FAMILY MIGRATION POLICIES IN DENMARK

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WP5: Gendered patterns of migration: Empirical developments &
WP6: Comparative legal and policy analysis
About the project

Family related migration has been the dominant legal mode of entry in Europe for the past decades, but has become increasingly contested in recent years. Granting migrants the right to family reunion has traditionally been considered as promoting the integration of migrants into receiving societies. However, in current debates over the ethnic closure of migrant communities and the alleged “failure” of integration, the “migrant family” is increasingly seen as an obstacle to integration – as a site characterised by patriarchal relationships and illiberal practices and traditions such as arranged and forced marriages. As a result, family related modes of entry have been increasingly subject to restrictions, while the existing conditionality has been tightened up.

The research project analysed family migration policies in nine European countries from two angles. First, the project analysed policies and policy-making in regard to family related migration in a “top-down” perspective through the analysis of legislation, public debates, as well as through expert interviews. Secondly, the project analyses family migration policies from a “bottom-up” perspective, by investigating the impact of conditions and restrictions on migrants and their families and the responses and strategies migrants adopt to cope with these and to organise their family lives.

This project was financed under the programme New Orientations for Democracy in Europe (NODE, www.node-research.at) which is committed to exploring the future democratic development of Europe and its effects on citizens as well as politics. Within the perspective of the NODE-Research, the project on Civic Stratification, Gender and Family Migration Policy in Europe aimed at:

- Providing an empirically grounded analysis and evaluation of family migration policies in a broad range of immigration countries in Europe, including Eastern Europe;
- investigating how family migration policies create civic stratification;
- providing empirical evidence for the consequences of stratified rights for migrants immigrating for family related reasons;
- analysing how migrants challenge and cope with the constraints imposed by family migration policies;
- analysing the relationship between “civic integration” and social and political integration, and conversely, relationship between civic stratification and social and political exclusion;
- applying a gender based analysis both to the analysis of family migration policies and the impact of these policies on migrants; and
- developing basic principles that might help governments to design and implement fairer immigration legislation.
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1 Introduction

This country report covers the main policy developments and the current policies in relation to family migration in Denmark for the last decades until autumn 2007.

It is based on literature research, an analysis of political and legal documents as well as media coverage of the developments in recent years. Statistical data and details on current regulations are mainly drawn from information provided by the Danish Ministry of Refugee, Immigration and Integration Affairs and The Danish Immigration Service (www.nyidk.dk). Additional information was provided through interviews with the following experts in the field of immigration issues in Denmark: Maria Blankensteiner from the voluntary counseling at the Danish Refugee Council; Bende Bondebjerg, Chief Consultant from the Danish Refugee Council; Birgitte Kofoed Olsen, lawyer and head of the National Department at the Danish Institute for Human Rights; Stinne Bech, International coordinator, Amnesty International.

Denmark has very tight restrictions in the right to family reunification. This is most significant regarding the persons eligible for family reunification, the age requirement for spouses and the so called “attachment requirement”1. Denmark only permits family with spouse/cohabitant and minor children less than 15 years of age. In terms of age of spouses, in 2002 Denmark introduced a minimum age of 24 years for spousal reunification. Besides, Denmark is a country with one of the longest waiting periods for permanent residence. Usually, immigrants can obtain permanent residence after seven years in Denmark; “well integrated immigrants” may be granted permanent residency after five years. Along with the UK and Ireland, Denmark stands out in terms of its position within the EU framework on migration passed under Chapter IV of the Amsterdam Treaty and the Tampere Agenda building on the Amsterdam Treaty. Other than the UK and Ireland, which have reserved a right to opt-in on a case-by-case basis, Denmark completely opted out of Chapter IV. However, because Denmark participates in the Schengen system (under international law and not within the EU framework) and because it is bound by EU freedom of movement provisions, Denmark is not entirely unaffected by the EU framework governing migration policy. Thus, even though Denmark does not participate in EU migration policies towards third country nationals, persons who have acquired freedom of movement rights under EU legislation, be they citizens of the Union or third country nationals, also enjoy these rights in Denmark.2

1.1 International Migration to Denmark – Trends and Numbers

International migration to Denmark in the 20th century can be divided into several phases, which were to some extent connected to the level of employment in the country. A fairly high level of unemployment until the late 1950s was the background for emigration of Danish citizens mainly to Australia and Canada. From the late 1950s to the mid-1970s the Danish labor market was characterized by full employment and a demand for labor, which was reflected by a considerable number of guest worker immigrants

1 Since 2000 spouses have to prove stronger ties to Denmark than to any other country when applying for family reunification.
2 Sandra Pratt, DG JLS, personal communication, Brussels, 29/03/2007.
coming to Denmark. Until the late 1960s immigrants who could provide for themselves had free entry into Denmark. Between 1969 and 1973 though immigration rules were tightened up, and Danish companies actively recruited so-called “guest-workers”, mainly from Turkey, Pakistan, Yugoslavia and Morocco. In 1973 this immigration came to an end with a legal change - the so-called “guest worker stop” - which also implied, that “guest workers” who had entered Denmark before the stop were allowed to stay. Exact numbers about “guest worker” immigration are not available, but by the time of labor immigration stop, about 15,000 immigrants from the four mentioned countries lived in Denmark (Hedetoft 2006:3).

Apart from “guest workers”, refugee flows made up for a significant share of immigration to Denmark: in the 1970s Denmark accepted refugees from Chile and Vietnam; during the 1990s the main countries of origin of refugees were Russia, Bosnia, Iran, Iraq and Lebanon. None of these groups came in large numbers, but by the 1990s they and their descendants began to account for a significant share of the immigrant population. Refugees, particularly those from former communist countries, were generally welcome in Denmark. When more refugees from third-world countries arrived in the 1990s however, the perception of and policies towards refugees started to change. For instance repatriation began to be promoted as a key element of temporary residence programs. Since 2001 the numbers of asylum seekers have declined radically, as refugees have clearly been discouraged from applying for asylum.

Immigration from European countries to Denmark is on the one hand characterized by the accession of Denmark to the European Union (then European Community) in 1972, after which citizens from other member states could settle and work in Denmark and had access to social rights. On the other hand the “Nordic passport union” signed by Denmark, Sweden, Finland and Norway in 1954 (and Iceland joining in 1965) had already earlier made free movement for Nordic citizens across Scandinavian borders possible.

After the recruitment-stop in 1973, many of the labor migrants remained in Denmark, and after 1974 they had the option of family reunification that came to act as a new source of immigration. Since the recruitment stop restrictions in 1973, immigration to Denmark has taken place primarily through asylum and family reunification. Concern about unemployment and the concept of immigrants as an economic burden entered the debate on admission and were used as arguments for strict immigration legislation. Until the mid 1980s immigration was low, constituted mainly by family reunions among former “guest workers”.

In 1983 a new Aliens Act was passed by the Danish Parliament, which replaced the law from 1952 including all of its amendments. Family reunification, for which spouses, children under the age of 18 and parents over the age of 60 were eligible, was introduced as a legal right. Generally, the legal protection of immigrants residing in Denmark was improved, and the legal rights of refugees were strengthened (Fair 2006).

With growing numbers of refugees coming to Denmark from the mid-1980s, and family members immigrating by family reunification, the number of immigrants grew in the 1980s. In response to this development, all changes of legislation were going to be biased towards a tightening up of rules and regulations. In 1986 the Aliens Act was tightened, making it more difficult to obtain asylum or citizenship and easier to deport fraudulent or criminal immigrants. In 1992 the automatic right to family reunification – dating back to 1983 – was removed, and tightened regulations on family reunification imposed a “breadwinner” condition on resident spouses. Since then, it has been a
condition for non-refugee immigrants, that the family in Denmark is able to support the applying family member (Hedetoft 2006). As another consequence of increasing immigration, from the mid-1980s onwards, immigration and the integration of immigrants from non-OECD countries became a controversial political and public issue in Denmark. At the same time, migration to and from Nordic and EU countries, characterized by mobility to jobs or to education, was excluded from these controversies (Pedersen/Smith 2001).

Since the late 1990s the main focus in Danish immigration policy has been on migrants immigrating through family reunification, so-called “tied movers” (Pedersen/Smith 2001:10). One reason for this was the growing number of residence permits granted for the category “family reunification” in the late 1990s. Another reason was that while asylum is regulated by international conventions, family reunification is regulated by a number of national laws and regulations. For Denmark as a Member of the European Union, immigration policy is affected by changes in the migration policy of the European Union with respect to asylum and immigration only as far as mobility rights under EU legislation are concerned.

1.2 Numbers and statistics

Official statistics on family reunification in Denmark are available from the website of the Danish Ministry of Refugee, Immigration and Integration Affairs and the Danish Immigration Service on a monthly basis. Family reunification is also covered in the yearly statistical overview presented by the Ministry.  

Gaining residence in Denmark has become more difficult for refugees and migrants from non-Western countries during the last years. The number of immigrants and their descendants has still increased steadily since 1990, while the growth rate has varied and declined over time. While growth in immigration from non-Western countries in 1995-1996 was 17.4 percent, in 2004-2005 it was only 1.5 percent, which presents the lowest growth rate since 1983 (Hedetoft 2005).

Regarding migrants’ ethnic backgrounds, immigration to Denmark has – as in many other European countries – become more and more heterogeneous. Generally, migrant groups in Denmark are rather small, about 25 percent of all foreigners in Denmark belong to groups that are each smaller than 1.5 percent (equaling 7.000 persons) of the total number of immigrants and their descendants (Hedetoft 2005:4). Due to the immigration of Turkish “guest workers” in the 1960s and later their descendants, Turkish immigrants and their descendants make up for the largest ethnic minority group in Denmark. With 55.000 Turks living in Denmark, they account for 12% of all resident foreigners in Denmark. Next are Iraqis, followed by Germans, Lebanese, Bosnians and Pakistanis (Hedetoft 2005).

According to Statistics Denmark, in January 2006 the number of immigrants and their descendants was 463.235, constituting 8.5 of the total Danish population. Out of this

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4 In official Danish statistics, an immigrant is defined as a person residing in Denmark, who was born outside Denmark and whose parents are both foreign citizens or were both born outside Denmark. A descendant is defined as a person born in Denmark, whose parents are not Danish
total percentage, about 6.5 per cent were immigrants and 2 per cent were descendants of immigrants. Approximately 327,000 (71 per cent) of the total immigrant population were from non-Western countries. This implies that immigrants and their descendants from non-Western countries – who are commonly identified as “immigrants” – made up 6 per cent of Denmark’s population. Referring to the share of foreigners with non-Danish passport, their number in 2006 was about 270,000 persons, which accounts for 5 per cent of the total Danish population. Out of this number, around 167,000 persons were from “non-Western countries”, which accounts for 3 per cent of Denmark’s total population. (Statistical Yearbook 2006)

From 1995 to 2005 a total of about 54,000 immigrants acquired Danish citizenship by naturalization, the highest number (9,000) in 2001-2002, and the lowest number (2,000) in 2003 – reflecting the tightened regulations for access to citizenship introduced by the new government in 2001 (Hedetoft 2005).

In 2006 more than half of all immigrants and descendants originated from a European country. The majority originated in Turkey, Germany, or Iraq, however, a substantial number come from Norway, Sweden, Lebanon, Bosnia-Herzegovina, Pakistan, Iran, and Somalia (Statistical Yearbook 2006). Muslims from Turkey, Pakistan, Iran, Iraq, Syria, Egypt and Lebanon number about 200,000 and account for nearly half of all non-Western foreign residents in Denmark (Hedetoft 2005:4).

The number of permits granted for family reunification has steadily increased during the late 1990s, with the highest number of 10,950 granted permits in 2001, since then it has rapidly decreased. In 2005 (3,522) residence permits granted for family reunification made up for only a third of the level in 2001, in 2006 (3,594) the number remained almost the same as in 2005 (Statistical Overview 2005, Danish Immigration Service 2007).

**Figures on family reunification 2001-2006**

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications for family reunification in Denmark</td>
<td>15,370</td>
<td>11,250</td>
<td>6,520</td>
<td>5,838</td>
<td>6,000</td>
<td>5,533</td>
</tr>
<tr>
<td>Positive decisions on family reunification of which:</td>
<td>10,950</td>
<td>8,151</td>
<td>4,791</td>
<td>3,832</td>
<td>3,522</td>
<td>3,582</td>
</tr>
<tr>
<td>Spouses and cohabitants</td>
<td>6,499</td>
<td>4,880</td>
<td>2,538</td>
<td>2,344</td>
<td>2,498</td>
<td>2,787</td>
</tr>
<tr>
<td>Minors</td>
<td>4,185</td>
<td>3,052</td>
<td>2,170</td>
<td>1,469</td>
<td>1,011</td>
<td>795</td>
</tr>
<tr>
<td>Parents over 60 years</td>
<td>266</td>
<td>219</td>
<td>83</td>
<td>19</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>Negative decisions on family reunification</td>
<td>3,286</td>
<td>3,531</td>
<td>3,745</td>
<td>2,808</td>
<td>2,650</td>
<td>1,600*</td>
</tr>
</tbody>
</table>

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5 In 2004 two new categories were introduced in the Danish immigration statistics: "Western countries" comprises the Nordic countries, the EU, USA, Canada, Australia, New Zealand, Andorra, Liechtenstein, Monaco, San Marino, Switzerland and the Vatican State; "non-Western countries" refers to all other countries, which are also called “third countries” (SOPEMI report 2006).
* Data on negative decisions for 2006 only includes first instance decisions.


While the share of residence permits granted for the categories “EU/EEA residence certificates” and “work and study” have steadily increased during the last decade, the categories “family reunification” and “asylum or other status” show definite decreases in their share of all granted residence permits. While in 1996, 18% of all residence permits were granted for EU/EEA residence certificates, 28% for work and study, 27% for family reunification and 27% for asylum, 11 years later these shares had considerably changed: in 2006 only 2% of all residence permits were granted for the category asylum, 9% for family reunification, 28% for EU/EEA residence certificates and 61% for work and study. Thus, residence permits granted for the purpose of work and study have more than doubled in this time, while the share for family reunification has decreased to a third and for asylum even to a ninth of the level in 1996 (Statistical Overview 2005, 2006). While these figures don’t show exact numbers of immigration to Denmark, they certainly do give an indication of the type of immigration to Denmark.

Of all residence permits granted for family reunification in 2006, 78% were granted to spouses and cohabitants, of which again 84% were family members of Danish or Nordic nationals in Denmark.

Concerning the country of origin of migrants applying for family reunification in Denmark, in 2006 most of the applications were filed by nationals from Turkey and Thailand, followed by the Philippines, China, USA, Iraq and Pakistan.

**TABLE: Applications for family reunification by nationality, 2001 – 2006**

<table>
<thead>
<tr>
<th>Period</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nationality</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Afghanistan</td>
<td>2,566</td>
<td>676</td>
<td>604</td>
<td>267</td>
<td>206</td>
<td>133</td>
</tr>
<tr>
<td>Brazil</td>
<td>105</td>
<td>115</td>
<td>62</td>
<td>82</td>
<td>82</td>
<td>129</td>
</tr>
<tr>
<td>China</td>
<td>365</td>
<td>269</td>
<td>177</td>
<td>168</td>
<td>179</td>
<td>199</td>
</tr>
<tr>
<td>Iraq</td>
<td>2,271</td>
<td>1,679</td>
<td>491</td>
<td>227</td>
<td>344</td>
<td>188</td>
</tr>
<tr>
<td>Pakistan</td>
<td>388</td>
<td>440</td>
<td>175</td>
<td>208</td>
<td>208</td>
<td>171</td>
</tr>
<tr>
<td>Philippines</td>
<td>202</td>
<td>152</td>
<td>140</td>
<td>167</td>
<td>192</td>
<td>218</td>
</tr>
<tr>
<td>Russia</td>
<td>330</td>
<td>276</td>
<td>199</td>
<td>224</td>
<td>173</td>
<td>170</td>
</tr>
<tr>
<td>Serbia and Montenegro</td>
<td>307</td>
<td>239</td>
<td>203</td>
<td>196</td>
<td>186</td>
<td>145</td>
</tr>
<tr>
<td>Somalia</td>
<td>1,275</td>
<td>988</td>
<td>439</td>
<td>192</td>
<td>202</td>
<td>152</td>
</tr>
<tr>
<td>Thailand</td>
<td>737</td>
<td>641</td>
<td>458</td>
<td>562</td>
<td>541</td>
<td>506</td>
</tr>
<tr>
<td>Turkey</td>
<td>1,490</td>
<td>1,254</td>
<td>626</td>
<td>631</td>
<td>651</td>
<td>669</td>
</tr>
<tr>
<td>USA</td>
<td>259</td>
<td>255</td>
<td>206</td>
<td>161</td>
<td>203</td>
<td>192</td>
</tr>
<tr>
<td>Vietnam</td>
<td>314</td>
<td>198</td>
<td>119</td>
<td>144</td>
<td>146</td>
<td>145</td>
</tr>
<tr>
<td>Others</td>
<td>4,761</td>
<td>4,068</td>
<td>2,621</td>
<td>2,609</td>
<td>2,687</td>
<td>2,516</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>15,370</strong></td>
<td><strong>11,250</strong></td>
<td><strong>6,520</strong></td>
<td><strong>5,838</strong></td>
<td><strong>6,000</strong></td>
<td><strong>5,533</strong></td>
</tr>
</tbody>
</table>

Source: Statistical Overview 2006
Both in 2005 and 2006 most of the positive decisions on family reunification to spouses and cohabitants were granted to nationals from Thailand, followed by Turkey, USA, the Philippines, Russia and China (Statistical Overview 2005, 2006).

**TABLE: Positive decisions on family reunification with spouses and cohabitants, six main nationalities 2005 & 2006**

<table>
<thead>
<tr>
<th></th>
<th>Thailand</th>
<th>Turkey</th>
<th>USA</th>
<th>Philippines</th>
<th>Russia</th>
<th>China</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>306</td>
<td>186</td>
<td>154</td>
<td>142</td>
<td>117</td>
<td>112</td>
</tr>
<tr>
<td>2005</td>
<td>336</td>
<td>185</td>
<td>132</td>
<td>101</td>
<td>121</td>
<td>75</td>
</tr>
</tbody>
</table>

*Own elaboration, sources: Statistical Overview 2005, 2006 ([http://www.nyidanmark.dk](http://www.nyidanmark.dk))*

During the last five years around one third of negative decisions on family reunification applications referred to the attachment criteria, which could not be met by the applicants. Interesting to note is the fact, that only for this criterion immigrants (“invandrer” – as opposed to refugees and Danish and Nordic citizens respectively) made up the highest percentage. For other unmet criteria like the 24-years rule, the support requirement or the receipt of public assistance, it was the group of Danish or Nordic citizens, who made up for the biggest share (see as an example numbers from 2006).

**Negative decisions on family reunification by reasons and status 2006**

<table>
<thead>
<tr>
<th>Attachment requirement (“tilknytningskravet”)</th>
<th>24-years rule</th>
<th>Support requirement (“forsoergelseskravet”)</th>
<th>Receipt of public assistance (“modtaget offentlig hjælp”)</th>
<th>Total / persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total / persons</td>
<td>383</td>
<td>170</td>
<td>42</td>
<td>36</td>
</tr>
</tbody>
</table>

*Own elaboration, source: Udaendigeservice / Ministeriet for Flygtninge Indvandere og Integration (2007): Tal og fakta på udlaendingeområdet 2006 ([http://www.nyidanmark.dk](http://www.nyidanmark.dk))*

In Denmark, the term “marriage migration” is not used explicitly; instead it is comprised under the term “family (re)unification”. Thus, also official data on marriage migration into Denmark is not available. A possible way to estimate the share of marriage migration among family migration is to look at available statistics on marriage. The uncertain correlation between marriage and marriage migration is mainly due to the possible difference of the country in which the marriage is registered and the country in which the couple settles permanently. It is important to keep these facts in mind, when looking at the following statistical data, referring to marriages registered in Denmark.
In 2003, 2,445 non-Danish women registered with Danish male citizens while 1,607 foreign men married Danish women. Thus, 60% of these bi-national marriages were registered between non-Danish women and Danish men, while the majority of the female marriage migrants originated from non-European countries, with the largest share arriving from “other Europe” and the second largest group from Asia (Gulicova / Yahirun 2004).

**Non-Danish wives by continent, 2003**

![Pie chart](image)

*Source: Statistics Denmark, 2003
source: Gulicova/Yahirun 2004*

Within the category “other Europe”, the largest share of female marriage migrants originated from Norway, followed by Russia, Turkey, Poland and Ukraine. The following figure lists the ten most common countries of origin for non-15-EU European female marriage migrants in Denmark.

**Number of Non-15-EU European Female Marriage Migrants by Country in Denmark, 2003**

![Bar chart](image)

*Source: Statistics Denmark, 2003
source: Gulicova/Yahirun 2004*
The second most common continent of origin for female marriage migrants in 2003 was Asia. Within this group, most of the female migrants came from Thailand, followed by women from the People’s Republic of China, the Philippines, Iran and Sri Lanka.

**Number of Asian Female Marriage Migrants by Country in Denmark, 2003**

![Bar chart showing number of female marriage migrants by country in Denmark, 2003](image)

*Source: Statistics Denmark, 2003*

source: Gulicova/Yahirun 2004

Third country nationals married to Danish nationals constitute the majority of migrants under Danish family reunification regulations (Gulicova/Yahirun 2004). This fact is significant in examining further the developments of legislations and provisions during the last decades in Denmark. According to Gulicova/Yahirun (2004), about half of these Danish nationals belong to so-called “immigrant communities”, and seem to be considered legitimate targets for restrictive regulations on family reunification. It is interesting to see however, that Danish applicants for family reunification with spouses can be divided in two sub-groups. Applicants for reunification with Danish nationals with “Scandinavian ethnicity” are more or less from all over the world, although Thailand and the former USSR make up for the largest numbers. Applicants for reunification with Danish nationals with “non-European ethnicity” in most cases come from the country of origin of the Danish spouse (Gulicova/Yahirun 2004).
2 Family migration policies during the 1990s and the evolution of the debate until 2001

From January 1993 to November 2001 the Social Democratic Party formed a government with the Social Liberal Party (Radikale Venstre), and during this period several changes were made in the Alien Law, especially towards the end of the government’s term of office. In the Alien Law from 1983 the right to family reunification was secured by law, in the sense that the law was not based on administrative judgment. Due to a line of Supplementary Conditions applied to the Alien law during the 1990’s, this right was gradually removed and replaced with administrative judgment.

During the government period of the Social Democratic party a so-called “breadwinner” condition was implemented requiring that the resident spouse in Denmark should have an income that is sufficient to support the foreign spouse. This law from 1992, which removed the automatic right to family reunification, was administered through judgments. In 1998 a new law was implemented in order to avoid pro forma marriages and forced marriages. The administration of this law was also based on judgments (Udlændingeret, 2006, Chapter 5). With this law, an application for family reunification could be turned down on the basis of an administrative judgment that the marriage was not entered into freely. This judgment could be made if the man or the woman, or both, was under the age of 25 (Kofod Olsen et al. 2004:17). The last law implemented in this period, which was based on administrative judgments, was the attachment requirement, which was implemented as a law in May 2000. This is the first time such a requirement was implemented in Denmark (Udlændingeret, 2006, Chapter 5) \(^6\). In May 2000, a housing requirement was introduced as well.

The overall shift from family reunification as a right, to family reunification as based on administrative judgments may have had some consequences. According to a White Paper from the Danish Institute of Human Rights, the cases of family reunification are often handled to random today. Especially the support requirement and the attachment requirement are criticized. In a comment on this issue the Minister of Integration Ms. Rikke Hvilshøj, from the Liberal Party said: “The criticism is referring to the support requirement and the attachment requirement, and both were implemented during the government period of the former government, so I am surprised that the Institute finds it critical now” (Information, 13 October 2005).

In the response by the head of the national department at the Danish Institute of Human Rights Birgitte Kofod Olsen, it is stated that: “We have posed this criticism before […] it does not matter who implemented the rules […]” (Information, 13 October 2005).

During the present government the question of forced marriage and the necessity to protect the young against the will of their parents is one of the arguments for the tightening of the laws of family reunification\(^7\). When the law on pro forma and forced marriages was implemented in 1998, this was not an argument used.

According to Bente Bondebjerg from the Danish Refugee Council, the negotiations in the Parliament and the debate in the media then were referring to integration and to reducing family reunification as reasons for the implementation of the law. To be more specific, the goal was to reduce the number of families reunified from Turkey and

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\(^6\) These rules were all tightened under the following government, which we will return to later.

\(^7\) See chapter 3.2.1 – the argument of protection.
Pakistan. The political history behind this rule began when, primarily, mayors from the Social Democratic municipalities in the western suburbs of Copenhagen in which many of the so called guest workers lived, put pressure on the Social Democratic government in order to do something about family reunification. They wanted to reduce the number of family reunified migrants because they experienced problems with integration (Interview with Bente Bondeberg: 15.02.2007).

In November 2001 the present government came to power with backing from the Danish Peoples Party. One of the major themes during the election campaign was to reduce immigration to Denmark. Immigration was presented as a threat to the history, culture, identity and homogeneity of Denmark.

In a debate in the Danish Parliament the year after the election campaign the spokesman from the Danish Peoples Party, and vicar in the Church of Denmark, Mr. Søren Krarup argued that: “Danes are increasingly becoming foreigners in their own country [...] Parliament is permitting the slow extermination of the Danish people”. He predicted that “our descendants” will “curse” those politicians who are responsible for increasing the “alienation of Danes in Denmark” (Hedetoft, 2003).

In 1983 the then new Alien Law was referred to as “the most humane Alien Law in the world”. Less than two decades later, in 2002, the Prime Minister from The Liberal Party, Anders Fogh Rasmussen, proudly presented: “The strictest Alien Law in the world” (Kofod Olsen et al. 2004: 132). During this period the notion and meaning of the Alien Law had changed radically. The most radical changes in the legislation were implemented before the Prime Minister’s statement, especially in the legislation on family reunification.
3 Current framework (2001-2007)

3.1 Current regulations and conditions

The Danish Aliens Act has most recently been amended with effect as from 1 February 2007. Under the rules on family reunification as described in the Aliens Act, spouses, cohabitants or registered same-sex-partners as well as children under the age of 15 are eligible for a residence permit for the purpose of family reunification. If they meet a number of requirements, residence permits will be issued for a limited period of time, with the possibility for extension, provided that the conditions for issuing the permit are still met. After seven years, applicants may request a conversion of a time-limited residence permit into a permanent residence permit. As a general rule, a residence permit carries with it the right to work in Denmark.

Family reunification is eligible for the following groups of individuals residing permanently in Denmark: Danish nationals or nationals of a Nordic country (Norway, Sweden, Finland, Iceland); refugees or individuals having a protection status in Denmark; foreigners who have had a permanent residence permit in Denmark for more than three years.

3.1.1 Family reunification of spouses/partners

Foreign nationals applying for a residence permit for family reunification as spouses/partners must satisfy certain conditions, both with regard to the spouse/partner themselves, and to their marriage/partnership. There are also a number of specific requirements for the individual already residing in Denmark. The latter concern the conditions for his/her residence in Denmark, and his/her ability to support him/herself as well as his/her spouse/partner applying.

The requirements applicable to both partners include the “24-year rule”, the “condition of ties” (“attachment requirement”), an “integration requirement” as well as the condition of living together. According to the “24 year-rule”, both spouses/partners applying for a residence permit must be over 24 years of age. The “condition of ties” requires their overall attachment to Denmark to be stronger than their overall attachment to another country. Exemptions for this requirement apply to persons residing in Denmark who have had the Danish citizenship for more than 28 years as well as by individuals who have been legally residing in Denmark for more than 28 years and who were born and raised in Denmark or haven been living there since childhood.

When assessing whether the attachment requirement is fulfilled, a number of circumstances concerning both spouses/partners are considered. These include the time both spouses/partners have lived in Denmark, their ties to other persons living in Denmark (e.g. family members), existing custody or visiting rights to minors in Denmark, completed education or a permanent connection to the labor market in Denmark, and the Danish language proficiency of both partners/spouses. Besides, the extent of their ties to another country is considered, including extended visits to that country and the existence of children or other family members living in that country. When the residence...
permit has been granted, the spouses/partners must live together at the same address in Denmark.

For the “integration requirement”, both spouses/partners must sign a declaration stating that they will involve themselves actively in the Danish language course and the integration into Danish society. In the amendment to the Aliens Act from October 2006 (enacted in February 2007) it is stated that foreigners applying for family reunification must pass a test in Danish language and Danish society (Sopemi report 2006).

Besides, a number of requirements have to be met by the person already resident in Denmark. For the so-called “housing requirement” s/he must be able to document that s/he has a personal accommodation of reasonable size at his/her disposal. This means that s/he must have a place to live that s/he owns, rents, or cooperatively owns. If the property is a rental, the lease period must be permanent, or extend at least three years beyond the date on which the residence permit application is submitted. A sub-let on a property does not fulfill the housing requirement. Besides, the residence must be of "reasonable size", which means once the family reunification is completed there must be no more than two people living in each room, or the total residential area must be at least 20 square meters per person.

Another condition to be met by the resident person is the “maintenance requirement”. With the amendments to the Aliens Act put forward in a Bill in October 2006 with effect as from 1 February 2007, this requirement has been simplified. It is no longer decisive how much the family earns, but whether the family is self-supported or not. Families, who do not receive public assistance under the Act of Active Social Policy or the Integration Act for at least 12 months prior to the application being processed, will be considered self-supportive (Sopemi 2006). Thus the required income accounts for approximately 625 € per adult person (incl. the applicant partner) and approximately 160 € per child in the household (Groenendijk et al 2007:5).

Before this amendment, the family member living in Denmark had to document that s/he earned enough to support the secondary migrant applying for a residence permit. To determine whether this requirement was fulfilled, the Danish Immigration Service used a standard evaluation. Generally, the income earned by the Danish resident had to be above the amount that the primary and the secondary migrant would have been entitled to get if they both received “Start Assistance” (“starthjælp”), the economic assistance for foreigners in Denmark. Sources of income that were considered in the evaluation included wage or salary income, positive income earned from an independent business, as well as public and private pension income. In certain cases, sick leave or maternity leave benefits were also considered. Welfare assistance and “starthjælp” paid out under the act on active social policy, or unemployment benefits as defined by the Law on unemployment assistance were not considered sources of income for these means.

For the so-called “collateral requirement” the person residing in Denmark must provide a transferable guarantee issued by a financial institution of DKK 56,567 (€ 7.590) to cover any future public expenses to support the spouse/partner. The transferable guarantee is valid for seven years from the issuing of the residence permit and is irrevocable. The collateral arrangement can be cut down by half upon request, after the

9 “Starthjælp” is the economic assistance foreigners can be entitled to get the first seven years in Denmark before they are entitled to welfare assistance. The amount is regulated annually.

10 For applications submitted in 2006 this amount is DKK 55,241 (€7.407).
secondary migrant has passed his/her final Danish language test or provided evidence of having completed a Danish course of education.

Besides, the person residing in Denmark must not have received public financial assistance for one year prior to submission of the application for the residence permit, nor during the time it may take for the permit to be issued. For this purpose, public assistance is defined as any economic aid paid under the terms of the Danish Integration Act or under the terms of the Act on an active social policy.

Also, the person living in Denmark must not have been convicted of violent acts against a former spouse or companion for a period of 10 years prior to the decision.

Concerning requirements for the marriage/partnership of applicants, the marriage/partnership must be recognizable to Danish law. It must neither have been entered into by force, nor pro forma, i.e. for the purpose of obtaining a residence permit for one of the parties. Cohabiting partners, who are neither married nor legally registered as partners, must prove that their relationship has been a regular, long-term one. Hence, couples must be able to document that their relationship has lasted at least one and a half to two years at a shared address. In case the couple can prove good reasons for cohabiting for a shorter period and/or a proof of a stable long-term relationship, this requirement may be modified.

Exemptions

For certain groups applying for family reunification as spouse/partner, exceptions from some requirements can be made in accordance with Denmark’s international obligations to protect the right to family life. These include the 24-year-rule, the attachment requirement, the maintenance requirement, the housing requirement, the collateral requirement as well as the requirement stating that the residing partner may not have received certain types of public financial support within the past 12 months. Exemptions apply e.g. for applicants who are asylum seekers or have protected status in Denmark, or for applicants who have a child from a previous relationship also living in Denmark for whom they have custody or visitation rights on a regular basis. An exemption can also be granted in case of serious illness, debilitated handicap or advanced age of the person living in Denmark, which would make it indefensible on humanitarian grounds to force the individual to establish residence in the spouse’s (partner’s) country if adequate health treatment cannot be provided there.

Exemption from the support requirement and the requirement for not having received certain types of public financial support within the past 12 months is also possible in certain cases, which are argued with “Denmark's obligations to protect women's rights” (www.nyidanmark.dk). This is the case if the need for help or the inability to support a family respectively was due to the residing partner in Denmark being on parental leave from a job and if that person will return to work after the leave period. Another exemption from the support requirement can apply to residing partners in Denmark who are students in an academic or vocational school.

Furthermore, special rules and exemptions are applied if it is “Denmark's interest to ensure that a qualified worker remains living in Denmark” (www.nyidanmark.dk). Thus, exemptions to the 24-year requirement and the attachment requirement are given if the
primary migrant is employed in a field covered by the job-card program. The same also applies if the person living in Denmark works on behalf on the Danish government or holds a position of particular importance for Denmark’s security or foreign policy, e.g. military personnel.

3.1.2 Family reunification with children

Foreign nationals under 15 years of age whose parent(s) live in Denmark are also eligible for a residence permit in Denmark, provided a series of conditions are fulfilled. Generally, the child must be under 15 years of age when the application is submitted, and the child's parent residing in Denmark (or the parent's spouse) must be a citizen of either Denmark, Norway, Sweden, Finland or Iceland, have a resident permit as a refugee or with protected status in Denmark, have a permanent residence permit in Denmark or have a residence permit with a view to permanent residence. Besides, a number of requirements have to be met: the child must live with the parent(s) after the family reunification; the child's parent in Denmark must have at least partial custody rights over the child; the child must not have started his or her own family, for example, via marriage or regular cohabitation; and the person living in Denmark must not have been convicted of violent acts against a former spouse or companion for a period of 10 years prior to the decision. In some cases, the housing requirement, the support requirement and the attachment requirement must be met. This refers to situations where the person living in Denmark deliberately has had no contact with the child for a longer period during which contact could have been established and reunification could have been sought (see: CD-Rom:4).

Finally, a Danish residence permit may not be granted if it is at odds with the interests of the child.

Exemptions

In special cases, residence permits for family reunification with a child may be granted, even if one or more of the conditions are not met. They can also be granted in cases in which it would be in contravention of Denmark’s international obligations to reject the permit. This may be the case if one or both parents living in Denmark left the family in another country, and was subsequently granted asylum or protection status in Denmark, and do not have the opportunity to seek residency with the family in the homeland, or any other country. Likewise, due consideration to the interests of the child could result in a permit granted for family reunification, even in cases where the child is over 15 years of age.

3.1.3 Extension of residence permits

A residence permit granted to a migrant in accordance with the regulations for family reunification is initially valid for two years. At the end of that period, residence permit

\[11\] Special rules apply for certain professions currently experiencing a shortage of specially qualified professionals, which are compiled the so-called Positive List. These special rules - detailed in the so-called Job Card Scheme – allow foreign nationals who have been hired for work within one of these selected professions to be immediately eligible for a residence and work permit.
holders can apply for a two-year extension, the subsequent extension is valid for three years. If the residence permit has been issued to a child who has been reunified with a parent holding a Danish residence permit, the child's residence permit will be valid for the same period as the parent's. If the child resides in Denmark and if the parent residing in Denmark has a permanent residence permit, the child will be granted a residence permit valid until s/he reaches the age of 18.

A migrant’s right to permanent residence (which in the case of family reunification also means an independent residence from the spouse/partner/parent) is generally not granted until seven consecutive years of residence in Denmark. During these seven years, the migrant must have completed an introduction program according to the Integration Law, s/he must have passed a special Danish language test, and must not have any outstanding public debts. Besides, the applicant must not have taken up permanent residency outside of Denmark for more than six to twelve months, nor been convicted of a serious crime. Conditions linked to health insurance or economic resources other than those linked to public debts are not relevant for the application.

Children are eligible for permanent residence permits on reaching 18 years of age. Besides, a parent residing in Denmark must hold a permanent residence permit, or the child must have resided legally in Denmark for more than seven years. In addition, the requirements related to crime and public debt must be met.

In certain cases, migrants may be eligible for a permanent residence after living in Denmark for only five years (in situations where exceptional reasons make it appropriate permanent residence can be granted after three years). Beside the standard conditions for permanent residence listed above, the applicant must have held permanent employment or been self-employed during the three years prior to applying, s/he may not have received public assistance under the terms of the Active Social Policy Act or the Integration Act at any point within the past three years, and s/he must have attained a significant connection to Danish society.

**Avenues for appeal**

The Danish Immigration Service decides on applications for family reunification in the first instance. If applicants are dissatisfied with this decision, they can appeal the decision to the Ministry of Immigration, Refugee and Integration Affairs. Applicants residing in Denmark must normally leave the country while the Ministry of Immigration, Refugee and Integration Affairs examines the appeal. In case the appeal concerns revocation or refused extension of an existing residence permit, the applicant may be permitted to remain in Denmark during the examination.

**Processing time**

With the amendments of the Alien Act enforced from February 2007, the designated processing time for applications for residence permits are also reduced, as defined in the “customer service goals” of the Danish Immigration Service (www.nyidanmark.dk).

Applications submitted after 1 February 2007, which seem to meet the standard requirements for family reunification will be processed within a maximum of three months from the receipt of the application. Complicated cases (i.e. applications which seem not to meet the standard requirements) will be processed within a maximum of seven months.
Concerning extensions, applications for a temporary extension of a residence permit in accordance with the rules for family reunification will be processed within a maximum of three months. Fully informed applications regarding a permanent residence permit should be processed within a maximum of four months, while “complicated cases” should not exceed a processing time of seven months from the receipt of the application.

The Danish Immigration Service monthly updates the average processing time for family reunification applications, also indicating the target for the average processing time for the whole year. Referring to these statistics, the actual average processing time for applications on the ground of family reunification processed from in 2007 was 202 days, of which half of the fastest processed cases took 66 days on average.

**Average processing time of family reunification cases, 2007**

<table>
<thead>
<tr>
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<th>Average processing time</th>
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<tbody>
<tr>
<td>50% of the cases:</td>
<td>66 days</td>
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<tr>
<td>80% of the cases:</td>
<td>118 days</td>
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<tr>
<td>100% of the cases:</td>
<td>202 days</td>
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<tr>
<td>Target for all cases</td>
<td>180 days*</td>
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*For cases submitted after 1 February 2007 the target is 125 days.


As evidence from the past years showed, the processing time of family reunification applications can vary to some extent. While the average time required to process applications for family reunification in 2003 was generally about five months, for citizens from Somalia, Iraq and Afghanistan it was about seven months according to Stenum (2003). The longer processing time for certain nationalities was explained as a consequence of unreliable validity of documents and certificates from these countries by the authorities. Thus, the Immigration Service would need more time to obtain the necessary information in other and more time-consuming ways, it was argued (Stenum 2003).

In accordance with the amendment to the Danish Aliens Act with effect as from 1 February 2007, applicants for first time family reunification have to complete a new set of applications. The Danish Immigration Service has elaborated “packages” containing the necessary forms needed when applying for the first time. These include the categories “family reunification with spouses”, “family reunification with children” and “family reunification due to § 9c in the Danish Aliens Act (special cases)”. According to information on the application form, the latter is for foreign nationals applying for family reunification with a person living in Denmark, who is neither their “spouse, registered partner, cohabiting partner nor parent” (see application form). For these persons family reunification is only possible by law when there are “certain extenuating circumstances” (see application form).

These “special cases” are given, where a refusal would be contrary to Denmark’s international obligations to protect the right to lead a normal life. Strong humanitarian considerations, e.g. for persons with a protection status, may speak in favor of granting a permit, even though one or more conditions are not satisfied (Sopemi report 2006).
3.2 Recent trends in legislation and policy

3.2.1 The argument of protection

Following the change of government in 2001, on 6 June 2002 several additions to the Alien law were made, including proposals amending the conditions for family reunification. The former right to family reunification with parents over 60 years of age was abolished. Changes in requirements for the reunification of spouses included a general age requirement of 24 years for both parties ("24 years rule"), an extension of the attachment requirement to comprise Danish nationals living in Denmark and making the condition stricter so that the parties’ aggregate ties with Denmark had to be stronger than their ties with any other country and not, as was previously the rule, merely just as strong.\(^{12}\) Moreover, the spouse residing in Denmark had to provide a bank guarantee of DKK 50,000 (€ 6,708) to cover any public expenses for assistance to the foreign spouse, and may not have received any public assistance within the last year before reunification. The Act further involved the introduction of tighter conditions for the issue of permanent residence permits, e.g. the foreigner must have seven years of lawful residence and must have passed a test in Danish language. At the same time, the Act made it easier to obtain a residence permit for employment reasons ("job card system").

Concerning the 24 years-rule, in a note to law no. 365 in the Alien Law, one of the General Remarks of the government to the new bill on the 24 Years-Rule is:

“Hereby the government wants to reduce the risk of forced marriages and arranged marriages, which aim at obtaining family reunification. The older one is, the better one becomes to resist pressure from the family or others to enter into marriage against one’s will. The purpose of the bill is in this way to protect the young against pressure in connection with marriages and at the same time free the young from the pressure to explain to the Immigration authorities that he/she wishes to apply for marriage unification, even though this is not the case” (§9, subsection 1, no. 1, Ministeriet for flygtninge, indvandrere og integration, 2003, p.2).

The effect of the law could be seen clearly three to four years later. According to the Prime Minister, Anders Fogh Rasmussen: “The 24-years rule has been working completely as planned as we now see a halving of Danes with an immigrant background who marry a person from their home country”. (Politiken, 24.10.2006). In concrete terms, figures from the Ministry of Integration from 2005 show that in 2005, 37.9 % of young immigrants had a spouse from their native country. When the Fogh government was elected in 2001 this figure had comprised 62.7% (Politiken, 24.10.2006). One explanation for this decrease might be the attachment requirement, which had been tightened according to the Alien Law §9, 7 in 2002. Henceforth the joint attachment of the couple must be greater than the attachment to any other country. In the General Remarks to the background for the expansion of the Attachment Requirement the Government mentioned, among other things, that:

“Experiences have shown that the integration is especially difficult in families where people in generation after generation bring their spouse to Denmark from their own or their parents’ home country. There is amongst foreigners living here and Danish citizens with a foreign background a widespread marriages pattern, which entails that you e.g. as a consequence of pressure from the parents marry someone from the home country” (Ministeriet for Flygtninge, Indvandrere og Integration, p. 3).

\(^{12}\) As mentioned, in May 2000, during the government period of the Social Democratic Party, the first attachment requirement was applied to the Alien law in connection with marriage unification.
The exemption from the attachment requirement for persons living in Denmark with a Danish citizenship for more than 28 years - which was introduced with the amendments of December 2003 - was a change of law due to massive criticism from native Danish citizens who also were affected by the attachment requirement\textsuperscript{13}.

It is stated in the remarks to law 365 from 2002 that the purpose of the latest tightening of the Alien Law and hereby also the attachment requirement is: “[...] partly to restrict the net immigration, partly to create a more solid basis for integration [...] and partly to reduce the number of forced marriages” (Ministeriet for Flygtninge, Indvandrere og Integration, p. 4).

The Danish Institute for Human Rights points out that: “This is the paradox of the rules of marriages reunification. On the one hand they are initiated to protect the young from getting married against their will, on the other they are a tool used to meet the objective to restrict the number of persons from “the third world”, who can obtain residence in Denmark in the future” (Kofod Olsen et al. 2004: 135-136).

In line with this, and referring to the 24-Years Rule, the Prime Minister stated: “We do not want to interfere with whom the young should conclude a marriage – it is completely up to themselves- but with the 24-Years Rule we have an opinion about where the couple takes up residence” (Politiken, 24.10.2006).

As mentioned before, from the 1990s onwards the political rationale behind the tough legislation on family reunification was to reduce further immigration to Denmark and to protect immigrants and descendants from forced marriages. In the Danish legislation on forced and arranged marriages, there is no clear definition of the difference between the two, which is notable since forced marriage is illegal according to both Danish and International law, whereas arranged marriage is not. In reference to the website of the Danish Ministry of Refugee, Immigration and Integration Affairs and The Danish Immigration Service, a forced marriage is defined as “[…] a marriage entered into against the will of one or both spouses” (www.nyidanmark.dk). On the same website some of the aspects are listed which the authorities will pay particular attention to when judging if a marriage is a forced one or not, e.g. the spouses’ personal contact and relationship prior to the marriage and the spouses’ contact and relationship with their prospective families-in-law prior to the marriage. It is also stated that: “If the spouses share a close family relationship it will be assumed that they did not marry on a voluntary basis. In such cases the application will be rejected as a rule. For the same reasons the application may also be rejected if there are previous examples of spouse reunification within the closest family of the spouses” (ibid).

It should be noted here that this formulation was made as a consequence of a change in the legislation in 2003, the so-called law no. 1204 on the Rule of Supposition\textsuperscript{14}.

\textsuperscript{13} During this period a lot of stories appeared in the media on native Danish citizens who were affected by the attachment requirement. At the same time, a new grass-root organization called “Ægteskaber uden grænser”/ “Marriages without borders” was established by members of mixed Danish-foreign marriages (see www.aegteskabudengraenser.dk).

\textsuperscript{14} In April 2002 the weekly Ugebrevet Mandag Morgen published a background note on marriage between cousins. In the note it is concluded that forced marriages are most frequent between cousins, but a change of law would reduce – and in the long term properly stop - the number of forced marriages, and that such a measure would affect groups from non immigrant circles and minorities to a limited extent (Hede 2002, p. 4-5). Even though the professional basis of this note has been questioned by a number of experts, the note has presumably motivated and legitimized the forming of the rule of supposition (Kofoed Olesen et al., 2004, p. 152).
Although the factors mentioned, or some of them, could be seen as examples of practices of arranged marriages with full consent, they will be interpreted as indications of a forced marriage, and hence as a reason for rejecting spouse reunification. According to Line Bøgsted, lawyer for the Documentation and Council Centre on Race Discrimination, this rule affects some groups more than others: “The rule will typically affect children of Turks who came here in the 60s and the 70s to work, because they have mostly been family reunified with their spouse. This is now used to stop their children from becoming family reunified with a spouse. [...] This is indirect discrimination, because the law affects certain communities, namely the ones who have been family reunified earlier” (Information, 06.08. 2004).

The opposition in the parliament commented upon the change in the legislation as well. As stated by Søren Søndergaard from the left wing party, Enhedslisten: “You cannot make a law against cousin marriages if it does not include all citizens [...] this is discrimination” (Information, 02.10.2003).

The official website of the Danish Ministry of Refugee, Immigration and Integration Affairs and The Danish Immigration Service does not provide a definition of ‘arranged marriage’. However, under the headline ‘Forced Marriages’ it is noted that: “However, it must be emphasized that a marriage will not automatically be characterized as ‘forced’ simply because it occurs with the cooperation of the two respective families” (www.nyidanmark.dk).

This mix of concepts is backed up by a number of both biographic and scientific publications on both forced and arrange marriages. Especially the biographic publications promote an idea of the young immigrant women as a victim. According to Helle Rytkønen, “immigrant women have to be victims of a particular kind to have a voice” (Rytkønen, 2002, p. 88). Hence, the women are seen as victims of the decisions of their parents, also when entering into an arranged marriage. Many of these women though have a voice in the public debate, and according to Hervig and Rytter they have had direct influence on changing government’s understanding of and initiatives against forced marriages (Hervig / Rytter 2004, p. 138).

In 2003 the government presented a plan of action titled ”The effort of the government in the Period 2003-2005 against forced marriages, forced-liked marriages and arranged marriages”. Here, the government introduced a new concept, namely “forced-liked marriages”. With the new concept “forced-liked marriages”, the government blurs the line between the illegal forced marriage and the legal arranged marriage and does not see them as two different forms of marriage. Hence, arranged marriages are from then on, formally, a form of marriage the government wishes to stop actively.

In the action plan there was no documentation of the extent of forced marriages in Denmark. Instead, it refers to statistical material from Lands Organisationen af Kvinde Krisecentre (LOKK) which is the Danish Association of Women’s Crisis Center’s. The material from LOKK shows that 39.9% of the 1.935 women in total who came to one of the centers in the country in 2002 had another ethnic background than Danish and that 51.6% of these were family reunified women (Handlingsplanen 2003, p. 12.1). The way in which this statistical material was used, also in the public debate, made LOKK state in a press release that: “In many years the high number of foreign women on the crisis centre attracted much attention, but there has been less focus on the fact that approximately a third of these women was married to a native Danish husband” (www.lokk.dk).
As noted by Hervig and Rytter, the group of family reunified women who are linked to the problem of forced marriage also covers women from e.g. Eastern Europe and Asia who are in a crisis centre because they have been beaten by their native Danish husband (Hervig/Rytter 2004, p.143). One of the arguments behind the tough immigration policies is purportedly to protect women from a violent marriage, even though an actual linkage between family reunified women and a violent marriage is not documented.

### 3.2.2 The argument of integration

Since 1973 Denmark has been more or less closed for others than the family reunified and as mentioned, the number of family reunified in Denmark is half of what it was when the present government came into power. Apart from the goal of reducing the net immigration to Denmark, the government’s argue is to focus on the integration of the immigrants who are accepted. Integration in Denmark is equal to assimilation and is frequently debated in terms of culture. As stated in a central passage in a leading article in the right-wing daily Jyllandsposten as a comment to a government White Paper on integration: “This is all about what makes a modern society function. And to that end, not all cultures are equally good” (Jyllandsposten, 17.06.2003).

The link between integration and culture is also mentioned in one of the General Remarks of the government to the bill on the attachment requirement, in connection to family reunification: “The purpose of the bill is to secure the best possible point of departure for a successful integration of the family member who is to be family reunified to Denmark, and at the same time protect the young against pressure from the family and others to enter into arranged marriage or forced marriage with a spouse from a country and a culture which is distant from the young’s own everyday life and cultural reality” (Ministeriet for Flygtninge, Indvandrere og Integration, p. 3).

In line with this, newly arrived spouses have to participate in an integration programme, which includes signing an integration contract as well as a declaration on the integration, and active participation in the Danish society\(^\text{15}\). The integration program is facilitated by the local authorities, and includes activities approximately 37 hours per week, for a maximum of three years. As a part of the integration program, all refugees and immigrants have to participate in Danish courses. The cultural aspect is a focal point in the integration program, partly in the Danish language courses, partly in the declaration on the integration and active participation in the Danish society. The purpose of the declaration is: “[...] to make the values of the Danish society visible to the foreigner as well as making the expectations of the Danish society clear to the foreigner, and that the foreigner makes an effort to be integrated as a participating and contributing fellow citizen on equal level with other citizens” (www.nyidanmark.dk).

To link marriages and integration is political, and yet another example of the way in which the private life of ethnic minorities has been politicized in Denmark. Almost every aspect of the immigrant’s life is investigated: sex roles, clothing, religious belief and child upbringing. In line with this, the declaration which the immigrants have to sign includes formulations such as: “I understand and accept that in Denmark all children shall be given equal respect and self-expression – both boys and girls – in order for them to grow

\(^{15}\) In 1999, Denmark introduced the first Integration Act. According to the Ministry of Integration: “The Act is intended to ensure that newly arrived refugees and immigrants make the most of their capacities on an equal footing with other citizens of Denmark” (www.nyidanmark.dk).
up and become active and responsible citizens who are capable of making their own decisions. I shall ensure that my children have the best possible childhood and adolescence, schooling and integration in Denmark. I shall, amongst others ensure that my child learns Danish as soon as possible and does his/her homework throughout the school years, and I shall actively collaborate with my child’s day care institution and school (Declaration on integration and active citizenship in the Danish society, www.nyidanmark.dk).

Some of the actors in the debate on family reunification seem to find transnational marriages impeding for integration. The argument presented by the Social Democratic mayors in the 1990s, that the process of integration have to start again and again is also presented by a Norwegian professor in social anthropology, Unni Wikan. Wikan has criticized the Norwegian welfare state of neglecting the rights of young immigrants by arguing that the immigrants have their own culture, with the consequence that the parents decide they should enter into a transnational marriage, even though they wish to marry a partner from Norway. On this background Wikan suggests a legislation which supports the position of the young against the position of their parents in the discussion on who they should marry and where (Kofod Olsen et al. 2004: 148). This argument can for example be seen in the General Remarks to the attachment requirement (see above).

Besides protection from forced marriages and the argument of integration, the linkage between integration and economic self-reliance has been another focal area of the government’s arguments for tough immigration.

3.2.3 The argument of integration and financial self-reliance

The government does not want the immigrants to be financially dependent on government aid and for that reason promotes initiatives in order to initiate educational performance, rapid learning of linguistic skills and proactive integration into the labor-market. If the immigrant fails to live up to these requirements there will be reduction in welfare payments, pressures to resettle and no chance for a permanent residence or citizenship for that matter.

Additionally to the stringent rules imposed on both partner - including the housing, support and collateral requirement - , on 1 July 2002 a new rule was introduced in order to assist certain professional fields currently experiencing a shortage of specially qualified manpower, for example the scientific and technological sector. These regulations are detailed in the so-called “Job Card Scheme”. A foreign national who has been hired for work within one of these selected professions will be immediately eligible for a residence and work permit. If the foreign national loses his or her job, the basis for residence permit in Denmark is no longer valid, and the Danish Immigration Service will be legally entitled to confiscate or refuse to extend the residence permit. The foreigner will be instructed to leave the country, typically within one month. If the foreigner finds a

16 This argument is used in the Danish debate as well. The former minister of integration, Bertel Haarder (V) has on several occasions called Unni Wikans book “The Generous Betrayal– politics of culture in the new Europe” one of the best books he had ever read (Kofod Olsen et al., 2004, p. 148).

17 An overview of the professional fields lacking specially qualified manpower has been drafted. The list is not complete, and the types of positions mentioned are offered only as examples, they are: Engineers, scientists in the natural sciences and technology sector, doctors, nurses and IT specialists who can provide documentation for a minimum of three years IT education at university level (www.nyidanmark.dk).
new job included under the Job-Card Scheme, s/he can submit a new application for residence permit.

Any foreign national who has received a residence permit based on the Job-Card Scheme can bring his or her spouse, cohabitating companion, or under aged children living at home, to Denmark. It is required that the family lives together and is financially self-supporting. This demand is met if the applicant and his or her family have a total income corresponding to the current level of cash welfare assistance.

In the remarks to the Alien law §9 a, no. 1, it is stated that if a person is living in Denmark in connection with the Job-Card Scheme they can be family reunified without the same restrictions as otherwise required. There will be no attachment or collateral requirement and no requirement to the age of the spouse. It is mentioned that the background of this practice is a wish to attract and maintain especially qualified manpower (Ministeriet for Flygtninge, Indvandrere og Integration, 2003, p.6).

This view on family reunification and jobs is different to the arguments behind the supplement to the Alien law, the Attachment Requirement. The purpose of this requirement is to reduce family reunification among other things, because it is supposed that the spouse will add to what the government sees as a growing problem with foreigners who are not working, as stated in the General Remarks to the bill: “The government is of the opinion that a continuously high number of family reunification permits will add further to the growing problems with the number of foreigners who are not working” (Ministeriet for flygtninge, indvandrere og integration, 2003, p. 3). Put differently, it is assumed that family reunification is seen as adding to a problem on the job market, unless it takes place as being part of the Job-Card Scheme.

3.2.4 On the latest changes in family migration policies

The entitlement to family reunification includes children less than 15 years of age, previously the age limit was 18 years. As a new rule the children have to undergo a medical examination in their home country, by three local doctors appointed by the Danish authorities, in order to verify if they actually are 15 years of age. The tests consist of an x-ray examination, a dentist examination and an examination of the mental development of the child. The results of the medical examinations will be sent to the medico-legal council in Denmark who will give a final opinion. Based on that, the Immigration Service decides if the child can be family reunified.

_These examinations have a high degree of uncertainty, why they are no longer used in other European countries. One of the problems with the examinations is that they do not take the environment, nutrition and ethnicity into consideration when examining the development of a child; in fact the examinations take their point of departure in statistical material from 1935 based on white American children. The committee member of the Association of Immigrant Lawyers Helge Nørrung states that: “Several times we see that the Immigration Service leave totally concordant documentation of age out of account” [passport, birth certificate etc., KSM.] (Information, the 3 January, 2007)._

On 3 November 2006 a new bill was sent to hearing\(^{18}\). According to the bill the secondary migrant now has to take a civic integration examination. The exam on Danish

\(^{18}\) As seen in the interview with Bente Bondebjerg from the Danish Refugee Council (15.02.2007), there is a hearing procedure in Denmark in connection with bills. The bill is sent to hearing, in order to include the remarks of the involved parties, interest organizations and experts. The
language and knowledge on the Danish society has to be taken in the native country of the secondary migrant, in Danish. The new requirement is inspired by the Netherlands where the requirement was implemented in March 2006, and as in the Netherlands candidates have to pay a fee for the test as well as for the preparation material. The Danish Refugee Council was critical about this bill and in their answers to the hearing they asked for: “[...] an account of the experiences from the Netherlands with such a test [...] Are there any indications that such a test leads to strengthen integration, and is it seen in relation to an alternative were the strengthening of the education in language and social conditions after the arrival?” (Dansk Flygtningehjælp, 15.11.06).

According to Erna Lensink from the Netherlands Refugee Council, Vluchtelingen Verk, the experiences in the Netherlands have shown a drastic drop in family reunification after the introduction of the test. The problem with the test is that it has to be taken without a preparatory language course. Hence, it is very difficult to pass the test for people who do not have a higher education. According to Erna Lensink: “The law is specially designed to keep the immigrant groups with less education out of the country” (Information, 6 December 2006).

This opinion is in line with worries of Amnesty International, who is also concerned that the new bill will lead to a reduction of family reunifications and that many foreigners will have serious difficulties to meet the new demands. In their answer to the hearing they state: “[...] on one hand you will have the uneducated, the socially and economically weak foreigners and on the other hand the foreigners who can easily acquire knowledge, and have the possibility to buy the education packet, and are able to prepare themselves for the integration test. In other words, there will be discrimination between the weak and the resourceful foreigners. [...] Because of the language requirement there is a risk that it will be an illusion for others than Western Europeans to get access to Denmark as family reunified” (Amnesty International 21.11.07).

intention for hearings is to qualify the bill by including the comments, remarks and opinions. Under the present government, the hearings have little influence on the drafting of the bills and have become virtually symbolic.
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