

**OSCE PA AD HOC COMMITTEE ON MIGRATION  
VISIT TO DENMARK AND SWEDEN  
(21-23 October 2018)**

**REPORT**

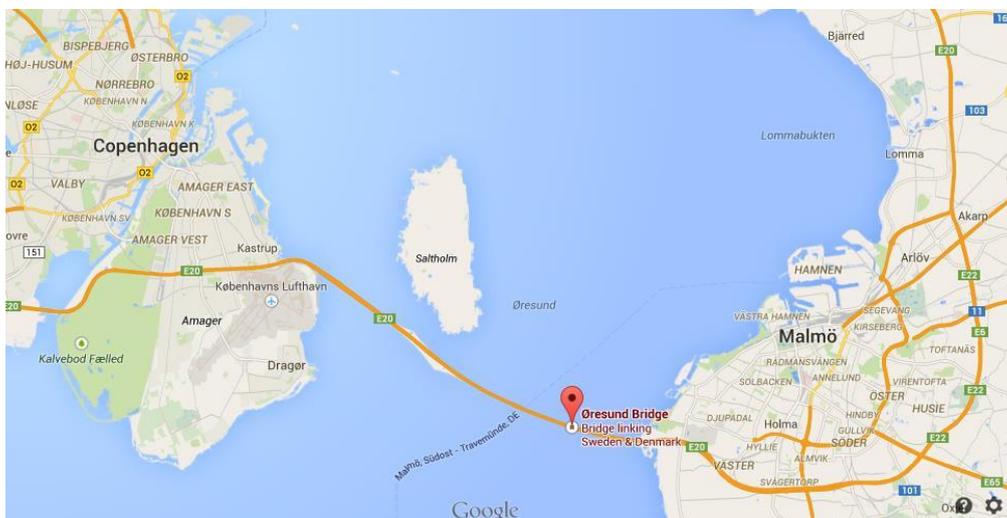


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## I. Introduction

On 21-23 October 2018, a delegation of eight members of the OSCE PA Ad Hoc Committee on Migration, headed by the Chair, Ms. Nahima Lanjri (MP, Belgium) travelled to Malmö, Sweden, and Copenhagen, Denmark to assess current developments in the field of migration and asylum legislation and policy.

The visit was hosted by OSCE PA Vice President and Migration Committee member Margareta Cederfeldt (MP, Sweden), and Mr. Peter Juel Jensen (MP, Denmark), Head of the Delegation of Denmark to the OSCE PA.<sup>1</sup> This was the fourth in a series of visits of the Committee focusing on identifying good practices and lessons learned with respect to procedures concerning unaccompanied minors as well as integration policies.<sup>2</sup>



## II. Background – Denmark and Sweden in the 2015 migration crisis

More than a million migrants and refugees crossed into Europe in 2015, sparking a crisis as countries struggled to cope with the influx, and creating division in the EU over how best to deal with resettling people. The biggest drivers of migration have been the conflict in Syria and ongoing violence in countries, such as Afghanistan and Iraq. Countries that have been particularly affected as destination countries in 2015 were Germany, which had the most asylum applications in 2015, Hungary with the highest proportion to its population (nearly 1800 refugees per 100,000 of Hungary's local population claimed asylum in 2015), followed by Sweden with 1667 per 100,000 of Sweden's local population.<sup>3</sup>

The developments sparked a vivid debate on how to best cope with such refugee flows and led to considerable changes in the countries' policies. For many years, Sweden, for example had been known for its welcoming attitude toward refugees and its commitment to family reunification. However, on **20 July 2016, a temporary act introducing a more restrictive migration policy** was

<sup>1</sup> See Annex I for the Programme and List of Participants of this visit.

<sup>2</sup> The Committee, in its second year of work, had previously visited Italy (October 2017), Belgium (February 2018) and Serbia (June 2018). For more on the activities of the Ad Hoc Committee on Migration, see:

<http://www.oscepa.org/parliamentary-diplomacy/refugee-and-migrant-crisis-the-osce-pa-responds>

<sup>3</sup> <https://www.bbc.com/news/world-europe-34131911>

adopted. Under this act, refugees and persons eligible for subsidiary protection were now granted temporary residence permits, as opposed to permanent residence permits, which were granted up until this point. Furthermore, opportunities for family reunification were limited under the act. The limitations do not apply to quota refugees. The restrictions on obtaining a residence permit in Sweden are considered necessary for at most three years. Since 1 June 2017, under an amendment to the temporary act, newly arrived young people are entitled to a residence permit to enable them to complete their upper secondary school education if they fulfil certain conditions.

The Danish Liberal minority government has also introduced a series of policy changes since September 2015, aimed at deterring further arrivals and improving refugee integration. In September 2015, a new and lower integration benefit replaced social assistance for those who have not been in Denmark for more than seven of the last eight years. In November 2015, the Government launched a 34-proposal asylum package. One third was adopted by a parliamentary majority. The package allows easier return of rejected asylum seekers, has laxer requirements for refugee housing, and offers new possibilities for the authorities to provide accommodation to asylum seekers and for the police to control foreigners' entry and stay.

In January 2016, a parliamentary majority adopted the second part of the asylum package. One particularly controversial measure in this package was the so-called 'jewelry law' which came into force in February 2016 enabling police to seize valuables worth DKK 10,000 (about €1,340) or more from asylum seekers. In practice, however, the law has hardly been implemented. Another restriction was that family reunification cases now open after three years of residence, not one.

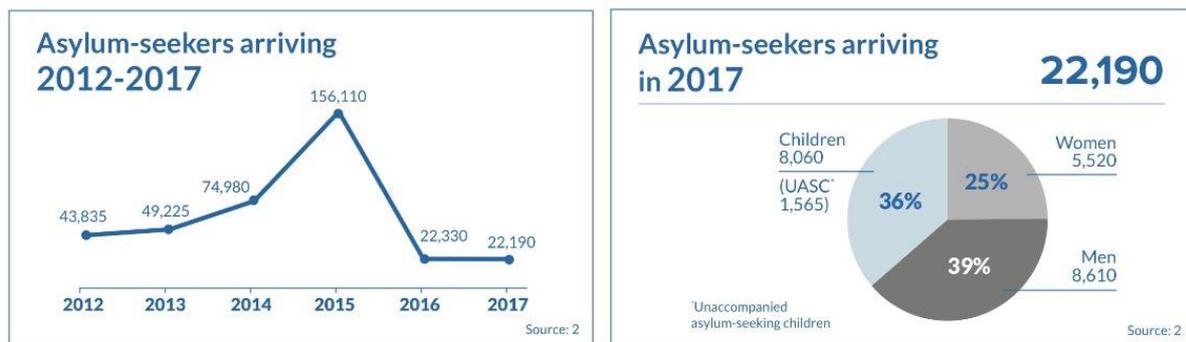
In November 2015, the Swedish government decided to introduce temporary border controls at internal borders, based on the view that there were continued threats to public order and internal security.<sup>3</sup> This decision has been extended several times and applies currently until 11 November 2018. The temporary ID checks, that empowered the Swedish government to require operators buses, trains and passenger ships, under penalty of administrative fines, to carry out identity controls on all their passengers travelling to Sweden from another Schengen country and that were introduced in early 2016, ceased to apply in May 2017.

On 4 January 2016, as Sweden started requiring ID checks on all public transportation going into Sweden, Denmark initiated a temporary border control along its German border which is part of the Schengen zone. This was not a complete border control but a control with spot checks. Police alone were responsible for carrying out the border checks until July 2017 when the Home Guard (*Hjemmeværnet*) was brought in to assist. The border controls were expected to stay in force until the Swedish ID-controls are abandoned. In October 2017, the government extended the control at the southern border until 12 May 2018, citing "the migrant situation and serious terror threat against Denmark" as grounds for the new extension. The control was again extended until 11 November 2018.

### III. SWEDEN

#### Current migratory situation

In 2015, when increasing numbers of people arrived in the European Union, traveling across the Mediterranean Sea or overland through Southeast Europe, Sweden was one of the top recipients of asylum seekers per capita in Europe. This Northern European country with 10 million inhabitants received around 160,000 asylum seekers in 2015. However, following the introduction of border controls, more restrictive asylum regulations, the closure of the so-called ‘Western-Balkan’ route and the EU-Turkey agreement of March 2016, the number of applications decreased drastically. The numbers of unaccompanied minors have been decreasing sharply in the last years from 34,295 in 2015 to 2,190 in 2016 and 1,565 in 2017.



#### The visit

On the first day of the visit the Ad Hoc Committee travelled to Malmö, which is located in the Öresund region in Sweden. The members of the Committee participated in briefings and presentations with interlocutors, ranging from border police, to NGOs, the Swedish Migration Agency and representatives from the municipality.

The Öresund region is the largest and most densely populated metropolitan area in the Nordic countries with 4.0 million inhabitants. The region encompasses the largest Nordic regional labour market, with 1.9 million people and produces 26% of the countries’ total GNP. The city Malmö offers a combination of thriving trade and industry and a university with a good quality of life and a rich range of activities. This is attracting many new residents to the city, which is growing every year.

- With 333,633 inhabitants, Malmö is Sweden’s third largest city (31 December 2017)
- The population increased by 5,139 persons (+1.6%) in 2017
- Young city, as nearly half of the population is under 35 years old
- 33% of the city’s inhabitants were born abroad, with the largest groups born in Iraq, former Yugoslavia and Denmark
- 182 countries are represented in the city<sup>4</sup>

<sup>4</sup> Malmö Stad.

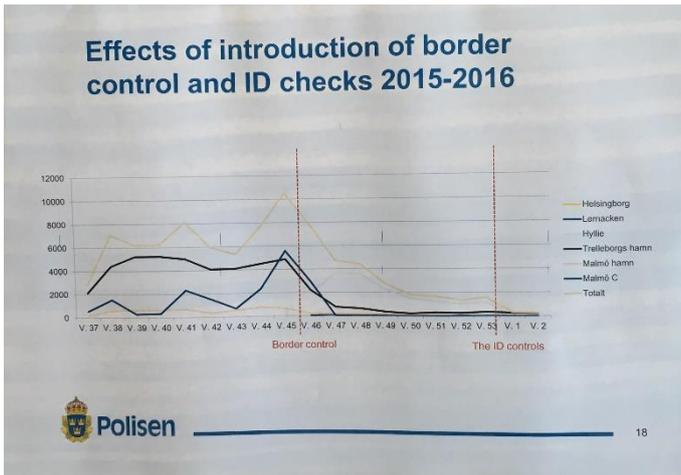
## 1. Briefings with border officials

The first briefing took place at the Hyllie train station, which is the first station on the Swedish side of the Oresund line and the closest to the Øresund Bridge. The delegation was briefed by Swedish border police officials at the Hyllie Station, responsible for the conduct of the temporary border controls at the border between Denmark and Sweden.

The participants learned about the decision by the Swedish government to introduce **temporary border controls** at internal borders, in response to the high numbers of asylum-seekers arriving in the country and based on the view that there were continued threats to public order and internal security. This decision had been extended several times and as explained by the border officials applied until 11 November 2018. In early 2016, **temporary ID checks** were introduced, empowering the Swedish government to require operators of buses, trains and passenger ships, under penalty of administrative fines, to carry out identity controls on all their passengers travelling to Sweden from another Schengen country. The ID checks, however, ceased to apply in May 2017. As for the border controls, at the time of the visit the border officials could not give any information as for whether the decision would be extended yet another time. However, on 9 November the border controls were extended yet again, until 11 February 2019.



The border police briefed on the **practical procedures of the border controls** at Hyllie Station, with a first line officer responsible for a quick check in the train and a second line officer on the platform in case more in depth checks on a passenger are required. In case passengers do not have valid documents, they are divided into two different groups. The ones who would like to apply for asylum are taken to the Asylum agency and the ones who do not wish to apply for asylum are taken back to Denmark. As for unaccompanied and separated children, the border official waits with them until they are being consigned to the Migration Agency's care.



The border officials also highlighted the precarious situation experienced in 2015, as the high number of arrivals, around 160,000, led to overcrowding of Malmö’s main train station and increased pressure on the system, which was not equipped for such an influx.

In the **discussion**, the border officials highlighted the **deterrent effects of the border controls**, linking them to a sharp decrease in arrivals of asylum seekers to Sweden. Positive side effects, related to

combatting smuggling and trafficking-related crimes were also highlighted.

## 2. Visit to Rosengård School

Five years ago, many negative headlines about the Rosengård School appeared in the Swedish media and parts of the school (grades 7-9) had to be closed due to the low quality of the education. Today, the school is praised for its ability to support students with different kinds of disadvantages. Located in Herrgarden, one of the poorest areas in northern Europe, the school has around 400 pupils between 6 and 12 years old and 90 employees. All pupils that attend the school have Swedish as their second language, as around 50 per cent of the pupils have been in Sweden for fewer than four years.



The delegation was offered a tour by two pupils, who proudly showed the Ad Hoc Committee members around their school. The participants could get an impression of the classrooms and other facilities for wood work, extra-curricular activities, as well as after-school care.



In her presentation, Principal Cecilia Larsson Ståhl recounted the long way from a school with a very bad reputation to one that is today praised by the School Inspection for supporting pupils with diverse backgrounds and disadvantages. The overall strategy of the school is to treat all children equally, yet adjust the support according to individual needs.

### Special support for recently arrived pupils

The school offers special support for pupils who have recently arrived in Sweden, in the form of language support, special classes and prioritized timetables in order to support the pupils in the fields of reading, writing and other subjects. Multilingual staff and language teachers are present at the school. Furthermore, in order to assist pupils who are not yet proficient in Swedish, the class rooms are equipped with signs and pictures for the students.

### Focus on structured learning

The classes focus heavily on maintaining certain structures and routines during the school day, in order to make it as easy as possible for students to adjust and to enable them to follow the lessons despite language barriers. A structured approach is especially important given that many of the pupils do not experience structure in their daily lives.

In the **discussion** with the Ad Hoc Committee members, a number of issues was raised, such as reach out efforts and the involvement of parents in the pupil's school activities, the lack of a pre-school and general challenges of the school work. It was also pointed out that only non-Swedish children attend the school, as there are very few Swedish people living in the neighbourhood.

### **3. Visit to the NGO “Ensamma barn på flykt”**

The voluntary organisation “Ensamma barn på flykt” (“lonely child on the run”) works with unaccompanied refugee children in Sweden. It is a rights-based organization, involving social workers and lawyers, funded through donations from companies, individual donations and gifts. It was set up after unprecedented numbers of unaccompanied children arrived in Sweden in 2015, with many of them ‘disappearing’ shortly after arrival. The primary purpose of the organization is to prevent the disappearance of children and to reach out to those who already have disappeared, offering social activities and a safe space. At the same time, the organization explores strategies of legal regularization by offering legal help.



### Legal support

The voluntary organization offers legal advice during specific hours, where lawyers study the cases of the people coming for help, in order to assess what can still be done. They seek to identify whether there are any new circumstances or whether all important details that could influence the decision have been mentioned. Trust plays an important role in this work, as many are scared to open up to officials.

### Gymnasielagen (The “high school/gymnasium law”)

This new law entered into force on 1 June 2017 and will remain valid for as long as the law on temporary limitations for granting residence permits in Sweden is valid (until 19 July 2019). The law targets the group of unaccompanied children and is aimed at offering them possibilities to stay in Sweden if they fulfil certain conditions. These conditions include that the child is studying at an upper secondary level school, applied for asylum prior to 24 November 2015 and had to wait at least 15 months to receive the decision. According to the legal expert at Ensamma barn på flykt, a significant part of the work consists of information gathering necessary to demonstrate that these conditions have been met. The law received much criticism both nationally and internationally and is considered unfair, failing to treat similar situations similarly, differentiating according to the length of the application process.

### Homelessness

Homelessness is a big problem affecting unaccompanied children in Sweden. Legislative changes led to limitations to support for adults, resulting in an increasing group of people outside the social system. According to the **amendment to the Reception of Asylum Seekers Act (LMA)**, which took effect on 1 June 2016, applicants who received a decision on refusal of entry or deportation which can no longer be appealed lose their right to reception conditions, the right to a daily allowance and accommodation provided by the Swedish migration authorities. These changes also have negative consequences for unaccompanied children who have received a negative decision, since, once they turn 18, these regulations apply to them as well.



The members of the Ad Hoc Committee on Migration commended the work of humanitarian groups, and discussed the actions taken by the voluntary organisations, such as advocacy efforts through the participation in political platforms, sharing of experiences about direct work with children and the formulation of guidelines on how authorities should act in order to prevent disappearances of unaccompanied children.

## **4. Briefing by the Swedish Migration Agency and Malmö City Council**

### Asylum procedure in Sweden

The Migration Agency is the relevant authority for **registering asylum applications** which can be made at designated offices of the Migration Agency in the cities of Stockholm, Gävle, Boden, Norrköping, Gothenburg and Malmö.

The applicant needs to fill in forms providing information about name, citizenship and family and hand in his or her passport or any other identification document, in order to prove his or her identity, hence, the name, date of birth and citizenship. This information will then be used to register the applicant. The applicant is then photographed and fingerprinted. Once the application has been handed in, the asylum seeker meets with an investigator and an interpreter for an **application interview**.<sup>5</sup> If needed, a public counsel can be present.<sup>6</sup>

The **final decision to accept or reject** a submitted case is made by a case officer of the Swedish Migration Agency. If a case is rejected, information outlining the reasons for the rejection will be included in the decision. Determination of refugee status is considered and decided in conjunction with the final decision on residence permits. Decisions are sent both to the appropriate Swedish embassy and to UNHCR.

There are two levels of **appeal**. A first appeal is submitted before the **Migration Court**, and an onward appeal before the **Migration Court of Appeal**. Appeals are made to the four Migration Courts in Stockholm, Luleå, Malmö and Gothenburg. Appeals can be made both in relation to facts and/or points of law. The decision will state what the deadline for an appeal is, which is the time limit before which one must make his/her appeal. In most cases this is three weeks from the day when the decision was received. The appeal will be examined by the Migration Court, but it should be sent to the Migration Agency.<sup>7</sup>

When a first instance decision is appealed, the appeal is first reconsidered by the Migration Agency. The Agency has the discretion to either change its earlier decision, should important new circumstances arise or should the Migration Agency consider its own decisions erroneous, or confirm the rejection. In the latter case, the appeal is forwarded by the Agency to the Migration Court. The court can either change the decision in favour of the applicant or agree with the Migration Agency.

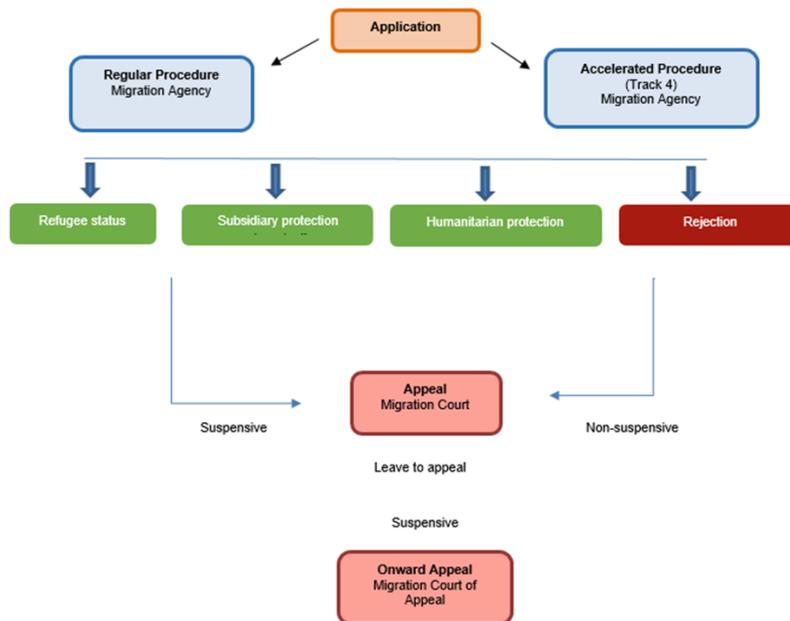
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<sup>5</sup> <https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/Applying-for-asylum/How-to-apply-for-asylum.html>

<sup>6</sup> <https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/Applying-for-asylum/Asylum---from-application-to-decision.html>

<sup>7</sup> <https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/When-you-have-received-a-decision-on-your-asylum-application/If-your-application-is-refused/If-you-want-to-appeal.html>

## Overview of the Swedish asylum system



The Swedish Migration Agency is divided into six regions, with the Southern Region being responsible for Malmö. The Swedish Migration Agency and Malmö City Council interlocutors briefed the delegation on the developments and changes following the sharp increase in asylum applications in 2015. In 2015, there were around 160,000 asylum applications, of which 43,000 by unaccompanied minors. In contrast, they expect to have only 29,000 applications in 2018, including of 2,300 by unaccompanied children.

The interlocutors highlighted the changes in the legislation that were undertaken in response to the increase in 2015, such as the **July 2016 temporary act introducing a more restrictive migration policy**, limiting the possibilities to receive permanent residence permits and restricting family reunification, by adjusting the laws towards EU minimum demands. According to the interlocutors, it was this law which played the greatest role in making Sweden less attractive as a destination country rather than the introduction of border controls.

Many of those who applied for asylum in 2015 had to wait for a very long time for a decision on their application, as the Migration Agency was simply not able to cope with so many applications. Some were only receiving their first decision now. As regards housing, asylum seekers are offered accommodation by the Migration Agency for the entire duration of the application process.

### The role of municipalities

The interlocutors also briefed the delegation on **employment possibilities** for asylum seekers. It was stressed that the main responsibility lies with the Swedish employment agency. However, the municipality and city council also provide support. For people who are not able to work due to certain conditions, such as PTSD, the municipality provides specialised services. It was furthermore stressed that municipalities are given a great amount of responsibilities regarding reception, as there are laws

that make the **reception of asylum seekers** that were granted a residence permit mandatory in all municipalities. As for the reception of unaccompanied children this also applies to asylum applicants.

## 5. Briefing with Swedish Public Employment Service

The Swedish Public Employment Services is a government-funded agency working on behalf of the Swedish parliament and government. It provides employment services to both jobseekers and employers, prioritizing those most vulnerable on the labour market. Their mission is to help jobseekers find suitable jobs, and employers to find employees with the skills and experiences they need to prosper. It has 280 local employment offices, organized into 10 market areas spanning the whole country.

### Introduction Programme

The Swedish Public Employment Service presented the so-called **Introduction Programme**, aimed at promoting a quick and efficient introduction of newly-arrived migrants to the labour market. Once a person has been granted a residence permit as a refugee, as a person with subsidiary protection or a family member, he/she can take part in the introduction programme for a duration of 24 months with a weekly work load of 40 hours. The program offers the opportunity to learn Swedish, the assessment of skills and counselling, civic orientation and preparatory activities, job seeking and matching, with the ultimate goal of finding a job and becoming self-sufficient as quickly as possible.



### Fast Track Procedure

A number of measures have been taken by the Swedish government to adapt labour market policies to new challenges and to bridge existing gaps. One example in this regard is the fast track procedure, including a list of professions, which are characterized by a labour shortage in Sweden. The initiative aims at coordinating existing measures into a streamlined package to speed up the labour market entry of skilled migrants who have been granted residency permit into such occupations. It is based on a tri-partite cooperation between the government, trade unions and employers' organisations and includes a chain of activities such as self-assessment, training, internships, profession-specific language training, trade fairs, job skills assessment, bridging courses and vocational training.

## 6. Briefing by Trade and Industry Department of the City of Malmö

The last working session for the Sweden part of the mission was held at the Trade and Industry Department of the City of Malmö. The Trade and Industry Department is part of the City Executive Office and is responsible for managing, coordinating and monitoring the city's different departments

and municipally owned companies. In their presentations the interlocutors provided valuable insight into many aspects of the department's work regarding employment and the integration of asylum seekers into the labour market.

### Unemployment in Malmö

The presentation drew attention to the considerably higher unemployment rate in Malmö compared to the rest of the country. Whereas in Sweden as a whole 7.1 per cent of the workforce, aged 16-64, is unemployed, in the city of Malmö the unemployment rate is 14 per cent. When assessing the employment rate and taking into account criteria, such as "born in Sweden" and "born abroad" it becomes evident that the number of foreign-born employees is considerably lower than Swedish-born (50.2 per cent as opposed to 78.2 per cent).

### Dual Vocational Training

As of 1 October 2016, the city of Malmö, together with the Chamber of Commerce and Industry of Southern Sweden, the Swedish Public Employment Service and the Region of Skane established the **Dual Vocational Training** project, targeting newly arrived refugees with a permission to stay. As explained by the interlocutors, the project is based on the German model (duales Studium) and participants are placed in companies, while beginning vocational/language education. The training is adjusted to the needs of the participants as well as the needs of the company and the participants are paid by various subsidies from the Swedish Public Employment Service.

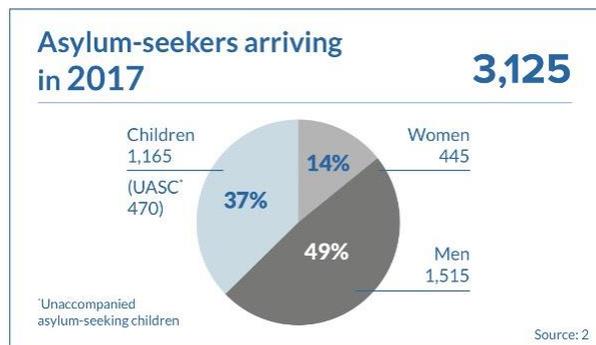
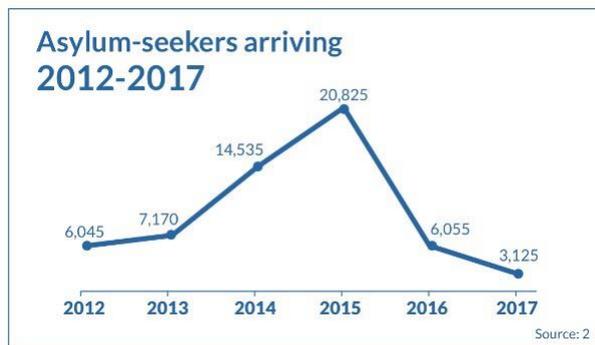
### Highway to Business

The interlocutors at the Trade Department of the City Council also presented a program which is called "**Highway to Business**" and aims at providing support to newly arrived to establish their own business. Three steps are followed in order to reach that goal, inspiration and ideas need to be developed, the ideas are pitched to business developers and the actual business development. The project aims at providing fast and simple services despite language barriers. Currently there are 48 business projects in the program and 8 limited companies that are acting in diverse fields, such as catering, tailoring and telecommunications.

## IV. DENMARK

### Current migratory situation

Denmark has had to deal with lower numbers of migrants, most of whom were seeking to move onwards to Sweden and other countries. As in Sweden, these numbers have dropped even further, from a peak of 20,825 in 2015 to 3,125 in 2017, the lowest number since 2008 and which corresponds to 5.4 per 10,000 inhabitants in Denmark (compared to a total of 22,190 asylum seekers or 22.2 per 10,000 inhabitants in Sweden in 2017). Out of the 1,165 asylum-seeking children who arrived in Denmark in 2017, 470 of them were unaccompanied and separated children.



### The Reception System

The reception system is under the authority of the Danish Immigration Service (*Udlændingestyrelsen*) and is managed with the help of a number of operators such as the Danish Red Cross, the prison and probation service, as well as municipalities.

New asylum seekers are housed in asylum centers. After six months of applying for asylum, asylum seekers are allowed to find their own housing until their application has been processed. They may not buy property, however. Moreover, unlike asylum-center housing, which is financed by the state, an asylum seeker must finance his own housing and does not receive extra monetary benefits to cover his or her expenses in such housing. If an asylum seeker finances his own housing he/she must contract with the Danish Immigration Service and promise to leave the country if he/she is denied asylum.

There are four types of asylum centers in Denmark:

- **Reception centers** – for newly arrived asylum seekers
- **Residence centers** – for asylum seekers whose case is being processed
- **Return centers (*hjemrejsecentre*)** – for asylum seekers who have received a final rejection and where a decision has not yet been made regarding their return or who have agreed to leave the country voluntarily. This is a new type of center introduced in 2018.
- **Expulsion centers (*udrejsecentre*)** – for persons who have received a final rejection and who do not wish to leave voluntarily, for asylum seekers who must be transferred to another EU country under the Dublin regulation, as well as asylum seekers who have received a rejection under the manifestly unfounded procedure.

Asylum seekers can also be accommodated in apartments if they fulfil certain requirements. As the numbers of asylum seekers decreased, the Danish authorities have closed a large number of centers: there were 98 asylum centers at the peak of the migration crisis at the beginning of 2016, 30 of which closed the following year. Currently, there are also specialized accommodation centers for unaccompanied minor asylum seekers, and centers with sections for persons in need of special care or sections for women, who have been victims of trafficking.

In June 2018, the Danish Immigration Service announced it would close several more facilities, including two centers operated by the Red Cross on Bornholm and Center Gribskov (for unaccompanied minors) bringing the total number of asylum centers down to 17.

## **The visit**

On the second day of the Mission, the members of the Ad Hoc Committee carried out visits in Copenhagen and its surroundings. The delegation visited a reception center and an expulsion center north of Copenhagen. The members of the Committee were also briefed by representatives of UNHCR Denmark, IOM Denmark and the Danish Refugee Council.

### **1. Center Sandholm – reception center**

The first set of briefings took place at Reception Center Sandholm with interlocutors from the Danish Red Cross and the Danish Immigration Service (DIS). Following the briefing, the Committee members were given a tour of the premises. Center Sandholm, located in Northern Zealand, is a reception center primarily for new asylum seekers with a capacity of up to 600 persons. New arrivals are registered by the police, while the Immigration authorities are responsible for processing asylum claims.



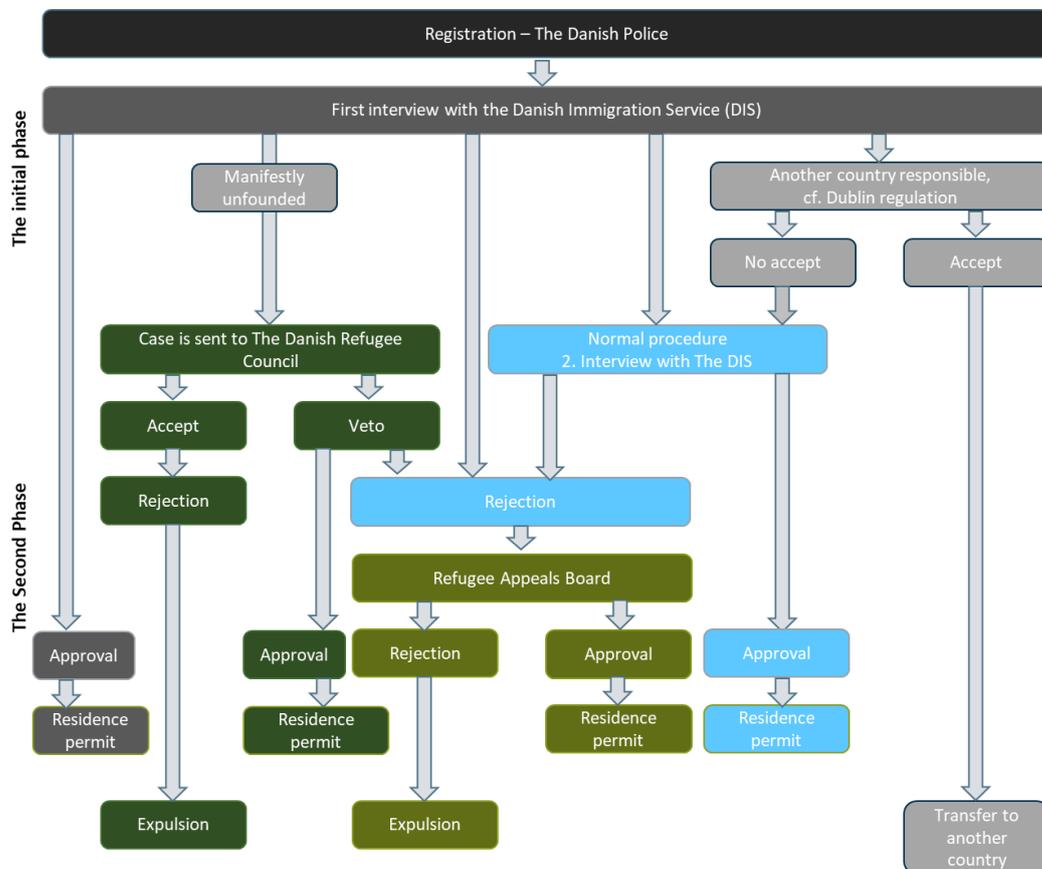
They receive comprehensive information about the asylum process in Denmark and are offered a basic health check. The Danish Red Cross is the main operator of the asylum centers with the main task of providing basic services, such as housing, health care and education. Voluntary activities are also offered. There are three types of accommodation at Sandholm: family rooms with a bathroom and toilet; double rooms with bathroom and toilet; and 4-person occupancy rooms with a shared communal bathroom. Meals are served in a large dining room. During the tour the members of the Ad Hoc Committee visited the kindergarten for children aged 3-6 years. In the afternoons and evenings, children can take part in after school activities, either at Sandholm or in school clubs together with local children.

Asylum Procedure - Danish Immigration Service

Interlocutors from the Danish Immigration Service provided an overview of the Danish asylum procedure. Asylum applications are made at either a local police station or at Sandholm. Denmark does not allow for asylum applications at Danish embassies or consulates. As part of their application they provide fingerprints, which are entered into the Eurodac system. When a foreign national seeks asylum in Denmark, the first step in the application process is for the Immigration Service to determine whether Danish immigration authorities are responsible for processing the application. The Dublin Regulation determines which country is responsible for processing applications. If it is determined that the application is to be processed in Denmark, the next step is the actual application process. The Immigration Service is responsible for reviewing applications.

After registration by the police, the asylum seeker is asked to complete an application for asylum and to appear at the Immigration Service shortly thereafter for a first interview to determine the asylum seeker’s motivation for seeking asylum and to obtain additional information such as the asylum seeker’s travel route to Denmark. Based on this information and whatever other information can be obtained, the Immigration Service will decide whether Denmark is responsible for processing the application for asylum or whether another country will be asked to do so. The Danish Immigration Service then needs to decide whether to reject or approve the application. In case of a rejection the asylum applicant can appeal with the Refugee Appeals Board.

Overview of the Asylum Procedure:



Source: Danish Immigration Service

### Unaccompanied Minors – asylum procedure

Unaccompanied minors will only be required to apply as an asylum seeker if they are deemed **sufficiently mature**. If the Immigration Service assesses that an unaccompanied minor is **not mature enough**, he/she can be granted a residence permit without being required to go through the application process.

In order to qualify for a residence permit as an unaccompanied minor, he/she may not have family or access to public care or similar in his/her country of origin and consequently would be left to fend for him/herself. When processing the case, the Immigration Service will take into consideration information about the unaccompanied minor's health and need for special care and assistance, as well as the general situation in his/her country of origin. Furthermore, in order to qualify for a residence permit, the unaccompanied minor may not have access to a reception or care centre in his/her country of origin. This condition applies to unaccompanied minor asylum seekers who enter Denmark from 1 January 2011 onwards. In these cases, a residence permit will be granted under the Danish Aliens Act, section 9c (3) (i). Depending on the age of the minor, the residence permit will normally be granted for one year. After this initial time, the holder can apply for an extension, for which the unaccompanied minor must continue to meet the requirements.

In the procedures for unaccompanied children, there are special safeguards in place, such as special accommodation, a personal representative, legal counseling and support to trace family members. As for the accommodation of unaccompanied minors there are several specialized centers. At the time of the visit, most of the unaccompanied minors were accommodated in the Center Gribskov, also in North Zealand, which has a capacity of 60 unaccompanied minors. As of 1 November 2018, however, these minors are to be housed at a separate section being built at Sandholm due to the drop in arrivals. In Sandholm there is already a section for unaccompanied minors between 16 and 17 years old with so-called 'street-oriented' behavior. Center Østrup, in Northern Jutland, which accommodates the youngest of the unaccompanied minors, currently accommodates 10 of them.

### Red Cross - School for asylum seeking children

A teacher from the Red Cross School in Lyngø briefed the Committee members on the work and challenges of the children's school with 86 pupils from the Sandholm and Sjælsmark centers. With the curriculum being the same as in Danish public schools, there are some considerable differences and challenges. The school day is shorter, as many children have very short concentration spans due to traumas or due to the fact that they are simply not used to going to school. The two major challenges that the teachers encounter in the school are the difficulties to motivate the students and the challenge to create a safe space where children can just be children. Another unique characteristic of the school is the aim to prepare children for the different outcomes regarding their asylum application, hence, either the return to their home countries,



Another unique characteristic of the school is the aim to prepare children for the different outcomes regarding their asylum application, hence, either the return to their home countries,

enabling them to adjust to a new environment which oftentimes they hardly remember or entering the normal Danish school system, once they are granted the residence permit.

## 2. Sjælsmark Center

The next visit took the Ad Hoc Committee members to the **Sjælsmark center**, located 2km from the Sandholm Center. Sjælsmark is **one of two expulsion centers** (*udrejsecenter*) and was established in abandoned military barracks at the end of 2016. Families are sent to Sjælsmark while single persons are sent to Kærshovedgård in Jutland. At the moment of the visit there were 256 people housed in Sjælsmark, of which about 100 were children.

Sjælsmark is operated by the Danish Prison and Probation Service. However, only a small share of the residents have served a prison sentence and are due to be sent back to their country of origin but cannot, for a number of reasons. The majority of residents are rejected asylum seekers, including families with children, who do not want to leave Denmark of their own free will and cannot be forcibly returned to their country of origin such as Iran, Iraq and Syria who will only accept voluntary returns. Furthermore, there are also persons accommodated in the center that are awaiting the process of being returned to another EU member state via the Dublin regulation or persons on a 'tolerated stay'.

As with Sandholm, there is a kindergarten for the younger children while the older children are driven to the Red Cross school in nearby Lyngby. Red Cross volunteers also provide residents with clothes and other basic services. As was explained by the Red Cross, legal counseling is also offered in order to clarify the situation and to advise what the options are. One of the biggest challenges for the people living in Sjælsmark Center is the hopelessness that many people feel due to the limbo they are in, as the realization that their asylum application was rejected often hits them only upon entering the expulsion center.

Conditions at the two expulsion centres (Sjælsmark and Kærshovedgård) have been criticized by a number of international organizations and NGOs. According to the Danish Immigration and Integration Minister Inger Støjberg, they are having the desired deterrent effect as larger numbers of rejected asylum seekers prefer to leave Denmark of their own free will rather than staying at an expulsion center.

In the discussion, several points were raised, especially regarding the effects on the inhabitants of living in a limbo for a long time. Different perspectives among committee members became apparent in this regard, with some highlighting that in case the people faced torture or similar dangers in their home country they would have been granted asylum status in order to stay. Hence, they do not have reasons to stay in Denmark any longer. Others, however, stressed that the rejected asylum seekers might face precarious situations in their home countries and that therefore, a solution needs to be found in order to clarify their status.

During the tour of the premises, the members of the Ad Hoc committee gained an impression of the living conditions, the dining room and the kindergarten for children aged 3-6 years.

### 3. Folketinget – panel discussion with UNHCR, IOM and Danish Refugee Council

After the field visits to the Sandholm and Sjaelsmark centers, the members of the Ad Hoc Committee members participated in a panel discussion in the premises of the Danish parliament with representatives from UNHCR Denmark, IOM Denmark and the Danish Refugee Council.

#### UNHCR Denmark

In its presentation UNHCR Denmark highlighted the general standards recommended by UNHCR regarding the asylum process, good practices in Denmark, procedural issues as well as the regulations dealing with the maturity of asylum-seeking children.

The following **standards recommended by UNHCR** regarding the asylum process were stressed:

- Identified authority (-ies)
- Access to interpreter (gender sensitive)
- Right to present case orally
- Right to contact UNHCR representative
- Right to appeal and suspensive effect
- Right to legal representation

**Good practices of the Danish Immigration Service (DIS)** in the first-instance procedure include the two interviews that are carried out by the DIS, with the second interview being more in depth and a personal representative that is appointed for minors. Furthermore, interpreters are provided, although they are not always gender sensitive or dialect aware.

A **procedural issue**, highlighted by UNHCR Denmark is related to the appeals mechanism. When the asylum application is rejected, the decision is automatically appealed to the Refugees Appeals Board. In case of the awarding of subsidiary protection, however, the decision will not automatically be appealed. The applicant is informed of the right to appeal and about the procedure, but concerns remain that asylum applicants might not entirely understand the differences between asylum status and subsidiary protection and the consequences stemming from such differences, especially with regard to cessation and travel documents.

As part of the Danish asylum procedure for unaccompanied children, the immigration authorities start by assessing the **maturity of the individual asylum-seeking child**. If the child is deemed too immature to go through the Danish asylum procedures, a special residence permit may be issued until the age of 18, if the child has no network and if the returned would be placed in an emergency situation. Hence, children with family in the home country are not given such a temporary permit, according to section 9c (3)(i) of the Danish Alien Act. If later the children is deemed mature an asylum process may be initiated. Concluding the presentation about the asylum process in Denmark



### IOM Denmark

The briefing by IOM Denmark and the following discussion focussed on the support of **Assisted Voluntary Return and Reintegration** programs (AVRR) and **Assisted Voluntary Return and Reintegration of Vulnerable Migrants** programs (AVRRVM) in Denmark. As for the AVRR programmes the interlocutor highlighted that there are currently no more such programs in Denmark. From 2002 until 2015 there was support for AVRR programs for specific countries of origins. From 2013 until 2015 general support programmes were established, reaching a much wider range of people.

Assisted Voluntary Return and Reintegration of Vulnerable Migrants programs, however, continue to be carried out in Denmark. Victims of Trafficking (VoT) and Unaccompanied Migrant Children (UMC) are the two eligible groups under the AVRR project for vulnerable migrants.

The support that is available to UMC applicants includes pre-travel counselling, travel documents, tracing and family assessments, travel arrangements, incl. escorts, reintegration support (pocket money, housing assistance, income generation, needs-based health support) and reintegration monitoring for approximately six months after return. Since 2008 five UMC returned to their countries. General challenges encountered with regard to UMC returns are the disappearances of unaccompanied asylum-seeking children in Denmark and the situation in the home country, as the best interest of the child needs to be ensured. In the same period of time 139 Victims of Trafficking returned to their countries.

### Danish Refugee Council

The third interlocutor at the roundtable presented the work and mission of the Danish Refugee Council. The Danish Refugee Council was established in 1956 to support refugees from Hungary. Today, it is the largest Danish NGO with programs in 36 countries worldwide. In Denmark the DRC cooperates with government,



municipalities and public institutions in order to provide integration services. The organisation carries out **advocacy work and provides counselling for asylum seekers**. The main mission of the organisation is to ensure a dignified life for all the displaced by assisting refugees and the displaced, by protecting their rights and empowering them towards a better future. In line with this mission the DRC supports and enables refugees and migrants to be part of a community and to enjoy equal rights and opportunities in Denmark. It provides services to the municipalities in language proficiency, employment, social services, housing for unaccompanied minors and supports participation in civil society.

With regard to **language services**, the DRC operates 16 language schools for refugees, migrants and foreign workers with their families and students. In total, the schools had 15 000 students and there are also some special offers for unaccompanied minor refugees. The DRC also carries out **specialized integration services** in the fields, such as employment services and rehabilitation, family therapy and psychosocial support to traumatized refugees. Moreover, the DRC also provides residential institutions and dorms for unaccompanied minors. As for **advocacy work**, the DRC Asylum and Integration Departments advocate on refugee and migrant rights and respond to all new legislation on foreigners and refugees in Denmark. The DRC aims at creating general awareness about refugees in Denmark.

The interlocutor also presented the **integration program under the Danish Integration Act**, which lasts a maximum of 5 years for refugees. It aims at providing employment and reaching economic self-sufficiency. The participants are entitled to free Danish language tuition for 18 hours weekly, social assistance benefits, affordable housing and health, mental and social care. In turn, the participant is obliged to attend language and cultural orientation training and pass the tests. He or she also needs to actively participate in employment promoting schemes.

The DRC's Integration Network (<https://integrationsnet.dk/>) assists municipalities with the task of integration through a variety of projects with a focus on education, employment and building networks.

Moreover, the **Mixed Migration Centre** was introduced, which is source for independent and high quality data, information, research and analysis on mixed migration. Through the provision of credible evidence and expertise, the MMC aims to support agencies, policy makers and practitioners to make well-informed decisions, to positively impact global and regional migration policies, to contribute to protection and assistance responses for people on the move and to stimulate forward thinking in the sector responding to mixed migration. Though it is fully owned by the DRC and its regional units are embedded in DRC offices, the research provided is not just for the DRC, but its research and analysis are aimed for a much broader sector. The MMC also closely cooperates with other agencies.

The center has two small central teams in Geneva and Copenhagen and more teams in the regions around Amman, Dakar, Kabul, Nairobi and Tunis.

## **v. Debriefing and Conclusions**

In a short debriefing at the end of the visit the members of the Ad Hoc Committee drew attention to many important points that became apparent during the visit:

- Conditions, such as the ones in the Sjølsmark expulsion center, where rejected asylum applicants live in a limbo, need to be prevented and solutions need to be found. Return policies need to be discussed further.
- After the great influx of migrants arriving in European countries in 2015 and the challenges related to such, the focus should now be turned towards the successful integration of migrants in the destination country. More speedy integration procedures, especially with regard to access to education and the integration on the labour market need to be ensured.
- Migration is a challenge that requires common solutions and strong cooperation among OSCE participating States. Also the dialogue with EU institutions needs to be intensified.
- It is also essential to address the root causes of migration in order to reduce the incentive for migration to European countries.

## ANNEX I

### **Visit of the OSCE PA Ad Hoc Committee on Migration to Denmark and Sweden (21-23 October 2018)**

#### **Final Programme**

##### Monday, 22 October: SWEDEN

- 08:27 Departure from Copenhagen Central Station via Øresund train
- 08:53 Arrival at Hyllie station (Malmö, Sweden)
- 09:00 Meeting with Swedish border police (Hyllie station)
- 09:45 Bus from Hyllie station to Rosengård (district of Malmö)
- 10:00 Visit to Rosengård school (Rosengårdsskolan) and presentation by School Principal Cecilia Larsson-Ståhl and Assistant Principal Peter Bengtsson  
*This school is located in a part of Malmö which has been very affected by migration throughout the years. A majority of the school's students are foreign born, and the school has had many problems in previous years. Lately, Rosengård school has managed to solve many of its problems and the School Inspection has praised the school's ability to support students with different kinds of disadvantages. Principal Cecilia Larsson Ståhl will tell us more about their strategies and how they have managed to turn the school into a good example of inclusion and integration.*
- 11:30 Meeting with Ms. Hanna Scott, "Ensamma barn på flykt" – project funded by the NGO Skåne Stadsmission (Skåne City Mission) working with unaccompanied refugee children (Malmgatan 3)
- 13:00 Briefing by the Swedish Migration Agency, Ms. Åsa Lindberg, Head of Region South Sweden, and Mr. Sedat Arif, Deputy Mayor, Malmö City Council (Labour and Social Services)
- 14:30 Briefing on Swedish asylum and migration policies with a focus on integration – Mr. Patrik Hellstrand, Head of Division, Swedish Public Employment Service (Arbetsförmedlingen)
- 15:30 Briefing by the Trade and Industry Department, Malmö City Council
- Mr. Magnus Persson, Policy Officer, Trade and Industry Department
  - Ms. Sandra Lundberg, Policy Advisor, Welfare Department
  - Mr. Andreas Konstantinidis, Project Manager, Trade and Industry Department
  - Mr. Fadi Barakat, Project Manager, Trade and Industry Department
- The municipal employment unit has been praised for their integration work and for their strategies to bring migrants closer to the labour market. During the meeting, they will tell us more about their work and their experiences of employment as a means of integration.*

Tuesday, 23 October: DENMARK

- 09:30-11:30 Visit of **Center Sandholm** - *Denmark's largest reception centre for asylum seekers, managed in co-operation with the Red Cross.*
- Presentation by Ms. Annette Peitersen and Ms. Stine Suell Kiersgaard, Danish Immigration Service (*Udlændingestyrelsen*) on the reception system for unaccompanied minors as well as procedures for unaccompanied minors
  - Presentation by the Red Cross on its support activities, Ms. Anne la Cour, Head of the Asylum Department and Mr. Michael Ehrenfels, Regional Director
  - Presentation on the Red Cross school in Lyngbe ("Skolen på Bakken")
- 11:30 Transfer to Sjælsmark
- 12:00-13:30 Visit to **Sjælsmark Expulsion Center** (*Udrejsecenter Sjælsmark*)
- Mr. Michael Ehrenfels, Regional Director, Red Cross
  - Mr. Christian Høygaard, Director, Danish Prison and Probation Service (*Kriminalforsorgen*)
  - Ms. Annette Peitersen, Danish Immigration Service (*Udlændingestyrelsen*)
- 15:00-16:30 Roundtable on best practice in the field of unaccompanied minors and integration in Sweden and Denmark (*venue: Danish parliament/Folketing*)
- Participants:
- Ms. Bettina Normann Petersen, Senior Legal Associate, UNHCR Denmark on asylum process and protection, activities (Mob. +45 20 55 08 03).
  - Mr. Jacob Jorgensen, Programme and Liaison Officer, and Ms. Gosia Andresen, International Organization for Migration (IOM)
  - Mr. Hans Christian Knudsen, Head of the Integration Network, Danish Refugee Council (Dansk Flygtninghjælp – DFH)
- 16:30-17:00 Debriefing
- 17:00 End of the programme

## **List of Participants**

### **Members of the OSCE PA Ad Hoc Committee on Migration:**

1. Ms. Nahima LANJRI (MP, Belgium), Chair
2. Ms. Isabel SANTOS (MP, Portugal), Vice-Chair
3. Mr. Haydar AKAR (MP, Turkey)
4. Mr. Jan BAUER (MP, Czech Republic)
5. Ms. Margareta CEDERFELT (MP, Sweden)
6. Mr. Kyriakos HADJIYIANNI (MP, Cyprus)
7. Mr. Mehmet Sait KIRAZOGLU (MP, Turkey)
8. Mr. Georgios VAREMENOS (MP, Greece)

### **Other:**

9. Mr. Peter JUEL JENSEN (MP, Denmark), Head of the Danish Delegation to the OSCE PA
10. Mr. Søren SØNDERGAARD (MP, Denmark), Member of the Danish Delegation to the OSCE PA

### **Staff:**

11. Ms. Hatice ER AS, Secretary of the Delegation of Turkey to the OSCE PA
12. Ms. Eva ESMARCH, Secretary of the Danish Delegation to the OSCE PA
13. Ms. Charlotte FABER, Staff of the Danish Delegation to the OSCE PA
14. Mr. Fredrik SVENSSON, Secretary of the Swedish Delegation to the OSCE PA
15. Mr. Gustav LUNDBERG, Staff of the Swedish Delegation to the OSCE PA
16. Ms. Farimah DAFTARY, Programme Officer, OSCE PA International Secretariat
17. Ms. Corinna LENSCH, Research Assistant, OSCE PA International Secretariat
18. Mr. Nat PARRY, Head of Communications and Press, OSCE PA International Secretariat