

Residence Permit on Humanitarian Grounds

It is possible to obtain temporary residence on grounds of very serious illness and if the appropriate medications and treatments are not available in your home country. This could apply to kidney and heart diseases and psychological diagnoses such as psychosis and schizophrenia (depression or PTSD are not enough.) However, this possibility was curtailed in 2010.

These applications require a special medical form which must be submitted to the Ministry for Refugees, Immigration and Integration Affairs.

Family Reunification

If you are married to a Danish (or EU) national and possibly have a child who is a Danish/EU national you can apply for family reunification in accordance with EU law. In this case you can apply from within Denmark. If you have a partner who lives in Denmark and you wish to get married you can apply for a dispensation to be married in her/his municipality but you must apply for family reunification after. There are also certain possibilities if you get married to a resident who has been granted asylum.

Family reunification is not possible with reference to your parents, siblings or adult children.

Residence on Work Related Grounds

"The Pay Limit Scheme" provides for residence permits if you have a job paying at least 375.000 DKK per year and you have a contract. The same applies if you can get a job on "The Positive List" (specially picked educations). In certain cases it may be possible to obtain permission to make an application from within Denmark.

You can read more on www.newtodenmark.dk, the home page in English, of the official portal for foreigners run by the Ministry of Refugees, Immigration and Integration Affairs.

HERE YOU CAN GET FREE ADVICE AND COUNSELLING:

(bring all papers and your own translator if you don't speak Danish or English)

KØBENHAVN:

- **Dansk Flygtningehjælp**, Borgergade 10, København. Wednesdays 13-15h.
Phone weekdays 9-15h 3373 5000, e-mail in Danish or English to: advice@drc.dk
- **Refugees Welcome**, Dronningensgade 14, København. Wednesdays 15-19h.
Phone 50558011, e-mail in Danish, English or Arabic to: kontakt@refugeeswelcome.dk
- **Trampolinhuset**, Skyttegade 3, København. Wednesdays 17-19h. Show up in person.

ÅRHUS:

- **Indvanderrådgivningen**, Vesterbrogade 14 - Butikken, Århus C
Phone 88709898 - 26223611 - Fax 88707870

REJECTION ON ASYLUM – WHAT TO DO NOW?

Information for asylum seekers turned down
by the Refugee Appeals Board,
or
by Immigration Service under the
'manifestly unfounded' procedure.

*This flyer is prepared by independent
refugee associations and lawyers.
We do not always agree with official positions
and we understand that many who are refused asylum
are put in a very difficult position.
The flyer is solely to tell you about the factual
consequences of your refusal.*



ENGLISH VERSION

The flyer is available in Arabic, Danish, Farsi/Dari, French, Kurdish, Russian, Serbian/Croatian/Bosnian, Somali, and Spanish

*It can be downloaded from:
www.refugeeswelcome.dk*

Asylum Rejected by the Refugee Appeals Board

The rejection is final and cannot be appealed to a higher level in Denmark. Asylum is usually refused because:

- a) the Refugee Council does not believe your story, or
- b) they do not consider your situation acute enough to warrant asylum.

The only possibility for asylum now is send an application to the Refugee Appeals Board to reconsider your case. Your lawyer or a refugee association can help you with this application. It will be very difficult in most cases as submission of new, relevant information not available at the time of your application, will be required. This could be new documentation to support your story (a) or information about radical changes in your home country documented by an international organization such as the UNHCR (b). Minor mistakes, for example in interpretation during the processing of your case, will not be enough to change the decision.

Your application for reconsideration will be handled by the same judge who rejected your original application. At present processing can take up to two years. In 2010 the Refugee Appeals Board received 206 applications for reconsideration, ruled on 97 and reprocessed six.

The application does not automatically postpone deportation but the Police will ask the Refugee Appeals Board for a quick decision when they are ready to deport you. If you go underground your case will not be reconsidered until you move back to the asylum centre and you might be arrested when you do that.

If your lawyer thinks that your case has been mismanaged she or he can submit a complaint to the UN Committee Against Torture or the European Court of Human Rights. This takes at least a year, does not as a rule result in suspension and legal fees are at your own expense.

Rejection under The Manifestly Unfounded Procedure

The rejection is administrative and cannot be appealed to a higher level in Denmark. The Immigration Service consider that your grounds for asylum taken into account with conditions in your home country cannot qualify you for asylum under any circumstances.

The Danish Refugee Council is an independent organization. They have been provided with the decision. They have interviewed you. And their opinion is also that your situation cannot lead to asylum.

What Happens Now?

You have arrived at Phase Three. You receive money only for food (or a canteen card) and are moved to a deportation centre. The Police are responsible for sending you to your home country. They will contact you soon for a meeting about your departure and ask you to sign an agreement to leave voluntarily. If you have a valid passport this can usually be done quickly and without problems. If not, the Police will have to obtain a travel document which can take several months and for some countries can be impossible for several years. If there is a doubt about your country of origin they might approach several others. You could be imprisoned during this period.

Should You Sign and Leave Voluntarily?

Signing and leaving voluntarily gives you several advantages that you should consider. You are given the chance to arrive in your home country without police escort which means that local authorities will be less aware of your arrival. You could also agree with the Police on a date so they don't come for you unannounced. In some cases you might be allowed to ask to be sent to a third country if accepted by that country. If you sign, you are unlikely to be imprisoned in Denmark. In addition there could be a slight chance to get residence if the Police are not able to deport you over time (paragraph 9c, section 2). For some countries, however, a signature simply means that you can be sent home.

Are There Other Possibilities?

You cannot apply to other countries that have signed the Dublin Convention. That is all European Union countries, plus Norway, Iceland, and Switzerland. Usually these countries will just send you back to Denmark without reviewing your case. In order to have your case reopened in Denmark or another Dublin Convention country you would have to document that you have resided outside the Dublin Convention countries for at least three months, and usually it has to be your home country.

Danish law also prevents you from seeking most other forms of residence permits after you have been rejected (family reunification or work) because you must apply from your home country. Read more about this on the back page.

Life as a rejected asylum seeker in Denmark is very devitalizing. The majority become mentally sick and end up being deported.

If you have close family in a third country do not delay in examining the possibilities of obtaining residence there. And do try to get in touch with people in your home country who may be able to help you and take you in when you are sent home. There may also be support organizations in your home country you do not know about.

