

Bedsteforældre For Asyl



Grandparents for Asylum

Report on the Danish UPR process in the UN Human Rights Council – January 2016

from

Grandparents for Asylum

An individual NGO Submission

19 June 2015

An unknown number of refugees who have been denied asylum have now been waiting for as much as 14 years or more in the Danish refugee system without any time limit for how long they can wait. This is a violation of both the UN's IV Global Human Rights Declaration and Children's Convention. Some of these refugees cannot be returned to their homelands for a variety of reasons.

Introduction

Grandparents for Asylum (BfA, www.bedsteforaeldreforasyl.dk) is a non-political national grassroots movement. Since 2007, it has worked to change the Danish refugee policy in a more humane direction. The movement has especially focused on the living conditions for children and their families and the long confinement they are subjected to in the asylum system. This was criticized already in 2008 by LIBE – Committee for Civil Liberties, Justice and Home Affairs, European Parliament - after a visit to Denmark.

BfA participates in the public debate, initiates actions, and provides concrete assistance to refugees seeking asylum.

From our work with individual refugees, we in the movement know of concrete examples of refugees who have been refused asylum. We know that there are cases where those who cannot be deported have been kept in the Danish asylum system for many years.

Current official statistics of length of stay in the asylum system are lacking

The Danish Immigration Service's figures for length of stay in the asylum system for men, women and children have not been made public since March 2013. At that time, 248 persons, 25 of whom were

children, had been in the system for more than five years; and 123 persons, 10 of whom were children, were in the system for ten years or more.

With regard to children, the newest figures are from December 2014: as many as 72 children had been living in the asylum system for four years or more.

Amended asylum law and changed legal practice

In 2013, a change in the Danish law regarding refugees (L 130, approved 25.4.2013) meant that refugees seeking asylum on the basis of some *specific conditions* could be allowed to live outside the asylum centres while still maintaining their legal and practical status as asylum seekers until their cases were decided. They could now gain access to applying for work or schooling, and they could learn Danish. It is required, however, that they cooperate with the authorities, which among other things means that they sign an oath to return home voluntarily. Families with children can, however, move out of an asylum centre after six months without signing such an agreement if they do not wish to. Some of BfA's contact families have accepted this possibility – i.e. they now live outside the centres but must still legally and practically abide by the asylum system's regulations, e.g. with regard to signing in regularly with the police and being required to utilize only the centres' health care services.

Almost none of the refugees seeking asylum on our list (see below: appendix 1) have dared to sign the oath for voluntary deportation. It is therefore not possible for them to seek work or learn Danish. Among them are young people, who after receiving their student exam (i.e. graduating from high school) cannot come further in the educational system, because their parents have not signed the oath for voluntary deportation.

Following much criticism of the lack of consideration for UN's Children's Convention, the possibility has been opened to apply for a residence permit on the basis of § 9c, part 1, which stipulates consideration of the child's well being. At the same time, however, a practice has been initiated, which operates with the concept of "the formative years", which are defined as starting at the age of eight. This means, for example, that a 12-year-old child, who has lived in Denmark almost her whole life and attended nursery and grammar school here, is not evaluated to be sufficiently integrated, because she has not lived in Denmark for a sufficient number of her formative years, and is therefore refused asylum.

BfA's statistics

From statistics gathered on 1.3.2015, BfA found that we have personal knowledge of a total of 44 persons – 25 adults and 19 children – who have been stranded in the system for up to 5 to 14 years.

An anonymized list (appendix 1) of these persons – both individuals and families – is attached. This list shows the number of years in the system, the refugee's residence – either at an asylum centre or private residence connected with an asylum centre – and the name and email address of their contact person in BfA.

It is most probable that these 37 persons comprise only a small share of the far larger group of refugees (according to the latest figures from 2013 and 2014) seeking asylum who are stranded in the Danish asylum system.

Violation of basic human rights

On the basis of the attached list of concrete individual cases, BfA's position is that the basic human rights of these 37 persons have been violated. This group of refugees, which includes nine families with children, who we have followed for many years, is markedly affected by the long period of uncertainty and insecurity about their future. Having been refused asylum, they continue to live in a waiting position without any final deadline, with an illegal status, and with the serious physical and psychological effects that expert investigations have documented again and again. They live in a no-man's land without any possibility to influence their own life situation. The constant idleness and fear of deportation breaks them down both physically and psychologically. They lose their lust for life and their vitality – and thereby the possibility to care for themselves and their families in the future – regardless of whether that future will be in Denmark or the country from which they have fled.

Recommendations

BfA recommends that the refugees seeking asylum who cannot be returned to their homeland within five years be offered resident permits in Denmark.

BfA recommends that the requirement to sign an oath of voluntary deportation be dropped, as well as the so-called motivating measures – such as deprivation of pocket money etc., which are meant to motivate refugees to return to their homeland voluntarily – because according to both the Red Cross and the police, these measures have mostly proven to be useless.

BfA also recommends that evaluation based on the concept of “formative years” be dropped and that the only criteria should be how long a child has lived in Denmark.

On behalf of Grandparents for Asylum -

Sincerely yours,

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