

Good advice on family reunification for refugees

Are you a refugee in Denmark, and would you like to bring a family member here?
Or are you in contact with a refugee who needs help applying?

This pamphlet explains who has the right to family reunification, and which rules apply.

Also available in Danish at refugeeswelcome.dk/advice



There are different sets of rules for family reunification in Denmark:

1. The normal Danish rules;
2. EU rules;
3. Rules for refugees.

This pamphlet deals **only with the requirements for refugees**, which are more lenient, but still difficult for some people to fulfil.

At Refugees Welcome we can answer questions, help with filling out applications, submit special remarks or appeal rejected cases. You can contact us in the following ways:

- Call 50558011 (leave a message, if a volunteer adviser doesn't answer immediately)
- Write a mail to kontakt@refugeeswelcome.dk
- Come speak with us in person every Tuesday (except holidays and the month of July) from 4pm-7pm:
% Mellempøkkeligt Samvirke, Fælledvej 12, stairway C, 4th floor
- Write to us on Facebook (Refugees Welcome, Denmark)

What is “family”?

Denmark interprets the right to family live strictly, and normally only grants residence to nuclear families, ie. **father, mother and children under 18 years of age.**

Partner: Can either be a spouse or someone who has been in a relationship for an extended time.

Children: They should be your own biological children or children who are adopted after rules that comport with the Danish rules for adoption. If the child is over 15 years of age special rules apply.

Siblings: Unaccompanied minors who are refugees have the right to bring their siblings under 18 here, if their parents also come. One can also bring a younger sibling here, if you have had a father/mother role over the child, because his or her parents are dead. Adults, however, normally can't bring their adult siblings here.

What are your rights?

Refugees have the right to be reunited with their nuclear family that is already established. They don't necessarily have a right to make a new family and bring them to Denmark. The general rule is that Denmark has the obligation to reunite existing families, but only if they cannot live together safely in another country.

That means that you will need to document the following:

PARTNER:

- a valid, real wedding certificate OR proof of cohabitation for at least 18 months,
- that the pair has established a genuine relationship, not only with the purpose of bringing one of them here,
- that the marriage was entered freely and after both individual's wishes (if spouses are related to each other, it is regarded as a rule as involuntary),
- that the marriage lives up to the Danish requirement that both parties should be over 18 and physically present at the wedding,
- that the identity of the partners can be documented in the form of a passport, birth certificate or ID card (if you don't have a passport and can't get one, you must explain why).

CHILDREN:

- that the child's identity can be confirmed, and that he or she is a biological child (birth certificate and/or DNA-test) or official adoptee of the resident in Denmark, comporting with Danish adoption rules,
- that the resident has custody over the child (alone or shared). If it is shared, it must be documented that there is permission to move the child to Denmark,
- if the child is over 15 years old: that there aren't other family members who can take care of the child, or that the child has special health problems.

On documentation:

- Marriage certificates from Eritrea are generally not recognized, and for Syria and Eritrea Denmark requires both a religious and a civil marriage certificate.
- Birth certificates for children are normally required. Alternatively, or as an addition, DNA testing can be requested, which can be arranged via the nearest Danish embassy while your application is being processed.
- Certificates should first be submitted as a scanned picture, but you might be asked to deliver the original copy later.

If you get married after you arrive in Denmark:

- If you were together before one of you came to Denmark, but get married after that date (it may also be a re-marriage in another country), because your application was refused due to e.g. insufficient length of cohabitation or an invalid marriage certificate, you will generally be granted family reunification with a new,

valid marriage certificate, especially if you have maintained contact throughout the whole period you have been apart.

- If you were not together before one of you came to Denmark, there is a high risk of the authorities assuming that the relationship has been established with the intention of gaining residency and you will be turned down, in spite of a valid certificate. It is certainly not a good idea to get married during the first visit. Internet correspondence is not sufficient to document a relationship but can support physical visiting periods. It is practically impossible to establish a cohabitation period of 18 months, as the person in Denmark must not leave the country for such a long period.
- If the other party already has a residence permit in a safe country, e.g. in the EU, you will not be exempted from living up to the normal, Danish criteria, even if you knew one another earlier, unless you can show that the person in Denmark does not have permission to live in the other country. (You need to apply for family reunification in the other country first and be able to supply evidence that the application was rejected).

Separation of children and their parents:

In some cases, a parent will get permission to bring a child to Denmark, but not the other parent. This is because even though it is recognised that the child has the right to be reunited with their parent in Denmark, the parents' family life together is not recognised. This is a hopeless situation where the child will grow up with e.g. their dad in Denmark or their mum in Ethiopia. Due to visa rules, distance and cost, the child is in reality separated from one parent. These cases unfortunately require a long and hard battle and some people give up.

If the child is over 15 years old and lives in their homeland with someone who can care for them, like a parent, aunt or grandparent, their application for family reunification will generally be refused.

How do you apply?

On the website newtodenmark.dk you are guided by questions to 3 online forms relevant to refugees: FA1 for spouses/cohabitants (plus their children), FA2 for children (who are not applying at the same time as a parent), or SG1-2 for other family members (e.g. parents of unaccompanied minor).

Digital applications: You need a Danish digital signature (NemID) to fill in the forms online. This is the easiest and most secure way of doing it. If it's a partner you wish to bring to Denmark, your partner can fill out their section of the online form, or the one residing here can do it for both, as long as you include a special page which you find under the form signed by the applicant.

One part is filled in by the person in Denmark/the reference (the party who already has residency here).

Another part is filled in by the applicant (the person that wishes to come to Denmark).

– make sure you don't get the two parts mixed up!

Paper form: The application can also be printed and submitted to the Immigration Services Citizens Service by hand by the person living in Denmark (you will need to book a time). Note that the printable forms have other names. See under digital applications about handing it in for both persons. Always keep a copy of the completed application form and all the attachments!

Applications for children are always filled out by the person living in Denmark on behalf of the child. On the other hand, if it is the child who is in Denmark and applying for family reunification with a parent who is elsewhere, then a guardian or the other parent fills in the form on their behalf.

Refugees and their families do NOT require certain language skills, education, work, living conditions etc, even though all these things are set out in the list of documents – but do fill in these sections if at all possible.

Remember that you need to submit an authorized translation of all documents into Danish or English.

Fee: Fees are not required for any application by a refugee.

The persons who are applying to come to Denmark needs at some point to attend their nearest Danish Embassy (in some cases, Swedish/Norwegian embassies can be used) to have their biometrics taken (photograph and finger

prints), and possibly to get a DNA test. When and if they get family unification, they will need to pay a fee for visa, which is calculated per person (usually around 1,500 dkk).

If you apply for family reunification while your spouse is visiting Denmark with a valid visa, s/he will be allowed to stay in Denmark until the decision. But if it's another family member (such as a parent), a refusal will lead to a ban on entry in Denmark for several years and difficulties in getting a visa again even after that period.

When can you apply?

Adult refugees who have asylum status under paragraph 7.3 cannot apply for family reunification until they have had residency for 1 year and 10 months, but unaccompanied minors with 7.3 can apply immediately. Adult refugees with a permit under any other paragraph than 7.3 can apply immediately. If you have residency under either of the special laws for Afghans or Ukrainians, particular rules apply – you are welcome to contact us.

Generally, you should apply as quickly as possible after you have received asylum. If you apply for children later than 3 months after you received your residence permit, you have to explain why it was not possible to apply earlier. The older the child is, the more difficult it is to get permission – especially if the child is over 15.

If you do not have all the documents ready, it is in any event better to apply immediately and indicate that you will send in any missing documents as soon as possible. The same applies if your family cannot get to a Danish embassy.

Special questions on the application form

Read all the questions and information on the form carefully! Get help from an interpreter, if you are in doubt.

As a general rule, you should answer all questions on the forms. If you don't know the answer or cannot attach the correct documents, you should explain why. You can mark if a question is not relevant with, e.g. with a minus.

FA1/FA10 Question 3: To obtain family reunification in Denmark, both parties must voluntarily agree to the marriage and it cannot be arranged by others. It is automatically assumed that the marriage was arranged if the parties are related to one another (e.g. second cousins). If that is the case, you should prepare additional documentation to show the marriage was entered into voluntarily, e.g. to be included in a potential appeal.

FA1/FA10 Question 9: Not very relevant for refugees as the conditions about work and where you live do not apply, but fill it in anyway, if you can. It can possibly make a difference e.g. in the assessment whether it is best for your child to live with you or in their homeland.

FA1/FA10 Question 10-12: This condition does not apply to refugees, so it is not necessary to fill in.

If your application is not successful:

If you are from Eritrea, Somalia or other countries where documentation can be a problem, there is a big risk that you will not be granted family reunification. As a rule, the appeal process is conducted on paper without a hearing, and you do not automatically get allotted a lawyer like in asylum cases.

You can appeal to the **Immigration Appeals Board (Udlændingenævnet)** within 8 weeks from when you receive the letter informing you that your application was rejected. If your appeal is not ready within 8 weeks, send a short appeal anyway, and inform them that you will send further information later. The deadline must be kept.

If you are a refugee, you do not need to pay the fee, but the processing time is extremely long, and has recently been up to 2 years. It might be worth sending in a new application to the Immigration Service if there are new circumstances to report. If you also receive a negative decision from the Immigration Appeals Board, you can try to appeal to the court, but you need a lawyer to do this and it can be costly.