

Executive Order on Aliens' Access to Denmark (Aliens Order)

Pursuant to sections 5(2), 9a(2)(iii), 9g(2), 12, 13(2), 14(2), 15(2), 38(3), (4) and (7), 39(1) to (5), 41, 42(1) and (3), 44(1) and (3), 46c, 46d, 47(2) and (3), 47a, 58d and 60(2) of the Aliens Act, see Consolidation Act No. 785 of 10 August 2009 as amended by Act No. 1511 of 27 December 2009, the following is laid down:

Part 1

*Passports or other travel documents*

1. (1) A passport is valid as a travel document for an alien when it satisfies the following conditions: -

- (i) The passport must be issued by a competent authority of the country of which the passport holder is a national and must be provided with a specification of the issuing authority. If the authority is not specified on a laminated page, such specification must be provided by the stamp or seal of the authority. Any corrections of the text must be carried out by a competent authority.
- (ii) The passport must provide information on its period of validity.
- (iii) The passport must be valid for travelling to Denmark.
- (iv) The passport may only be in the name of a single person, but see subsections (4) and (5) hereof.
- (v) The passport must specify the passport holder's full name, date of birth, place of birth, nationality and sex.
- (vi) The passport must include a lifelike photo of the passport holder. If the photo page is not laminated, the photo must be provided with the stamp or seal of the issuing authority in such manner that it is impressed or printed partly on and partly outside the photo.
- (vii) The passport must be provided with the passport holder's signature, thumb print or the like.
- (viii) The passport must have space for stamps.
- (ix) Passports not made out in English, Estonian, Finnish, French, Icelandic, Italian, Latvian, Lithuanian, Dutch, Maltese, Norwegian, Polish, Portuguese, Romanian, Slovakian, Slovenian, Spanish, Swedish, German, Czech or Hungarian must include a translation of the entire text into at least one of these languages.

(2) Notwithstanding subsection (1) hereof, the passport is not valid as a travel document if it is stated in the passport or otherwise specified that the passport is not valid for re-entry into the country of issue.

(3) Notwithstanding subsections (1) and (2) hereof, a passport issued to a national of a country which has acceded to the European Union or is comprised by the Agreement on the European Economic Area or to a national of Switzerland is valid as a travel document for the alien.

(4) A passport issued to spouses is valid as a travel document when it satisfies the requirements of subsections (1) and (2) or (3) hereof.

(5) A passport in which a child under the age of 16 specified by its full name, sex and date of birth has been included by a competent foreign authority is valid as a travel document for the child when the child is accompanied by the adult passport holder and when the passport satisfies the requirements of subsections (1) and (2) or (3) hereof.

2. A document of identification made out by a competent Danish or foreign authority to a person who is a national of another country or is state-less (alien's passport or refugee travel document) is valid as a travel document for such alien when it otherwise satisfies the requirements referred to in section 1 of this Order, except for the requirement to specify nationality, see section 1(1)(v) of this Order.

3. (1) A collective document of identification (joint passport, collective passport) is valid as a travel document for a group of aliens who enter with a group leader for a joint short-term stay in Denmark when the group leader is in possession of his own passport or document of identification, see section 1 or 2 of this Order, and each group member is in possession of a document of identification issued by a public authority.

(2) To be valid, the collective passport: -

- (i) must be issued by a competent authority of the country of which the passport holders are nationals and must be provided with a specification of the issuing authority. If the authority is not specified on a laminated page, such specification must be provided by the stamp or seal of the authority. Any corrections of the text must be carried out by a competent authority;
- (ii) must provide information on its period of validity;
- (iii) must be valid for travelling to Denmark;
- (iv) may only comprise persons who are nationals of the country of issue and who, unless otherwise permitted by the Danish Immigration Service in special cases, may enter Denmark on an individual passport without a visa;
- (v) must comprise not less than five and not more than 50 persons;
- (vi) must specify each group member's full name, date of birth, place of birth, nationality and sex; and
- (vii) must specify the group leader's name and the number and date of issue of his passport.

(3) Notwithstanding subsection (2) hereof, the collective passport is not valid as a travel document if it is stated in the passport or otherwise stated that the passport is not valid for re-entry into the country of issue.

(4) Notwithstanding subsections (2) and (3) hereof, a collective passport issued to nationals of a country which has acceded to the European Union or is comprised by the Agreement on the European Economic Area or to nationals of Switzerland is valid as a travel document for such aliens.

**4. (1)** In connection with a decision whether to refuse entry to an alien pursuant to section 28(1)(ii) or section 28(2) or (3), see subsection (1)(ii), of the Aliens Act, the police decide whether the alien's passport or other travel document satisfies the conditions of sections 1 to 3 of this Order, see section 48 of the Aliens Act.

(2) The National Commissioner of Police shall examine what passports and other travel documents satisfy the conditions of sections 1 to 3 of this Order. The result of such examination must be transmitted to the Ministry of Refugee, Immigration and Integration Affairs, the Danish Immigration Service, the Commissioners of Police, the Ministry of Foreign Affairs and the Council of the European Union.

(3) The Minister of Refugee, Immigration and Integration Affairs shall decide to what extent passports and other travel documents, including identity cards, that do not satisfy the conditions of sections 1 to 3 of this Order may be valid as travel documents. Information on the decisions made under the first sentence hereof must be transmitted to the Danish Immigration Service, the Commissioners of Police, the Ministry of Foreign Affairs, the Council of the European Union and the National Commissioner of Police.

(4) The Minister of Refugee, Immigration and Integration Affairs shall publish information on the decisions made under subsection (3) hereof in the Danish Official Gazette. A list of the decisions made must be published once a year as at 1 January in the same medium.

**5. (1)** Under section 39(4), first sentence, see section 39(1), of the Aliens Act, nationals of another Nordic country are exempt from being in possession of a passport or other travel document on entry into Denmark from another Nordic country, during stays in Denmark and on departure from Denmark to another Nordic country.

(2) Under section 39(4), second sentence, of the Aliens Act, the Minister of Refugee, Immigration and Integration Affairs shall decide what other groups of aliens are exempt from being in possession of a passport or other travel document on entry and stay in Denmark and on departure from Denmark.

(3) When humanitarian considerations, considerations of national interests or international obligations make it appropriate, the Danish Immigration Service or the police may permit an alien to enter and stay in Denmark without being in possession of a passport or other travel document, but see section 49(2) of this Order.

(4) The Minister of Refugee, Immigration and Integration Affairs shall publish information on the decisions made under subsection (2) hereof in the Danish Official Gazette. A list of the decisions made must be published once a year as at 1 January in the same medium.

(5) The Danish Immigration Service shall provide information on the permits granted under subsection (3) hereof to the other Schengen countries.

**6. (1)** A refugee travel document is issued upon application in accordance with the rules of the Convention relating to the Status of Refugees (28 July 1951) to an alien holding a residence permit under section 7(1) or section 8(1) of the Aliens Act.

(2) An alien's passport is issued upon application to: -

- (i) an alien issued with a residence permit under section 7(2) of the Aliens Act;

- (ii) an alien issued with a residence permit under section 8(2) or (3) of the Aliens Act;
- (iii) an alien issued with a residence permit under section 9c(3) of the Aliens Act; or
- (iv) an under-age child issued with a residence permit under section 9(1)(ii) of the Aliens Act if one of the child's parents holds a residence permit under section 7 or 8 of the Aliens Act.

(3) An alien's passport is issued upon application to an alien who is unable to procure a passport or other travel document, provided that the alien has been issued with: -

- (i) a permanent residence permit under sections 9 to 9f of the Aliens Act;
- (ii) a time-limited residence permit with a possibility of permanent residence under sections 9 to 9f of the Aliens Act;
- (iii) a residence permit under section 9b of the Aliens Act;
- (iv) a residence permit under section 9c of the Aliens Act when the permit has been issued to an alien who has submitted an application for a residence permit under section 7 of the Aliens Act;
- (v) a residence permit under section 9c(4) of the Aliens Act; or
- (vi) a residence permit under section 9e of the Aliens Act.

(4) Upon application, a refugee travel document and an alien's passport may be issued to an alien not falling within subsections (1) to (3) hereof when particular reasons make it appropriate.

(5) Issue of refugee travel documents and alien's passports may be refused when deemed necessary for security reasons or in consideration of the reputation of the Danish State.

7. (1) The Danish Immigration Service issues refugee travel documents and alien's passports.

(2) Where a travel document is issued under section 6(1) to (3) of this Order to an alien who is above the age of 18 and who holds a permanent residence permit, the period of validity is fixed at ten years. For other aliens who are above the age of 18, the period of validity for travel documents under section 6(1) to (3) of this Order is fixed so that it will expire not more than six months after expiry of the residence permit. For aliens who are between the ages of two and 18, the period of validity for travel documents under section 6(1) to (3) of this Order is fixed at five years. For aliens who are under the age of two, the period of validity for travel documents under section 6(1) to (3) of this Order is fixed at two years. The period of validity under the third and fourth sentences hereof is fixed so that it will expire not more than six months after expiry of the residence permit, or, in case of aliens not issued with a residence permit, see section 6(4) of this Order, so that it will expire not later than on the date when the purpose for which it was issued has been accomplished. Where particular reasons make it appropriate, a shorter period of validity may be fixed than stated in the first to fifth sentences hereof.

(3) It must be made a condition for issue under section 6(1) or (2) of this Order that the alien's passport or travel document is surrendered to the Danish Immigration Service. Travel documents issued under section 6(2)(iv) or (3) of this Order may be revoked if the alien is issued with a national passport.

(4) A refugee travel document and an alien's passport issued to an alien holding a time-limited residence permit under section 7 or 8(1) or (2) of the Aliens Act must be provided with an endorsement stating that it is not valid for travelling to the country or countries in which, as determined by the authority issuing the residence permit, the alien risks persecution falling within section 7 of the Aliens Act.

(5) Any endorsement under subsection (4) hereof is cancelled when the alien is issued with a permanent residence permit. Any endorsement under subsection (4) hereof is furthermore cancelled when the alien applies for cancellation to the Danish Immigration Service. Cancellation under the second sentence hereof of an endorsement under subsection (4) hereof may only be effected if the application provides information on:

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- (i) the purpose of the cancellation of the endorsement under subsection (4) hereof;
- (ii) whether the alien finds that he can enter and stay in the country or countries referred to in subsection (4) hereof without any problems and, if so, the reason therefore; and
- (iii) the date of the departure to the country or countries referred to in subsection (4) hereof and the expected date of the alien's return to Denmark.

(6) Where an endorsement is cancelled under subsection (5), second sentence, hereof and where the alien returns to Denmark after having departed to the country or countries referred to in subsection (4) hereof, the alien's refugee travel document or alien's passport must be sent to the Danish Immigration Service and provided with a new endorsement under subsection (4) hereof unless the alien's residence permit is revoked, see section 19(1)(i) of the Aliens Act. Where an endorsement is cancelled under subsection (5), second sentence, hereof, but the alien does not depart to the country or countries referred to in subsection (4) hereof, the alien's refugee travel document or alien's passport must be sent to the Danish Immigration Service and provided with a new endorsement under subsection (4) hereof.

(7) An application for a refugee travel document or an alien's passport must be submitted to the Danish Immigration Service. If the applicant lives or resides outside the Copenhagen or West Copenhagen police districts, the application may also be submitted to the Danish Immigration Service through the police at the place where the applicant lives or resides.

(8) The period of validity for travel documents issued under section 6(1) to (4) of this Order may be extended upon application. Subsections (2) and (7) hereof apply correspondingly.

(9) Otherwise, the rules on issue of passports to Danish nationals apply correspondingly.

**8. (1)** The person or persons having custody of a child under the age of 15 with its own passport, its own refugee travel document or its own alien's passport may demand that such child be deleted from other persons' refugee travel documents or alien's passports.

(2) The police shall make any decisions under subsection (1) hereof.

(3) A request for deletion must be submitted in writing to the police at the place where the person or persons having custody of the child live or reside.

(4) If the person or persons requesting deletion live or reside abroad, the request for deletion may be submitted to the National Commissioner of Police through a Danish mission in the country in which the person or persons requesting deletion live or reside or, if there is no Danish mission in the country in which the person or persons live or reside, through the closest Danish mission.

(5) The refugee travel document or alien's passport in respect of which deletion of the child is requested may be temporarily seized for the purpose of the deletion.

(6) A decision on deletion cannot be appealed to any other administrative authority.

## Part 2

### *Entry and departure checks*

**9.** Entry from and departure to another Schengen country is made without any entry and departure checks, but see section 12 of this Order. Where temporary checks have exceptionally been introduced at the border of another Schengen country pursuant to Article 23 of the Schengen Borders Code, entry from and departure to such country must be made in accordance with the border control measures laid down in that connection, see section 10 of this Order.

**10. (1)** Entry from and departure to a country which has not acceded to the Schengen Convention may only, unless otherwise laid down pursuant to Article 4(2) of the Schengen Borders Code, be effected at the border crossing points (ports and airports) approved for such purpose by the Minister of Refugee, Immigration and Integration Affairs pursuant to section 38(3) of the Aliens Act, and only within their opening hours, but see section 12 of this Order. In very special cases, as further provided for by the National Commissioner of Police, the police may permit entry and departure at places other than the border crossing points referred to in the first sentence hereof.

(2) Upon entry from and departure to a country which has not acceded to the Schengen Convention, aliens shall report for an entry or departure check, but see section 12 of this Order. The checks are carried out by the police, as further provided for by the National Commissioner of Police.

(3) Aliens entering from or departing to a country which has not acceded to the Schengen Convention shall give the police the information necessary for the police to carry out the entry or departure check.

(4) In connection with entry and departure checks, the police may stamp an alien's passport or other travel document. The National Commissioner of Police lays down further provisions thereon.

(5) In connection with entry checks, the police may copy or take photos of an alien's passport or other travel document or otherwise secure information in such documents for the purpose of checking the alien's travel document and identity.

(6) In connection with entry and departure checks, the police shall check whether an alien holding a time-limited residence permit under section 7 or 8(1) or (2) of the Aliens Act observes a travel restriction imposed by endorsement under section 7(4) of this Order. The first sentence hereof does not apply if the other entry and departure checks are disproportionately disturbed thereby. The police shall report non-observance to the Danish Immigration Service.

(7) The Minister of Refugee, Immigration and Integration Affairs shall publish information on the approvals granted pursuant to section 38(3) of the Aliens Act in the Danish Official Gazette. A list of the approved border crossing points (ports and airports) must be published once a year as at 1 January in the same

medium. Information on the approvals granted under the first sentence hereof must be given to the Council of the European Union.

**11. (1)** Captains of aircraft arriving from or departing to a country which has not acceded to the Schengen Convention shall ensure: -

- (i) that foreign crew members and any foreign passengers remain onboard until an entry check can be carried out, see subsections (2) to (4) hereof; and
- (ii) that the aircraft does not depart until a departure check of foreign crew members and any foreign passengers has been carried out, see subsections (2) to (4) hereof.

(2) Airline companies of aircraft, see subsection (1) hereof, which carry passengers on scheduled flights to airports with no permanent police service require a disembarkation permit to be issued by the Minister of Refugee, Immigration and Integration Affairs. Aircraft captains shall observe the provisions laid down in the disembarkation permit on reporting of crew members and passengers as well as other conditions in connection with entry and departure checks.

(3) Captains of aircraft, see subsection (1) hereof, that arrive in or depart from an airport on unscheduled flights shall notify the airport of the time of arrival or departure of the aircraft before arrival or departure and of the number of crew members and passengers so that the airport can transmit the information to the police for the purpose of planning the entry and departure checks.

(4) At the request of the police, aircraft captains shall surrender a copy of the passenger list and the crew list. The police may further order aircraft captains, see subsection (1) hereof, to send a list of crew members and passengers to the police before the arrival of the aircraft as further provided for by the National Commissioner of Police. The list must provide information on names (surname, first name(s)), dates of birth (date, month, year), nationalities and travel documents (including type and number of passport or other travel document). In addition, the police may order aircraft captains, see subsection (1) hereof, before the arrival of the aircraft, to provide information on the place of the passengers' original boarding, on the border crossing point in Denmark, on the identification code of the aircraft and on departure and arrival times of the aircraft. The information must be provided on a form drafted by the National Commissioner of Police or otherwise as laid down by the National Commissioner of Police, including by electronic transmission, if relevant.

**12. (1)** Shipmasters shall ensure: -

- (i) that foreign crew members and any foreign passengers remain onboard until an entry check can be carried out, see subsections (2) to (8) hereof; and
- (ii) that the ship does not sail until a departure check of foreign crew members and any foreign passengers has been carried out, see subsections (2) to (8) hereof.

(2) Foreign crew members in possession of a discharge book, an identity document issued under the ILO Convention No. 108 of 1958 or the ILO Convention No. 185 of 2003 concerning Seafarers' National Identity Documents or other valid travel document may stay in the area near the port of call without being subject to entry and departure checks as long as the ship remains there, but not for more than three months (right to shore leave). The police may prohibit certain crew members from leaving the ship.

(3) The shipmaster shall notify the police when a foreign crew member is to be discharged or signed on in Denmark or when a foreign crew member has jumped ship or failed to appear onboard. The shipmaster shall also notify the police of the presence of stowaways onboard. At the request of the police, the shipmaster shall surrender a copy of the passenger list and the crew list.

(4) Shipping companies or shipbrokers of passenger ferries that operate a regular passenger service between Denmark and a country which has not acceded to the Schengen Convention require a disembarkation permit to be issued by the Minister of Refugee, Immigration and Integration Affairs. Shipmasters of passenger ferries shall observe the provisions laid down in the disembarkation permit on the reporting of crew members and passengers as well as other conditions in connection with entry and departure checks. The first and second sentences hereof apply correspondingly to shipping companies or shipbrokers and shipmasters of cargo vessels capable of carrying up to twelve passengers and maintaining a regular service between Denmark and a country which has not acceded to the Schengen Convention.

(5) Shipping companies or shipbrokers of cruise ships carrying passengers require a disembarkation permit to be issued by the Minister of Refugee, Immigration and Integration Affairs. Subsection (4), second sentence, hereof applies correspondingly to shipmasters of cruise ships.

(6) Shipmasters of cargo vessels other than those referred to in subsection (4), third sentence, hereof shall send a list of the crew members and any passengers of the ship to the police, as further provided for by the National Commissioner of Police, as far as possible 24 hours before calling at a Danish port approved as a border crossing point and otherwise promptly after the expected calling at such Danish port has been

determined and information on crew members and any passengers at the time of calling at the port is available, for the purpose of planning the entry checks, see subsection (8) hereof. The same applies to masters of fishing vessels that do not daily or every few days call at a Danish port approved as a border crossing point after having sailed out from a port in Denmark or another Schengen country.

(7) Shipmasters of pleasure craft calling at a Danish port from a country which has not acceded to the Schengen Convention shall prepare a list of the crew members and any passengers of the craft, see subsection (8) hereof. The list must be surrendered to the harbour master upon call for transmission to the police, as further provided for by the National Commissioner of Police, for the purpose of planning the entry check.

(8) Lists of the crew members and any passengers of a ship, see subsections (6) and (7) hereof, must provide information on names (surname, first name(s)), dates of birth (date, month, year) and nationalities. The information must be provided on the forms issued by the International Maritime Organisation (IMO) for crew members and passengers (FAL forms Nos. 5 and 6) or otherwise as laid down by the National Commissioner of Police, including by electronic transmission, if relevant.

### Part 3

#### Visas

**13.** Aliens shall have their passport or other travel document endorsed (visaed) before entry, unless they are visa exempt, see section 14 of this Order.

**14.** (1) The following aliens are visa exempt: -

- (i) Nationals of Finland, Iceland, Norway and Sweden, see section 1 of the Aliens Act.
- (ii) Aliens who are nationals of a country which has acceded to the European Union or is comprised by the Agreement on the European Economic Area, see section 2 of the Aliens Act, or nationals of Switzerland.
- (iii) Aliens who hold a residence permit for another Schengen country and are visa exempt before entry under Article 21(1) or (2) of the Schengen Convention.
- (iv) Aliens who are visa exempt under the rules of the European Union before entry.
- (v) Aliens who are nationals of a country with which Denmark has concluded an agreement on visa exemption, see section 39(2) of the Aliens Act.
- (vi) Aliens who belong to a special group of aliens who, as provided for by the Minister of Refugee, Immigration and Integration Affairs, are visa exempt, see section 39(2) of the Aliens Act.

(2) The Minister of Refugee, Immigration and Integration Affairs shall publish information on agreements or provisions under subsection (1)(iv) to (vi) hereof in the Danish Official Gazette. A list of the groups of aliens referred to in subsection (1)(iv) to (vi) hereof must be published once a year as at 1 January in the same medium.

**15.** (1) A visa is issued with validity for all Schengen countries, but see sections 18 and 19(4) and (6) of this Order.

(2) A visa valid for all Schengen countries is issued as: -

- (i) A uniform visa valid for one, two or more entries for the purpose of staying in the Schengen countries or transiting through the Schengen countries, where neither the duration of an unbroken stay nor the total duration of several consecutive stays in Denmark and the other Schengen countries may exceed three months (90 days) per any six-month period reckoned from the date of the first entry into the Schengen countries.
- (ii) An airport transit visa entitling the holder to stay in the international transit zones of airports in the Schengen countries during a stopover, but not to enter the Schengen countries.

**16.** (1) A uniform visa valid for all Schengen countries may only be issued if the following conditions are satisfied: -

- (i) The alien must be in possession of a valid passport or other travel document entitling the holder to travel to Denmark and the other Schengen countries. If the passport is only valid for travelling to one or more of the Schengen countries, the validity of the visa is restricted to such country or countries. The passport may not state or otherwise indicate that the passport is not valid for re-entry into the country of issue.

- (ii) The alien must have sufficient means to support himself during the intended stay in the Schengen countries and to pay for his return to his country of origin or country of residence or for the passage to a third country where the person in question is guaranteed entry, or be able to acquire such means in a lawful manner.
- (iii) Unless particular reasons make it inappropriate, the alien must have taken out travel insurance covering any expenses in connection with repatriation for health reasons or death, urgent medical attention and emergency hospital treatment during the intended stay. The travel insurance must cover all the Schengen countries and cover the entire period of the intended stay or the transit. The minimum insurance cover must amount to €30,000. If the visa application comprises more than two entries into the Schengen countries, the travel insurance need only cover the period for the first intended entry and stay in the Schengen countries. In such cases, the alien shall sign the statement set out in the visa application form declaring that he is aware of the need to be in possession of travel insurance for subsequent entries and stays in the Schengen countries.
- (iv) No alert may be entered in the Schengen Information System for the purposes of refusing entry in respect of the alien.
- (v) The alien may not constitute a threat to the public policy, relations with foreign powers or national security or health of the Schengen countries.
- (vi) The alien may not be subject to restrictive measures intended to prevent entry and transit as decided by the United Nations or the European Union.

(2) If necessary, the alien shall present documentation for the purpose and specific circumstances of his trip.

(3) A visa is generally issued in accordance with the provisions of the Visa Code, including Article 22 on consultation of the authorities of other Schengen countries.

(4) The intelligence services may be consulted in connection with the assessment of whether the condition of subsection (1)(v) hereof has been satisfied.

**17.** (1) The following family members of a person (the principal person) who is a national of a country which has acceded to the European Union or is comprised by the Agreement on the European Economic Area, or is a national of Switzerland, and who has an independent right of residence in Denmark under the EU rules, see section 2(4) of the Aliens Act, do not fall within section 16(1)(ii) and (iii) and section 16(2) of this Order:

- (i) a principal person's spouse;
- (ii) a principal person's descendants under 21 years of age and the descendants under 21 years of age of a principal person's spouse;
- (iii) a principal person's other descendants and any other descendants of the principal person's spouse who are dependent on the principal person or the principal person's spouse;
- (iv) relatives in the ascending line of either a principal person or the principal person's spouse if they are dependent on the principal person or the principal person's spouse;
- (v) a principal person's other relatives if they are dependent on the principal person or are living under the roof of the principal person in the country from where they come; and
- (vi) a principal person's other family members where serious health grounds strictly require the personal care of the family members by the principal person.

(2) A registered partner or a person over 18 years of age cohabiting with the principal person at a shared residence in regular cohabitation of prolonged duration ranks equally with a spouse.

(3) Subsections (1) and (2) hereof also apply to family members of a Danish national (the principal person) whose family members have a right of residence in Denmark pursuant to EU law.

**18.** Notwithstanding the provisions of section 16 of this Order, a visa with limited validity covering entry and stay in Denmark only may be issued when humanitarian considerations, considerations of national interests or international obligations make it appropriate. The other Schengen countries must be informed of visas issued under the first sentence hereof.

**19.** (1) Visas are issued by the Danish Immigration Service or by a Danish diplomatic or consular mission authorised to do so under section 47(2), first sentence, of the Aliens Act by agreement between the Minister of Refugee, Immigration and Integration Affairs and the Minister for Foreign Affairs.

(2) Visas may furthermore be issued by another Schengen country's diplomatic and consular missions abroad which have been authorised to do so under section 47(2), second sentence, of the Aliens Act by the

Minister for Foreign Affairs following agreement with the Minister of Refugee, Immigration and Integration Affairs.

(3) When Denmark is the competent state under the rules of the Visa Code, visa applications must be submitted to a Danish mission, see subsection (1) hereof, the mission of another Schengen country, see subsection (2) hereof, or in special cases to one of certain Danish honorary missions. Visa applications may be submitted to a private enterprise or organisation which has concluded an agreement with a Danish mission or the Ministry of Foreign Affairs on the handling of certain administrative tasks related to visas. Where the Danish Immigration Service may issue visas at the border under subsection (4) hereof, applications must be submitted to the Danish Immigration Service. The Danish Immigration Service may decide that an application must be submitted to the police, see subsection (6) hereof.

(4) When particular reasons make it appropriate, the Danish Immigration Service may issue visas at the border for up to 15 days' stay valid for one entry, or transit visas. A visa under the first sentence hereof may not be issued if such issue is conditional upon consultation of the authorities of other Schengen countries under Article 22 of the Visa Code. Notwithstanding the provisions of the second sentence hereof, visas under the first sentence hereof with limited validity covering entry and stay in Denmark only may be issued when humanitarian considerations, considerations of national interests or international obligations make it appropriate. The other Schengen countries must be informed of visas issued under the third sentence hereof. The Danish Immigration Service may furthermore permit entry into Denmark without a visa when humanitarian considerations, considerations of national interests or international obligations make it appropriate. The other Schengen countries must be informed of permits granted under the fifth sentence hereof.

(5) The Danish Immigration Service may issue a re-entry permit to an alien residing lawfully in Denmark.

(6) In special cases, by authorisation from the Danish Immigration Service, the police may issue visas at the border for up to 15 days' stay valid for one entry and transit visas under subsection (4), first sentence, hereof. Subsection (4), second and third sentences, hereof applies correspondingly. No visa may be issued under the first sentence hereof, if an alert has been entered in the Schengen Information System for the purposes of refusing entry in respect of the alien, or if the alien is prohibited from entering Denmark. In special cases, upon authorisation from the Danish Immigration Service, the police may issue re-entry permits under subsection (5) hereof.

(7) A fee of DKK 450 is charged for the examination of applications under subsections (4) and (6) hereof. DKK 260 is charged for children aged 6-11 years. No fee is charged for children under 6 years of age. No fee is charged in case of delayed flights, unforeseen flight route changes, emergency landings or similar circumstances. Fees are otherwise charged under the rules of Article 16 of the Visa Code. The fee for the examination of applications under subsection (4) hereof is charged by the Danish Immigration Service. The fee for the examination of applications under subsection (6) hereof is charged by the police. A receipt for payment will be issued to the applicant.

**20.** (1) During an alien's stay in Denmark, the Danish Immigration Service may extend his visa to cover a stay of a total of three months (90 days) in case of force majeure or humanitarian considerations preventing the alien from leaving Denmark before the expiry of the validity period or the duration of the stay authorised by the visa.

(2) During an alien's stay in Denmark, the Danish Immigration Service may furthermore extend his visa to cover a stay of a total of three months (90 days) if the visa holder presents proof of serious personal reasons justifying the extension of the validity period or the duration of the stay.

(3) An application for extension must be submitted to the Danish Immigration Service before expiry of the valid visa. If the applicant lives or resides outside the Copenhagen or West Copenhagen police districts, the application may also be submitted to the Danish Immigration Service through the police at the place where the applicant lives or resides.

(4) A fee of DKK 225 is chargeable at the submission of an application for extension of a visa under subsection (1) or (2) hereof. If the application results in extension of the visa under subsection (1) hereof, the amount will be repaid to the applicant. The fee may be waived if there is no doubt that the application will result in an extension of the visa under subsection (1) hereof.

**21.** (1) A visa is issued so that it expires not later than three months before expiry of the alien's passport or the re-entry permit to the country which has issued the alien's travel document.

(2) If the alien is a permanent resident of a country other than his country of origin, the visa is issued under the terms stated in subsection (1) hereof and so that it expires not later than three months before expiry of the re-entry permit for his country of residence.

(3) In justified cases of urgency, for example when humanitarian considerations, considerations of national interests or international obligations make it appropriate, the Danish Immigration Service may deviate from the provisions of subsections (1) and (2) hereof. In that case, the validity of the passport must be longer than that of the visa and allow the alien to return to the country of issue before expiry of the passport. The passport may not state or otherwise indicate that the passport is not valid for re-entry into the country of issue.

**22.** (1) The Danish Immigration Service may annul a visa if the conditions for its issue were not satisfied at the date of issue, particularly if there are serious reasons for believing that the visa was issued on a fraudulent basis.

(2) The Danish Immigration Service may revoke a visa if the conditions for its issue are no longer satisfied, if deemed necessary in consideration of the public policy, relations with foreign powers, national security or health of the Schengen countries or if an alert has been entered in the Schengen Information System for the purposes of refusing entry in respect of the alien.

(3) Annulment or revocation of a visa is made according to the procedure in Article 34 of the Visa Code.

(4) Where a visa issued by another Schengen country is annulled or revoked, the central authorities of that country must be informed thereof.

#### Part 4

##### *Residence permits*

##### *General provisions*

**23.** (1) A child under the age of 18 residing permanently with the person having custody of it is exempt from proof of a residence permit during its residence in Denmark when the child has been issued with a residence permit under section 7, 8, 9(1)(ii) or 9b to 9e of the Aliens Act, or when the child was born in Denmark and the person having custody of it is a lawful resident of Denmark pursuant to a residence permit under sections 7 to 9e of the Aliens Act. The first sentence hereof applies correspondingly when the child has been issued with a residence permit under section 9(1)(iii) of the Aliens Act.

(2) Upon application, proof of a residence permit may be issued to a child as referred to in subsection (1) hereof if the child in question needs documentation for its residence permit. Proof of a residence permit issued under the first sentence hereof is issued for not more than three years at a time.

**24.** (1) A residence permit under section 7, 8, 9(1) or 9d of the Aliens Act is issued with a possibility of permanent residence in Denmark unless the alien applies for a residence permit for the purpose of a temporary stay only.

(2) A residence permit under sections 9a to 9c or section 9e or 9f of the Aliens Act is issued with a possibility of permanent residence or a temporary stay in Denmark. In deciding whether to issue the residence permit with a possibility of permanent residence or a temporary stay, particular regard must be had to the purpose of the residence or stay.

**25.** (1) A time-limited residence permit under section 7 or 8 of the Aliens Act is issued for seven years. The residence permit is issued for two years if it is expected, upon a general assessment of the conditions in the applicant's country of origin, that the conditions for asylum will not be satisfied during this entire period. In such cases, the residence permit may then be extended by two years or five years depending on an assessment of the development in the applicant's country of origin. If the residence permit is extended by two years, the residence permit may then be extended by further three years.

(2) A time-limited residence permit under section 9(1)(i) of the Aliens Act is issued for not more than two years at a time, and after four years for not more than three years at a time.

(3) A time-limited residence permit under section 9(1)(ii) of the Aliens Act is issued until the child's 18th birthday, but only until expiry of the period for which one of or both the persons having custody of it hold a residence permit for Denmark.

(4) A time-limited residence permit under section 9a(2)(i) to (v) of the Aliens Act and for researchers, teachers, executive employees, specialists and embassy personnel, see section 9a(2)(vi) of the Aliens Act, is issued for not more than three years and can be extended for not more than four years at a time. The residence permit cannot be issued for longer than the contract term unless the alien falls within the positive list or the pay limit scheme, see section 9a(2)(ii) and (iii) of the Aliens Act, whereupon a residence permit may be issued for further six months in excess of the contract term. A residence permit will be issued for an

entire educational course even though such course consists of a number of short-term employments if the course is a condition for continued employment. The first and second sentences hereof apply correspondingly to the issue of a residence permit under section 9c(1) of the Aliens Act to accompanying spouses, cohabitants and under-age children of the persons referred to in the first sentence hereof and to other accompanying family members when particular reasons make it appropriate.

(5) A time-limited residence permit under section 9b of the Aliens Act is issued for not more than one year at a time, after two years for not more than two years, and after four years for not more than three years at a time.

(6) A time-limited residence permit under section 9c(3) of the Aliens Act for under-age unaccompanied aliens who have entered Denmark and been registered as asylum-seekers under section 48e(1) of the Aliens Act is issued for not more than two years at a time, and after four years for not more than three years at a time.

(7) A time-limited residence permit under section 9c(1) of the Aliens Act for aliens for the purpose of an au pair placement is issued for not more than 18 months, but not for longer than the contract term. In special cases, the residence permit may be extended by further six months.

(8) A time-limited residence permit under section 9c(2) of the Aliens Act for aliens with reference to the fact that return, see section 30 of the Aliens Act, has not been possible for at least 18 months is issued for not more than one year the first time and may be extended for two-year periods at a time.

(9) A time-limited residence permit under section 9c(4) of the Aliens Act for aliens for the purpose of residence under the sanctuary town scheme is issued for not more than two years. The residence permit may be extended by two years at a time. The first and second sentences hereof apply correspondingly to the issue of a residence permit under section 9c(1) of the Aliens Act to the alien's spouse, cohabitant and under-age children.

(10) Apart from the cases referred to in subsections (1) to (9) hereof, the first time-limited residence permit is issued for not more than one year, and it may be extended by periods of up to three years. In special cases, the first time-limited residence permit may be issued for up to three years.

**26.** (1) The provisions of section 21(1) and (2) of this Order apply correspondingly to residence permits issued under sections 9 to 9f of the Aliens Act.

(2) When a residence permit is issued under section 7 or 8 of the Aliens Act, the Danish Immigration Service may deviate from the provision of section 39(1) of the Aliens Act. When a residence permit is issued under sections 9 to 9f of the Aliens Act, the Danish Immigration Service may in special cases deviate from the provision of section 39(1) of the Aliens Act.

(3) When a residence permit is issued under sections 9 to 9f of the Aliens Act, the Danish Immigration Service may in special cases deviate from the provision of section 21(1) and (2) of the Aliens Act. In that case, the validity of the alien's passport must be longer than that of the residence permit issued and must allow the alien to return to the country of issue before expiry of the passport. The passport may not state or otherwise indicate that the passport is not valid for re-entry into the country of issue.

**27.** In connection with a residence permit under sections 7 to 9f of the Aliens Act, such conditions may be laid down as are warranted by the purpose of the residence or the alien's own circumstances or security or health reasons.

**28.** It is a condition for a residence permit under section 9a(2)(iii) of the Aliens Act that the employment implies an annual pay of at least DKK 375,000.

**29.** (1) An application for a residence permit under section 7 or 9c(2) or (3) of the Aliens Act must be submitted in Denmark.

(2) An application for a residence permit under section 9a(2)(v) or 9b of the Aliens Act may only be submitted by persons staying in Denmark.

(3) An application for a residence permit under section 9, 9a(2)(i) to (iv) or (vi), 9c(1), 9d or 9f of the Aliens Act may be submitted to a Danish mission in the applicant's country of origin or in the country in which the applicant has resided permanently for the last three months or to the Chief of Police of the Faroe Islands or the Chief Constable of Greenland. Unless humanitarian reasons conclusively make it inappropriate, such application may only be submitted if the applicant has resided lawfully in the relevant country for the last three months.

(4) An application under subsection (3) hereof may also be submitted to: -

- (i) the mission of another country in the applicant's country of origin or in the country in which the applicant has resided permanently for the last three months when an agreement to this effect has been concluded by the Ministry of Foreign Affairs.
- (ii) a private enterprise or organisation which has concluded an agreement with a Danish mission or the Ministry of Foreign Affairs on the handling of certain administrative tasks related to residence permits.

(5) The Danish Immigration Service may decide that an application under subsection (3) hereof may also be submitted to: -

- (i) another Danish mission when there is no Danish mission in the applicant's country of origin or in the country in which the applicant has resided permanently for the last three months, and when particular reasons make it appropriate.
- (ii) another Danish mission when the application relates to a national of another country and an agreement to that effect has been concluded with the country in question.

(6) An application for a residence permit under section 9d of the Aliens Act, see subsection (3) hereof, may also be submitted in Denmark to the Danish Immigration Service. If the applicant lives or resides outside the Copenhagen or West Copenhagen police districts, the application may also be submitted to the Danish Immigration Service through the police at the place where the applicant lives or resides.

(7) An application for a residence permit under section 9d of the Aliens Act submitted in Denmark, see subsection (6) hereof, and an application for a residence permit under section 9, 9a(2)(i) to (iv) or (vi), 9c(1) or 9f of the Aliens Act where submission in Denmark is permitted under section 9(18), 9a(4), first or second sentences, 9c(5) or 9f(6) of the Aliens Act must be submitted before expiry of a valid visa, or not later than one month before the duty to hold a residence permit commences. The application must be submitted in accordance with subsection (6) hereof.

(8) An application for extension of a residence permit or a work permit may not be submitted earlier than two months before expiry of the permit and must be submitted not later than one month before expiry of the permit. This does not apply where, after refusal of an alien's application for a permanent residence permit, the alien submits a new application for extension of his residence permit. An application for extension of a residence permit under section 9c(1) of the Aliens Act for the purpose of participation in a higher education programme at an educational institution accredited by the public authorities may be submitted four months before expiry of the permit. The application for extension must be submitted in accordance with subsection (6) hereof.

#### *Special provisions*

**30.** (1) A residence permit under section 9(1)(iii) of the Aliens Act for under-age aliens with a possibility of permanent residence with others than the person having custody thereof is issued for the purpose of: -

- (i) adoption where the applicant for adoption is approved as an adopter, where the child is comprised by the approval and where the applicant for adoption has consented to accept the child.
- (ii) residence with the child's closest family when there is a special reason why the child cannot live with its parents or other close relatives in its country of origin.
- (iii) residence with others in case of very special circumstances and when the foster relationship is recommended by the local council on the basis of an examination corresponding to that carried out at adoption of foreign children, or relating to children above the age of 14 when the foster relationship must be deemed satisfactory on the basis of other information.

(2) A residence permit under subsection (1)(ii) or (iii) hereof is conditional upon the foster parents declaring that they undertake to maintain the child.

(3) A residence permit under subsection (1)(ii) or (iii) hereof for the purpose of adoption may not be issued until the Department of Family Affairs or a regional state administration has issued an opinion as to whether completion of the adoption is to be expected.

**31.** (1) The condition under section 9a(3), second sentence, of the Aliens Act stipulating that the maintenance of aliens issued with a residence permit under section 9a(2)(i), see section 9a(15), of the Aliens Act and the maintenance of persons issued with a residence permit as a result of family ties with the alien must be secured through their own means for the first year of their stay in Denmark is satisfied if the aliens in question dispose of income or means corresponding to the sum of the assistance for which they would be eligible under sections 25(12) and 34 of the Act on an Active Social Policy.

(2) It is a condition for a residence permit under section 9a(2)(i), see section 9a(15), of the Aliens Act and a residence permit under section 9c of the Aliens Act for persons issued with a residence permit as a result of

family ties with the alien that the alien takes out health insurance for the period until the alien becomes eligible for assistance and services under the Health Act.

(3) An application for a residence permit under section 9a(2)(i), see section 9a(6), of the Aliens Act may be dismissed if the application does not include the documents or the information necessary for determining whether a residence permit can be issued.

## Part 5

### *Work permits*

**32.** In addition to the cases referred to in section 13(1) of the Aliens Act, aliens need a work permit for working in the territorial waters and on the continental shelf.

**33. (1)** The following aliens are exempt from the requirement of a work permit: -

- (i) The aliens referred to in section 14(1) of the Aliens Act.
- (ii) Persons sent out and employed with foreign diplomatic or sent-out consular missions or by organisations and institutions covered by the Act on Rights and Immunities for International Organisations as well as accompanying family members and assistants sent out and employed in the private households of such persons.
- (iii) Personnel of foreign trains and vehicles in international traffic.
- (iv) Personnel on Danish cargo vessels in international traffic calling at Danish ports not more than 25 times per year, calculated on a one-year rolling basis independently of the calendar year, if a work permit is required therefor, see section 13(1), second sentence, of the Aliens Act.
- (v) Crew members on cruise ships acting as tourist guides for some of or all the passengers of the cruise ship for up to 72 hours after the cruise ship has called at a Danish port if the crew member's office as a tourist guide is a natural part of his other work onboard the cruise ship.
- (vi) Cabin crew members serving on Danish aircraft flying routes with a flight time of at least five hours between Denmark and the alien's country of origin or countries associated by language or culture with the alien's country of origin, and where, due to language or cultural barriers, including lack of knowledge of European languages, local passengers demand cabin crew members with knowledge of the language and the culture relevant to the passengers. It is a condition that the alien holds a valid crew member licence or crew member certificate, that during the employment the alien lives in his country of origin or lives and lawfully resides in the country in which the destination served by the route is located, that the alien only stays in Denmark during rest periods between the flights, that the alien only carries out tasks usually incumbent on the crew, that the alien is remunerated with usual pay according to Danish conditions for at least 15 per cent of the estimated flight time, and that the alien is otherwise subject to the same working conditions, including the rules on flying time and rest periods and access to training, as the rest of the cabin crew. Cabin crew members exempt from a work permit may not constitute more than 20 per cent of the cabin crew on any one flight.
- (vii) Qualified crew members of flight operators or alliance partners for the purpose of providing assistance to survivors and their family members, to the family members of fatal casualties and to relevant authorities in connection with aircraft accidents.
- (viii) Aliens holding a residence permit under section 9a(2)(i) of the Aliens Act.

(2) The following aliens are exempt from the requirement of a work permit for a period of three months from entry: -

- (i) Scientists and lecturers, as concerns teaching or similar activities to which they have been invited.
- (ii) Artists, including musicians, performers, and the like, and associated staff if they are of major importance to an important artistic event.
- (iii) Representatives on a business trip in Denmark for foreign firms or companies having no business address in Denmark.
- (iv) Fitters, consultants and instructors who have entered Denmark to fit, install, check or repair machinery, equipment, computer software or the like or to inform of the use thereof, if the enterprise with which the alien is connected has supplied the machinery, equipment, computer software or the like or, upon agreement with such enterprise, has undertaken to fit, install, check or repair the machinery, equipment, computer software or the like.
- (v) Persons employed in the private household of an employer who is staying in Denmark on a visit for up to three months.

(vi) Professional athletes and coaches and trainers, as concerns the exercise of sports and sports training or coaching, including trial training or coaching, and associated staff. The exemption does not apply if an employment contract has been concluded with a Danish sports club.

**34.** (1) A work permit is issued to aliens holding a residence permit under section 9a of the Aliens Act.

(2) A work permit is issued to aliens holding a residence permit under section 9c(1) of the Aliens Act for the purpose of traineeships.

(3) Upon application, a work permit may otherwise be issued to aliens holding a residence permit under section 9c(1) of the Aliens Act who are not exempt from the requirement of a work permit. In deciding thereon, special regard must be had to the purpose of the application.

(4) A work permit is issued to aliens holding a residence permit under section 9f of the Aliens Act.

(5) Upon application, a work permit may furthermore be issued to aliens residing outside Denmark when essential employment or business considerations make it appropriate, see section 9a(2)(ii) to (iv) and (vi) of the Aliens Act. An alien who has been issued with a work permit under the first sentence hereof and who has concluded a contract of new employment may, upon submitting an application for a work permit on the basis of the new employment, work during the period until it has been decided whether the alien can be issued with a work permit. An application for a new work permit must be submitted when the alien commences his new job at the latest.

**35.** (1) A work permit under section 34 of this Order is issued for employment in a particular job. The Danish Immigration Service may alter the permit for employment in another job.

(2) In connection with a work permit, such conditions may be laid down as are warranted by the purpose of the work, the alien's own circumstances or security or health reasons.

**36.** A work permit under section 34 of this Order for aliens under the age of 18 may only be issued if an employment contract in writing is available and the employer declares to the Danish Immigration Service that he observes the conditions of the working environment legislation.

**37.** A work permit under section 34 of this Order is valid for the same period as the alien's residence permit, unless otherwise stated in the permit.

**38.** (1) If the alien holds a residence permit for Denmark, an application for a work permit or for extension of a work permit under section 34 of this Order must be submitted to the Danish Immigration Service. If the applicant lives or resides outside the Copenhagen or West Copenhagen police districts, the application may also be submitted to the Danish Immigration Service through the police at the place where the applicant lives or resides.

(2) If the applicant does not hold a residence permit for Denmark, an application for a residence and work permit must be submitted in accordance with section 29(2) to (5) and (7) of this Order.

(3) An application for a work permit under section 34(5) of this Order may be submitted in Denmark to the Danish Immigration Service. If the applicant wants to work outside the Copenhagen or West Copenhagen police districts, the application may be submitted to the Danish Immigration Service through the police at the place where the applicant wants to work. The application may also be submitted to a Danish mission in the applicant's country of origin or in the country in which the applicant has resided permanently for the last three months.

**39.** A work permit under section 34 of this Order may be revoked if the basis of the application or the permit was not correct or is no longer present.

## Part 6

### *Special provisions on residence permits in connection with adoption*

**40.** (1) Decisions on the issue, extension, lapse and revocation of a residence permit under section 30(1)(i) of this Order are made by the state administration of the region where the adoptive parents live or reside. If the adoptive parents do not live or reside in Denmark, the state administration of the region where it is assumed, on the basis of the application submitted, that the adoptive parents intend to live or reside in Denmark shall decide the case. If it cannot be determined on the basis of the application submitted where in Denmark the adoptive parents intend to live or reside, the State Administration for Greater Copenhagen shall

decide the case. In special cases the Danish Immigration Service may authorise another regional state administration to decide the said cases.

(2) An application for a residence permit or extension of a residence permit must be submitted to the regional state administration that is to decide the case under subsection (1) hereof. If the adopted child does not live or reside in Denmark, the application must be submitted to a Danish mission in the adopted child's country of origin or the country in which the adopted child lawfully resides. The mission shall forward the application to the State Administration for Greater Copenhagen, which re-forwards the application to the regional state administration that is to decide the case under subsection (1) hereof.

**41.** The regional state administration that is to decide the case under section 40(1) of this Order may deviate from the provisions of section 21(1) and (2), cf. section 26, of this Order.

**42. (1)** The decision of the regional state administration made under section 40(1) of this Order can be appealed to the Danish Immigration Service.

(2) The decision of the Danish Immigration Service cannot be appealed to any other administrative authority.

**43.** The Danish Immigration Service may lay down further rules and decide on the examination of the cases referred to in section 40(1) of this Order.

#### Part 7

##### *Exchange of case documents between the regional state administrations and the Danish Immigration Service*

**44.** For the purpose of a decision to be made by the Danish Immigration Service or an opinion under the Aliens Act or provisions laid down in pursuance thereof, a regional state administration may, without the alien's consent, transmit case documents to the Danish Immigration Service, including information on the alien's purely personal details, entered in a case with the regional state administration relating to a residence permit under section 30(1)(i) concerning: -

- (i) the alien in question; or
- (ii) other aliens, provided that the case documents may be of importance to the case upon a general assessment.

**45.** For the purpose of a decision to be made by a regional state administration under section 30(1)(i) of this Order, the Danish Immigration Service may, without the alien's consent, transmit case documents to the regional state administration, including information on the alien's purely personal details, filed in a case with the Danish Immigration Service relating to a decision or an opinion under the Aliens Act or provisions laid down in pursuance thereof, concerning: -

- (i) the alien in question; or
- (ii) other aliens, provided that the case documents may be of importance to the case upon a general assessment.

**46.** For the purpose of a decision to be made by a regional state administration under section 30(1)(i) of this Order, another regional state administration may, without the alien's consent, transmit case documents to the first regional state administration, including information on the alien's purely personal details, filed in a case relating to a residence permit under section 30(1)(i) of this Order or under the Order on Residence in Denmark for Aliens falling within the Rules of the European Union (the EU Residence Order), concerning: -

- (i) the alien in question; or
- (ii) other aliens, provided that the case documents may be of importance to the case upon a general assessment.

#### Part 8

##### *The Faroe Islands and Greenland*

**47.** A Danish visa, residence permit or work permit is not valid for the Faroe Islands and Greenland.

Part 9

*Control provisions, etc.*

**48.** (1) An alien who is above the age of 18 and who is not a national of another Nordic country or a country which has acceded to the European Union or is comprised by the Agreement on the European Economic Area or not a national of Switzerland shall carry documentation of his Danish residence permit at all times during his stay in Denmark.

(2) If no proof of a Danish residence permit has been issued to an alien falling within subsection (1) hereof, the alien shall carry his passport or other travel document at all times during his stay in Denmark. If the alien's travel document has been surrendered to the Danish Immigration Service or the police, the alien shall instead carry documentation thereof.

(3) If no proof of a Danish residence permit has been issued to an alien falling within subsection (1) hereof, and the alien is not in possession of a passport or other travel document, the alien shall carry documentation of his lawful stay in Denmark at all times during his stay in Denmark if the Danish Immigration Service or the police has issued such documentation.

(4) A fee of DKK 195 is charged for the issue of every residence certificate issued due to the loss or destruction of the certificate or when the alien wants to amend details of the certificate attributable to the alien's own decision or action. No fee is charged for residence certificates issued: -

- (i) upon change of civil registration number
- (ii) upon change of alien's number
- (iii) upon change of residence basis
- (iv) upon change of name in connection with the contraction of marriage or in connection with divorce.

(5) The amount stipulated in subsection (4) hereof has been determined at the 2007 level and will be adjusted as of 2008 once a year on 1 January according to the rate adjustment percentage, see the Act on a Rate Adjustment Percentage. Adjusted amounts are always rounded to the nearest amount divisible by DKK 5.

**49.** (1) An alien who is not a national of another Nordic country or a country which has acceded to the European Union or is comprised by the Agreement on the European Economic Area or not a national of Switzerland, and who holds a residence permit issued by another Schengen country, shall carry his residence permit and his passport or other travel document at all times during his stay in Denmark, but see subsection (3) hereof. Section 48(2), second sentence, of this Order applies correspondingly.

(2) An alien holding a visa for residence exceeding three months and valid only for another Schengen country, who is entitled, pursuant to Article 18 of the Schengen Convention, to transit through Denmark without any undue delay, shall carry his visa and his passport or other travel document at all times during his transit. Section 48(2), second sentence, of this Order applies correspondingly.

(3) Notwithstanding the provision of subsection (1) hereof, an alien holding a residence permit or re-entry permit issued by another Schengen country is entitled to transit through Denmark without any undue delay even though such alien is not in possession of a passport or other travel document, see section 2b(4) and section 28(6), third sentence, of the Aliens Act.

**50.** The police may order aliens to report to the police at specified times when this is motivated by considerations of national security or the maintenance of law and order.

**51.** At refusal of entry or expulsion, the police may stamp an alien's passport or other travel document. The National Commissioner of Police lays down further provisions thereon.

**52.** (1) Any person running a hotel, pension, hostel, shelter or campsite shall keep a book or file, including an electronic file, of all foreign arriving guests in accordance with the rules of the Act on Processing of Personal Data.

(2) The book or file must include information on the alien's full name, date of birth, nationality, permanent abode, date of arrival and type and number of passport or other travel document, but see section 5(1) of this Order as concerns Nordic nationals.

(3) Aliens shall personally fill in and sign a form comprising the information necessary for observance of the duty under subsections (1) and (2) hereof. This does not apply to accompanying spouses and under-age children, nor to members of groups. Aliens shall produce a travel document for checking of the correctness

of the information provided. Nationals of another Nordic country need only produce a document of identification, see section 5(1) of this Order.

(4) The information referred to in subsection (2) hereof must be entered promptly upon the alien's arrival. Promptly upon departure, the departure date must also be entered in the book or file.

(5) The information entered in the book or file must be confirmed by the alien and by the host or landlord or his representative. In respect of members of groups, the police may permit the information entered in the book or file concerning the members of the group to be confirmed only by the group leader and the host or landlord or his representative.

(6) The information referred to in subsection (2) hereof must be kept in the book or file for at least one year after entry of the individual piece of information and may be kept for not more than two years after such entry.

**53.** The police may order other hosts or landlords who offer night lodgings to aliens for or without remuneration to keep a book or file pursuant to the rules of section 52 of this Order.

**54.** The police may order the hosts or landlords referred to in sections 52 and 53 of this Order to notify the police of information from the book or file.

**55.** (1) The National Commissioner of Police provides for the layout of the books and files referred to in section 52 of this Order.

(2) The costs of purchasing books or files are payable by the hosts or landlords referred to in sections 52 and 53 of this Order.

#### Part 10

##### *Penalty provisions*

**56.** (1) A person is liable to a fine if he violates section 9, second sentence, section 10(1), first sentence, section 10(2) or (3), section 12(2), first sentence, or section 48, 49 or 50 of this Order, orders issued under section 12(2), second sentence, or section 50, 53 or 54 of this Order or directions issued pursuant to section 55 of this Order.

(2) A person is liable to a fine or imprisonment for up to four months if he violates section 11(1) to (3), section 11(4), first sentence, section 12(1) or section 12(3) to (7) of this Order, or orders issued under section 11(4), second sentence, of this Order.

**57.** Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Criminal Code.

#### Part 11

##### *Entry into force and interim provisions*

**58.** (1) This Order enters into force on 5 April 2010.

(2) Executive Order No. 635 of 24 June 2008 on Aliens' Access to Denmark (Aliens Order) is repealed, but see subsections (3) and (4) hereof.

(3) Sections 13, 15, 16, 19 and 21 of this Order do not apply to aliens who have applied for a visa before 5 April 2010. To these aliens, the provisions of sections 12, 14, 15, 17 and 19 of Executive Order No. 635 of 24 June 2008 as amended by Executive Order No. 159 of 5 February 2009, Executive Order No. 330 of 21 April 2009 and Executive Order No. 734 of 2 July 2009 still apply.

(4) Section 20 of this Order does not apply to aliens who have applied for extension of a visa before 5 April 2010. To these aliens, the provisions of section 18 of Executive Order No. 635 of 24 June 2008 as amended by Executive Order No. 159 of 5 February 2009, Executive Order No. 330 of 21 April 2009 and Executive Order No. 734 of 2 July 2009 still apply.

(5) Sections 6(3) to (5), 23, 24, 25(1) to (6) and (8), 26(1) and (3), 27, 29, 30 and 34 to 39 of this Order do not apply to aliens who applied for a residence permit before 1 July 2002. To these aliens, the provisions of sections 6(3) to (5), 21 to 27 and 34 to 39 of Order No. 181 of 20 March 2001 still apply, but see subsections (6) to (9) hereof.

(6) Section 23 of Executive Order No. 943 of 5 October 2005 still applies to aliens who have applied for a residence permit under section 9 of the Aliens Act, see Consolidation Act No. 711 of 1 August 2001, as from 28 February 2002, but see subsections (8) and (9) hereof.

(7) Section 25(1) of this Order applies to aliens who are issued with a residence permit on or after 1 February 2007. In extension cases, the residence permit may be extended until the time when the relevant alien satisfies the time conditions for obtaining a permanent residence permit.

(8) Section 25(4), third sentence, of this Order applies to aliens who are issued with a residence permit or have their residence permit extended on or after 25 July 2007.

(9) Section 25(7) of this Order applies to aliens who are issued with a residence permit on or after 1 February 2007.

(10) Sections 28 to 31, 34(3) and 34(4), third and fourth sentences, of Executive Order No. 63 of 22 January 2007 still apply to aliens who submitted an application for or were issued with a residence permit under section 9c(1) of the Aliens Act, see Consolidation Act No. 945 of 1 September 2006, before 25 July 2007. Section 34(4), third sentence, of Executive Order No. 63 of 22 January 2007 does not apply to students issued with a residence permit before 1 November 2005. To these aliens, section 34(4) of Executive Order No. 581 of 10 July 2002 still applies. Sections 28 to 31 and 34(3) of Executive Order No. 181 of 20 March 2001 still apply to aliens who applied for a residence permit before 1 July 2002.

*Ministry of Refugee, Immigration and Integration Affairs, 22 March 2010*

Birthe Rønn Hornbech

/Susanne Veiga