

## The Aliens Act (relevant sections)

**25.** An alien may be expelled if –

- 1) The alien must be considered a danger to national security; or
- 2) The alien must be considered a serious threat to public order, safety or health.

**25b.-(1)** An alien may be expelled if the alien stays in Denmark without the requisite permit.

(2) An alien who is not a national of one of the countries stated in section 2(1) (a third-country national) and has been ordered to depart from Denmark immediately, or does not depart in accordance with the time limit for his exit, see section 33(2), must be expelled from Denmark unless particular reasons otherwise require.

**28.-(1)** An alien who holds no residence permit and has not been issued with a registration certificate or residence card under section 6 in Denmark, and a national of a Nordic country who has no permanent address in Denmark may be refused entry on arrival from a country which has not acceded to the Schengen Convention in the following cases:

- 1) If the alien has been banned from entering and has no visa issued under section 4 or 4a read with section 3a, the first sentence;
- 2) If the alien does not meet the requirements as to travel documents, visa and entry prescribed by the provisions of Part 7;
- 3) If, based on the information available about the alien's conditions there is reason to assume that the alien intends to stay or work in Denmark without the requisite permit. However aliens who are subject to section 2(1) or (2) may not be refused entry on this ground;
- 4) If the alien is unable to present documentation of the purpose and specific circumstances of his stay. However aliens who are subject to section 2(1) or (2) may not be refused entry on this ground;
- 5) If the alien does not have the means required for his subsistence both in respect of the entire intended stay in the Schengen States and in respect of either his return trip or his transit to a country that has not acceded to the Schengen Convention in which the alien has security of entry, and is unable lawfully to acquire such means. However, aliens who are subject to section 2(1) or (2) may not be refused entry on this ground;
- 6) If the alien is not a national of a Schengen State or a Member State of the European Union, and the alien is the subject of an alert entered in SIS II for the purpose of refusing entry according to the SIS II Regulation;
- 7) If other considerations for the public order, relations with foreign powers or reasons of safety or health of the Schengen States require that the alien should not be allowed to stay in Denmark.

(2) Nationals of countries which have not acceded to the Schengen Convention or the European Union must be refused entry when arriving from a country that is not part of the Schengen Convention in accordance with the provisions of subsection (1) paras. 1) – 7), but see subsection (5).

(3) An alien who holds no residence permit or has not been issued with a registration certificate or residence card in Denmark, see section 6, or a national of a Nordic country who has no permanent address in Denmark may be refused entry on arrival from a Schengen State under the provisions of subsection (1) paras. 1) – 7), but see subsection (5). However, a Nordic national may only be refused entry under subsection (1) para. 2) if entering from a non-Nordic country, see section 39(4).

(4) An alien who is not a national of a Nordic country and not subject to section 2(1) or (2) may be refused entry on arrival in Denmark if the alien in question may be refused entry under the rules applying in the other Nordic country to which the alien may be assumed to intend to travel.

(5) An alien may however not be refused entry under subsections (1) – (4) if according to Article 6(5)(c) of the Schengen Borders Code the alien has obtained special permission to enter Denmark. Where under the provisions of section 2b(4) the alien has the right to travel through Denmark, the alien may solely be refused entry according to subsection (1) para. 1) read with subsections (2) – (4).

(6) An alien who has no permanent address in Denmark may be refused entry irrespective of the provisions of Part 1, if it is found necessary in order to safeguard national security.

(7) The Minister for Immigration and Integration may in exceptional cases decide that aliens who claim to be covered by section 7 may be refused entry from a country that is comprised by the Dublin Regulation. The decision must be made for a period of up to four weeks, which may be extended for a period of up to four weeks at a time. Refusal of entry under the first sentence above may be carried through under the provisions of subsection (1) paras. 1) – 7).

(8) The Refugee Appeals Board must assess for the purpose of its consideration of a decision to refuse entry according to subsection (7) if the requirements of section 48a(1), the third and fourth sentences, are satisfied. The decision of the case must be based on this assessment.

(9) The Minister for Immigration and Integration may lay down more detailed rules on refusal of entry and return of stowaways.

*Part 5a Transfer, etc. under the rules of the Dublin Regulation*

**29a.**-(1) An alien may be refused entry or transferred to another EU Member State under the rules of the Dublin Regulation or under an agreement or equivalent arrangement entered into between Denmark and one or more countries in connection with the Dublin Regulation.

(2) For the purpose of this Act, the Dublin Regulation means the Regulation of the European Parliament and of the Council (EU) No. 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for considering an application for international protection lodged by a third-country national or a stateless individual in one of the Member States as later amended.

*Part 5b Dismissal of certain applications for a residence permit under section 7*

**29b.** An application for a residence permit under section 7 may be dismissed if the alien has already obtained protection in a country as described in section 29a(1).

**48a.**-(1) If an alien claims to be covered by section 7, the Immigration Service must make a decision as soon as possible on refusal of entry or transfer under the rules of Part 5a or Part 5b or on refusal of entry under section 28(1) para. 1), 2), 6) or 7) or section 28(2) or (3) read with subsection (1) para. 1), 2), 6) or 7), or on expulsion under section 25 para. 2) or section 25b and, if relevant, on return of the alien. The same provision applies to aliens who are in Denmark without a residence permit and have applied for asylum in another Member State without having obtained international protection. Return of an alien according to the first sentence above may however only be effected to a country that has acceded to and in fact respects the Refugees Convention of 28 July 1951 and in which there will be access to an appropriate asylum procedure. Return under the first sentence above may not be effected to a country in which the alien will be at risk of the death penalty or of being subjected to torture or inhuman or degrading treatment or punishment, or in which there is no protection against transfer to such a country. The first sentence above does not apply if according to section 28(7), the third sentence, the police have decided to refuse entry on arrival.

(2) An application for a residence permit under section 7 will not be considered until the Immigration Service has made the decision of refraining from refusal of entry, expulsion, transfer or return, see subsection (1).

(3) If the Immigration Service has decided to refrain from refusal of entry, expulsion, transfer or return, the police must inform the asylum seeker of his right to contact the Danish Refugee Council. The Minister for Immigration and Integration may lay down rules according to which, prior to the decision of the Immigration Service, the police must inform an asylum seeker staying in Denmark of his right to contact the Danish Refugee Council.