

To the European Parliament Committee on Civil Liberties, Justice and Home Affairs

As NGO representatives we kindly request the European Parliament Committee on Civil Liberties, Justice and Home Affairs to enquire into the circumstances asylum seekers are living under in Denmark by sending a delegation to Denmark, in the same manner as the Committee has recently inquired into the circumstances in Malta.

Alarming circumstances surrounding the Danish asylum law and practice

The Danish asylum politics after 2001

After the general elections in 2001 in Denmark the Danish government has consisted of the liberal party Venstre and the Danish Conservative party and legislation concerning asylum seekers and immigration has mainly been based on the majority formed by the government parties and the supporting right wing Danish Folk Party. In some cases the Danish Social Democratic Party has also voted in accordance with the government. The Danish Folk Party has used its power as a supporting party by a continuing demand for tightenings within the policy area of asylum seekers and immigration in general. This has resulted in an increase in the number deportations, cut downs in the Refugee Board, shorter time-limits for filing complaints and leaving the country, increased so-called “motivational initiatives” in order to make rejected refugees leave, and stricter demands for the obtaining of Danish citizenship.

Bringing down the number of asylum seekers and residence permits has been one of the current Danish Government’s main aims. A method to reach this aim has been to cut down the number of spontaneous asylum seekers. It is no longer possible to seek asylum from Danish embassies. If people want to come to Denmark from outside the EU and Scandinavia a visa is most often a must. A visa however, is not given to countries known to “produce refugees”. A new rule has been established in the Danish Marriage Act, stating that asylum seekers are not allowed to marry. The Danish family reunification rules have been tightened and are interpreted in the strictest form therefore in practice it also includes reunification of family members of refugees, although reunification is not covered by this petition. However, it has to be mentioned that it is only possible for refugees to apply for reunification, after they have been granted asylum.

The criteria for granting asylum have been tightened enormously, since what was known as a “de facto” status does no longer exist. Instead a system of B-Status (protection status) has been introduced. The B-Status does not include war refugees and refugees with severe subjective fear of returning to their country. Likewise practice of granting residence permit for humanitarian reasons has been tightened. Furthermore, forced deportations are often discussed and lately Denmark has put an immense pressure on Afghanistan to take back rejected asylum seekers, and therefore there are several cases where asylum seekers who have been forced to leave Denmark, have to go under ground as soon as they have arrived in Afghanistan. This does not correspond to the Refugee Board’s definition of security in terms of deportation.

Compared to the asylum policy in other countries Danish asylum policy has also been tightened. Some asylum seekers i.e. unaccompanied children have fled from the asylum

centres to other countries as Norway and the UK, where they have been granted asylum or residence permit for humanitarian reasons.

The Danish asylum policy has been successful seen from the Governments view since far less spontaneous asylum seekers arrive in Denmark today – around 6.000 in 2002 as against around 2.226 in 2005. The percentage of granted residence permits within the whole asylum area amounted to 28 percent in 2002 as against 10 percent in 2004. In 2005 the percentage was 17, this relates to the number of residence permits for humanitarian reasons granted to traumatised refugees from Kosovo that could not be forced to deportation, because the UN's refugee agency rejected to receive them in Kosovo due to the lacking treatment facilities.

Asylum centres

Asylum seekers live in asylum centres of which there are only six left in Denmark administered by Danish Red Cross. Beside that there are two smaller municipalities; Hanstholm and Brovst who administer an asylum centre each. Some asylum seekers have been given permission to stay outside the asylum centres by the Danish Immigration Service. Typically they stay at relatives or in annexe. Two of the asylum centres are defined as receiving and departure centres, Centre Avnstrup and Centre Sandholm, one centre is specialized for refugees with traumas and victims of torture, Centre Kongelunden, one is for unaccompanied children, Centre Gribskov, and one for single women with or without children, Centre Fasan, and finally the two ordinary centres in Thyregod and Jelling of which the last contains 35 annexe.

Typically the asylum centres are placed quite a distance from ordinary housing, this along with the fact that asylum seekers are not allowed to get a paid job, and that the children only attend classes at the centre school, means that in practice all normal contact between the population and asylum seekers is hindered. The isolation obstructs all kind of integration, network and support from Danish families, who would be able to protest against deportations. In spite of that some deportation cases have led to massive protests. In one case the deportation of an Iranian, who was sentenced to be whipped had to be changed resulting in a residence permit after massive protests.

According to Danish Red Cross asylum seekers stay in an asylum centre more than 900 days in average before they are either granted asylum, deported or they flee to another country. It has not been possible to find an official counting of the total days asylum seekers spend in an asylum centre, the closest official figure in 2005 was that 40 percent stay in the asylum centre for more than three years, this was published in a memorandum prepared for the Committee for aliens and Integration Policy (UUI, alm. del, appendix 44). Cases that have reached the attention of the media reveal that some asylum seekers have stayed for more than nine years in asylum centres. A figure covering the average time asylum seekers stay in an asylum centre is missing in The Ministry of Integrations Yearbook of Aliens 2005, where the asylum procedure is described in chapter 2. As examples attorneys mention 2-300 Iraqi asylum seekers, among them are families with children, who have stayed in asylum centres for more than five years.

Asylum procedure

Applications for asylum are tried in the first instance of The Danish Immigration Service where the average administration procedure took 263 days in March 2006. By refusal the case is presented to the Refugee Board. Here the average administration procedure took 263 days in 2004, the administration procedure however was shorter in the first quarter of 2005; 158 days.

The Refugee Board has been cut down. Before it consisted of five members: a judge, a member appointed by The Danish Bar and Law Society, a member appointed by The Danish Refugee Council, a member appointed by The Danish Immigration Service, and a member appointed by The Ministry of Immigration. Today the council consists only of 3 members; a judge, a member appointed by The Danish Bar and Law Society, and one member appointed by the Ministry of Integration. All depending on the judge there is a huge difference in the outcome of the asylum cases i.e. whether asylum is granted or not. In practice there is no actual judicial review. Even if The Refugee Board is a quasi-judicial administrative body it does not live up to its status, for instance the asylum seekers lack the opportunity to make use of the right of publication during the oral procedure. Likewise the opportunity to bring in witnesses is extremely limited. In general less evidence is presented in these cases comparing to ordinary court cases. For instance, in many cases claims of torture are not even investigated, and there are examples of previously tortured asylum seekers who have been forced to their home country, where they have been tortured again.

There is no demand for educational standards when interpreters are used in these cases, and claims of faulty interpretation are impossible to examine because the interrogation is not taped.

In principle the Refugee Board's decision is final and has to be executed immediately by departing the country. The decision can not be brought before the ordinary Danish courts. Therefore the chances of testing the case are limited to the possibility of reopening the case in the same body (this is only possible if new serious circumstances appear, and is of course very difficult). By severe illness the asylum seeker can apply for a residence permit for humanitarian reasons. However, the mentioned possibilities do not provide stay of execution.

Imprisonment of asylum seekers

Since it is almost impossible to arrive legally in Denmark in order to seek asylum most asylum seekers come illegally, and most often they feel forced to lie about their travelling route, also after orders from their agent. Often this weakens their case since it creates doubt about their credibility, not just concerning their travelling route but also the motive for fleeing, where they come from, and their identity, in case they have not brought genuine identification papers. For asylum seekers who travel with false passports, the risk of being

sentenced to imprisonment is very high. Most probably they are also ordered to leave the country and given an entry prohibition. In this way many who come to Denmark to obtain freedom obtain the very opposite since they are imprisoned from the moment they arrive, and many are held imprisoned until they are able to return. There are also cases where a family is separated because one of the parents is imprisoned, while the rest of the family stays in an open asylum centre.

Consequences for the adult asylum seekers: increased rates of stress-sensitive health damages and psychiatric illnesses and augmented costs for treatment in the health sector: Insecurity and lack of education in children of asylum seekers.

The asylum policy of the Danish Government implements severe human tragedies among asylum seekers, primarily because some asylum seekers have been held in a no-mans-land for many years, without hope, without a future, and with a constant fear of being sent back to the country they fled from.

Norway and Sweden has typically granted asylum in the past months to those asylum seekers who, at one hand do not fulfil the demands in the UN convention, but on the other hand cannot be returned to their home country because of civil war or the like circumstances whereas we see that Danish asylum centres count around 2,375 asylum seekers, of which the majority have been denied asylum, and a large part of these at the same time cannot be sent back to their homeland. Some have been in the asylum centres officially for more than 7 years, but often it is heard that even families with children have stayed there for up to nine years.

Some children have been born in asylum centres, more than 97 children have passed more than three but less than four years in the centres and 220 children have passed more than 4 years in asylum centres according to the Minister of Integration's answer of April 20 to the Committee for Foreigners and Integration (UUI almindelig del, Bilag 139).

Many families are separated in different countries, because they have not fled together, and they cannot seek family reunification as long as they do not have a residence permit. Some asylum seekers have become mentally ill; some directly psychotic, others experience deterioration in PTSD, and some have become apathetic. The decline in the number of asylum seekers has resulted in the closure of many asylum centres. This has meant that the asylum seekers have been moved from one centre to another for a number of times which also strains the asylum seekers, mentally and socially.

A scientific study in the weekly journal for the Danish Medical Association, Ugeskrift for læger, dealt with suicidal behaviour among asylum seekers in Denmark 2001 - 2003. The results showed that asylum seekers had a 3.4 higher rate of suicidal behaviour (completed suicides and suicide attempts) compared to native Danes. Stress-related disorders counted for 3/4 of the diagnoses in asylum seekers with suicidal behaviour. Long residency - the average was 20.8 months - was associated to early suicidal behaviour after a denial, but was not the only reason for suicidal behaviour since 44% of the cases occurred during the first 6 months of they stay in Denmark. In June 2006 an Iranian asylum seeker committed suicide by hanging shortly after rejection by the Refugee Board,

leaving a wife and children in Iran. As long as the asylum seekers spend every day in insecurity without knowing whether they will be forced to deport to their country of origin or not, and where their future will be, the mentally ill asylum seekers will probably not recover. There are limited possibilities for psychological or psychiatric treatment.

"Motivational Initiatives" - Motivational Food allowance program

The Danish Immigration Service can decide to place asylum seekers and their family on the allowance for subsistence program. This program is primarily intended for cases where asylum seekers have received final rejections of their applications for Danish residence permits, and have not left the country by the date ordered, and who are not willing to leave the country.

According to information given by The Danish Immigration Service to the NGO, Supporters of refugees in danger, (Støttekredsen for flygtninge i fare), December 8th 2005, 904 persons were subjected to the food allowance program, among these 25 per cent were children less than 18 years old. The majority were from Iraq (476 persons) and Serbia-Montenegro (245 persons).

After a rejection the asylum seeker in principle has to leave Denmark. A large part of rejected asylum seekers have not left Denmark, because they are afraid of going back to their country of origin, or because their country denies receiving them. In order to put pressure on the rejected asylum seekers to leave, they are put under pressure to sign a contract stating that they are voluntarily participating in their return to their country of origin.

But most asylum seekers dare not sign the contract, and therefore they are punished with "motivational initiatives" in several phases: First they do no longer receive any cash money for subsistence, secondly, they are moved to one of the two departure centres: Avnstrup and Sandholm, and lastly they may be imprisoned. In the departure centres they eat in the canteen, this weakens their family life. They are not offered education or Danish language classes, with exemption of those children who are due to obligatory education. Besides, they are often called in by the police in order to be made to sign the contract of voluntary repatriation.

In the departure camps the food is offered in the canteens. This means that if they want anything to eat, they have to be in the canteen at specific times. In reality the program does not work as a motivating factor, and it does not make asylum seekers sign the contract of voluntary repatriation – They do not dare, because they fear to be killed if they return to their home country.

It should be mentioned that the majority group being put under this pressure count Iraqis, in spite of the fact that both the UNHCR and the Iraqi authorities have asked nations several times since the US invaded Iraq, not to put refugees from Iraq under pressure to return, and even recommended that they should be given temporary protection.

Children – according to the UN's Convention on the Rights of the Child Denmark has a liability

Children in asylum centres go to school in the Red Cross Centre schools, as long as they are subject to compulsory education i.e. at least 9 years, from the child is 7 years old. A 17 year-old boy was therefore not able to receive any education after having been removed to a departure centre. The education standard in the schools does not match with the obligations of the Danish Public Schools - partly because of the many removals of pupils and much turbulence in general. The children lose their childhood and are not given the same possibilities of education as other children. This means that academically they will be much worse off as in terms of getting a career, whether they are granted asylum or have to move to another country and go to school and look for work there. In many cases the children live for many years with their family, sharing a very small room.

During the past months much criticism has been raised concerning the circumstances in the asylum centres in Denmark - especially the situation of the children has caused concern. The Danish Prime Minister said that the well-being of the children is the responsibility of their parents - they are free to repatriate when they have been given a final rejection. By making this statement he has disregarded The UN Convention on the Rights of the Child which Denmark has ratified, according to Article 22.1 State Parties shall ensure a child who is seeking refugee status receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights in the Convention of the Child.

Many children tell that they cannot sleep at because of the tense situation and noise during the nights at the centres. Many of the children are suffering psychiatrically, without it being possible for them to receive adequate child psychiatric help. More than 60 children have been removed from their parents, since their nurturing abilities have waned because of psychiatric illnesses.

A Danish documentary on TV2 in the fall of 2005 followed a Vietnamese family consisting of two adults and two children. The mother had become psychotic and apathetic after 6 years in Denmark in different asylum centres, and after the asylum application had been rejected. By 2005 the family had lived in 10 centres over the past nine years in Denmark. The children shared a room with the parents, both had huge sleeping problems because the mother woke up at nights, and the children had to help prevent her from running away, since she was not in a condition to take care of herself. During the TV-production period, the father had again received a letter demanding that he should leave Denmark immediately. The family got a temporary residence permit only 5 days before the documentary was shown on TV2.

Conclusion

The long time spent in the asylum centres in a state of uncertainty about the future, the so-called motivational initiatives, the many removals and relocations, the very poor physical environment in the asylum centres with very little space and often no possibilities for quietness at night, the poor educational possibilities at the centre schools and poor possibilities of treatment of psychiatrically disturbances of the children and parents causes

an extreme stress in the asylum seekers. At the same time it is devastating for asylum seekers identity and for the chances of parents and children to learn to live an independent life.

A parliamentary debate, and recommendations from UN organisations has not been enough to lead to substantial improvements for asylum seekers and their children. It seems to us that the long period with insecurity in Denmark, where children and parents do not know whether they will be granted asylum or they will be deported is the most destroying factor for the whole family. They have been left in a no man's land where Denmark has rejected to grant asylum, but at the same time condition in their country of origin is so unsafe, that the UN advices not to return. At the same time Denmark is not helping these refugees by granting a residence permit for other reasons or a temporary residence permit the way for instance Sweden does.

This country has adopted an asylum law and practise that does not fully respect the UN Convention on the status of Refugees and the European Convention on Human Rights, and it trespasses the UN Convention on the Rights of the Child. All in order to reach the goal of reducing and avoiding asylum seekers and refugees in Denmark. The extremely harsh and strict law and practice is totally out of line with law and practice in general in newer history of Danish legislation. The consequences of the law involve human sufferings to a degree that is unheard of and is contradictory to the moral and ethic belief our culture builds on.

July 2006

On behalf of the Danish organisations:

SOS against Racism, Denmark, Chairman Anne Nielsen

Lawyers' Association for asylum and immigration law, Chairman Helge Nørrung

Committee for ethnic equality, Chairman Uzma Andresen

Documentation and Advisory Center On Racial Discrimination, Chairperson Fakhra Mohammad

The Parsons' initiative, Coordinator Bodil Hindsholm Hansen

The People's Movement for Humane Asylum Policy, Spokeswoman Maja Gildin Kragelund

Stig Dalager, initiator to the Authors' protest initiative against Denmark's treatment of immigrants, refugees and asylum seekers

References:

The Danish asylum politics after 2001:

Integrationsministeriet: Årbog om udlændinge i Danmark, 2005.

http://www.inm.dk/publikationer/aarbog_udlaendinge_05/index.htm

Minileksikon om flygtninge og indvandrere 2006

1. * www.sosmodracisme.dk - click on Minileksikon

Udlændingestyrelsen: Foreløbige nøgletal på asylområdet

2. * <http://www.udlst.dk/Statistik/forelobigetotal2005.htm>

Støttekredsen for flygtninge i fare:

www.stoettekredsen.dk

Herunder er en række asylsager og familiesammenførings-sager beskrevet detaljeret, samt nyhedsbreve.

Desuden dokumentation om nævnsafgørelser i 20 irakiske sager der er blevet revurderet

Desuden en fællesudtalelse i forbindelse med DR Dokumentars udsendelse: Det store

asyllosteri, som viste meget forskellige anerkendelsesprocenter i Flygtningenævnet efter

hvem, der var dommer.

Lovforslag om udvisning af kriminelle flygtninge

3. * <http://politiken.dk/VisArtikel.sasp?PageID=451571>

Asylum Centres:

Dans Røde Kors: Asylcentre

4. * <http://www.redcross.dk/sw39627.asp>

Asylchef: Giv børnene bedre undervisning

5. * <http://politiken.dk/VisArtikel.sasp?PageID=449712>

Asylum procedure:

Flygtningenævnet:

<http://www.fln.dk/>

Herunder er oplysninger om praksis og statistik.

DR Dokumentars udsendelse Det store asyllosteri:

6. * <http://www.dr.dk/dokument/gade/asyl/asyl1.htm>

Consequences for the adult asylum seekers: increased rates of stress-sensitive health damages and psychiatric illnesses and augmented costs for treatment in the health sector. Insecurity and lack of education in children of asylum seekers:

Udlændingestyrelsen, Økonomi- og Centerafdelingen, 18. oktober 2005: Opdateret analyse af udviklingen i udgifterne til asylansøgnernes sundhedsbehandling i perioden 2001 til 1. halvår 2005

Udvalget for Udlændinge- og Integrationspolitik, UUI alm. del, Bilag 44.

7. * www.folketinget.dk/samling/20051/alm-del/UUI/Bilag/44/221427.PDF

**Selv mord og selvmordsadfærd blandt asylansøgere i Danmark i perioden 2001-2003
En retrospektiv undersøgelse**

8. *

http://www.ugeskriftet.dk/portal/page?_pageid=33,15714621&_dad=portal&_schema=PORTAL

Psykisk syge flygtninge på asylcentre

9. * <http://politiken.dk/VisArtikel.sasp?PageID=449622>

Dansk Flygtningehjælp: 7 punkter til at give asylansøgere et mere værdigt ophold

10. * http://www.flygtning.dk/Om_asylcentre.2788.0.html

Supplementary Report to Denmark's Sixteenth and Seventeenth Periodical Report to the International Convention on the Elimination of all Forms of Racial Discrimination. Submitted by Mona Ljungberg and Bente Rich, May 2006

11. * <http://www.ohchr.org/english/bodies/cerd/cerds69.htm>

click on "Denmark" and on "Supplementary Report".

"Motivational Initiatives":

Nyhedsbrev 14.1.2006. Oversigt over personer der pr. 8.12.05 er på

"motivationsfremmende foranstaltninger"

12. * <http://www.stoettekredsen.dk/tal06.htm>

Children:

Folketingsdebat om asylbørn 3. maj 2006

13. * <http://politiken.dk/VisArtikel.iasp?PageID=451697>

Folketinget: Fejl i opgørelsen fra Udlændingestyrelsen vedrørende opholdstider for børn på landets asylcentre. UUI, alm. del, Bilag 139

14. * www.folketinget.dk [268956 [1].pdf] search on: "opholdstider asylansøgere"

Ingen hjælp til afviste asylbørn fra statsministeren.

15. * <http://politiken.dk/VisArtikel.sasp?PageID=452826>

Forholdene for børn på danske asylcentre er de afviste forældres ansvar, fastslår statsministeren

16. * <http://politiken.dk/VisArtikel.sasp?PageID=451995>

Miriam Dalsgaard: Mød 32 afviste asylbørn i ingenmandsland

<http://politiken.dk/VisArtikel.iasp?PageID=452763&Nr=32>

[Only photos, the original article also included short texts]

Giver med den ene hånd og tager med den anden. Artikel 1a 03/ 2006, side 2-3.

Dansk Flygtningehjælp.

17. * <http://www.flygtning.dk/index.php?id=1882>

click on: Download Artikel 1a, no. 3, 2006 (pdf-format)

Svigtede asylbørn fjernes og døgnanbringes. Over 60 børn er inden for de seneste par år blevet fjernet fra asylcentre på grund af deres psykiske tilstand.

18. * <http://politiken.dk/VisArtikel.iasp?PageID=449438>

Forhold for asylbørn i strid med FN's anbefalinger

19. * <http://politiken.dk/VisArtikel.iasp?PageID=461749>

20. * **Newtimes - March 2006: CHILD. A magazine produced by asylum seekers living in the Danish red Cross Asylum Centres. > march 2006, issue # 67. (Not on the web)**