

DRC policy brief on the Danish cessation policy

Withdrawal of residence permits for some Syrian refugees has negative impact on all refugees



Syria 2023. Photo by: DRC

The Danish cessation policy is unfair

Syrian refugees in Denmark risk losing their residence permits due to cessation legislation and policy that the Danish government gradually has introduced since 2015. In recent years mostly Syrian refugees have been negatively affected by this policy.

The policy concerns all refugees, who have been granted temporary subsidiary protection (equivalent to subsidiary protection in the Qualification Directive art. 15 (c)), because they neither fulfil the criteria for being granted refugee status according to the Refugee Convention nor subsidiary protection in the Danish Aliens Act.

DRC Danish Refugee Council (DRC) provides legal aid to asylum seekers in Denmark throughout the asylum procedure, including to refugees, who have lost their residence permits due to the Danish cessation policy. With this policy brief we aim to inform about the negative impact the Danish cessation policy has on refugees, especially Syrian, and what can be done to improve protection of refugees in Denmark.

DRC recommendations on fair cessation policy

Towards the **Danish government**, DRC is calling for fair cessation policies:

- **Withdrawal of residence permits for refugees with temporary subsidiary protection should only be considered when there has been a change in the home country that is fundamental, stable, and durable.** DRC calls on the Danish Government to repeal the amendment to the cessation clause.
- **Syria is not safe for return.** In the absence of sufficient diplomatic relations between the Syrian and the Danish authorities, the decisions on withdrawal cannot be effectuated and premature withdrawal of protection puts lives in limbo and impedes integration.

The **European Commission** should ensure that:

- **The Danish cessation policies are consistently monitored and live up to the principle of mutual trust between the member states by being fair and complying with the EU acquis applicable to Denmark**, including the EU Charter of Fundamental Rights as well as the recommendations by the EUAA and UNHCR on recognition of refugee status.

The **European Parliament** should contribute by:

- **Continuing to raise public debate and critical scrutiny of the Danish cessation policy** aimed at preventing further expansion or duplication in other member states;
- To safeguard the rights of refugees in Denmark, the EU, and the countries neighboring Syria, **the European Parliament should [draft another resolution, reconfirming its positioning that return to Syria is not safe for refugees](#)**. The resolution should be guided by UNHCR's position against forced return and commit to support the major refugee-hosting countries in the Middle East through continued financial and political support, while pushing for a political solution to the crisis in Syria.

The Danish cessation practice causes uncertainty for all Syrian refugees

The cessation practice in Denmark has had serious negative impact on the entire group of Syrian refugees, because it has created a feeling of not being secure and safe.

The processing of the cessation cases is very long; it often takes years and causes serious consequences for the individual refugee (in terms of integration and psychological wellbeing) and for their relatives and surroundings long before any final decision.

Due to foreign policy reasons, a Syrian refugee, who has lost her or his residence permit, cannot be forcefully deported from Denmark. If Syrians without residence do not leave voluntarily, they are forced to live with great uncertainty in return centers in Denmark for an indefinite period without the right to work or study as all integration possibilities have been put on hold.

Syrian refugees from Denmark seek protection in other EU member states

Out of despair, some refugees have decided to seek protection in other EU member states.

As an example, some Syrian refugees, who had lost their residence permits in Denmark, have sought protection in the Netherlands. In two cases in 2022, the [Dutch Council of State in 2022 ruled](#) that a transfer to Denmark as part of the Dublin procedure could not take place, because the Danish policy on the protection needs for Syrians from Damascus and Rural Damascus is fundamentally different from the Dutch.

Onward movements of Syrian refugees from Denmark to other EU member states are a direct consequence of Danish cessation policies as well as the intentional strategy to deter refugees from applying for asylum in Denmark.

Although not part of the Common European Asylum System (CEAS), Denmark has opted-in on the Dublin III Regulation. The principle of mutual trust should ensure that Denmark treats refugees in a manner that is compatible with EU asylum law.

At the same time, mutual trust goes hand in hand with solidarity that is an essential part of the CEAS. So, when the Danish cessation policy contravenes the principle of mutual trust, it undermines the fair sharing of responsibility between the member states.

Overview of the Syrian cessation cases in Denmark (as of March 2023)

- Around 35,000 Syrian refugees in Denmark.
- More than 1,400 refugees have had their residence permits reassessed since 2019. The vast majority have as a result had their permit extended or have received a better status (according to the Refugee Convention) due to additional information or changed circumstances.
- Around 160 refugees have had their residence permits withdrawn at the final instance.
- 400 Syrians have left Denmark to seek protection elsewhere (as of May 2022 according to estimations by the Danish Institute for Human Rights).

Timeline on the Danish cessation policy for Syrian refugees

In **2015**, Denmark introduced a temporary subsidiary protection status as a response to the rising numbers of primarily Syrian refugees arriving in Denmark. Prior to the legislative change, this group would have received “ordinary” subsidiary protection.

In addition, the Danish cessation clause was also amended so that the cessation clauses of the Refugee Convention no longer applied to subsidiary protection or to the new temporary subsidiary protection status. As a result, these two types of permits can be revoked if the general security situation in the country of origin improves, irrespective of whether the security situation is still severe, fragile, and unpredictable, as long as the improvement is not of a completely temporary nature.

The new cessation clause introduces a significant lowered standard compared to the cessation clauses of the Refugee Convention after which cessation should only be considered when there has been a change in the home country that is fundamental, stable, and durable as well as to the cessation clause of the Qualification Directive art. 16 requesting a change to be of significant and non-temporary nature.

After the new status was introduced in 2015, most of the Syrians seeking asylum in Denmark continued to receive convention refugee status because of their individual risk profile. This includes Syrians fearing persecution due to, e.g.

evasion of military service i.e. men between the age of 18 and approx. 42.

Asylum seekers eligible for temporary subsidiary protection are usually people without recognized individual risks of persecution. In practice, the status is mostly granted to women, children under the age of 18, and men older than the draft age of military service.

The Danish cessation clauses have since been further amended, leading to stronger requirements of links to Denmark before the authorities will refrain from cessation decisions based on the respect for family or private life. On top of that, the requirements for achieving permanent residence have hardened.

In **2019**, the Danish authorities decided that asylum seekers from Damascus could no longer be granted temporary subsidiary protection status, because they assessed that the security situation had improved. A process of reassessing all the cases of refugees from Damascus with temporary subsidiary protection status was also initiated.

In **late 2020**, the Danish authorities decided that the general security situation had also improved in the whole area of Rural Damascus (Rif Damascus), which initiated a similar process as for the refugees from Damascus.

Latest in the **beginning of 2023**, the Danish authorities have expanded the areas considered safe for return to include Latakia. The authorities are currently also assessing whether Tartous should be considered safe for return.

The Danish Aliens Act and temporariness of refugee protection

Refugees are granted residence permits based on the provisions in section 7 of the Danish Aliens Act:

- Section 7(1): Refugee status in accordance with the UN Refugee Convention.
- Section 7(2): Subsidiary protection due to risk of torture or inhumane or degrading treatment in the home country contrary to article 3 of the European Convention on Human Rights.
- Section 7(3): Temporary subsidiary protection because the situation in the country of origin is characterized by indiscriminate violence and attacks on civilians.

Requirements for a permanent residency

- There is a long list of requirements for achieving permanent residency in Denmark; usually eight years of legal stay in Denmark, including Danish language skills, years of full-time employment, and knowledge about the Danish society.

Length of permits

- Since 2015 temporary protection permits have been shortened to one- or two-years length.

The Danish revocation practice:

- Revocation decisions always include an assessment of a possible change of the protection status due to new developments of the case as well as of potential violation of the rights to private or family life (ECHR Art. 8).
- The Danish authorities have a quite restrictive practice that requires a considerable number of years of stay in Denmark and/or other very strong links to Denmark before the right to private or family life will protect a person from revocation. See more in the report of the Danish Institute for Human Rights: "[You can never feel safe](#)" (2022)
- The Danish revocation practice has resulted in e.g. several cases where young women with extensive family in Denmark have lost their residence permits, even when it would mean that they would be without close family members upon return to Syria.



Founded in 1956, the Danish Refugee Council (DRC) is Denmark's largest international NGO, with a specific expertise in forced displacement. DRC is present in close to 40 countries and employs 7,500 staff globally.

DRC advocates for the rights of and solutions for displacement-affected communities, and provides assistance during all stages of displacement: In acute crisis, in exile, when settling and integrating in a new place, or upon return.

DRC supports displaced persons in becoming self-reliant and included into hosting societies. DRC works with civil society and responsible authorities to promote protection of rights and inclusion.

To read more about what we do, see: www.drc.ngo

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