

Executive Order on Residence in Denmark for Aliens Falling within the Rules of the European Union (the EU Residence Order)¹

The following is laid down pursuant to section 2(4) and (5), section 46c and section 46d of the Aliens Act, cf. Consolidation Act No. 808 of 8 July 2008 as amended by Act No. 313 of 28 April 2009, and section 2(3) of Act No. 963 of 9 December 1992 on Denmark's Accession to the Agreement on the European Economic Area as amended by Act No. 264 of 20 April 2004:

Part 1

Definitions

1. (1) For the purposes of this Order, a principal person means an EU national who has an independent right of residence in Denmark under the EU rules.

(2) For the purposes of this Order, any EEA national or Swiss national is treated as the equivalent of an EU national.

2. (1) For the purposes of this Order, a family member means:

- (i) a principal person's spouse;
- (ii) a principal person's descendants under 21 years of age and the descendants under 21 years of age of a principal person's spouse;
- (iii) a principal person's other dependent descendants and any other descendants of the principal person's spouse who are dependent on the principal person;
- (iv) relatives in the ascending line of either a principal person or the principal person's spouse if they are dependent on the principal person;
- (v) a principal person's other relatives if they are dependent on the principal person or are living under the roof of the principal person in the country from where they come; or
- (vi) a principal person's other family members where serious health grounds strictly require the personal care of the family members by the principal person.

(2) A registered partner is treated as the equivalent of a spouse.

¹ This Executive Order includes certain provisions from Regulation (EEC) No. 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (Official Journal 1968 L 257, page 2), as subsequently amended, and Regulation 1251/70/EEC of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State (Official Journal 1970 L 142, page 24). Pursuant to Article 249 of the EC Treaty, a regulation applies directly in each Member State. The reproduction of these provisions in this Executive Order has thus been made exclusively for practical reasons and does not affect the immediate validity of the said regulations in Denmark.

The Executive Order further includes provisions implementing Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No. 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/635/EEC and 93/96/EEC.



Part 2

Persons with an independent right of residence

Workers and self-employed persons

3. (1) An EU national who is a worker or self-employed person, including a service provider, in Denmark has a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) of the Aliens Act.

(2) An EU national who has so far fallen within subsection (1) hereof, but has stopped working, retains his status as a worker or self-employed person:

- (i) if the EU national is temporarily unable to work as the result of an illness or accident;
- (ii) if the EU national is in duly recorded involuntary unemployment after having been employed for more than one year and has registered as a job-seeker with the Danish Employment Service;
- (iii) if the EU national has either involuntarily lost his job during the first 12 months, which has been duly recorded, and has registered as a job-seeker with the Danish Employment Service or is in involuntary unemployment after completing a fixed-term employment contract of less than one year, but see subsection (6) hereof; or
- (iv) if the EU national either commences vocational training related to his previous employment or is in involuntary unemployment and commences any vocational training.

(3) An EU national falling with subsection (2)(iii) hereof retains his status as a worker or self-employed person for six months.

Seconded persons

4. (1) An EU national seconded to Denmark for the purpose of providing a service on behalf of a service provider established in the European Union has a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) of the Aliens Act.

(2) A third-country national seconded to Denmark for the purpose of providing a service on behalf of a service provider established in the European Union has a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(2) of the Aliens Act.

Students

5. (1) An EU national enrolled at a private or public establishment accredited or financed by public authorities for the principal purpose of following a higher education programme or a youth education programme, including vocational training, has a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) of the Aliens Act. It is a condition that the person in question has such income or means at his disposal for his support that he is presumed not to become a burden on the public authorities.

(2) It is also a condition for the right of residence under subsection (1) hereof that the person in question takes out health insurance covering the period until he becomes eligible for services under the Health Act.

Persons with sufficient means

6. (1) An EU national who has such income or means at his disposal for his support that he is presumed, upon specific assessment, not to become a burden on the public authorities has a

right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) of the Aliens Act.

(2) It is a condition for the right of residence under subsection (1) hereof that the person in question takes out health insurance covering the period until he becomes eligible for services under the Health Act.

Retired persons, etc.

7. (1) The following persons have a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) of the Aliens Act:

- (i) any EU national who ceases paid employment or activities as a self-employed person after having reached the age of entitlement to old-age pension as fixed in the Old-Age Pension Act or ceases paid employment and retires on anticipatory pension, provided that the person in question has had paid employment or has pursued activities as a self-employed person in Denmark for at least the previous 12 months and has resided in Denmark continuously for at least the previous three years;
- (ii) any EU national who, as a result of permanent incapacity to work, has to cease paid employment or activities as a self-employed person, provided that he has resided in Denmark continuously for the previous two years. If such incapacity to work is the result of an accident at work or an occupational illness entitling him to permanent benefits payable in whole or in part by a Danish authority, no condition is imposed as to the residence period; and
- (iii) an EU national who, after three years' continuous residence and paid employment or activities as a self-employed person in Denmark, works as an employee or pursues activities as a self-employed person in the territory of another Member State while retaining his residence in Denmark, to which he returns, as a rule, at least once a week.

(2) Periods of involuntary unemployment duly recorded by the competent office of the Danish Employment Service, and periods without work over which the person in question has no control as well as absence from work or cessation of work due to illness or accident are regarded as periods of employment.

(3) Periods of paid employment or activities as a self-employed person completed in the territory of another Member State by a person falling within subsection (1)(iii) hereof are considered as having been completed in Denmark for the purpose of acquisition of the rights mentioned in subsection (1)(i) and (ii) hereof.

(4) In the cases referred to in subsection (1)(i) and (ii) hereof, no condition is imposed as to the residence period or the period of paid employment or activities as a self-employed person if the employee's or the self-employed person's spouse has Danish nationality or has lost it by marriage to that person.

Part 3

Family members' right of residence

Family members of workers or self-employed persons

8. (1) Family members of an EU national falling within section 3(1) or (2) of this Order have a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) and (2) of the Aliens Act when they accompany or join the EU national who has established genuine and effective residence in Denmark.

(2) Unless exceptional reasons make it inappropriate, it is a condition for the right of residence under subsection (1) hereof of family members falling within section 2(1)(iii) to (v) of this Order

that the EU national has such income or means at his disposal for the support of himself and the family members that the persons in question are presumed, upon specific assessment, not to become a burden on the public authorities.

Family members of seconded persons

9. (1) Family members of an EU national falling within section 4(1) of this Order have a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) and (2) of the Aliens Act when they accompany or join the EU national who has established genuine and effective residence in Denmark.

(2) Family members falling within section 2(1)(i) to (iv) of this Order who are family members of a third-country national falling within section 4(2) of this Order have a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) and (2) of the Aliens Act when they accompany or join the third-country national who has established genuine and effective residence in Denmark.

(3) Unless exceptional reasons make it inappropriate, it is a condition for the right of residence under subsections (1) and (2) hereof of family members falling within section 2(1)(iii) to (v) of this Order that the EU national or the third-country national has such income or means at his disposal for the support of himself and the family members that the persons in question are presumed, upon specific assessment, not to become a burden on the public authorities.

Family members of students

10. (1) Family members of an EU national falling within section 5 of this Order have a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) and (2) of the Aliens Act when they accompany or join the EU national who has established genuine and effective residence in Denmark.

(2) Unless exceptional reasons make it inappropriate, it is a condition for the right of residence under subsection (1) hereof that the EU national has such income or means at his disposal for the support of himself and his family members that the persons in question are presumed, upon specific assessment, not to become a burden on the public authorities.

Family members of persons with sufficient means

11. (1) Family members of an EU national falling within section 6 of this Order have a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) and (2) of the Aliens Act when they accompany or join the EU national who has established genuine and effective residence in Denmark.

(2) Unless exceptional reasons make it inappropriate, it is a condition for the right of residence under subsection (1) hereof that the EU national has such income or means at his disposal for the support of himself and his family members that the persons in question are presumed, upon specific assessment, not to become a burden on the public authorities.

Family members of retired persons, etc.

12. (1) Family members of an EU national falling within section 7 of this Order have a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) and (2) of the Aliens Act when they accompany or join the EU national who has established genuine and effective residence in Denmark.

(2) Unless exceptional reasons make it inappropriate, it is a condition for the right of residence under subsection (1) hereof of family members falling within section 2(1)(iii) to (v) of this Order that the EU national has such income or means at his disposal for the support of himself and the family members that the persons in question are presumed, upon specific assessment, not to become a burden on the public authorities.

Family members of Danish nationals

13. To the extent that it follows from EU law, family members of a Danish national have a right of residence in Denmark extending for longer than the three- or six-month periods following from section 2(1) and (2) of the Aliens Act.

Family members with a continued right of residence after the principal person's death or departure

14. (1) An EU national who has a right of residence in Denmark as a family member under sections 8 to 11 of this Order does not lose his right of residence upon the principal person's death or departure from Denmark.

(2) A third-country national who has a right of residence in Denmark as a family member under sections 8 to 11 of this Order does not lose his right of residence upon the principal person's death if the person in question has resided in Denmark for at least one year before the principal person's death. It is a condition for the continued right of residence that the third-country national is a worker or self-employed person, that he has such income or means at his disposal for his support that he will not become a burden on the public authorities and that he takes out health insurance covering the period until he becomes eligible for services under the Health Act, or that he is a family member of a person who satisfies these conditions.

(3) An EU national or a third-country national who has a right of residence in Denmark as a family member under sections 8 to 11 of this Order has a right of permanent residence, see section 20 of this Order, if the principal person fell within section 3(1) of this Order and:

- (i) the principal person had resided in Denmark for a continuous period of at least two years at his death;
- (ii) the death was due to an accident at work or an occupational illness; or
- (iii) the family member was the principal person's spouse and lost his Danish nationality by marriage to the principal person.

(4) A third-country national who is a child of a principal person does not lose his right of residence in Denmark upon the principal person's death or departure from Denmark if the child resides in Denmark and is enrolled at an educational establishment. The right of residence is retained until the child has completed its studies. The person who has actual custody of the child has a right of residence together with the child.

Family members with a continued right of residence after dissolution of the marriage

15. (1) An EU national who has a right of residence in Denmark as a family member under sections 8 to 11 of this Order does not lose his right of residence upon the divorce or termination by annulment of the marriage of the principal person and his spouse.

(2) A third-country national who has a right of residence in Denmark as a family member under sections 8 to 11 of this Order does not lose his right of residence upon the divorce or termination by annulment of the marriage of the principal person and his spouse if:

- (i) the marriage has lasted for at least three years, including at least one year in Denmark, at the initiation of the divorce or nullity proceedings;

- (ii) custody of the principal person's children has been transferred by agreement or decision to a spouse who is a third-country national;
- (iii) this is warranted by particularly difficult circumstances, including because the spouse has been a victim of domestic outrages, abuse or other ill-treatment during the marriage; or
- (iv) the spouse is entitled, by agreement or decision, to access to a minor child, and such access right must be enjoyed in Denmark.

(3) It is a condition for a right of residence retained under subsection (2) hereof after the divorce or the annulment of the marriage that the third-country national is a worker or self-employed person, that he has such income or means at his disposal for his support that he is not a burden on the public authorities and that he takes out health insurance covering the period until he becomes eligible for services under the Health Act, or that he is a family member of a person who satisfies these conditions.

Regular cohabitation of prolonged duration

16. (1) The provisions of this Order on spouses apply correspondingly in cases where a person over 18 years of age cohabits at a shared residence in regular cohabitation of prolonged duration with a principal person over 18 years of age.

(2) It is a condition for the right of residence of a cohabitant that the principal person undertakes to support the applicant.

Part 4

Other provisions concerning the right of residence

17. Nationals of Finland, Iceland, Norway and Sweden, who may enter and reside in Denmark without permission, see section 1 of the Aliens Act, acquire rights under the provisions of this Order if they satisfy the conditions therefor.

18. A person who has a right of residence in Denmark under this Order is exempt from the requirement of a work permit, see section 14(1)(ii) of the Aliens Act.

Part 5

Permanent residence

19. (1) An EU national who has lawfully resided in Denmark for a continuous period of five years has a right of permanent residence in Denmark. None of the provisions of Parts 2 and 3 of this Order may restrict that right.

(2) An EU national whose right of residence in Denmark follows from section 14(1) or 15(1) of this Order only acquires the rights following from the right of permanent residence in Denmark when he establishes an independent basis of residence under sections 3 to 6 or sections 8 to 11 of this Order.

(3) Subsection (1) hereof applies correspondingly to any third-country national who has lawfully resided in Denmark under section 4(2) of this Order for a continuous period of five years.

(4) Subsection (1) hereof applies correspondingly to any third-country national who has lawfully resided in Denmark under sections 8 to 11 of this Order for a continuous period of five years and has cohabited with the principal person during the entire period.

(5) Subsection (1) hereof applies correspondingly to any third-country national who has a right of residence in Denmark under section 14(2) or section 15(2), cf. subsection (3), of this Order when he has lawfully resided in Denmark for a continuous period of five years.

(6) Residence as referred to in subsections (1) to (4) hereof is not considered interrupted by temporary absences abroad not exceeding a total of six months a year, absences of longer duration for compulsory military service, or one absence of a maximum of 12 months for highly exceptional reasons.

20. Persons with a right of residence in Denmark under section 7, 12 or 14(3) of this Order have a right to permanent residence without satisfying any further conditions.

Part 6

Provisions concerning residence documents

Time-limited residence

21. EU nationals with a right of time-limited residence under this Order shall apply for a registration certificate within three months of entry if the residence is expected to last for longer than three months. The registration certificate is issued for an unspecified period. An EU national who changes his basis of residence must apply for a new registration certificate.

22. (1) It may be made a condition for the issue of a registration certificate to an EU national falling within section 3 of this Order that he presents a valid identity card or passport and either submits evidence of activities as a self-employed person in Denmark or submits confirmation of employment from an employer or a contract of employment as evidence of having paid employment in Denmark.

(2) It may be made a condition for the issue of a registration certificate to an EU national falling within section 4(1) of this Order that he presents a valid identity card or passport and submits evidence of having permanent employment with a service provider established in the EU and of his work in Denmark.

(3) It may be made a condition for the issue of a registration certificate to an EU national falling within section 5 of this Order that he presents a valid identity card or passport and submits evidence of enrolment at an establishment as referred to in section 5(1) of this Order, a declaration about or other similar evidence of having such income or means at his disposal for his support that he is presumed not to become a burden on the public authorities, and evidence of being covered by health insurance as referred to in section 5(2) of this Order.

(4) It may be made a condition for the issue of a registration certificate to an EU national falling within section 6 of this Order that he presents a valid identity card or passport and submits evidence of having such income or means at his disposal for his support that he is presumed not to become a burden on the public authorities, and evidence of being covered by health insurance as referred to in section 6(2) of this Order. When assessing what income and means are considered sufficient, the EU national's personal situation must be taken into account. The condition is always satisfied if the EU national has income or means at his disposal corresponding to the sum of the benefits for which he would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy.

(5) An application for a registration certificate under subsections (1) to (4) hereof may be refused on grounds of public policy, public security or public health, or in case of abuse of rights or fraud.

23. (1) It may be made a condition for the issue of a registration certificate to an EU national falling within sections 8 to 12 of this Order that he presents a valid identity card or passport, a registration certificate or a residence card for the principal person whom the EU national joins or accompanies, and evidence of the existence of the relevant family relationship with the principal person. In case of family ties on the basis of marriage, registered partnership or regular cohabitation, it is a condition for the issue of the registration certificate that the family member in question and the principal person declare that the purpose of contracting the marriage or the registered partnership or establishing the cohabitation was not solely to obtain an independent basis of residence for the person in question. It is a condition for the issue of a registration certificate to an EU national falling within sections 8 to 12 of this Order that the principal person whom the said person joins or accompanies declares that he has established genuine and effective residence in Denmark. If there are reasons for a presumption of abuse of rights, evidence must be submitted to prove that the principal person has established genuine and effective residence in Denmark.

(2) An application for a registration certificate under subsection (1) hereof may be refused on grounds of public policy, public security or public health, or in case of abuse of rights or fraud.

(3) It may be made a condition for the issue of a registration certificate to an EU national falling within section 10, cf. section 2(1)(i), (ii) and (vi), of this Order that the principal person submits a declaration of having such income or means at his disposal for the support of himself and the EU national that the persons in question are presumed not to become a burden on the public authorities.

(4) It may be made a condition for the issue of a registration certificate to an EU national falling within sections 8 to 10, cf. section 2(1)(iii) to (v), section 11 or section 12, cf. section 2(1)(iii) to (v), of this Order that the principal person submits evidence of having such income or means at his disposal for the support of himself and the family member that the persons in question are presumed not to become a burden on the public authorities. In the assessment thereof, the personal situation of the principal person and his family must be taken into account. The condition is always satisfied if the principal person and the family member have income or means at their disposal corresponding to the sum of the benefits for which they would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy.

(5) It may be made a condition for the issue of a registration certificate to an EU national falling within sections 8 to 12, cf. section 2(1)(vi), of this Order that the principal person submits evidence proving that serious health grounds strictly require the personal care of the EU national by the principal person.

24. A third-country national with a right of time-limited residence under section 4(2) of this Order shall apply for a residence card within three months of entry if the residence is expected to last for longer than three months. The residence card under the first sentence hereof is referred to as a 'Residence card of a seconded third-country national' and is issued for the third-country national's envisaged period of residence. A third-country national who changes his basis of residence must apply for a new residence card.

25. Family members who are third-country nationals and have a right of time-limited residence under this Order shall apply for a residence card within three months of entry if their residence is expected to last for longer than three months. The residence card under the first sentence hereof is referred to as a 'Residence card of a family member of a Union citizen' and is issued for five years from the date of issue or for the envisaged period of residence of the principal person, but see the third sentence hereof. The residence card under the first sentence hereof for a third-country national with a right of time-limited residence as a family member of a third-country national falling within section 4(2) of this Order is referred to as a 'Residence card of a

family member of a third-country national' and is issued for the envisaged period of residence of the principal person. A family member who is a third-country national and changes his basis of residence must apply for a new residence card.

26. (1) It may be made a condition for the issue of a residence card to a third-country national falling within section 4(2) of this Order that he presents a valid passport and submits evidence of permanent employment with a service provider established in the EU, evidence of his work in Denmark, evidence of his right of residence and work in the country in which the service provider is established, and evidence of his eligibility to return to his country of origin or to the country in which the service provider is established after provision of his service. An application for a residence card under the first sentence hereof may be refused on grounds of public policy, public security or public health, or in case of abuse of rights or fraud.

(2) It may be made a condition for the issue of a residence card to a third-country national falling within sections 8 to 12 of this Order that he presents a valid passport, registration certificate or residence card for the person whom the third-country national joins or accompanies, and evidence of the existence of the relevant family relationship. In case of family ties on the basis of marriage, registered partnership or regular cohabitation, it is a condition for the issue of the residence card that the family member in question and the principal person declare that the purpose of contracting the marriage or the registered partnership or establishing the cohabitation was not solely to obtain an independent basis of residence for the person in question. It is a condition for the issue of a residence card to a third-country national falling within sections 8 to 12 of this Order that the principal person whom the said person joins or accompanies declares that he has established genuine and effective residence in Denmark. If there are reasons for a presumption of abuse of rights, evidence must be submitted to prove that the principal person has established genuine and effective residence in Denmark.

(3) An application for a residence card under subsection (2) hereof may be refused on grounds of public policy, public security or public health, or in case of abuse of rights or fraud.

(4) It may be made a condition for the issue of a residence card to a third-country national falling within section 10, cf. section 2(1)(i), (ii) and (vi), of this Order that the principal person submits a declaration of having such income or means at his disposal for the support of himself and the third-country national that the persons in question are presumed not to become a burden on the public authorities.

(5) It may be made a condition for the issue of a registration certificate to a third-country national falling within sections 8 to 10, cf. section 2(1)(iii) to (v), section 11 or section 12, cf. section 2(1)(iii) to (v), of this Order that the principal person submits evidence of having such income or means at his disposal for the support of himself and the family member that the persons in question are presumed not to become a burden on the public authorities. In the assessment thereof, the personal situation of the principal person and his family must be taken into account. The condition is always satisfied if the principal person and the family member have income or means at their disposal corresponding to the sum of the benefits for which they would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy.

(6) It may be made a condition for the issue of a residence card to a third-country national falling within sections 8 to 12, cf. section 2(1)(vi), of this Order that the principal person submits evidence proving that serious health grounds strictly require the personal care of the EU national by the principal person.

27. (1) Income and means as referred to in section 22(4), third sentence, section 23(4), third sentence, and section 26(5), third sentence, of this Order must be calculated without any deduction of taxes, labour market contributions, contributions to the Danish Labour Market Supplementary Pension Scheme (ATP), the Special Pension Scheme (SP) and any other

collective pension contributions. The same applies to the calculation of benefits under section 25(12) and section 34 of the Act on an Active Social Policy as referred to in section 22(4), third sentence, section 23(4), third sentence, and section 26(5), third sentence, of this Order. To the extent that the income is financed by Danish public funds, it is not included in the calculation of the income of the person in question unless it is unemployment benefits and the person in question proves his eligibility for such benefits in Denmark, or public benefits reflecting ties with the labour market.

(2) At the request of the authority which is to decide the application under section 33 of this Order, the local council of the municipality in which the alien lives or resides shall issue an opinion as to whether a person falling within section 22(4), 23(4) or 26(5) of this Order has income or means at his disposal corresponding at least to the sum of the benefits for which he would be eligible under section 25(12) and section 34 of the Act on an Active Social Policy. An opinion under the first sentence hereof is normally only requested if it is not indisputable whether the persons in question would be eligible for benefits under section 34 of the Act on an Active Social Policy.

Permanent residence

28. (1) Upon application, proof of a right of permanent residence is issued to an EU national who satisfies the conditions therefor under this Order.

(2) Upon application, proof of a right of permanent residence may be issued to a child under five years of age who does not fall within subsection (1) hereof solely due to his age where such proof is issued to the person having custody of the child.

29. (1) Upon application, a permanent residence card is issued to a third-country national who satisfies the conditions for permanent residence under this Order. The permanent residence card is renewed automatically every ten years.

(2) An application for a permanent residence card under subsection (1) hereof must be submitted before the applicant's residence card issued under section 24 or 25 of this Order expires.

(3) Upon application, a permanent residence card may be issued to a child under five years of age who does not fall within subsection (1) hereof solely due to his age where such permanent residence card is issued to the person having custody of the child.

Part 7

Lapse of right of residence and revocation of residence document

30. (1) A time-limited right of residence under sections 3 to 6, sections 8 to 11, section 14(2) and (4) and section 15(2), cf. subsection (3), of this Order lapses if the person in question no longer satisfies the conditions referred to in those provisions.

(2) A time-limited right of residence under section 14(1) and section 15(1) of this Order lapses if the person in question abandons his place of residence in Denmark or has resided abroad for more than 12 consecutive months.

31. A permanent right of residence under sections 19 and 20 of this Order lapses if the person in question has resided abroad for more than two consecutive years.

32. (1) If a person's right of residence lapses under section 30 and 31 of this Order, the competent authority, see section 33 of this Order, shall decide whether the person in question may still reside in Denmark. Section 26(1) of the Aliens Act applies correspondingly. Residence cards of seconded third-country nationals, see section 24 of this Order, and residence cards of family members, see sections 25 and 29 of this Order, are revoked if it is decided that the holder is no longer entitled to reside in Denmark.

(2) Subsection (1) hereof applies correspondingly in the event of abuse of rights, if the basis for issue of a person's registration certificate or residence card was incorrect, or the person in question obtained the registration certificate or residence card by fraud, including by virtue of a marriage of convenience.

(3) Upon application, it may be decided that a right of residence will not be deemed lapsed in the cases referred to in sections 30 and 31 of this Order.

Part 8

Jurisdiction and appeals

33. (1) Other than in cases falling within subsection (2) hereof, the regional state administration of the place in Denmark where the alien lives or resides shall make decisions pursuant to this Order. If the alien does not live or reside in Denmark, the regional state administration of the place where it is assumed that the alien will live or reside or has lived or resided in Denmark shall decide the case. If it cannot be determined where in Denmark the alien intends to live or reside or has lived and or resided, the State Administration for Greater Copenhagen shall decide the case. In special cases, the Danish Immigration Service may authorise another regional state administration to decide such cases.

(2) The Danish Immigration Service decides cases on the issue and revocation of registration certificates and residence cards under section 4 and 13 of this Order.

(3) The Danish Immigration Service may decide that certain types of cases on the right of residence under this Order must be examined by the Danish Immigration Service.

(4) An application for a registration certificate or a residence card must be submitted to the authority which is to decide the application.

34. (1) The decision of the regional state administration made under section 33(1) of this Order can be appealed to the Danish Immigration Service. If a decision made under section 33(1) of this Order is appealed within seven days of its notification to the alien in question, the alien is entitled to remain in Denmark until the appeal has been decided.

(2) The decision of the Danish Immigration Service cannot be appealed to any other administrative authority.

35. A decision of the Danish Immigration Service made under section 33(2) of this Order may be appealed to the Ministry of Refugee, Immigration and Integration Affairs. If a decision made under section 33(2) of this Order is appealed within seven days of its notification to the alien in question, the alien is entitled to remain in Denmark until the appeal has been decided.

36. The Danish Immigration Service may lay down more detailed rules for and decide on the examination of the cases referred to in section 33(1) of this Order. The Minister of Refugee, Immigration and Integration Affairs may lay down more detailed rules for and decide on the examination of the cases referred to in section 33(2) of this Order.

37. (1) A decision whether a registration certificate under section 21 of this Order and a residence card under section 24 of this Order should be issued or refused must be made promptly upon submission of the application.

(2) A decision whether a residence card under section 25 of this Order should be issued or refused must be made as soon as possible and within six months of submission of the application.

(3) A decision whether a proof of permanent residence under section 28 should be issued or refused must be made as soon as possible upon submission of the application.

(4) A decision whether a permanent residence card under section 29 of this Order should be issued or refused must be made as soon as possible and within six months of submission of the application.

(5) The reasons for refusal must be given unless prevented by considerations of national security.

Part 9

Entry into force and interim provisions

38. (1) This Order enters into force on 1 May 2009.

(2) Section 23(1), second to fourth sentences, and section 26(2), second to fourth sentences, of this Order do not apply to applications submitted before 5 October 2008. For such applications, the rules applicable so far apply, see section 2(2) of Executive Order No. 984 of 2 October 2008, cf. Executive Order No. 300 of 29 April 2008.

(3) Executive Order No. 300 of 29 April 2008 on Residence in Denmark for Aliens Falling within the Rules of the European Union (the EU Residence Order) as amended by Executive Order No. 984 of 2 October 2008 is repealed.

Ministry of Refugee, Immigration and Integration Affairs,

Birthe Rønn Hornbech

/Merete Milo