

Application form

BF1/US_en_010820

Application for dispensation before a residence permit in the areas of asylum and family reunification has lapsed

Mandatory digital self-service

An application for dispensation, before a residence permit in the areas of asylum and family reunification has lapsed, is covered by mandatory digital self-service. This means that, normally, you cannot use this application form, but must use the digital self-service solution **BF1/US online**, which the Danish Immigration Service provides at newtodenmark.dk

You should only use this application form, if you believe that you are exempt from the requirement of digital self-service. **Read more on page 2.**

Use

You can use this form if you hold a residence permit on the grounds of **asylum** or **family reunification**, and you want to apply for your residence permit to **remain valid**, even though you intend to leave Denmark for an extended period of time.

You can also use BF1/US online to apply for an extension of the dispensation period.

On the two last pages of the form you can read more about what lapsing of residence permit means, how a residence permit can lapse, and what is required for a residence permit to be reinstated.

Instructions

1. Complete this form and sign Section 7 (following the instructions in the form).
2. Enclose the required documentation (as indicated below).
3. Submit the application at the Immigration Service's Citizen Service. You must book an appointment before you show up at the Citizen Service. Read more about where the Immigration Service's Citizen Service has branch offices and how you book an appointment at www.newtodenmark.dk/visit-us.

You can also send the application to the Danish Immigration Service, Farimagsvvej 51A, 4700 Næstved.

What documents should be attached to the application?

- A copy of your passport (all pages including the cover)
- Documentation of the purpose of your stay outside Denmark – e.g. employment contract, statement from your employer, statement from educational institution, foreign posting contract or the need for nursing due to sickness.

Receiving the decision

When the Immigration Service has processed your application for a dispensation from your residence permit lapsing we will send the decision to you.

Please note that we will send the decision using Digital Post unless you have been exempt. Remember to check your Digital Post at borger.dk or e-boks.dk.

If you are exempt from Digital Post we will send the decision as an ordinary letter to your home address registered in the CPR or your contact address abroad. Remember to notify us if your contact address abroad changes.

Extension of dispensation

If you do not wish to return before the dispensation period expires you can apply for an extension of the period.

You can reside abroad while you wait for a decision. If your case is denied you will receive a deadline for when to return to Denmark again.

To expedite the application process

Your application will be processed with the shortest possible processing time if you have filled out the form correctly and attach all necessary documentation and information.

It is therefore important that you carefully fill out this form and remember to attach all necessary documentation and information.

For more information

More information about the rules governing residence permits lapsing can be found at newtodenmark.dk, where you can also find information about the case processing times. If you have any questions, please contact the Immigration Service. See contact information at www.newtodenmark.dk/contact-us.

For official use only

Alien identification number (Udl. nr.) /
personal ID

Date received

Received by (stamp and name)

BF1/US_en_010820

Application for dispensation before a residence permit in the areas of asylum and family reunification has lapsed

Mandatory digital self-service

An application for dispensation, before a residence permit in the areas of asylum and family reunification has lapsed, is covered by the requirement of using digital self-service. This means that, normally, you cannot use this application form, but must use the digital self-service solution **BF1/US online** instead, which the Danish Immigration Service provides at newtodenmark.dk.

You should only use this application form if you believe that you are exempt from the requirement of mandatory digital self-service.

If you use this form and the Danish Immigration Service assess that you are not exempt from mandatory digital self-service, the Immigration service can reject your application.

You can be exempt from mandatory digital self-service if there are special circumstances which make you unable to fill in a digital application. These special circumstances can e.g. be that you lack digital qualifications or cannot use the digital self-service solution due to health issues.

If the Danish Immigration Service assess that you can be exempt from mandatory digital self-service, the Immigration Service will process your application, even though it has not been submitted digitally. When the Danish Immigration Service assess whether you can be exempt from the requirement of digital self-service, the Immigration Service will take into account whether you already have been exempt from registration of Digital Post.

It is not a requirement that third-parties, e.g. lawyers and relatives, as well as Turkish Citizens, who are covered by the Association Agreement between the EU and Turkey, have to use the digital self-service solutions.

Read more about who are exempt from digital self-service at www.newtodenmark.dk/self-service

If you believe that you are exempt from mandatory digital self-service, and you choose to hand in the application on this printable application form, please provide the following information:

Why do you believe that you are exempt from mandatory digital self-service? (mark with an X)

A. I am a Turkish citizen covered by the Association Agreement between the EU and Turkey.

B. I am a third-party for the applicant, e.g. lawyer or relative.

If you have marked B with an X, please state your full name and relation to the applicant (attach a power of attorney if you are a relative or similar):

C. There are special circumstances which make me unable to use the digital self-service solution.

If you have marked C with an X, please state which circumstances (attach documentation, if possible):

Are you already exempt from registration for Digital Post?

Yes No

1. Applicant		PLEASE COMPLETE IN CAPITAL LETTERS
Surname	Alien identification number (udl.nr.) / personal ID	
Given name(s)		
Nationality	CPR number	
Do you have any accompanying family members (spouse/cohabiting partner or children under the age of 18) who will be living outside Denmark with you? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, please inform the names and CPR number of each family member:		
Name	CPR number	
Name	CPR number	
Name	CPR number	
Name	CPR number	

2. Purpose of stay abroad	PLEASE COMPLETE IN CAPITAL LETTERS
What is the purpose of your stay abroad?	
<p>You must attach documentation, e.g. employment contract, statement from your employer, statement from educational institution, or the need for nursing due to sickness.</p>	
In which country will you reside?	
How long must you stay abroad to fulfill the purpose of your stay?	

3. Date of departure and return	PLEASE COMPLETE IN CAPITAL LETTERS
When do you plan to leave Denmark?	
When do you plan to return to Denmark?	

4. Contact information abroad	PLEASE COMPLETE IN CAPITAL LETTERS
Please state an address where you can be reached during your stay abroad (if the address changes while your application is being processed, please inform us).	

C/O (if applicable):

Telephone number:

E-mail address:

5. Comments

PLEASE COMPLETE IN CAPITAL LETTERS

Use the space below for additional information that you mean should be considered when evaluating your request.

Please remember to attach any documentation supporting your request.

6. Sworn declarations

A. Sworn declaration of correctness

I hereby solemnly swear that the information in this application is correct and complete. If the information is later found to be false or incomplete, I can be punished with fine or imprisonment for up to two years (Criminal Code section 161, cf. Aliens Act section 40).

B. Information about data protection

Data controller

The Immigration Service is responsible for processing the personal data you provide in this application form and for the data about you we receive in connection with processing the case. Our contact information is: Danish Immigration Service, Farimagvej 51A, 4700 Næstved, CVR-nr.: 77940413, telephone: +45 35 36 66 00, www.newtodenmark.dk

Data protection officer

If you have questions about how we process your personal data, you can contact our data protection officer who has the following contact information: Danish Immigration Service, Farimagvej 51A, 4700 Næstved, Att: Databeskyttelsesrådgiver/Data protection officer

You can also write to our data protection officer via Digital Post (e-Boks) or through our contact form at www.newtodenmark.dk/contact-us

Purpose and legal basis

Your data are collected in order to process your application for residence and the possible following residence in Denmark and to control the requirements for this.

The legal basis for processing your personal data is:

- provisions of the Aliens Act (udlændingeloven), in particular: section 1 (relating to entry into Denmark and residence)
- the General Data Protection Regulation (GDPR) 6.1(c) (relating to the processing of data in order to comply with a legal obligation to which the controller is subject) and 6.1 (e) (relating to the exercise of official authority vested in the Immigration Service by the Aliens Act)
- GDPR 9.2 (f) (relating to the necessity of processing in order to establish, exercise or defend legal claims)
- The Data Protection Act section 8 (relating to the administration only being allowed to process information about criminal offences if it is necessary for the official authorities' tasks).

You are obligated to provide the information necessary for deciding whether you are eligible for a dispensation from your Danish residence permit lapsing (Aliens Act section 40). Failure to provide the information can result in a fine or up to one year imprisonment (Aliens Act section 60).

The information you supply or have supplied in connection with your application will be registered in the Danish Immigration Service's registers.

Types of personal data

We process the following types of data about you:

- General personal data, such as: information about your identity; citizenship and nationality; travel routes; information about your family; memberships of associations; financial information; information about your refugee

status; and whether you have committed any legally punishable offences

- Sensitive personal data, such as: political opinions or religious beliefs; health information and biometric data collected for the purpose of establishing your identity.

Recipients and categories of recipients

The Immigration Service can, in certain situations, share your data with other authorities. We regularly share data with: the police, municipal authorities, the Danish Security and Intelligence Service and the Danish Defence Intelligence Service (in accordance with section 45 a of the Aliens Act), the public prosecutor (in accordance with section 45 c of the Aliens Act), the Immigration Appeals Board, the Refugee Appeals Board, The Ministry of Immigration and Integration, the Danish Return Agency, The Danish Agency for International Recruitment and Integration, The Danish Parliament, and the Foreign Ministry, in particular the embassies and consulates.

Data are shared when it is necessary for the Immigration Service to exercise our official authority, including when we are legally obliged to share data.

In certain situations, the Immigration Service may provide data to a third-party data processor. In addition, other authorities and private organisations can have access to this information (Aliens Act section 44a). In isolated cases, the Immigration Service will share data with other public authorities, private-sector organisations and foreign organisations and authorities.

Origin of information

The Immigration Service processes the personal data you have provided in this application form and data you may provide at a later point in the case process.

In addition, we will process data obtained from:

- any of your possible previous cases with the Immigration Service,
- searches in databases, such as: the Civil Registration System, the income register (eIndkomst), the Central Register of Buildings and Dwellings (BBR), the Central Crime Register (KR), the Central Passport Register and the Schengen Information System (SIS II),
- other authorities, such as: the police, municipal authorities, the Danish Agency for International Recruitment and Integration, the Immigration Appeals Board, the Refugee Appeals Board, the Danish Security and Intelligence Service, The Ministry of Immigration and Integration, the Danish Return Agency and the Foreign Ministry, in particular the embassies and consulates,
- third-parties, such as: employers and educational institutions, and
- the person who might be sponsoring your application, as well as any previous cases the person may have had at the Immigration Service.

Storage of data

The Immigration Service will store your data for as long as it is necessary for us to establish or defend a legal claim to residence.

Data submitted as part of an immigration-related matter can be stored for use by the Immigration Service at a later date. The data stored by the Immigration Service can be used in applications to extend a residence permit, when revoking a residence permit, when lapsing a residence permit, applications for permanent residency, applications for naturalisation, when revoking citizenship and in your children's cases, or in the event they may be involved in an application for family reunification.

If data can be deleted at an earlier point, deletion will be considered. Similarly, access to data can be restricted.

Finally, it should be mentioned that data will also have to be transferred to the National Archives within 30 years, in accordance with section 13 of the Archive Act (arkivloven).

If you have your finger prints and facial photo taken for use with your residence card and for identification and identity control, your fingerprints and photo will be stored in the immigration authorities' database. If you are granted a residence permit, your fingerprints and photo are stored for 10 years. If you are not granted a residence permit, your fingerprints and photo are stored for 20 years. If you are granted Danish citizenship, your fingerprints and photo will be deleted.

Consent

The Immigration Service does not request consents in order to process personal data, as is otherwise required by the GDPR, since processing authority is granted by 6.1 (e) and 9.2 (f) of the GDPR (see section 3).

You may be asked for legal consent. Such a consent is not the basis for the specific procession of personal data but is instead a warranty provision in accordance with e.g. the Public Administration Act (forvaltningsloven) or the Aliens Act.

Rights

Under the GDPR, you have certain rights:

- You have the right to access which data about you the Immigration Service is processing.
- You have the right to request that corrections are made to personal data about you that you feel are inaccurate.
- In special situations you have the right to have data about you deleted or to restrict the processing of your personal data, if the data is no longer necessary for the processing of your case.
- You have the right to object to otherwise legal processing of your personal data.

You can read more about your rights in the Danish Data Protection Agency's guidance about the GDPR at www.datatilsynet.dk. If you would like make use of your rights under the GDPR, contact the Immigration Service.

Complaints to the Data Protection Agency

You have the right to submit a complaint to the Data Protection Agency if you are dissatisfied with the way we process your personal data. Information about how to do so is available at www.datatilsynet.dk

C. Notification that some information will be passed on to local Danish authorities

The Danish immigration authorities might give certain information to authorities in your municipality (kommune). This includes information about the grounds for issuing you a residence permit. The municipality will be informed if your residence permit is found to be lapsed (Aliens Act section 44a).

D. Notification that information can be released to Danish intelligence agencies and prosecuting authorities

The information and documentation you submit with your application can be released to Danish intelligence agencies and the Danish public prosecuting authority (Aliens Act section 45 a and section 45 c). This process can be initiated by Danish immigration authorities, Danish intelligence agencies or the Danish public prosecutor.

The prosecuting authority will be able to use the information to evaluate whether there are grounds for prosecuting you for crimes committed in Denmark or abroad, to identify victims of or witnesses to a specific crime, or to aid foreign law enforcement agencies.

E. Information that some information will be passed on to your employer

The Danish immigration authorities will inform your possible current and previous employers, who you have been working for within the last 3 months, if your application for residence permit is refused, if extension of your residence permit is denied, if the residence permit has lapsed or is being revoked (Aliens Act section 44a).

The immigration authorities can obtain information in the income registry (eIndkomst) about the salaries that have been paid to you within the last 3 months if necessary (Aliens Act section 44a).

F. Information regarding possible verification by the authorities of the information you have supplied

The Danish Immigration Service as well as other authorities may seek to verify the accuracy of the information you have given in this application. This may happen while the application is being processed or later, if you are granted an extension of your residence permit. If you are granted an extension and the Danish Immigration Service finds that you no longer meet the requirements of your residence permit, your permit may be revoked.

Verification may be conducted at random and is not necessarily an indication that the Danish Immigration Service suspects you of providing false information, or of not meeting the requirements of your residence permit.

Verification may involve the following:

- Checking public registers, such as the Civil Registration System.
- Comparison of information contained in the Danish Immigration Service's registries with records held by the Central Office of Civil Registration (CPR Office), the Buildings and Housing Registry (BBR) or the income registry.
- Contacting other authorities, such as municipalities.
- Contacting third parties, such as employers or place of study.
- Turning up in person at your residence, place of study or workplace.

You may be asked to supply additional information as part of the verification process.

7. Signature

By signing below, I confirm that I have read, understood and accepted the terms laid out in Section 6 A and that I have read and understood the terms laid out in Section 6 B - F.

Date and place

Signature

Have you remembered everything?

The Danish Immigration Service can process your case with the shortest possible case processing time if all forms are filled out correctly and the required documentation and information is attached. Therefore it is important that you check that the form is filled out correctly and the necessary documents are attached before submitting the application.

We suggest that you use the checklist below before submitting the application.

Checklist

Before submitting your application, make sure you have attached the following (please tick):

- A copy of your passport (all pages including blank pages and cover).
- Documentation of the reason for your stay abroad, such as an employment contract, statement from your employer, statement from educational institution, foreign posting contract or the need for nursing due to sickness.

Please make sure that you have

- answered all questions *and*
- signed and dated the application in Section 7.

Information about lapsing

What happens if my residence permit lapses?

If your residence permit lapses, you lose your right to reside in Denmark. This means you may be denied re-entry if you have been out of Denmark for an extended period of time.

If your residence permit lapses you will need to apply for a new residence permit. Your new application will be processed according to current regulations.

How can my residence permit lapse?

Your residence permit lapses automatically if you no longer maintain an address in Denmark and you leave the country without any intention to return.

If you maintain an address in Denmark, you may leave the country for a certain period without losing your residence permit.

- If you have a residence permit with a view to temporary residence you may leave Denmark for a maximum of 6 months in a row.
- If you have residence permit in Denmark with the possibility of permanent residence and you have resided legally in Denmark for less than 2 years, you may leave Denmark for a maximum of 6 months in a row.
- If you have residence permit in Denmark with the possibility of permanent residence and you have resided legally in Denmark for more than 2 years with a view to permanent residence, you may leave Denmark for a maximum of 12 months in a row.

If you fail to return within the time limit, your permit will automatically lapse. If you have been granted asylum in Denmark (residence permit as a refugee), your residence permit can lapse only if you have been granted protection in another country, or if you move back to your homeland.

How to get a dispensation?

To get a dispensation from your residence permit lapsing, that is, the Immigration Service deciding that you can reside outside Denmark for a longer period of time without your residence permit lapsing, you generally have to apply before leaving Denmark. Furthermore you must have a specific purpose for residing abroad, such as:

- work,
- education,
- foreign posting for a Danish authority, institution, organisation or company,
- foreign posting for an international institution, organisation or company headquartered, or
- nursing close relatives who are sick.

What about family members with residence permits?

If you are granted dispensation, it can also include your spouse or cohabiting partner as well as any children under the age of 18 who are living with you. The length of your family members' dispensation will be the same as yours.

If your spouse or cohabiting partner (if applicable) remains in Denmark and if he/she has a temporary residence permit as a family reunified spouse/cohabitating partner, he/she can risk having their residence permit revoked six months after you have left Denmark because the joint residency requirement no longer is met.

What is the maximum dispensation period?

Decisions about dispensation periods are made on a case-by-case basis. The period depends on a number of factors, such as the purpose of your stay abroad, the length of time you have resided in Denmark and your ties to Denmark. Normally the maximum dispensation period is four years.

If you do not return to Denmark before the dispensation period expires, your residence permit will lapse and you will need to apply for a new residence permit in Denmark.