

# Application form

IN16\_en\_010922

## Application for extension of approval to work in accordance with Section 14 (a) of the Danish Aliens Act (asylum seekers)

### Uses

You can use this form to apply for an extension of your approval to work in Denmark, if you already have valid approval to work as an asylum seeker.

You can apply for an extension if you wish to continue working in your current position and for your current employer. Your salary and employment terms must also be unchanged or better than when the Immigration Service approved you for work.

If you apply for an extension **before** your original approval expires, you may continue working while the Immigration Service processes your application for extension.

If you submit the application after your current approval expires, your right to work will cease when your approval expires. If you continue working without the required approval you can be charged with a fee or a prison sentence of up to 1 year, and your employer can be charged with a fee or a prison sentence of up to 2 years.

### Instructions

Both you and your employer must fill in parts of this form. You must fill in Part 1 and attach your current employment contract. You must also remember to fill in both pages of Appendix 1 (contract). Your employer must fill in Part 2 of the form.

You can submit your application digitally via our contact form [www.nyidanmark.dk/kontakt-us](http://www.nyidanmark.dk/kontakt-us) or via physical mail to the address of the Immigration Service.

### What documents must be attached?

You must attach the current employment contract concluded between you and your employer.

### If your approval is extended

We will conclude a new contract with you (see appendix 1) that will be sent to your address by mail. You will also receive a new employment card proving that the Immigration Service has extended your approval to work.

You will continue to pay gross tax (30%) and labour market contributions (8%)

Please be aware that you as an asylum seeker are **not granted a CPR number** if you are approved to work. You and your employer must therefore figure out among yourselves how the net salary is paid, e.g. in cash.

For every DKK earned in salary, your allowances will be reduced by the same amount ("krone-til-krone"-principle). For the Immigration Service to calculate your deduction, you must submit a copy of your paychecks every month.

You should be aware that you may be required to pay rent if you live in an asylum centre or in an independent residence affiliated with an asylum centre and your salary after tax is higher than the cash allowances you receive from the Immigration Service.

You must also be aware that you can be required to pay for the accommodation for your spouse or cohabiting partner and your children from both current and previous relationships under 18 years of age.

You must notify the Immigration Service if the terms of your employment change.

### Processing of your data

The Immigration Service will process information about you in relation to your application for extension of your approval to work. In the folder 'Information about the processing of personal data related to your accommodation' you can read more about our processing of data and your rights.

The folder was handed out to you when you were accommodated at an asylum center. If you have lost the folder, you can get a new one at your asylum center or find it via [www.newtodenmark.dk/gdprfolder](http://www.newtodenmark.dk/gdprfolder)

### Terms and conditions

You must be living at an asylum centre or any other place of accommodation approved by the Immigration Service in order to be authorized to work.

If you live outside an asylum centre without the approval of the Immigration Service, we will not be able to approve your application to work.

Your identity must have been established. You must have lived in Denmark for at least 6 months from the time you applied for asylum and the Immigration Service must have reached the decision that you may stay in Denmark while the asylum case is being processed (Phase 2).

If your application for asylum is still being processed, you must continuously co-operate with the Immigration Service to help process your application. If you have received a final rejection of your application for asylum or you have withdrawn your application and are awaiting deportation from Denmark, you must continuously assist with your deportation.

You will not receive approval for employment if

- you are or will be expelled in accordance with Section 25 of the Aliens Act (administrative expulsion) because you are deemed a clear and present danger to national security or a serious threat to public

- law and order, security or health,
- you are or will be expelled by a court,
- you are or will be sentenced to prison (served or suspended) or any other punishable offense that may entail or allow for a custodial sentence for an offense committed in Denmark that would have entailed sentencing of this proportion,
- you are or will be subject to the grounds for exclusion in Section 10, and cannot be deported from the country, cf. Section 31 of the Aliens Act (tolerated stay),
- you have had a residence permit that has lapsed in accordance with Section 21b (1) of the Aliens Act due to your leaving Danish territory and have engaged in activities abroad that may pose or increase a clear and present danger to national security, to the security of other states or a considerable threat to public law and order, or
- your application is being or has been processed according to the manifestly unfounded procedure.

If you are under 18, your approval will only be extended if, after a specific assessment, the Immigration Service decides this is in your best interest.

When you apply for an extension of your approval to work, you must be offered work on unchanged or better salary and employment terms in the same position and with the same employer. This means that the salary and employment terms that we have already approved must continue to apply.

#### **Contract with the Immigration Service**

You must enter into a new contract with the Immigration Service in connection to the extension of your approval to work. The contract is attached as Appendix 1 to this application. The contract specifies the conditions that must be fulfilled before your approval to work can be extended. When the Immigration Service has received your part of the contract with your signature, an assessment will be made as to whether the requirements for extension are met.

#### **Education and other activities**

The contract you are entering into with your asylum centre (VUA contract) or with the Return Agency (return contract) concerning education and other activities must consider your employment.

#### **Approval period**

The authorization is valid for a year and may thereafter be extended for periods of up to 1 year at a time. The authorization ends if you leave the country or obtain a residence permit.

If you wish to apply for an extension of your approval to work in the same position and with the same employer again, you must submit a new application for extension of approval.

#### **Possibility of approval being revoked**

The approval will, unless very special reasons speak against it, be revoked if the conditions for approval are no longer met or if the terms of the contract are not observed, e.g. if you no longer continuously cooperate with the informing of your asylum case or departure. In addition, if approval is obtained by fraud or you do not pay rent that may be charged at your place of accommodation for you or your accompanying family members, the approval will be revoked.

Approval will also be withdrawn if you are absent from your place of accommodation or stay outside a place of accommodation without the Immigration Service's approval, even though the Immigration Service has been informed of your place of residence.

#### **Verification of information**

The Immigration Service may seek to verify the authenticity of the information you submit in your application. This can occur while dealing with your application and later if you are granted approval. Verification may be conducted at random and is not necessarily an indication that you are suspected of providing false information, or of no longer meeting the requirements for approval.

#### **For more information**

More information about the rules governing asylum is available at [newtodenmark.dk](http://newtodenmark.dk). If you have questions when filling out the forms, you can also contact the Danish Immigration Service. See contact information at [www.newtodenmark.dk/contact-us](http://www.newtodenmark.dk/contact-us).

**Remember to apply for an extension of your approval to work before your current approval expires.**

## Application for extension of approval to work (asylum seekers)

### PART 1 – to be completed by the applicant (employee)

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#### 1. Information about the applicant

PLEASE COMPLETE IN CAPITAL LETTERS

Surname	Given and middle name(s)	
Nationality	Language	
Date of birth (dd-mm-yyyy)	Personal ID	
Telephone number		
Do you have an accompanying family? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If <b>yes</b> , please provide the following information:		
Name(s)	Personal ID:	Relationship:
Please indicate below which centre you are living at. If you are not living in a centre, state where you live (address). Where do you live (centre/address)?		

#### 2. Information about your co-operation

Your approval to work is conditional on you continuously co-operating to help process your application for asylum, and on your continuous assistance with your deportation process, if you have received a final rejection of your application for asylum or you have withdrawn your application.

Fill in **Section 2.A** if your application for asylum is being processed (Phase 2).

Fill in **Section 2.B** if you have withdrawn your application for asylum, or you have received a final rejection of your application for asylum (Phase 3).

You must co-operate both at the time when you are seeking approval to work and continue to do so while approved and employed.

If you stop co-operating, you will lose your approval to work. This means that you will no longer have the right to work.

##### 2.A If your application for asylum is being processed (Phase 2)

PLEASE COMPLETE IN CAPITAL LETTERS

If your application for asylum is being processed, you can be approved to work, if you co-operate to help process your application for asylum, such as by attending meetings, when required.

Are you cooperating with immigration officials to process your application for asylum?  Yes  No

If **no**, please explain why:

##### 2.B If you have withdrawn your application for asylum or you have received a final rejection of your application for asylum (Phase 3)

PLEASE COMPLETE IN CAPITAL LETTERS

If you have received a final rejection of your application for asylum and a date for leaving Denmark has been set, or you have withdrawn your application for asylum and are awaiting deportation, you can be approved to work, if you assist with your deportation process, such as by assisting with the issuance of travel documents.

Are you assisting with your deportation process?

Yes  No

If **no**, please explain why:

### 3. Solemn declarations on the requirements for extension

In order to extend your current approval to work, the salary and employment terms that we have already approved must be unchanged.

Below, you must solemnly swear that you are applying for an extension of your current approval to work on the basis of unchanged or improved salary and employment conditions.

Please **attach documentation about the terms of your current employment** in the form of an employment contract or job offer

I **solemnly swear** that my **salary and employment terms are unchanged or better** than my current approval to work

### 4. Applicant's comments, if any

PLEASE COMPLETE IN CAPITAL LETTERS

### 5. Declarations and information

#### A. Sworn declaration of correctness

I solemnly swear that the information supplied by me in Part 1 of this application form is not intentionally incorrect and that information has not been fraudulently concealed.

If the information is intentionally incorrect or information has been fraudulently concealed, the following penalties may apply:

- I can be sentenced with a fine or imprisonment for up to 6 months (Aliens Act section 59)
- I can be sentenced to repay the expenses incurred by the Danish state as a consequence of the incorrect information (Aliens Act section 40)
- My approval to work may be revoked (Aliens Act section 14 a)

#### B. Declaration of consent to allow authorities to gather necessary information

I consent to allowing the Danish immigration authorities to obtain and release information about my private affairs if it is necessary in order to process this application.

Such information includes:

- previous criminal proceedings against me
- information about who my family members are
- verification that the documents submitted with my application are authentic

#### C. Declaration of consent to allow authorities to pass information about my case

I give my permission to the immigration authorities to pass information about me, including personal information, to the employer, if it is necessary for processing my application.

I hereby further consent to The Danish Immigration Service transferring relevant information on my salary and employment terms, approval of my application as well as the termination of my employment engagement to the employer, my accommodation operator and The Danish Customs and Tax Administration.

#### 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 passed on to the Danish intelligence services and the Danish prosecution authority (Sections 45 a and 45 c of the Aliens Act). This may occur on the initiative of the immigration authorities or on the initiative of the intelligence services or the Danish prosecution authority.

The prosecuting authority will use the information to evaluate whether there are grounds for prosecuting you for crimes committed in or outside Denmark, to identify victims or witnesses to a specific crime or to assist foreign police.

**E. Notification that Danish authorities have registered information about you and your personal affairs**

The information you submit when applying for an approval to work will be entered in the Immigration Service's registers.

You are entitled access to the information about you in the Immigration Service's registers. Enquiries about this can be addressed to the Danish Immigration Service, Farimagsgvej 51A, 4700 Næstved.

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

The authenticity of the information you have supplied in connection with your application may be verified by the Immigration Service. This may take place while dealing with your application or later when you have entered into a contract with the Immigration Service on approval to work. If you have entered into a contract with the Immigration Service about approval to work and the Immigration Service discovers that you no longer meet the requirements, the Immigration Service will decide that you no longer have the approval to work.

Verification may be conducted at random and is not necessarily an indication that you are suspected of providing false information, or of not meeting the requirements of your permit.

Verification may involve the following:

- Checking public registers, such as the Immigration Service's registers on residence and benefit payments.
- Comparison of information contained in the Immigration Service's registers, such as the Aliens Register with records held by the Central Office of Registration (CPR office), the Buildings and Housing Register (BBR) and the income registries.
- Contacting other authorities, such as municipalities.
- Contacting third parties, such as employers.
- Turning up in person at your residence or workplace.

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

## 6. Signature – applicant

**By signing below, I confirm that I have understood and accepted the terms laid out in Sections 3 and 5. A-C and have understood the terms laid out in Sections 5.D-F and the guidance on page 1 and 2.**

Date and place

Signature

## Checklist – applicant

**Inden ansøgningen indgives, er det vigtigt, at du har vedlagt følgende (sæt gerne kryds):**

Your current employment contract, which includes details of salary and conditions of employment and job description.

**It is also important that you have;**

Signed and dated the application in Section 6

Completed, signed and dated the contract (Appendix 1)

## Application for extension of approval to work (asylum seekers) PART 2 – to be completed by the employer

7. Information about the employer		PLEASE COMPLETE IN CAPITAL LETTERS
The employer's (company's) name	CVR No.	
Address (street/road and no.)	Postal code and city/town	
Telephone number	Mobile telephone number	
E-mail address		
Point of contact (if any)		

8. Information about the applicant's position		PLEASE COMPLETE IN CAPITAL LETTERS
The questions below concern the applicant's (employee's) position and weekly working hours. For the sake of processing the application, the employer is requested to disclose the employee's name and date of birth.		
Surname	Given and middle name(s)	
Date of birth (dd-mm-yyyy)		
What is the applicant's job title?		

### PERIOD OF EMPLOYMENT

Please note that the applicant may only continue to work after the expiry of the current approval if this application for extension has been submitted before the expiry of the applicant's current approval to work.

Also be aware that you may be fined or imprisoned for up to two years if you employ an asylum seeker who has not been granted approval to work by the Immigration Service.

You must also remember that regardless of the validity period of the employment contract, the approval for work can only be given for up to 1 year at a time. Afterwards you can apply for extension.

Period of employment

Unlimited

Time limited, state period: from (date) to (date)

Number of hours the applicant (employee) is to work each week

### SALARY COSTS

#### Tax payment and payment of salary

Asylum seekers granted approval to work by the Immigration Service must pay 8 % in labour market contributions. The tax must be withheld with 30% of the remaining amount. It is your duty as an employer to pay gross tax as well as labour market contributions before the salary is paid to the employee. These rules are contained in the Withholding Tax Act section 48 B.

Asylum seekers are not granted a CPR number. You as the employer must therefore report labour market contributions and gross tax each month to the Danish Tax Agency using the form 01.014 "Månedlig angivelse af skat for godkendte asylansøgere". The form and relevant instructions are available at [skat.dk](http://skat.dk) (in Danish only) under "Virksomhed" - "Blanketter". The Tax Agency can be contacted at [asylskat@sktst.dk](mailto:asylskat@sktst.dk) or telephone number 72 22 18 18.

You and the employee must figure out among yourselves how the net salary is paid, e.g. in cash. Be aware that it can be challenging for an asylum seeker to create a bank account for withdrawal of salary because they don't get a CPR-number. Therefore, it may be necessary of you to pay the salary in another way than by bank transfer, e.g. by cash.

**Information on changes of employment engagement**

The employer must inform The Danish Immigration Service about any change in the employment engagement including termination of contract or salary changes.

**9. Employer’s comments (if applicable)**

**PLEASE COMPLETE IN CAPITAL LETTERS**

**10. Declarations (employer)**

**A. Sworn declaration of correctness**

I solemnly swear that the information supplied by me in Part 2 (Sections 7-9) of this application form is not intentionally incorrect and that I have not fraudulently concealed information.

If the information is found to be intentionally incorrect or if it is found that information has been fraudulently concealed, the following penalties may apply:

- I can be sentenced to a fine or imprisonment for up to 6 months
- I can be sentenced to repay the expenses incurred by the Danish state as a consequence of the false information.

**B. Sworn declaration concerning compliance with working environment legislation governing employment of individuals under the age of 18**

I solemnly declare that as an employer I comply with working environment legislation.

**C. Declaration of consent – release for the Immigration Service to process information on organizational affiliations**

I give my permission to the Immigration Service to register and treat information on my affiliations to an employers’ organization or labour union for the purpose of processing my application.

**D. Notification that Danish authorities have registered information about you and your affairs**

The company is entitled access to the information about it in the Immigration Service’s registers. Enquiries about this can be addressed to the Danish Immigration Service, Farimagvej 51A, 4700 Næstved.

If your company is a one man company our processing of your data is covered by the General Data Protection Regulation. This means that you have some rights – including the right of access. You can read more about our processing of data and your rights at [www.newtodenmark.dk/personaldata](http://www.newtodenmark.dk/personaldata)

**11. Signature – employer**

**By signing below, I confirm that I have read, understood and accepted the terms laid out in Section 10 A-C and that I have read and understood the guidance in Section 10.D and on Page 1 and 2.**

**I also confirm by my signature that the extension of the employment is concluded on unchanged or improved salary and employment conditions.**

Date and place	Signature

## Have you remembered everything?

The Danish Immigration Service can process your application faster if it is correctly filled in and contains the required documents.

We recommend using the checklist below.

## Checklist – employer

**Before submitting the application, please make sure you have (tick as necessary):**

signed and dated the application in Section 11.

**It is also important that you:**

Include documentation for terms relating to salary and employment.



## Appendix 1: Contract for extension of approval to work pursuant to Section 14 (a) of the Alien's Act – to be completed and signed by the applicant

Applicant's name

Personal ID

Position (Job title)

Employer and CVR-number

The Danish Immigration Service hereby extends the abovementioned asylum seeker's approval to work in their current position and with their current employer. This implies that the employment will continue on already approved or improved salary and employment conditions.

The contract includes the following conditions:

1) The applicant must continuously co-operate with immigration authorities seeking to process his/her application for asylum. In case the applicant has received a final rejection of his/her application for asylum or has withdrawn the application, he/she must continuously assist with his/her deportation.

The applicant has been notified that co-operation means e.g. that:

- the applicant is required to attend meetings with the authorities
- work is not a valid reason for not attending meetings with immigration officials

The applicant has also been notified that if his/her application for asylum is still being processed, cooperation involves

- making a statement
- handing over the documents that he/she brought to Denmark, or that he/she can reasonably be expected to obtain without revealing his/her whereabouts to officials in his/her home country
- taking a language test, age determination examination, torture examination, as well as other evaluations
- consent to allowing immigration authorities to obtain the applicant's previous applications for asylum in other European countries

The applicant has been informed that he or she must cooperate on their deportation if their application for asylum is rejected or they have disregarded their application for asylum and that it is the Danish Return Agency that has the competence to assess whether the person in question is cooperative.

2) The applicant must not:

- have been or be expelled following Section 25 of the Aliens Act (administrative expulsion) because he/she is deemed a clear and present danger to national security or a serious threat to public law and order, security or health,
- have been or be expelled by a court,
- have been or be sentenced to imprisonment or any other punishable offense that may entail or allow for a custodial sentence for an offense committed in Denmark that would have entailed sentencing of this proportion,
- have been or be covered by the grounds for exclusion under Section 10 of the Alien's Act a, and is on a tolerated stay
- have had a residence permit that has lapsed in accordance with section 21b (1) of the Aliens Act due to him/her leaving Danish territory and has engaged in activities abroad which may pose or increase a clear and present danger to national security, to the security of other states or a considerable threat to public law and order, or
- have his/her application being processed according to section 53b of the Aliens Act (the manifestly unfounded procedure).

3) The approval can be extended if the asylum seeker applies before the original contract expires. In this case, the asylum seeker can continue working while the Immigration Service is processing the application for an extension and until a decision is made.

4) If the application for extension is submitted after the initial approval has expired and the asylum seeker continues to work, both the asylum seeker and the employer may be fined or imprisoned.

5) The applicant must pay gross tax (30%) and labour market contributions (8%) deducted from his/her salary.

6) The Immigration Service will offset the asylum seeker's salary after tax against the cash allowances he/she is

entitled to under Section 42 b of the Aliens Act.

The applicant has been informed he/she may be required to pay rent, including rent for his/her family such as spouse/cohabiting partner and the couple's children from both current and previous relationships under the age of 18, if applicable. This will be the case if his/her salary after tax is higher than the cash allowances granted following Section 42 b of the Danish Aliens Act, and he/she is living at an asylum centre or in an independent residence affiliated with an asylum centre.

The applicant has been informed to submit pay slips to the Immigration Service each month.

7) The applicant is obliged to notify the Immigration Service if the terms of his/her employment change.

8) The approval will be revoked if the conditions of the approval are no longer met, e.g. if the asylum seeker no longer continuously cooperates with the informing of their asylum case or their departure, or if the requirements are no longer met, e.g. if the approval is obtained by fraud or the person does not pay rent or if the person is absent from their place of accommodation or stay outside a place of accommodation without the Immigration Service's approval.

**Duration of the contract** (To be filled out by The Immigration Service)

From: (Date) \_\_\_\_\_ To:(Date) \_\_\_\_\_

Regardless of the abovementioned stipulations, the contract ends if the applicant travels abroad, is deported, or receives a residence permit.

<b>Date</b>	<b>Signature (applicant)</b>	
<b>Date</b>	<b>Signature (Immigration Service representative)</b>	
	<b>Initials</b>	<b>Stamp (Immigration Service)</b>