



**Declaration under section 11b of the Danish Marriage Act on awareness of the rules on spousal reunification set out in the Danish Aliens Act**

Under section 9(1)(1)(a) – (e) of the Aliens Act, it is possible to grant a residence permit based on an application for an alien over the age of 24 who cohabits in a shared residence, either in marriage or in cohabitation of long 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 under section 7(1) or (2) or section 8;
- d) has held a residence permit under section 7(3) longer than the past three years; or
- e) has held a permanent residence permit in Denmark longer than the past three years.

Spousal reunification is always conditional upon the following requirements being fulfilled:

- The marriage must qualify for recognition under Danish law.
- There must not be certain reasons to assume that the decisive objective of the contraction of the marriage is to obtain a residence permit.<sup>1</sup>
- Both spouses must sign a declaration stating that, to the best of their ability, they will commit actively to Danish language education and integration into Danish society for the applicant and any accompanying foreign children.<sup>2</sup>

Moreover, spousal reunification is generally conditional upon the following requirements being fulfilled:

- The spouse living in Denmark must provide financial security of DKK 100,000 through a period of ten years to cover any future public expenses for assistance granted to the applicant under the Act on Active Social Policy or the Integration Act.<sup>3</sup> (DKK 104,040 at 2020 level as the amount is rate-adjusted once annually.)

- The spouse living in Denmark must not have received any assistance under the Act on Active Social Policy or the Integration Act for three years before the decision on the residence permit. Moreover, the applicant and the spouse living in Denmark must not receive any assistance under the Act on Active Social Policy or the Integration Act during the period until the applicant is granted a permanent residence permit. Assistance in the form of small amounts of isolated benefits not directly related to maintenance, or benefits that are comparable with wages or salaries or pension payments or replace such income do not preclude spousal reunification.<sup>4</sup>
- The spouse living in Denmark must prove that they have the disposal of a separate dwelling of a reasonable size. The dwelling must not be located in a housing compound that at the time of application is subject to the current Executive Order on the list of housing requirements for spousal reunification. In the course of the time until the applicant is granted a permanent residence permit, the applicant and the spouse living in Denmark must not move to a dwelling located in a housing compound subject to the current Executive Order on the list of housing requirements for spousal reunification.<sup>5</sup>
- The spouse living in Denmark must have passed the Danish 3 Test, see section 9(1) of the Act on Danish Language Education for Adult Aliens and Others or a Danish language test at a similar or higher level.<sup>6</sup>
- The applicant must have had at least one lawful stay in Denmark under sections 1 – 4b or section 5(2) in accordance with the EU rules, see section 6, or in accordance with a residence permit under sections 7 – 9f, 9i – 9n, 9p or 9q.<sup>7</sup>
- It must not be considered doubtful whether the marriage was contracted according to the wishes of both parties. Where the marriage has been contracted between persons who are closely related or otherwise quite closely related it is generally considered doubtful that the marriage was contracted according to the wishes of both parties.<sup>8</sup>
- Within a period of ten years prior to the date of the decision on spousal reunification, the spouse living in Denmark must not have been sentenced by a final judgment to a suspended or unsuspended custodial sentence or other criminal sanction involving or allowing

deprivation of liberty for one or more offences committed against a spouse or cohabitant.<sup>9</sup>

- An application for family reunification for the applicant's accompanying child must not have been rejected because the spouse living in Denmark has been sentenced by a final judgment to a suspended or unsuspended custodial sentence or other criminal sanction involving or allowing deprivation of liberty for one or more offences committed against minors.<sup>10</sup>

Spousal reunification is generally also conditional upon the spouses fulfilling at least three of the following five requirements:<sup>11</sup>

- The spouse living in Denmark has been in regular full-time employment or carried out activity as a self-employed trader in this country for at least five years prior to the application for a residence permit.<sup>12</sup>
- The spouse living in Denmark has been taking education in this country for at least six years, including at least one year of continuous full-time education beyond basic schooling and the 10th school year prior to the application for a residence permit.<sup>13</sup>
- The applicant has passed the Danish 1 Test, see section 9(1) of the Act on Danish Language Education for Adult Aliens and Others or another Danish language test at a similar or higher level or an English test at B1 level or at a similar or higher level.<sup>14</sup>
- The applicant has been in regular full-time employment or carried out activity as a self-employed trader for at least three years out of the past five years prior to the application for a residence permit.<sup>15</sup> Where the applicant has reached retirement age in their country of origin, the years of retirement must be reckoned as years of work in the calculation.<sup>16</sup>
- The applicant has passed education recognised by public authorities of at least one year's duration on a programme at the level of at least one year of a further education programme in this county or equated with a Danish programme of vocational training prior to the application for a residence permit.<sup>17</sup>

If the spouse living in Denmark *is not* a Danish national, a national of one of the other Nordic countries or *does not* hold a residence permit under sec-

tion 7 or 8, spousal reunification is generally also conditional upon the following requirements being fulfilled:<sup>18</sup>

- The spouse living in Denmark must not have been sentenced to an unsuspended penalty of at least six months of imprisonment or another criminal sanction involving or allowing deprivation of liberty for an offence that would have resulted in a penalty of this duration.<sup>19</sup>
- The spouse living in Denmark must not have been sentenced to an unsuspended sentence of at least 60 days of imprisonment for violation of Part 12 (treason and other offences against state interests and security), Part 13 (offences against the Constitution and the supreme authorities of the State, terrorism, etc.) or a number of criminal-code provisions on certain offences in family relationships, sexual offences and violent offences.<sup>20</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 (DKK 118,566.38 at 2020 level as the amount is rate-adjusted once annually.)<sup>21</sup>
- The spouse living in Denmark must not have received any public assistance under the Act on Active Social Policy or the Integration Act for the last four years prior to the date of the application for a residence permit. Assistance in the form of small amounts of isolated benefits not directly related to maintenance, or benefits that are comparable with wages or salaries or pension payments or replace such income do not prevent spousal reunification.<sup>22</sup>
- The spouse living in Denmark must have signed a residence and self-support declaration, see section 19(1), the third sentence, of the Integration Act, or in other ways indicated acceptance of the contents above.<sup>23</sup>
- The spouse living in Denmark must have passed the Danish 1 Test, see section 9(1) of the Act on Danish Language Education for Adult Aliens and Others or a Danish language test at a similar or higher level.<sup>24</sup>

- The spouse living in Denmark must have been in ordinary full-time employment or carried on activity as a self-employed trader for at least three years and six months within the past four years prior to the application for a residence permit.<sup>25</sup>
- The spouse living in Denmark must be assumed to continue to be a part of the labour market on the date when a residence permit may be granted.<sup>26</sup>
- The spouse living in Denmark must fulfil at least one of the following requirements:<sup>27</sup>
  - The spouse living in Denmark has passed a civic qualification test as referred to in section 41b of the Integration Act or displayed active community commitment in this country through at least one year's participation on committees, in organisations, etc.<sup>28</sup>
  - The spouse living in Denmark has been in ordinary full-time employment or carried on activity as a self-employed trader for at least four years within the past four years and six months prior to the granting of a residence permit.<sup>29</sup>
  - The spouse living in Denmark has had a yearly average taxable income of DKK 280,908.00 the past two years prior to the date when it will be possible to grant a residence permit (DKK 292,256.68 at 2020 level as the amount is rate-adjusted once annually.)<sup>30</sup>

After spousal reunification has been granted, the spouse coming to Denmark for spousal reunification must generally pass a Danish test at A1 level or another Danish test at a similar or higher level to be able to keep the residence permit.<sup>31</sup> The test must have been passed no later than six months from the date the person concerned applied for registration in the National Register or, where the person concerned had a residence permit in this country already before the spousal reunification, after the date of the granting of the residence permit as a spouse coming to Denmark for spousal reunification. If the person concerned has taken, but not passed, the test within six months, the test may be re-taken up to three months after expiry of the six-month time limit. In case of lawful excuse, the time limits mentioned may, upon application, be suspended by a period corresponding to the duration of the lawful excuse.

Moreover, the spouse coming to Denmark for spousal reunification must generally pass a Danish test at A2 level or another Danish test at a similar or higher level to be able to keep the residence permit. The test must have been passed no later than nine months from the date of the person concerned's application for registration in the National Register or, where the person concerned had a residence permit in this country already before the spousal reunification, after the date of the granting of the residence permit as a spouse coming to Denmark for spousal reunification. If the person concerned has taken, but not passed, the test within nine months, the test may be re-taken up to three months after expiry of the nine-month time limit. In case of lawful excuse, the time limits mentioned may, upon application, be suspended by a period corresponding to the duration of the lawful excuse.<sup>32</sup>

We, the undersigned, hereby declare that we are both aware of the above-mentioned provisions governing spousal reunification under section 9 of the Danish Aliens Act, see section 11b of the Danish Formation and Dissolution of Marriage Act.

Date	Date
Signature	Signature

*This declaration has been drawn up by the Ministry of Immigration and Integration and is applicable from August 1<sup>st</sup> 2020.*

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<sup>1</sup> Section 9(12) of the Aliens Act.  
<sup>2</sup> Section 9(2) of the Aliens Act.  
<sup>3</sup> Section 9(4) of the Aliens Act.  
<sup>4</sup> Section 9(5) of the Aliens Act.  
<sup>5</sup> Section 9(6) of the Aliens Act.  
<sup>6</sup> Section 9(8) of the Aliens Act.  
<sup>7</sup> Section 9(10) of the Aliens Act.  
<sup>8</sup> Section 9(11) of the Aliens Act.  
<sup>9</sup> Section 9(13) of the Aliens Act.  
<sup>10</sup> Section 9(14) of the Aliens Act.  
<sup>11</sup> Section 9(8) of the Aliens Act.  
<sup>12</sup> Section 9(8)(1) of the Aliens Act.

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<sup>13</sup> Section 9(8)(2) of the Aliens Act.

<sup>14</sup> Section 9(8)(3) of the Aliens Act.

<sup>15</sup> Section 9(8)(4) of the Aliens Act.

<sup>16</sup> Section 9(9) of the Aliens Act.

<sup>17</sup> Section 9(8)(5) of the Aliens Act.

<sup>18</sup> Section 9(15)(1)– (8) of the Aliens Act. The requirements are deemed to be fulfilled if the spouse 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), see section 9(17). If the spouse living in Denmark has reached the age of old-age pension or been granted an anticipatory pension, the requirements set out in subsection (15), paras. (7) and (8), and subsection (16), paras. (2) and (3), are deemed to be fulfilled, see section 9(18), first sentence. If the spouse living in Denmark has been granted a permanent residence permit on the basis of strong ties with Denmark, the requirements set out in subsection (15), paras. (7) and (8) and subsection (16), paras. (2) and (3), are considered to be fulfilled on terms corresponding to those on which the spouse living in Denmark could obtain a permanent residence permit under section 11(13), see section 9(18), second sentence.

<sup>19</sup> Section 9(15)(1) of the Aliens Act.

<sup>20</sup> Section 9(15)(2) of the Aliens Act.

<sup>21</sup> Section 9(15)(3) of the Aliens Act.

<sup>22</sup> Section 9(15)(4) of the Aliens Act.

<sup>23</sup> Section 9(15)(5) of the Aliens Act.

<sup>24</sup> Section 9(15)(6) of the Aliens Act.

<sup>25</sup> Section 9(15)(7) of the Aliens Act.

<sup>26</sup> Section 9(15)(8) of the Aliens Act.

<sup>27</sup> Section 9(16) of the Aliens Act.

<sup>28</sup> Section 9(16)(1) of the Aliens Act.

<sup>29</sup> Section 9(16)(2) of the Aliens Act.

<sup>30</sup> Section 9(16)(3) of the Aliens Act.

<sup>31</sup> Section 9(34) of the Aliens Act.

<sup>32</sup> Section 9(35) of the Aliens Act.