

The Minister of Immigration and Integration

Rebecca Falcon
Campaign manager
The Syria Campaign

Sent by e-mail to rebecca@thesyriacampaign.org



Ministry of Immigration and Integration

25 June 2021

Ministry of Immigration and
Integration

Asylum and Visa Division
Slotsholmsgade 10
DK-1216 Copenhagen K
Denmark

Phone +45 6198 4000
Mail uim@uim.dk
Website www.uim.dk

CVR no. 36977191

Case no. 2021-9975
Act ID 1675347

Dear Mrs. Rebecca Falcon

Thank you for your letters regarding Syrians getting their residence permits revoked or denied extended. In agreement with Prime Minister Mette Frederiksen, I will reply to your letters as it relates to asylum and migration policy. I understand and acknowledge that this subject and the situation in Syria are of great concern to you.

The approach of the Danish government is to provide protection to those in need of it, but when the conditions in the home country have improved, former refugees should return to their home country and re-establish a life there. Denmark has been open and honest about this. We have made it clear to refugees – including the Syrians – that their residence permit is temporary and that it can be revoked if the need for protection ceases to exist.

The revocation and denying of extension of residence permits only apply to persons from Damascus and Rif Damascus with temporary residence permits granted on the grounds of general conditions as laid out in the Danish Aliens Act section 7 (2) or section 7 (3). Persons from Syria with a residence permit granted on individual grounds, e.g. persons in conflict with the Syrian authorities due to fleeing compulsory military service, which is therefore within the scope of the 1951 Refugee Convention, are *not* affected.

All cases are assessed by the Danish Immigration Service in first instance and automatically referred to the Refugee Appeals Board, which is the second and final instance. The Board is an independent, quasi-judicial body consisting of three members with the chairperson being an appointed judge. The members of the Board may not accept or seek directions from anyone including the Ministry or Minister of Immigration and Integration.

The Immigration Service and the Board thoroughly review every case in order to ensure that a person with a need for protection retains his or her residence permit. When assessing whether a person is still entitled to protection in Denmark, the Danish Immigration Service and the Refugee Appeals Board take into account both the current general conditions in the person's home area and any individual

circumstances, which may imply that the person at hand is still in need of protection.

If concluded that the person is no longer in need of protection, the Board will continue to assess whether revocation or refusal to extend the residence permit is in violation of Denmark's international obligations, e.g. the right to respect for private and family life as set out in Article 8 of the European Convention on Human Rights.

The decision to reassess the residence permits of persons from Damascus and Rif Damascus was based on a conclusion concerning the general security situation in Damascus and Rif Damascus from the Refugee Appeals Board. Based on the background information available, the Refugee Appeals Board found that the situation in Damascus and Rif Damascus has changed to such an effect that people do not risk ill-treatment contrary to Article 3 of the European Convention on Human Rights solely on account of their presence in those areas. The Board still finds the situation in Damascus and Rif Damascus severe, fragile and unpredictable, but concluded that the situation has improved, and the Board does not consider the changes to be of a completely temporary nature.

The Board has, according to its mandate, made the assessment not only from the reports from the Danish Immigration Service, but based on a wide collection of reports regarding Syria from various sources including reports from the authorities in Sweden and Great Britain and different NGOs.

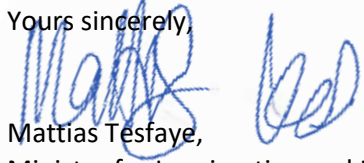
The Board's decisions are in accordance with the Danish Aliens Act in which the aforementioned criteria – that a residence permit can be revoked or denied extended if the situation in an area has improved even though it is still severe, fragile and unpredictable as long as the changes are not of completely temporary nature – are set out. The Danish Aliens Act and the Board's decisions are in accordance with Denmark's international obligations, including the 1951 Refugee Convention, article 3 of the European Convention on Human Rights and the case law of the European Court of Human Rights.

Finally, I can inform you that in regards to forced returns to Syria, there are currently exceptional circumstances. The Danish government has decided that in the interest of Danish foreign policy, Denmark currently does not carry out forced returns to Syria. It is an assessment based on an analysis and a policy, which Denmark shares with our closest allies in Europe and the US. Denmark refrains from actions that could be viewed as normalizing relations with the Syrian regime. Denmark is in no way considering an agreement with the regime on the issue of forced returns. Denmark has not carried out any forced returns to Syria since 2012.

However, this does not change the Danish government's position on temporary protection. Persons without legal stay are obliged to leave Denmark and the best solution for all parties would be, if the persons concerned return voluntarily. The

Danish authorities will continue to assist persons from Syria in Denmark with arranging their voluntary return and offer financial assistance in case of such return.

Yours sincerely,



Mattias Tesfaye,
Minister for Immigration and Integration