

Act No. 375 of 28 May 2003 on Danish courses for adult aliens, etc.

Part 1

Objects and target group

1. (1) The object of courses in Danish as a second language (Danish courses) is to assist adult aliens, on the basis of their individual backgrounds and integration goals, in acquiring the necessary Danish language proficiency and knowledge on Danish culture and society so as to make them participating and contributory citizens on an equal footing with other citizens of society.

(2) The Danish courses must assist adult aliens in acquiring skills in understanding and using the Danish language and obtaining knowledge of the Danish labour market as soon as possible after they have been issued with a residence permit for Denmark so as to enable them to get employment and support themselves.

(3) The Danish courses must also further adult aliens' active use of the Danish language and assist them in obtaining common skills and knowledge which are relevant in relation to working life and education and life as citizens of a democratic society.

2. (1) The local council shall offer Danish courses, cf. section 3 of this Act, to adult aliens who live and are registered in the civil register as residents of the municipality. The offer comprises a Danish course for up to three years after the first enrolment in a course, but cf. subsection (5) hereof.

(2) The offer of Danish courses is given to aliens over the age of 18 who hold residence permits for Denmark or who, under current legislation, have a right of residence in Denmark without a residence permit.

(3) Aliens under the age of 18 who satisfy the conditions of subsection (2) hereof may participate in a Danish course when the local council deems it impossible or unreasonable to refer them to other relevant offers of education.

(4) The following groups of Danish nationals rank on a par with aliens, cf. subsection (1) hereof: -

- (i) Residents from Greenland and the Faeroe Islands over the age of 18 who, for particular reasons, do not have sufficient mastery of the Danish language to function in the Danish society.
- (ii) Danish nationals over the age of 18 who, due to long-term residence abroad, do not have sufficient mastery of the Danish language to function in the Danish society, including persons born of Danish parents residing abroad.

(5) Aliens who have been unable to avail themselves of the offer under subsection (1) hereof for a period within the three years due to illness, childbirth, etc., or due to unsubsidised full-time employment, must be offered a Danish course by the local authority for a period corresponding to the period in which they were unable to avail themselves of the offer.

(6) The local council may decide that it will extend its offer of a Danish course to aliens who have not commenced or completed the Danish course during the three-year period, cf. subsection (1) hereof.

Part 2

Structure, contents and planning of the Danish courses

3. (1) The Danish courses under section 2(1) of this Act comprise teaching of the Danish language and of Danish culture and society. The courses may include traineeships with private or public enterprises.

(2) The offer under section 2(1) of this Act comprises one of the following three Danish courses: Danish course 1, Danish course 2 and Danish course 3.

(3) Danish course 1 is intended for students who have no or a poor educational background and who have not learnt to read and write in their mother tongue.

(4) Danish course 2 is intended for students who normally have a short educational background from their country of origin and who must be expected to learn Danish as a second language rather slowly.

(5) Danish course 3 is intended for students who normally have a lower or upper secondary or higher educational background from their country of origin and who must be expected to learn Danish as a second language rather rapidly.

(6) The Danish courses are divided into modules with specific targets. Enrolment in a module other than enrolment in the first module presupposes that the targets of the preceding module have been achieved.

(7) The courses must be planned so as to be flexible in terms of time, place and contents to enhance interaction with the student's employment, activation or training.

(8) The Danish courses must be planned so as to enable students to follow classes outside normal working hours.

(9) The Minister for Refugee, Immigration and Integration Affairs shall lay down rules on the Danish courses referred to in subsection (2) hereof.

4. (1) Each of the three Danish courses, cf. section 3(2) of this Act, has an extent corresponding to 1.2 years' full-time study.

(2) The Danish courses must be planned so as to make it possible to complete a course within a period of three years.

5. (1) It must be possible for aliens falling within the scope of the Integration Act to commence a Danish course not later than one month after the local council has taken over responsibility for the alien in question.

(2) It must be possible for aliens not falling within the scope of the Integration Act to commence a Danish course not later than one month after the alien in question has applied to the local council to participate in a Danish course or has been referred to the course as part of activation.

(3) Students shall actively follow the course plan. The Minister for Refugee, Immigration and Integration Affairs may lay down more detailed rules on absenteeism and exclusion from the course due to absence or for other reasons.

(4) At the end of the course, aliens falling within the scope of the Integration Act who have not passed a final examination will be issued with a certificate proving their active participation in the course if the conditions therefor are satisfied. The Minister for Refugee, Immigration and Integration Affairs may lay down more detailed rules governing the conditions for the issue of a certificate of active participation.

6. (1) Enrolment in a Danish course is effected upon referral from the local council of the municipality of residence or the public employment service.

(2) The local council of the municipality of residence shall comply with the requests of self-supporting aliens who do not receive activation offers from public authorities and who wish to be referred to Danish courses offered by a specific provider, if the expenses for participation in the course of the particular provider do not exceed the recommended rate per module, cf. section 13(3) of this Act.

(3) The provider, cf. section 10(1) of this Act, shall allocate aliens to a Danish course and module on the basis of an educational assessment of each alien's background and goals for the course.

(4) Providers of Danish courses shall counsel students about completion of the courses.

(5) The Minister for Refugee, Immigration and Integration Affairs may lay down more detailed rules on the matters referred to in subsections (1) to (4) hereof.

7. The local council shall regularly monitor the progress and study results of each student on the basis of reports from the providers on the student's progress in the Danish language and active participation in the course.

8. The local council shall ensure that aliens who reside within the municipality and who fall within the scope of this Act are informed of the offer of courses under section 2(1) of this Act.

Part 3

Examinations

9. (1) Danish course 1 and Danish course 2 finish with a Danish 1 examination and a Danish 2 examination, respectively. Danish course 3 finishes with examinations at two levels, the Danish 3 examination and the higher education examination (studieprøven).

(2) Persons who have not been enrolled in a module leading to one of the examinations referred to in subsection (1) hereof may enter for the examination as independent students.

(3) The providers of Danish courses shall evaluate the students' learning of the language during the course, including evaluation in connection with transfers between the individual modules.

(4) The Minister for Refugee, Immigration and Integration Affairs shall lay down rules on examinations and other forms of evaluation, on the providers eligible for conducting examinations, on the issue of examination and course certificates, on supervision of examinations and on remuneration of and travel compensation for members of the examination committee and appointed external examiners.

Part 4

Providers of Danish courses

10. (1) The Danish courses may be provided by: -

- (i) municipal language centres;
- (ii) other public educational institutions or state-approved educational institutions;
- (iii) private language centres; and
- (iv) other private providers where the course is offered to aliens as part of activation or employment in a private or public enterprise.

(2) A language centre shall offer at least two of the three Danish courses, cf. section 3(2) of this Act. Other providers, cf. subsection (1)(ii) and (iv) hereof, may offer one or more of the three Danish courses or individual modules of a course.

(3) The Minister for Refugee, Immigration and Integration Affairs shall lay down more detailed rules on the range of offers and the providers.

11. (1) The local council is responsible for implementation of the Danish courses in accordance with the rules of this Act.

(2) The local council may conclude an agreement with another local council or an inter-municipal organisation on transfer of the responsibility under subsection (1) hereof.

12. The individual providers' students are entitled to set up a Student Council under rules laid down by the Minister for Refugee, Immigration and Integration Affairs.

Part 5

Financing, etc.

13. (1) The local council shall defray the expenses for Danish courses for aliens residing in the municipality, but cf. sections 14 and 15 of this Act.

(2) The local council shall grant subsidies to providers of Danish courses according to rates per module.

(3) The annual Finance Acts must lay down recommended rates per module. The rate can only be paid out once per module unless particular circumstances exist.

(4) The Minister for Refugee, Immigration and Integration Affairs shall lay down more detailed rules on settlement between local councils and providers, on rates under subsections (2) and (3) hereof, and on payment of rates.

14. (1) The course is free of charge for aliens falling within the scope of the Integration Act.

(2) Under rules laid down by the Minister for Refugee, Immigration and Integration Affairs, self-supporting students who do not fall within the scope of the Integration Act may be charged a fee for participation in a Danish course. Such rules may include rules on differentiated fees depending on the persons involved.

(3) The local council shall offer Danish courses to Danish nationals whose Danish skills are inadequate and who do not fall within the scope of the rules of section 2(iv) of this Act against payment of the expenses pertaining to the course. The local council may grant a full or partial subsidy for this.

(4) Under rules laid down by the Minister for Refugee, Immigration and Integration Affairs, persons who enter for a final examination, cf. section 9(1) of this Act, without being enrolled in the module leading to the examination may be charged a fee.

15. (1) The state shall grant subsidies to the local council expenses for Danish courses for students who do not fall within the scope of the Integration Act or have been referred to a Danish course by the public employment service as part of activation.

(2) The subsidy under subsection (1) hereof amounts to DKK 33 per scheduled lesson. The amount has been fixed at the 2003 price and salary level and will be adjusted once a year as from 2004 by the rate adjustment percentage, cf. the Act on a Rate Adjustment Percentage.

(3) The Minister for Refugee, Immigration and Integration Affairs may lay down more detailed rules on calculation of the number of scheduled lessons and payment and calculation of subsidies, authorisation of payment of subsidies, presentation of accounts and audits.

Part 6

Other provisions

16. (1) Teachers giving Danish lessons shall have the professional and educational qualifications necessary to teach adult aliens.

(2) The Minister for Refugee, Immigration and Integration Affairs shall lay down rules on teacher qualifications.

17. The Minister for Refugee, Immigration and Integration Affairs may deviate from the rules of sections 3, 4, 9 and 10 of this Act in so far as this is deemed expedient in order to promote experimental and development work within the scope of this Act.

18. (1) The local council and the providers shall provide and disclose to the Minister for Refugee, Immigration and Integration Affairs such information, including statistical information, as the Minister might demand on the Danish courses. The Minister for Refugee, Immigration and Integration Affairs may lay down rules in this respect, including on the form in which the information is to be provided.

(2) The local councils may procure such information from the providers as is necessary to perform their tasks under this Act.

(3) The Minister for Refugee, Immigration and Integration Affairs may lay down rules on the procurement, recording and disclosure of students' civil registration numbers, including the form in which the information must be provided.

19. By agreement with a local council, the providers may perform other integration tasks than Danish courses under this Act, including arrangement of traineeships and jobs for students. The Minister for Refugee, Immigration and Integration Affairs may lay down more detailed rules in this respect, including on the option for providers of Danish courses of offering courses in other subjects than Danish as part of the integration effort.

20. (1) Complaints on the decisions of a teacher and the external examiner in connection with examinations, and complaints on matters in connection with the examination may be submitted by the examinee to the examining provider who is approved to conduct examinations under rules laid down pursuant to section 9(4) of this Act.

(2) The examining provider's decisions under subsection (1) hereof may be appealed to the Minister for Refugee, Immigration and Integration Affairs.

(3) The Minister for Refugee, Immigration and Integration Affairs shall lay down more detailed rules on time limits for complaints and appeals and the processing thereof.

Part 7

Entry into force, and interim provisions

21. (1) This Act enters into force on 1 January 2004.

(2) The Act on Teaching Danish as a Second Language for Adult Foreigners and others, and Language Centres, cf. Consolidation Act No. 975 of 25 October 2000, and Act No. 423 of 31 May 2000 on Subsidies for Teaching Danish as a Second Language for Adults are repealed with effect from 1 January 2004.

(3) Aliens who have received lessons before 1 January 2004 may complete the course commenced within a period not exceeding three years from 1 January 2004, cf. section 2(1), second sentence, of this Act.

(4) Section 15 has no effect after 31 December 2006.

22. This Act does not apply to the Faeroe Islands and Greenland.