



Executive Order on amendment of the Executive Order on Aliens' Access to Denmark on the Basis of a Visa

1.- The following amendments are made to Executive Order No. 376 of 20 March 2015 on Aliens' Access to Denmark on the Basis of a Visa:

1. *The introduction* will have the following wording:

"Pursuant to section 4e(3), section 39(2), section 44(1), section 46a(8), section 47(3), section 47a(1) and section 58(d) of the Aliens Act, i.e. Consolidation Act No. 412 of 9 May 2016, as amended by Act No. 1743 of 27 December 2016 and Act No. 188 of 27 February 2017 and as agreed with the Minister for Foreign Affairs, it is stipulated:"

2. In *section 2, para. (8)*, "of the Minister for Justice" is amended to: "of the Minister for Immigration and Integration", and in *section 28(1)*, "the Minister for Justice" is amended to: "the Minister for Immigration and Integration".

3. In *section 6(2)*, "section 47(2), second sentence, of the Aliens Act" is amended to: "section 47(2), second and third sentences, of the Aliens Act".

4. In *section 21(2)*, "the Ministry of Justice" is amended to: "the Ministry of Immigration and Integration".

5. In *section 28(1)*, "subject, however, to subsections (2) to (6)" is amended to "subject, however, to subsections (2) to (5)".

6. In *section 28(2)(4)*, the following is inserted after "the Central Criminal Register": "or is included on the list of foreign preachers, etc., who may be excluded from entry which is referred to in section 29c of the Aliens Act".

7. *Section 28(6)* is repealed.

8. In *section 29(1)*, "subject, however, to subsection (2)" is amended to "subject, however, to subsections (2) and (3)".

9. In *section 29*, the following is inserted as a new subsection 3:

"(3) A decision under subsection (1) must be drawn up in accordance with the general principles of administrative law governing reasons given for decisions, if the decision is primarily based on the assessment made by the mission under section 16(4)."

Subsection (3) will hereafter become subsection (4).

10. *Section 30* will be worded as follows:

"30.-(1) Decisions made by Danish diplomatic and consular missions according to section 28(1), which are conveyed to the alien in accordance with the rules in section 29(1) are considered to be appealed to the Danish Immigration Service.

(2) Decisions made by Danish diplomatic and consular missions according to section 28(1), which are conveyed to the alien in accordance with the rules in section 29(2) to (4) can be appealed to the Danish Immigration Service by the alien.

(3) Appeals under subsection (2) must be lodged with the Danish Immigration Service not later than eight weeks after the appellant received notification about the decision. In special circumstances, the Danish Immigration Service may decide to consider an appeal even though the appeal was lodged after expiry of the time limit referred to in the first sentence.

(4) The decisions made by the Danish Immigration Service according to section 28(2) to (5) may be appealed to the Immigration Appeals Board.

(5) Irrespective of the provisions in subsections (1) and (4), decisions regarding revocation of a visa in accordance with section 23(2) cannot be appealed against."

11. *Annex 2* will be worded as Annex 1 of this Executive Order.

2.-(1) This Executive Order comes into force on 1 March 2017.

(2) This Executive Order does not apply to visa applications which were submitted prior to 1 March 2017. The rules hitherto in force apply to such applications. However, section 30(4) will apply to appeals lodged from 1 March 2017 onwards.

Ministry of Immigration and Integration, 27 February 2017

INGER STØJBERG

/ Lars Lichtenstein

Annex 1

Main groups of third countries and regions whose nationals must have a visa for their entry into Denmark

Third countries, whose nationals must have a visa for their entry into Denmark, and regions within such third countries, are divided into five main groups.

The division of countries into main groups is based on a general assessment of the risk that aliens from the countries or regions in question do not intend to leave the Schengen Area before the expiry of the visa applied for.

Main group 1 includes countries and regions, whose nationals are generally considered as posing a very limited risk of illegal immigration into Denmark or the other Schengen States.

For nationals in main group 1, the starting point is that visas may be granted with a view to tourist and private visits as well as business visits and cultural and scientific visits.

Main group 2 includes countries and regions, whose nationals are generally considered as posing a certain risk of illegal immigration into Denmark or the other Schengen States.

For nationals in main group 2, the starting point is that visas may be granted with a view to private visits with a host living in Denmark as well as business visits and cultural and scientific visits.

Main group 3 includes countries and regions, whose nationals are generally considered as posing a substantial risk of illegal immigration in Denmark or the other Schengen States.

For nationals in main group 3, the starting point is that visas may be granted with a view to private visits with relatively close family members as well as business visits and cultural and scientific visits. Relatively close family members include spouses/permanent live-in partners, romantic partners/fiancé(e)s, children of any age and their accompanying spouses, if any, parents and their accompanying spouses, if any, siblings and their accompanying spouses as well as minor nieces/nephews/grandchildren for the purpose of unaccompanied holiday stays. Also included are close acquaintances of Danes who have previously been posted abroad, under-age sponsor children and applicants who are going to accompany an elderly, weak family member.

Main group 4 includes countries and regions, whose nationals are generally considered as posing a high risk of illegal immigration in Denmark or the other Schengen States.

For nationals in main group 4, the starting point is that visas may be granted with a view to private visits with the closest family members as well as business visits and cultural and scientific visits. The closest family members include spouses/permanent live-in partners, minor children and parents.

Main group 5 includes countries and regions, whose nationals are considered as posing a particularly high risk of illegal immigration into Denmark or the other Schengen States, and where there may be difficulties in connection with repatriation of the nationals.

For nationals in main group 5, the starting point is that visas are only granted in extraordinary situations, for example in the event of life-threatening illness or death of a close family member living in Denmark. The starting point is that visas are not granted with a view business visits and cultural and scientific visits.

Main Group 1

Angola	Laos
Bahrain	Lesotho
Belize	Madagascar
Bhutan	Maldives
Bolivia	Mozambique
Botswana	Namibia
Cambodia	Nauru
Cape Verde Islands	Oman
China	Papua New Guinea
Comoros	Qatar
Dem. People's Republic of Korea	Sao Tomé & Príncipe
Dominica	Saudi Arabia
Dominican Republic	South Africa
Ecuador	Suriname
Equatorial Guinea	Swaziland
Fiji	Taiwan ⁱ⁾
Gabon	Tajikistan
Guyana	Tanzania
Indonesia	Turkmenistan
Jamaica	

Main Group 2

Benin	Macedonia (FYROM) ⁱⁱⁱ⁾
Bosnia-Herzegovina ⁱⁱ⁾	Malawi
Burkina Faso	Mauritania
Central African Republic	Moldova ^{iv)}
Chad	Mongolia
Congo (Brazzaville)	Montenegro ^{v)}
Cuba	Nepal
Djibouti	Niger
Guinea	Serbia ^{vi)}
Guinea-Bissau	Thailand
Haiti	Togo
Kazakhstan	Uzbekistan
Kyrgyzstan	Zambia
Liberia	Zimbabwe

Main Group 3

Armenia	Kenya
Azerbaijan	KuwaitMorocco
Belarus	Philippines
Burma (Myanmar)	Russia
Burundi	Rwanda
Cameroun	Sierra Leone
Egypt	Sri Lanka
Georgia	Turkey
Ghana	Uganda

India
Ivory Coast (Côte d'Ivoire)
Jordan

Ukraine
Vietnam

Main Group 4

Algeria
Bangladesh
Democratic Republic of Congo
Ethiopia
Gambia
Iran
Kosovo
Lebanon
Libya

Mali
Nigeria
Senegal
South Sudan
Stateless Palestinians ^{vii)}
Sudan
Tunisia
Yemen

Main Group 5

Afghanistan
Eritrea
Iraq

Pakistan
Somalia
Syria

ⁱ⁾ Holders of passports issued by Taiwan which include an identity card number are exempt from the visa requirement when entering Denmark. The same applies to holders of passports on which the words "Republic of China" are stated on the face, and where the place of birth is stated as Taiwan, provided that the passport contains an identity card number.

ⁱⁱ⁾ Holders of biometric passports issued by Bosnia-Herzegovina are exempt from the visa requirement when entering Denmark.

ⁱⁱⁱ⁾ Holders of biometric passports issued by Macedonia (FYROM) are exempt from the visa requirement when entering Denmark.

^{iv)} Holders of biometric passports issued by Moldova are exempt from the visa requirement when entering Denmark.

^{v)} Holders of biometric passports issued by Montenegro are exempt from the visa requirement when entering Denmark.

^{vi)} Holders of biometric passports issued by Serbia are exempt from the visa requirement when entering Denmark. However, the exemption from the visa requirement does not apply to holders of passports issued by the Serbian coordinating directorate ("Koordinaciona uprava").

^{vii)} Other stateless persons than stateless Palestinians are considered in relation to the country where they have their permanent residence. Stateless Palestinians with permanent residence in a country which is placed in a stricter main group are considered in relation to the country of their residence.

