

# Mobility: Immigration alert

January 2024

## Denmark

### Proposal to amend immigration rules, including for permanent residence and Family Reunification Permits

#### Executive summary

On 18 January 2024, the Danish Ministry of Immigration and Integration published a proposal to tighten the requirements regarding criminal records of third-country nationals who seek to apply for Permanent Residence Permits. The proposal also suggests adjustments to the application requirements for Family Reunification Permits for spouses of eligible third-country nationals. Relevant authorities and organizations may now comment on the recommended changes, which will come into force once they are passed by the Danish parliament.

#### Key developments

If approved, the following changes will be implemented:

- ▶ **Permanent residence:** Applicants who are charged with, or indicted on, certain crimes may have their permanent residence applications rejected. The current rules only stipulate that applicants must not have been convicted of certain crimes, as it may render the applicant temporarily or permanently ineligible to apply for permanent residence.
- ▶ **Danish nationals moving back to Denmark with non-EU spouses:** Danish nationals who have lived and worked abroad for a period of time and return to Denmark will have the option to bring their non-EU spouses with them to Denmark on the same terms and conditions as non-EU nationals who bring their non-EU spouses as accompanying family members (currently, these individuals must use the Family Reunification route to bring non-EU spouses). These spouses will be subject to the same terms and conditions as those that are applicable to non-EU spouses of non-EU work permit holders who apply for a residence permit as an accompanying family member. This will make it easier for Danish nationals to bring non-EU spouses to Denmark after having lived abroad.

#### ▶ Family reunification:

- ▶ The current language requirement for spouses or partners who seek to apply for Family Reunification Permits will be considered met not only if they have cleared the [Prøve i Dansk 3](#) test (or a corresponding test), but also if the spouse living in Denmark has had fulltime employment for no less than five years, or conducted business as a self-employed person in Denmark for no less than five years, with material communication in Danish.
- ▶ The collateral guarantee to be raised by Danish nationals will be reduced to DKK 57,000 (approx. USD 8,327), which is 50% less than the current requirement of DKK 114,000 (approx. USD 16,655).

#### Impact on employers

Companies that employ impacted individuals may inform them of the changes and stay updated with the ongoing developments.

#### Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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