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Returns from Denmark

The Danish Refugee Council's position on the return of rejected asylum seekers and refugees whose residence permit has been withdrawn

Introduction:

The Danish Refugee Council defends the rights of refugees and asylum seekers. We work to ensure their protection and to establish lasting solutions for refugees and displaced persons from all over the world. The efforts of the Danish Refugee Council are based on humanitarian principles and human rights, including the right to seek asylum.

At the same time, the Danish Refugee Council acknowledges the right of governments to return rejected asylum seekers and refugees whose residence permit has been withdrawn. If the decision to deny asylum or to withdraw a residence permit is correct, then rejected asylum seekers and refugees whose residence permit has been withdrawn no longer need or have the right to demand international protection.

For this reason, it is essential that each decision to return such persons is based on a fair, efficient asylum-seeking procedure and that any withdrawal of a refugee's residence permit is in complete compliance with international conventions in general and with the Convention Relating to the Status of Refugees in particular. Incorrect decisions, including a decision involving a premature return, can ultimately lead to renewed persecution of the people involved.

The right to family life should be respected and minors should never be returned in contravention of the children's interests. It should be possible to grant a humanitarian residence permit to vulnerable groups where having to return would be indefensible for health-related or other humanitarian reasons.

The return process should always comply with relevant international conventions, including the European Convention on Human Rights, the Convention Relating to the Status of Refugees and the Convention against Torture. In addition, the return process should comply with the UNHCR ExCom Conclusions on International

Protection, as well as with the recommendations of the UN and the Council of Europe. International coordination efforts should be respected in order to take account of establishing peace and achieving stability and economic progress in the home country.

The return of refugees and asylum seekers generally concerns:

- (1) the voluntary repatriation of refugees with a residence permit in Denmark;
- (2) the accepted return of rejected asylum seekers and refugees whose residence permit has been withdrawn; and
- (3) the forcible return of rejected asylum seekers and refugees whose residence permit has been withdrawn.

This paper deals with the last two categories and focuses in particular on rejected asylum seekers. "Accepted return" is used to describe individuals who voluntarily agree to return home, but where a legal order and a threat of possible sanctions may have influenced their decision. "Forcible return" is defined as the return of individuals who do not voluntarily agree to return home and where, as a result, the authorities may have to use physical force in conjunction with the departure.

The recommendations of the Danish Refugee Council concerning return

1. **Dignity and viability** should be encouraged wherever possible.
2. **Accepted return is preferable.** Regardless of the right of governments to forcibly return rejected asylum seekers and refugees whose residence permit has been withdrawn, "accepted return" is preferable for all parties. For this reason, efforts to encourage the acceptance of the return should be intensified.
3. **Advice, time and influence.** Rejected asylum seekers and refugees whose residence permit has been withdrawn should be guaranteed the time and assistance to prepare for their return home; they should also receive impartial advice and be able to influence the process wherever possible.

Humane, dignified stay in Denmark. The Danish Refugee Council is concerned about the increasing use of sanctions, such as detention and the confiscation of financial support to enforce returns. It should be a fundamental principle that all foreigners are guaranteed that their stay in Denmark is humane and dignified as long as they are in the country. Detention should be minimised, asylum seekers should be offered decent conditions and appropriate treatment while they are in Denmark, and their skills should be maintained and developed. Viable solutions are best secured by providing positive options.

Financial support. Financial support relating to the return might be a relevant option, especially for people who have been living in Denmark for a long time or people with special needs.

Reintegration programmes. The return process does not end with the physical return. Reintegration programmes are decisive for assisting returnees to re-establish themselves in their home country and for ensuring that their return is viable in the long term.

The right to return home: The return of rejected asylum seekers and refugees whose residence permit has been withdrawn should be based on their right to go “all the way home”, i.e. to their original address. At the same time, the returnees’ own wish to be housed and reintegrated in other areas of the home country should be respected and supported on an equal footing with their right to return to the original address.

Monitoring programmes: The actual return process and the returnees’ reintegration process should be monitored. Monitoring the return process will help ensure that the return process is carried out in a secure, safe, dignified and humane manner and in accordance with basic human rights. Monitoring the reintegration process will make it possible to document whether the return process has been viable and can contribute to the development of a better, more viable return policy.

Forcible return should be the very last resort. Every return process should be carried out with respect for fundamental human rights and in a secure, humane and dignified manner. The returnee should be informed in detail about the forthcoming process as soon as possible. Personnel escorting the returnee should have received relevant training and should be capable of communicating with the returnee.

Temporary residence permit if a return process cannot be implemented. Asylum seekers whose return cannot be implemented for various reasons should be given a temporary residence permit and thus the right to attend school, take part in a study programme, work, etc., so that the stay in Denmark improves the returnees’ possibilities of rapid reintegration for the benefit of themselves and their country.

The efforts of the Danish Refugee Council relating to return

- In Denmark:

The Danish Refugee Council is not a public authority and the Danish Refugee Council does not participate in the use of force.

The Danish Refugee Council offers advice to all refugees and asylum seekers in Denmark, including rejected asylum seekers.

The Danish Refugee Council cooperates with the Danish National Police and holds courses for the employees of the Aliens Department of the Danish National Police. The courses consist of training in various topics relevant to the enhancement of dignity and viability in the return process.

- Internationally:

The Danish Refugee Council has a presence in many of the countries where refugees and asylum seekers come from, and is often involved in the reintegration of returning refugees.

Human decency is one of the pillars which make up the Danish Refugee Council's fundamental values. This implies that the human right to live in dignity should take precedence over policy and principles. For this reason, in the countries where the Danish Refugee Council has a presence, it offers support and assistance to returned asylum seekers and refugees who have had their residence permit withdrawn. The Danish Refugee Council does so to the extent the requisite resources are available and it is otherwise expedient in relation to other operations.

The international efforts of the Danish Refugee Council aim wherever possible to combine support for returnees from Denmark with the general rebuilding effort in the country to which they are returning. This should ensure that returnees are associated with a positive contribution to the local community in which they are to be reintegrated, which enhances the viability of the return process.