

DRC Danish Refugee Council: UPR briefing note: Denmark

Revocation of residence permits and cessation of refugee status

Background

In 2019 the Danish Aliens Act was changed drastically in what has been called the paradigm shift in Danish immigration Law.ⁱ The new legislation means that refugees are granted protection “with the aim of temporary stay” for one or two years, after which the continued need for protection will be reviewed, and which can be revoked at any time. This is also the case for UNHCR resettlement and Convention refugees.

The paradigm shift in the Aliens Act followed restrictions already implemented in 2015ⁱⁱ and 2016ⁱⁱⁱ when a new category “temporary protection status” (TPS) was implemented for persons with no individual asylum motive who fled from a situation of generalized violence e.g. civil war. Furthermore, a change in cessation causes for refugees was implemented so causes for cessation following the Refugee Convention only apply for convention refugees whereas other refugees can have their residence permits revoked if the general conditions in the country of origin have bettered even slightly and not necessarily are of a stable or permanent nature. Finally, a limitation of the right to family reunification for persons with TPS was also implemented so family reunification in most cases is prevented the first three years of residence.

Before 2019, an assessment should be made of whether revocation would be especially burdensome for the refugee. Now revocation will happen unless it is contrary to Denmark’s international obligations – a much harsher and more narrow assessment compared to previous practice.

Syrian refugees

Due to the change of the established cessation criteria in 2015, practice from the Danish Refugee Appeals Board has since December 2020 been, that Damascus, Syria, is safe for people without a personal asylum motive. This conclusion does not seem to agree with background information and Denmark is the only European country to conclude Damascus as safe for return of refugees. Consequently, several residence permits for Syrian refugees have been either revoked or refused extended.^{iv}

DRC Danish Refugee Council is extremely concerned by the prospect of prematurely returning refugees to Syria at a time where it is far from safe, and at a time where returnees according to several reports are at a particular risk. There are reports of severe violations of human rights in Syria as a whole, which are not sufficiently reflected in the decisions to revoke.

Syrian refugees in Denmark are obviously very worried that they will be forcibly returned to Syria before it is safe. They have continuously seen a deterioration of their rights in Denmark when it comes to durable solutions in form of long-term protection, right to family reunification and risk of having their protection status revoked before it is safe.

A refugee’s status should not in principle be subject to frequent review to the detriment of his sense of security, which international protection is intended to provide. The uncertainty among Syrian refugees in Denmark is increasing as more residence permits are being revoked and the lack of foreseeability and general uncertainty in risk assessment is making the situation of Syrian refugees in Denmark unsustainable.

DRC Danish Refugee Council recommends

As the need for protection is the same for all refugees, the Danish legislation should be changed so the cessation causes in the Refugee Convention apply irrespective of which status a refugee is given thus preventing return of refugees before the need of protection has ceased.

ⁱ L174 af 27/ 2/ 2019 [Retsinformation](#)

ⁱⁱ L153 af 18/02/2015 [Retsinformation](#)

ⁱⁱⁱ LBK nr. 412 af 09/05/2016

<https://www.retsinformation.dk/eli/lt/2016/412>

^{iv} In 2020 170 Syrians have had their residence permit either revoked or refused extended in 1. Instance by the Danish Immigration Service