed several aspects with the settlement procedure for displaced persons from Ukraine after they had been granted temporary collective protection. Firstly, the transition from a reception centre until the municipality took over the responsibility was significantly

reduced. Previously, after the application was approved, the municipalities had 30-60 days before the responsibility was transferred to them. The agreement with LGDK included that the municipalities would now only have four working days from displaced persons from Ukraine were granted temporary protection until the responsibility was transferred to municipalities. For the municipalities to be able to provide housing in such a short amount of time, municipalities offer emergency accommodation in unused schools, refurbished sports facilities and welfare facilities (European Commission, 2022; Berlina 2022). Other protection seekers are not covered by these changes.

Secondly, and perhaps the largest change compared to the traditional Danish settlement model, was the change concerning the dispersal criteria for displaced persons from Ukraine. Earlier (and still for other refugee groups), the distribution among municipalities was calculated on the share of “non-Western residents”, implying immigrants from outside the Nordic countries and EU/EEA (European Commission, 2022). However, for displaced persons from Ukraine, the distribution is now decided based on the municipalities’ total population. Thus, municipalities can settle displaced person from Ukraine even though they have a high number of non-Western residences, while this is not possible for other non-Western protection holders. Regarding housing, there is a ceiling on the amount of rent that people in temporary housing can be asked to pay. The municipality pays the difference if the actual amount goes above the limit. Same rules apply for displaced persons from Ukraine and other protection holders regarding economic support to pay rent (Interview LGDK).

8 Permanent residency requirements

Even before 2015, Denmark had some of the most restrictive requirements to obtain permanent residency in Europe. The applicant had to have 1) lived in Denmark for at least five years, 2) passed a language test (level A1), 3) had minimum part-time employment or enrolled in education for three out of the last five years, 4) had to be self-sufficient for the last three years. There was one exception from the requirements: if the applicant had shown 'willingness to integrate', they could be exempted from the requirements after 8 years of residence (Hernes 2018).

8.1 Increasing requirements for permanent residency

Denmark, which already had conditional requirements for obtaining permanent residency, sharpened them even further, by increasing requirements for employment, time of residence, and language and civics tests. On November 13, 2015, the Danish Government presented a 34-item Asylum Package (Asylpakke) limiting – among other elements - the access to permanent residency (Danish Government, 2015). The amendments to the Aliens Act clearly showed that immigration and integration policies were headed in a more restrictive direction (Tan & Vedsted-Hansen 2021).

The integration requirements were sharpened as followed: 1) passed language level at A2 (previously A1), 2) full-time employment for the last 3.5 out of four years (raised from part-time employment the last three out of five years and enrolment in education no longer counted), 3) self-sufficiency raised from three to four years.

The above-mentioned restrictions were absolute criteria, as they also removed the previous exception for persons who had shown 'willingness to integrate' after 8 years.

Further, the government also introduced additional integration requirements that had to be (partly) fulfilled, which also involved a potential for a “fast-track” to permanent residency if all requirements were fulfilled. The additional integration requirements were 1) a passed civics test or 1 year of voluntary work, 2) income over 270,000 DKK for two years, 3) full-time employment 4 of 4.5 years, and 4) passed language test at level A3. To get a permanent residency, the applicant had to fulfil two of these four additional requirements. However, if the applicant met all four requirements, they could obtain permanent residency after four years (Hernes 2018).

Denmark does not issue permanent residency to displaced persons from Ukraine based on the Special Act. To be granted permanent residency, the applicant must have lived in Denmark for a minimum of 8 years (with some exceptions it is 4 years), and throughout this period, the residence permit must have been based on the Aliens Act (The Danish Immigration Service, n.d.). This implies that the years spent in Denmark with a temporary protection permit for displaced persons from Ukraine will not count as into the required residence time necessary to obtain a residence permit.

9 Family reunification

Denmark's overall family reunification rules have been described as the "least family-friendly immigration policies among MIPEX countries", with a 26/100 score on the MIPEX index in the years 2013-17 (MIPEX 2023; MIPEX 2020). For Convention and "protective status" refugees, however, access to family reunification is in various ways significantly easier than for other groups (NOAS 2019), and the restrictions introduced since 2000 have not targeted protection seekers in the ways that were done in Norway (see Staver 2014 on Norway). Upon application, the immigration service will briefly assess whether the reference person still has a need for protection, and if so, waive many of the normal requirements such as the requirement to post a bond. If the spouse is from a different country of origin or lives in a different state, they may also assess whether reunification is possible in another country (NOAS 2019). It is also notable that Denmark does not make a distinction between family formation and reunification, or pre- and post-flight spouses.

9.1 Changes after 2015

In 2015, the Danish government introduced several restrictions on family reunification. The most radical change was the decision to introduce a three-year limit for applying for family reunification for persons granted subsidiary protection (Hernes 2018). Further, two exemptions from earlier requirements for family reunification were removed. Previously, there were exemptions for providing evidence of attachment to Denmark ("attachment requirement") for sponsors with 26 years of Danish citizenship or legal residence, and there was also specific exemption from proving children's (over eight years) potential for successful integration (integration requirement) in cases where only one parent lived in Denmark, and the application was submitted within the first two years of the sponsor's right to apply for family reunification. Both these exemptions were removed (OECD 2017). After a Grand Chamber judgement by the European Court of Human Rights, the attachment requirement of 26 years was in 2018 replaced by the new integration requirements (NOAS 2019).

The three-year limit for protection holders covered by the Aliens Act § 7(3) have later been reduced to a two-year limit, with the possibility of an increase to three years in times with a mass influx of protection seekers.

Displaced persons from Ukraine granted temporary protection may apply for family reunification for nuclear family members, i.e., spouse, partner, and minor unmarried children, as well as other close relatives who prior to the flight shared a household with and were financially dependent on the main person (ECRE 2023).

10 Integration measures

In Denmark, there are a number of activities that protection seekers must participate in during the application period when living in reception centres. In addition to participate in a number of tasks related to the operation of the reception centre, protection seekers have to participate in a protection seeker course that provides introductory knowledge of the Danish language, culture and social conditions, as well as the labour market, education and housing conditions. A contract is entered into between the protection seeker and the authorities that run the reception (accommodation operator), and this determines the content and scope of the obligation the protection seekers should attend. If the protection seeker complies, they receive additional financial benefits (The Special Act, 2022; Aliens Act, 2022). Basically, apart from a few exceptions covered by the Aliens Act § 14a, protection seekers do not have the possibility to work until they receive a residence permit.

After settled in a municipality, protection holders are offered participation in an introduction programme. With the 1999 Integration Act, the introduction programme for protection holders was nationally regulated and municipalities became responsible for the implementation. The integration programme for refugees and reunited families included language courses, a civics course and employment measures. Language courses had a duration corresponding to 1,2 year of full-time studies and were provided by the municipalities or by private institutions and financed by the municipality. The programme should be full-time (37 hours per week), and participants should have been able to complete the language course within three years (Ministry of Education, 2014, § 8.2., Hernes & Tronstad, 2014). Otherwise, the municipalities retained considerable autonomy with respect to the actual content of the programme (Hernes et.al. 2019). As mentioned in chapter 3, the municipalities received funding from the national government to provide such programmes.

10.1 Policies from 2015

As part of the many policy processes in 2015/16, the Danish government included an overhaul of the integration programme for protection holders by revising its scope, length, and content in July 2016. While the main elements and goals for the programme were retained: the changes focused on easing administrative obstacles for municipalities, strengthening the central subsidies to the municipalities, and shortening the introduction period by intensifying the employment focus from day one. The initial programme period was reduced from three years to one year, with the possibility of extension up to five years, if the participant had not yet obtained employment or education or passed a Danish language test. The new legislation explicitly prioritised job training, and stated that the aim was to get participants employed within the one-year programme period (Hernes et al. 2019). Municipalities were obligated to start integration measures within one month of arrival and the time period between different active labour market policy measures was limited to six weeks (OECD 2017).

The Danish government also implemented a new legislation based on a tripartite agreement between the government and parties in the labour market. With the agreement and based on the launch of early and continuous effort, a new integration measure was introduced in 2016, the "Employment-oriented integration efforts" (*integrationsgrunduddannelsen*, IGU). IGU aimed to combine employment and qualification measures in a two-year 'programme', where the participant could work for an employer at a reduced salary. The employment relationship was to be arranged directly between employer and participant, with minimum involvement from local public agencies. However, the municipalities play a bigger role in creating IGU-

spots and to match refugees and employers, giving the municipalities several administrative tasks. Participants in IGU receive an education benefit during the weeks of qualification measures (Hernes et al. 2021; Skjelbostad & Hernes, 2021).

In 2016, Denmark took steps to ensure systematic identification of refugees' qualifications and competences. During the asylum process, protection seekers were already interviewed about their educational background in accommodation centres and, if asylum was granted, this information was shared with the municipality where they were settled. To assist municipalities and accommodation centres, the Danish Agency for Higher Education had set up a hotline to advise on foreign qualifications assessment (OECD 2017, Interview UFM).

From July 1, 2019, the introduction programme for refugees was renamed the 'self-support and return programme' (the introduction programme for other immigrants retained the name "introduction programme") (the Danish National Board of Adoption 2019).

10.2 Integration rights and exceptions for displaced persons from Ukraine

Due to the rapid decision on residence permits for displaced persons from Ukraine – and the pressure of the large influxes on capacity – the rights and obligations during the application process were altered. Displaced persons from Ukraine must not enter a contract for activation and education with the reception centre (which other protection seekers are obligated to), unless their stay exceeds three months (which is very rare, due to the rapid application and settlement process). Further, protection seeker courses are not included in the contract for displaced persons from Ukraine as they are for others (Korsrud 2023). However, displaced persons from Ukraine have the possibility to find work before they receive a residence permit, unlike other protection seekers.

After obtaining a residence permit and being settled in a municipality, displaced persons from Ukraine are covered by the Integration Act on the same basis as other protection holders, implying that they get the same rights and obligations to participate in the 'self-support and return programme'. Displaced persons from Ukraine also have access to "Employment-oriented integration efforts" (IGU) (Nordic Council of Ministers, 2022, p. 11).

As a result of the high arrivals, however, amendments were introduced to provide the municipalities with the necessary flexibility in their provision of the integration programmes and other measures. The municipalities are now able to postpone or suspend certain requirements, rules etc. under the Integration Act, e.g., the deadline for the start-up time of the 'self-support and return programme' and work-related measures have since May 2023 been extended to three months (previously, the requirement was one month/six weeks, and in the transition period after the full-scale invasion of Ukraine it was 6 months) (the Ministry of Immigration and Integration, u.å.; Integration Act, 2020, Special Act). These changes apply to displaced persons from Ukraine and other refugees alike (Korsrud 2023).

In addition, a number of other measures have been implemented to get displaced persons from Ukraine into work quickly. From April 2022, it became possible for displaced persons from Ukraine to work in Denmark from the time the person applied for residence and fingerprints were obtained (The Danish Immigration Service, 2022b). A partnership ("Partnerskab om ukrainere i job") has also been entered between various government agencies and other relevant actors that coordinate the process, help with finding jobs, access to work and language courses and evaluate skills. A new website has been launched to help displaced persons from Ukraine find work, and to connect job seekers (displaced persons

from Ukraine) with Danish employers (Nordic Council of Ministers, 2022, p. 11; Korsrud 2023). These measures are specified for displaced persons from Ukraine and not other refugee groups.

10.3 Procedures for recognition of qualifications

Holders of foreign qualifications in Denmark are entitled to have their qualifications assessed by the Danish Agency for Higher Education and Science. The Agency's assessment states the educational level and, if possible, the field of education to which the qualification corresponds in the Danish education system. It can be used as advisory information, e.g., in connection with applying for jobs in non-regulated professions. The level indicated by the assessment is binding in certain contexts, including educational institutions' decisions on access and public employers' decisions on employment.

If it is impossible to provide the documentation that is required for an assessment, the Agency can make a background report describing the applicant's educational background and indicating how the Agency would normally assess a similar qualification.

In order to work in a regulated profession, an application must be submitted to the competent public authority for authorisation or similar recognition (Interview UFM).

Displaced persons from Ukraine covered by the Special Act are exempted from the rule stating that students from outside the EU must pay a tuition fee, making higher education for this group free. This also applies to other protection holders with asylum. Those outside the EU must pay between DKK 80-90,000 a year.

11 Financial assistance to the protection seeker

11.1.1 Financial assistance during application process

Protection seekers' maintenance expenses are covered by the Danish Immigration Service during the application process, where the applicant normally receive a 'cash allowance' to cover expenses. The allowance is regulated by whether the asylum centre offers meals or not. The allowance is also regulated if a protection seeker is living with a spouse or a cohabitant. Protection seekers should also sign a contract with the reception centres where they commit to certain activities and work in order to receive an additional benefit. If they do not comply with the contract, they may have the additional integration benefit reduced or removed completely. Those with children will also receive an additional benefit.

In 2015, the Danish government introduced several reductions and restrictive measures related to protection seekers'/holders' financial assistance. Firstly, one of the most controversial regulations introduced in 2015 – which Denmark was criticised for by national and international actors – was the "jewellery regulation" which gave the police authority to confiscate refugees' jewellery and other valuables exceeding €1340 (there were some exceptions for items that had 'sentimental value', e.g., wedding rings etc.) (Hagelund 2020). Secondly, the government also reduced the cash allowances for protection seekers by 10 percent 'in order to make it less attractive to be an asylum seeker in Denmark' (Government 2015).

11.1.2 Financial assistance after granted residence permit/settlement

During the first years after settlement, protection holders in Denmark receive financial support through the introduction benefit. Programme participants in Denmark receive means-tested social assistance if their families are unable to support themselves, thus taking into account the financial situation of the entire family (Hernes and Tronstad 2014). Financial support is conditional on participation in the programme. Financial sanctions could be imposed on participants receiving social assistance if they - or their spouses - do not participate in the programme, or declined offers of employment (similar to general policies on unemployment and social assistance in Denmark) (Breidahl 2017, p. 8; Petersen & Jønsson 2010, p. 190).

The *level* of the financial assistance for protection holders and their families compared to other residents has been subject to constant changes since 1999. The Integration Act of 1999 introduced a new reduced integration benefit that meant lower levels of social benefits for protection holders than for the majority population (about 35-50% lower than ordinary social benefit, depending on the family situation). However, this reduced financial assistance has been subject to political disagreement and has been removed and reintroduced depending on which government was in office. After the 2011 elections, the new left-wing government immediately removed the reduced introduction benefit, which meant that refugees got the same level of social assistance as other Danish residents (Breidahl, 2017, p. 9).

In 2015, the government reintroduced the 'integration benefit' – a lower financial assistance for persons that had not lived the last seven out of eight years in Denmark, with the explicit intention of targeting immigrants and protection seekers. The reduction involved up to 50% less than ordinary social benefits (Hagelund 2020; Hernes, 2018a). In addition, the

government removed an existing clause that exempted protection holders from normal residence requirements regarding eligibility to receive pensions and different child benefits.

The Danish government has not made any amendments concerning the rights to financial assistance for displaced persons from Ukraine, and they are entitled to the same rights (and restrictions) as other asylum seekers or protection holders.

12 Healthcare services

In Denmark, all residents have the right to healthcare services under the Health Act (2023) and are issued a "Health Card" that entitles them to all benefits provided by the Health Act, including access to general practitioners.

Protection seekers in Denmark have access to necessary healthcare covered under the responsibility of the Danish Immigration Service and have the right to necessary treatment in accordance with the Danish Aliens Act. Necessary treatment refers to pain relief treatment or other treatment that cannot wait until the asylum application is processed. Personal care for individuals with significant disabilities is also covered by this arrangement. The Immigration Service's responsibility for health services applies similarly during the period when the asylum seeker has been granted a residence permit but is waiting for settlement in a municipality. However, they must have agreed on accommodation in an asylum centre or other accommodation provided by the Immigration Service to be entitled to such healthcare. Children have the same rights to healthcare services as other Danish children, both before and after a residence permit is granted. Adults receive a Health Card after a residence permit is granted which gives them the right to the same healthcare services as other Danish residents. Protection holders settled in a municipality are offered a health examination. Until 2015, this examination was to take place as soon as possible and no later than three months after settlement.

In order to provide municipalities with increased flexibility in addressing the capacity issues that arose in 2015-2016, the time-limit for when municipalities could offer health examinations at the latest was extended from three to six months (Integration Act, 2016). However, municipalities still had to assess whether there was a need for health assessment, which, if necessary, had to be offered to refugees and their family members. In addition, it is still a requirement that all UN quota refugees are offered a health check (Integrationsviden, 2023).

12.1.1 Policy response in 2022/23

The Special Act includes amendments that affect rights and regulations related to education, childcare, and healthcare services. According to the Special Act, the rules applicable to ordinary protection seekers shall apply accordingly to displaced persons from Ukraine applying for a residence permits under the Act, meaning this group will also have the right to necessary healthcare in accordance with the Danish Health Act. Once they have been granted residence permits under the Special Act and are settled in a municipality, they are issued Health Cards and, therefore, have the right to all benefits provided under the Health Act. However, in May 2022, an amendment to the Special Act was passed, granting the Minister of Health the authority to issue regulations that may supplement or deviate from ordinary legal provisions on healthcare services, when such measurements prove necessary to maintain or ensure effective frameworks, capacity, or flexibility in the overall provision of service. The authority is temporary and limited to the duration of the Act.

The Special Act further extends the deadline for municipalities' obligation to offer health examinations by three months beyond the general deadline of six months established in 2016. In the event of a particularly large influx, the deadline can be extended even further by a maximum of three months (Lovforslag, 2021; the Special Act, 2022; Act:546 03/05/2022).

13 Pre-school and mandatory schooling for minors

In Denmark, all children have the right to childcare placement (pre-school) from the age of 26 weeks until they start school at 6 years old. This right applies to children of parents with legal residence (Dagtilbudsloven, 2022; Bekendtgørelse om dagtilbud, 2021), thus, protection seekers are not covered by this right.

All children of school age who reside in Denmark have the right and obligation to receive primary education. Public education is free of charge. The same right and obligation apply to children who arrive in Denmark and will stay in the country for more than six months. The obligation to attend school begins the year the child turns six and lasts until the completion of ninth grade.

Protection-seeking children are required to participate in specially adapted education provided in asylum centres under the responsibility of the Danish Immigration Service. The education in asylum centres is intended to provide children with an initial familiarity with the Danish language and society. If the stay at the asylum centre exceeds six weeks, the child shall receive education equivalent to that received by bilingual students in regular primary schools. Whenever possible, mother tongue instruction, individually tailored education, special education, and special teaching methods for children with disabilities should be offered. The education should be designed based on each child's individual situation. Upon request from the accommodation operator, the specially adapted education in asylum centres may be replaced with education in municipal primary schools or other forms of schooling. This may be applicable, for example, when the child is accommodated privately or when, considering the child's age, maturity, and duration of stay, regular schooling would be most beneficial to the child.

After settlement in a municipality, children and youth with a language other than Danish as their mother tongue can be schooled in a special reception class in regular primary schools, until their Danish language skills reach a level that enables the child to be transferred to a regular class. Students can only participate in reception classes for a maximum of two years, with the goal of transferring as soon as possible.

Young people with granted residence permits in Denmark have the right to free upper secondary education. This applies to both pre-university study programmes and vocational education (Folkeskole Act, 2022; Aliens Act 2010).

Due to the extraordinary pressure on municipal services resulting from the large influx of refugees in 2015-2016, it was decided to change the requirements for reception classes. The maximum class size was increased from 12 to 15 students, and the maximum age range within the same class was extended from three to five years.

An act was also passed that allowed municipalities to establish special primary schools for bilingual children who required specific language support and therefore couldn't participate in regular classes. These special primary schools could be created as an alternative or a supplement to reception classes. Municipalities were granted significant liberty to organise education according to local priorities and needs, including class sizes, instructional hours, and teacher qualifications. However, certain instructions were given to the municipalities. Students were only to attend these special schools for a maximum of two years, and the teaching/instruction should enable students to transfer to regular classes as quickly as possible (Lovforslag, 2015/1 LSF 190; Lovvedtak, LOV nr 614 af 08/06/2016).

13.1 Policy response from 2022

In connection with the Special Act, a specific rule was adopted that grants municipalities some additional flexibility in fulfilling the childcare guarantee in "exceptional cases" resulting from having to receive a significant number of children displaced from Ukraine. Furthermore, in May 2022, amendments to the Childcare Act were passed, allowing municipalities to establish special childcare facilities for children granted temporary residence permits under the Special Act. Such special facilities would be reserved for displaced children from Ukraine and may have Ukrainian as their primary language, while also introducing the children to Danish language and society. The special facilities are exempted from the general requirements of the educational curriculum. The authority to establish such special facilities is temporary and applies for the same duration as the Special Act, with the according possibility of extension. A general, temporary provision was also granted to deviate from area and ventilation requirements in all childcare facilities (Ministry of Children and Education, 2022; Act 693 af 24/05/2022).

Displaced persons from Ukraine have full access to the Danish school system on the same terms as Danish children. There is compulsory primary and lower secondary education for displaced children from Ukraine, both post and pre-settlement. They also have access to upper secondary education. One exception has been made: With the cross-party agreement in May 2022, permission was granted to use Ukrainian or English as the language of instruction (except for the Danish subject), and to make use of remote learning, including remote education offered by Ukrainian educational authorities. In reception classes, schools were now allowed to deviate from the rules regarding maximum number of students and granting exemptions in certain subjects. Reception classes can, with this agreement, span up to seven grade levels, and it is possible to organise reception classes across municipal borders. Temporary permission was also granted to deviate from area and ventilation requirements in primary schools.

The Special Act contains a regulatory provision granting the Minister for Immigration and Integration the authority to establish temporary rules which also include laws on education. It is applicable only in highly exceptional situations where important functions and tasks are under pressure. The temporary rules can only be established for a specified period and must be repealed as soon as there is no longer a basis for maintaining the exemptions. If necessary, they can be extended for a new specified period.

In August 2022, an act was adopted granting Danish municipalities the authority to establish separate primary schools for displaced children and youth from Ukraine who have been granted temporary residence permits under the Special Act. The arrangement is structured similarly to the act on special schools from 2016 and shares many similarities. The difference is that special schools under the new act are reserved for displaced children from Ukrainian and have a specific focus on maintaining their connection to Ukrainian language and culture. In terms of academic content, the instruction should have equivalent learning objectives as regular schools and similarly qualify students for further education. Parents can choose to let their children stay in special schools for Ukrainians even after they are ready to transfer to ordinary primary schools. Additionally, if desired, parents can choose to enroll their child in a regular primary school instead of a special school (freedom of school choice) (Lovforslag 2021/1 LSF 201; LBK nr 1169 af 12/08/2022; Ministry of Children and Education 2023).

14 Overall analysis

The Danish policy response in 2015/16 has been defined as ‘paradigm shift’ in refugee integration and immigration policies, as the overall amendments to the Aliens Act and the Integration Act shifted the refugee policy away from permanent protection and integration towards temporary protection and return. The intent of the policy changes was that all protection should be temporary, and cessation practice should go as far as Denmark’s international obligations permit (Tan & Vedsted-Hansen 2021). Consequently, most changes in 2015/16 imposed new obligations and restrictions on the asylum seekers and refugees’ rights. Further, integration measures had a more temporary perspective, with the changes leading to the new “self-support and return programme” which replaced the former “introduction programme”. The legislative changes in this period mainly involved permanent changes that applied to all groups of protection seekers and refugees, however, the changes concerning family reunification only applied to persons who had subsidiary protection. The overall trend in Denmark in 2015/16 was that policies towards asylum seekers and refugees became more *restrictive*, with an increased temporary and conditional perspective on their stay and integration in Denmark.

In 2022/23, most legislative changes were temporary changes – in line with the temporary protection status displaced persons from Ukraine receive. Denmark has made some amendments for displaced persons from Ukraine that imply more choice and flexibility, e.g., concerning housing and settlement, and possibility to initially use Ukrainian and English in schooling. There have also been particular labour market measures introduced for displaced persons from Ukraine. However, for the most part, displaced persons from Ukraine have been covered by the general reception and integration policies that apply to other asylum seekers and refugees, e.g., concerning financial benefits and integration programmes. There have been few amendments to these policies, except for certain amendments relating to extended deadlines for local authorities in their provision of integration services etc.

Thus, Denmark can be said to have a dual approach. In some areas, special amendments have been made to provide displaced persons from Ukraine with more freedom and flexibility, e.g., such as in housing and settlement. Otherwise, displaced persons from Ukraine have mainly been covered by existing policies and measures for asylum seekers and refugees (which from 2015/16 already had taken major steps towards a temporary perspective).

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