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**Reply to questionnaire of the Special Rapporteur on the human rights of migrants:
pushback practices and their impact on the human rights of migrants**

- 1. Please provide information on any relevant legislation or policy in relation to the right to seek and enjoy asylum in your country, which guarantees that migrants including asylum seekers' protection needs are examined individually, and they are not pushed back at the international border without access to this assessment and other relevant procedures. Grateful if you could kindly submit the original text of the legislation or policy, accompanied by an English translation if it is in a language other than English, French or Spanish.**

An application for asylum can be submitted if the applicant is present in Denmark. In practice, aliens often apply for asylum at Center Sandholm (within the country). Some asylum applications are submitted to the police at the border due to border control. When an alien submits an application for asylum in Denmark, an initial registration is made.

After the initial registration of the asylum seeker, the case is handed over to the Danish Immigration Service. According to the Aliens Act section 48 a, the Danish Immigration Service shall as soon as possible make a decision on refusal of entry, expulsion, transfer or return. Such decision can occur under the rules of the Aliens Act part 5a or part 5b or 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 25 b.

This includes transfer to another Member State according to the Dublin Regulation and transfer to a Member State who joined the Dublin Regulation where the alien is granted international protection. Further, it includes refusal of entry if an alien does not meet the entry requirements. Finally, it includes expulsion of an alien, who stays in Denmark without the necessary permit or is considered a serious threat to public order, safety or health.

However, a decision on refusal of entry, expulsion, transfer or return of an alien in accordance with § 48 a may 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. Further, return 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.

Thus, in practice the Danish Immigration Service makes a decision on transfer in accordance with § 48 a when the alien can be transferred to another Member State according to the Dublin Regulation or the alien is granted international protection in a Member State who joined the Dublin Regulation.

In order to make a decision in accordance with section 48 a, the Danish Immigration Service holds an interview with the alien to establish the alien's identity, nationality and travel route and to obtain other necessary information.

An asylum application is examined on the merits, when the Danish Immigration Service has made a decision of refraining from refusal of entry, expulsion, transfer or return.

- 2. Please provide information on any existing good practices or measures taken (such as screening and referral mechanisms at borders) in your country to ensure that persons crossing international borders in mixed movements are protected according to international human rights law. Please indicate any specific measures aimed at reducing vulnerabilities of migrants, including by applying a human rights-based, gender- and disability-responsive, as well as age- and child-sensitive approach.**

Full respect for and compliance with fundamental rights constitute a central part of Denmark's integrated border management system. The respect for fundamental rights is included in all border management activities and further protective measures are put in place regarding minors and other vulnerable groups.

After an initial registration as mentioned in 1), including fingerprints, all asylum seekers will be referred to Reception Center Sandholm, which is the sole official place for asylum registration in Denmark.

- 3. Please provide information on existing restrictions or limitations in law and in practice in relation to the right to claim and seek asylum at international borders in your country (e.g., border controls, restricted access to territory) and elaborate the impact of these restrictions on the protection of the rights of migrants crossing international borders.**

The asylum procedure as mentioned in 1) including the Aliens Act section 48 a, also applies when an alien seeks asylum at international borders.

- 4. Please provide information on any concrete instances of pushbacks, including an analysis on the circumstances of the event.**

N/A.

5. Please indicate any specific challenges that your Government has encountered, in the context of the COVID-19 pandemic, on ensuring the human rights of migrants crossing international borders, either by land or by sea.

N/A.

6. Please indicate any challenges and/or obstacles faced by Governmental institutions or civil society organizations and individuals in protecting the human rights of migrants at international borders, including those in distress at sea and in situations where pushbacks or pullbacks are likely to take place.

N/A.