

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

Section 1

Executive Order No. 635 of 24 June 2008 on Aliens' Access to Denmark (Aliens Order) as amended by Executive Order No. 159 of 5 February 2009, is amended as follows:

(i) The enacting formula is worded as follows:

"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(3), 46c, 46d, 47(2) and (3), 47a, and 60(2) of the Aliens Act, cf. Consolidation Act No. 808 of 8 July 2008 as amended by Act No. 313 of 28 April 2009, the following is laid down:"

(ii) *Section 26(2) to (9)* is repealed and replaced by the following:

"(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 and 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, cf. 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, cf. subsection (5) 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 and 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."

(iii) In *section 31(1)*, "section 9a(5) or (6) of the Aliens Act and" is deleted from the first sentence.

Section 2

This Order enters into force on 1 May 2009.

Ministry of Refugee, Immigration and Integration Affairs,

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/Merete Milo