

## **Declaration in compliance with section 11 b of the Danish Act on the Formation and Dissolution of Marriage [ægteskabsloven] concerning knowledge of the rules on family reunification of spouses stipulated in the Danish Aliens Act [udlændingeloven]**

Pursuant to section 9(1)(i)(a-e) of the Aliens Act, a residence permit may, upon application, be granted to an alien over the age of 24 cohabiting at a shared residence, either in marriage or in regular cohabitation of prolonged duration, with a person permanently resident in Denmark over the age of 24 who a) is a Danish national; b) is a national of one of the other Nordic countries; c) holds a residence permit as a refugee under section 7(1) or (2) or section 8; d) has held a residence permit under section 7(3) for more than the last 3 years; or e) has held a permanent residence permit for Denmark for more than the last 3 years.

Family reunification of spouses is usually subject to fulfilment of all the following conditions:

- Both spouses must sign a declaration stating that, to the best of their ability, they will involve themselves actively in the Danish language courses and integration into the Danish society of the applicant and any accompanying foreign children.<sup>i</sup>
- Family reunification of spouses may, if particular reasons make it appropriate, be subject to the spouse living in Denmark providing evidence that he can maintain the applicant.<sup>ii</sup>
- The spouse living in Denmark must provide financial security to cover any future public expenses for assistance granted to the applicant under the Danish Active Social Policy Act [*lov om aktiv socialpolitik*] or the Danish Integration Act [*integrationsloven*].<sup>iii</sup>  
The amount is subject to annual adjustment and amounted to DKK 100,000 on 1 January 2018.
- For a period of 3 years before the decision on the residence permit is made, the spouse living in Denmark must not have received assistance under the Active Social Policy Act or the Integration Act.<sup>iv</sup> However, this does not apply to assistance in the form of small amounts of isolated benefits not directly related to maintenance, or benefits which are comparable to wages or salaries or pension payments or replace such income.
- The spouse living in Denmark must provide evidence that he has an independent residence of a reasonable size at his disposal.<sup>v</sup> The residence must not be situated in a housing sector that is subject to the current Executive Order on the Housing Requirement List for Family Reunification of Spouses [*Bekendtgørelse om boligkravslisten for ægtefællesammenføring*].
- The spouse living in Denmark must have passed the Danish-3 test [Prøve i Dansk 3] or another Danish language test at a similar or higher level.<sup>vi</sup>
- The spouses must meet at least three of the following conditions:
  - The spouse living in Denmark must have had ordinary full-time employment or pursued activity as a self-employed person in Denmark for at least 5 years prior to the date of the application for a residence permit.
  - The spouse living in Denmark must have been enrolled in education in Denmark for at least 6 years of which 1 year must be continuous full-time education in addition to basic general education and the 10th grade prior to the date of the application for a residence permit.
  - The applicant must have passed the Danish-1 test [Prøve i Dansk 1] or another Danish language test at a similar or higher level or the English test at B1 level or another test at a similar or higher level.
  - The applicant must have had ordinary full-time employment or pursued activity as a self-employed person for at least 3 years within the last 5 years prior to the date of the application for a residence permit.
  - The applicant must have passed a publicly acknowledged course of training or education of at least one year's duration in a course that is at least at the level of one year of further

education in Denmark or ranks on a par with a Danish vocational training course prior to the date of the application for a residence permit.<sup>vii</sup>

- If the applicant has reached retirement age in his/her native country, the pension years are included in the working years in the calculation of the condition concerning the applicant's work.<sup>viii</sup>
- The applicant must have been in Denmark at least once.<sup>ix</sup>
- It must not be considered doubtful whether the marriage has been contracted at both parties' own desire.<sup>x</sup> If the marriage has been contracted between close relatives or otherwise closely related parties, it must be considered doubtful, unless particular reasons make it inappropriate, including regard for family unity, that the marriage was contracted at both parties' own desire.<sup>xi</sup>

For a period of 10 years prior to the date of the decision on family reunification of spouses, the spouse living in Denmark must not have been sentenced by final judgment to imprisonment or suspended imprisonment or to other criminal sanction involving or allowing deprivation of liberty for assault against a spouse or cohabitant.<sup>xii</sup>

- An application for family reunification must not have been refused to the applicant's accompanying child on the grounds that, within a period of 10 years prior to the date of the decision, the spouse living in Denmark has been sentenced by final judgment to imprisonment or suspended imprisonment or to other criminal sanction involving or allowing deprivation of liberty for assault against under-age children.<sup>xiii</sup> However, this does not apply if the applicant's child can be required to take up residence with close family in its native country and regard for the best interests of the child does not make it inappropriate, or if exceptional reasons otherwise make it inappropriate, including regard for family unity.<sup>xiv</sup>

If the spouse living in Denmark is *not* a Danish national, a national of one of the other Nordic countries or holds a residence permit as a refugee, family reunification of spouses is normally subject to fulfilment of all the following conditions<sup>xv</sup>:

- The spouse living in Denmark must not have been sentenced to imprisonment for 6 months or more or to other criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a punishment of such duration.<sup>xvi</sup>
- The spouse living in Denmark must not have been sentenced to imprisonment for 60 days or more for violation of Part 12 or 13 of the Danish Criminal Code [*straffeloven*].<sup>xvii</sup>
- The spouse living in Denmark must have no overdue debt to any public authorities unless the deadline for paying the debt has been extended and the debt does not exceed DKK 100,000 (2018 level).<sup>xviii</sup>

For a period of the last 4 years prior to the date of the application for a residence permit, the spouse living in Denmark must not have received any public assistance under the Active Social Policy Act or the Integration Act.<sup>xix</sup> However, this does not apply to assistance in the form of small amounts of isolated benefits not directly related to maintenance, or benefits which are comparable to wages or salaries or to pension payments or replace such income.

- The spouse living in Denmark has signed a declaration of residence and self-support, see section 19 of the Integration Act, or otherwise declared having accepted the contents thereof.<sup>xx</sup>
- The spouse living in Denmark has passed the Danish language test at level 1, see section 9(1) of the Act on Danish Courses for Adult Aliens, etc. [*lov om danskuddannelse til voksne udlændinge m.fl.*], or another Danish language test at a similar or higher level.<sup>xxi</sup>

The spouse living in Denmark has had ordinary employment or pursued activity as a self-employed person for at least 3 years and 6 months within the last 4 years prior to the date of the application for a residence permit and must still be assumed to participate in the labour market at the time when a residence permit can be issued.<sup>xxii</sup>

- The person living in Denmark must meet at least one of the following conditions:<sup>xxiii</sup>
  - The person living in Denmark has passed the active citizen exam or has displayed active citizenship in Denmark through at least 1 year's participation in boards of directors, organisations etc.
  - The person living in Denmark has had ordinary full-time employment or pursued activity as a self-employed person for at least 4 years within the last 4 years and 6 months prior to the date of the issue of a residence permit.
  - The person living in Denmark has had an annual taxable income of DKK 280,908.00 on average (2018 level) during the last 2 years prior to the date when the residence permit can be issued.

Family reunification of spouses is usually subject to the alien passing a Danish language test at level A1 established by the Minister of Immigration and Integration or another Danish language test at a similar or higher level.<sup>xxiv</sup>

The test must be passed within 6 months of the date of the alien's registration with the national register of persons or, if the alien already holds a residence permit for Denmark, when the residence permit under section 9(1)(i) of the Aliens Act was issued. If the alien has taken, but not passed the test within 6 months, the test may be re-taken up to 3 months after expiry of the time limit of 6 months. In case of a lawful excuse, the said time limits may, upon application, be suspended by a period equalling the duration of the lawful excuse.

Family reunification of spouses is usually subject to the alien passing a Danish language test at level A2 established by the Minister of Immigration and Integration or another Danish language test at a similar or higher level.<sup>xxv</sup>

The test must be passed within 9 months of the date of the alien's registration with the national register of persons or, if the alien already holds a residence permit for Denmark, when the residence permit under section 9(1)(i) of the Aliens Act was issued. If the alien has taken, but not passed the test within 9 months, the test may be re-taken up to 3 months after expiry of the time limit of 9 months. In case of a lawful excuse, the said time limits may, upon application, be suspended by a period equalling the duration of the lawful excuse.

Family reunification of spouses is always subject to fulfilment of the following condition:

There must be no particular reasons for assuming that the decisive purpose of contracting marriage is to obtain a residence permit.<sup>xxvi</sup>

We, the undersigned, hereby declare that we are both familiar with the said provisions of section 9(1)(i), subsections (2-14) and subsection (30) of the Aliens Act on family reunification of spouses, see section 11 b of the Act on the Formation and Dissolution of Marriage.

Date:	Date:
Signature:	Signature:

- i See section 9(2) of the Aliens Act.
  - ii See section 9(3), second sentence of the Aliens Act.
  - iii See section 9(4), first sentence of the Aliens Act.
  - iv See section 9(5), first sentence of the Aliens Act.
  - v See section 9(6) of the Aliens Act.
  - vi See section 9(8) of the Aliens Act.
  - vii See section 9(8)(i-v) of the Aliens Act.
  - viii See section 9(9) of the Aliens Act.
  - ix See section 9(10) of the Aliens Act.
  - x See section 9(11), first sentence of the Aliens Act.
  - xi See section 9(11), second sentence of the Aliens Act.
  - xii See section 9(13) of the Aliens Act.
  - xiii See section 14, first sentence of the Aliens Act.
  - xiv See section 9(14), second sentence of the Aliens Act.
  - xv See section 15(1) and section 16 of the Aliens Act.
- Pursuant to section 9(17) of the Aliens Act, the conditions specified in subsection (15)(i-viii) and subsection (16) are deemed to have been fulfilled if the person living in Denmark has been granted a permanent residence permit under section 11(3) and (4) or under section 11(12) and (13) or (17). If the person living in Denmark is an old-age pensioner or has been granted early-retirement pension, the conditions stipulated in subsection (15)(vii) and (viii) and subsection 16) (ii) and (iii) are deemed to have been fulfilled, see section 9(18), first sentence of the Aliens Act. If a person over the age of 18 living in Denmark has obtained a permanent residence permit on the basis of strong ties with Denmark, the conditions stipulated in subsection (15)(vii) and (viii) and subsection (16) (ii) and (iii) are deemed to have been fulfilled under conditions similar to the conditions under which a person living in Denmark would be able to obtain a permanent residence permit under section 11(13), see section 9(18), second sentence of the Aliens Act.
- xvi See section 9(15)(i) of the Aliens Act.
  - xvii See section 9(15)(ii) of the Aliens Act.
  - xviii See section 9(15)(iii) of the Aliens Act.
  - xix See section 9(15) (iv) of the Aliens Act.
  - xx See section 9(15) (v) of the Aliens Act.
  - xxi See section 9(15)(vi) of the Aliens Act.
  - xxii See section 9(15)(vii) and (viii) of the Aliens Act.
  - xxiii See section 9(16)(i) to (iii) of the Aliens Act.
  - xxiv See section 9(34) of the Aliens Act.
  - xxv See section 9(35) of the Aliens Act.
  - xxvi See section 9(12) of the Aliens Act.

## **Section 11 b in the Act on the Formation and Dissolution of Marriage:**

“In cases where one of the parties is not a Danish national, is not a national of one of the other Nordic countries or does not hold a residence permit under sections 7-9 f or sections 9 i - 9 n of the Aliens Act, and where the other party is a Danish national or a national of such other Nordic country or holds such residence permit, no marriage shall be contracted until each party has declared that he is familiar with the provisions of section 9(1)(i), subsections (2-14) and subsection (30). This does not apply, however, if the person living in Denmark is either an EU/EEA citizen holding a residence permit under Section 6, see section 2(4), or is a Swiss citizen holding a residence permit under section 6, see section 2(5), of the Aliens Act.”