



LET'S UNITE THE COMMUNITY
AND GO FORWARD

The Filipino Mirror

The Migrants' Newsletter

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Bayanihan Center for Filipino Migrants - Denmark®

September 2003



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BCFM Family Picnic 03



The Pensioners



The Burnay (Tapayan or Banga)

Residence in Denmark is not freely available to all. Since 1973, Denmark has enforced an immigration embargo. Conditions to enter and reside in Denmark vary with the nationality of the applicant:

Nordic citizens (that is nationals from Sweden, Norway, Finland and Iceland) can always come to Denmark to reside and work without a permit.

EU/EEA citizens can enter and reside in Denmark if they are working or studying here.

Citizens from other countries cannot simply decide to live in Denmark for any lengthy period. A residence permit can be granted, however, if the individual:

- o is a refugee
- o qualifies under family reunification legislation
- o is engaged in a particular time-limited work or study commission in this country .

Work and residence permits may be granted to individuals intending to take paid or unpaid work, as well as to the self-employed. Aliens with special qualifications within professions where a shortage of qualified manpower exists have the opportunity to obtain work and residence permits in Denmark.

Residence permits for study or other education purposes can be granted to:

- o Students pursuing post-secondary education
- o Students pursuing basic or youth education programmes
- o Students attending folk high schools (*folkehøjskoler*)

Finally, aliens intending to work in Denmark as au pairs, interns or trainees may be granted residence permits in Denmark.

Some aliens do not need a residence and work permit in order to seek employment in this country. This applies to Nordic citizens as well as individuals eligible under existing rules on free movement within the European

DANISH Immigration Law

Union. If an alien already has a humanitarian residence permit or a residence permit obtained according to the rules on asylum or family reunification, he or she does not need a work permit.

In addition, the following groups are exempted from the rules:

- o Foreign diplomats residing in Denmark, and others with corresponding diplomatic credentials, as well as accompanying family members and individuals employed in their personal household.
- o Personnel working in foreign trains and motor vehicles in international traffic.
- o Personnel on Danish commercial ships that are engaged in international traffic, providing the ship's call at Danish ports a maximum of 25 times per year.

The following individuals can take employment without a work permit, provided the duration of their stay extends no longer than three consecutive months:

- o Scientists and lecturers invited to teach in Denmark.
- o Artists, including musicians and other entertainers, whose participation constitutes a substantial or essential part of a noteworthy artistic event.
- o Representatives on business trips for foreign firms or companies, which do not have branch offices in Denmark.
- o Fitters, consultants or instructors hired to fit, install, inspect or repair machines, equipments, computer programmes or similar items, or inform on the use of such

items, provided the individual is employed by the firm that manufactured the equipment.

- o Individuals employed in the household of foreigners visiting Denmark for up to 3 months.
- o Professional athletes and trainers.

Exemption from the work permit requirement does not waive the requirement for a visa. An employee working in Denmark under whatever circumstances must always have a visa if he or she is a citizen of a country with a visa requirement to enter Denmark.

How long are residence permits issued for?

Residence and work permits are normally granted for a maximum of one year at a time, with a possibility for extension. However, a permit is never granted for longer than the period specified in the applicant's employment contract.

Researchers, teachers, administrators in managerial positions and specialists are eligible for residence permits lasting a maximum of 3 years, with a possibility of extension for a maximum of 4 years at a time.

Can family accompany the applicant?

An alien does not have an automatic right to bring his or her family to Denmark. If the residence permit is of the sort that can be granted or extended for a stay of 3 years or more, a spouse or cohabiting companion, as well as any underage children living at

home, are also eligible for residence permits. It is, however, a condition that the family can provide for itself and will live together in Denmark.

If a spouse or cohabiting companion is granted a residence permit, he or she has the right to seek employment for the period that the permit is valid.

The Consequences of Illegal Employment

A foreigner who works illegally in Denmark risks deportation, and may be banned from re-entering the country again for a set period of time (usually one year). Offenders also risk punishment via fine or imprisonment. The same rules apply to the employer who hired them.

In order to make the application process run more efficiently, an overview of the professional fields lacking specially qualified manpower has been drafted:

- o IT-specialists: data technology and information engineers, network consultants, programmers, application designers, database developers, software engineers and developers, system technicians and developers, multimedia animators, project leaders, and test engineers.
- o Engineers: in the construction sector, environment and planning, electronics, physics and chemistry, chemistry and biotechnology, machine technology, energy and production, and in the foodstuffs industry.
- o Scientists in the natural sciences and technology sector: mathematicians, statisticians,

- o physicists, chemists, pharmacists, biologists, geologists, and radiographers.
- o Doctors and Nurses: Applicants must possess an authorization from the National Board of Health.

How long are residence permits issued for?

Aliens in the foregoing list are eligible for a residence permit of up to 3 years at a time for their first application with an opportunity for extension. Applicants will receive a residence card, instead of the traditional residence sticker, which means he or she is not required to deposit his or her passport at the Danish Immigration Service during the application processing period.

AU PAIRS

In 1969, the European Council adopted rules to regulate young people's stays as au pairs in foreign countries. These rules remain valid and form the basis of the Danish Immigration Service's standard examination of ap-

plications from foreigners who wish to reside in Denmark as au pairs.

The term 'au pair' roughly translates as 'in equal conditions.' The purpose of an au pair's stay is to improve his or her language and possible professional skills, by residing with a host family 'in equal conditions'. It is intended that the young person should also become more familiarized with the host country.

What requirements must be met?

In order to obtain a residence permit as an au pair, it is mandatory for the applicant to cope up with certain mandatory language and cultural standards in order to reap full benefits from an au pair stay in Denmark. This means that the applicant should be able to speak and understand a reasonable level of Danish, Swedish, Norwegian, English or German language.

In addition, the following conditions must be fulfilled:

- o The au pair must be between

17 and 29 years of age.

- o A written contract must be drafted between the host family and the au pair (and the au pair's parents, if the applicant is under 18). The Danish Immigration Service has drafted a standard contract which must be used.
- o The au pair must receive at least Dkr. 2,500 per month in pocket money from the host family.
- o The au pair must receive free food and lodging in the host family's home.
- o As a rule, the au pair's daily working hours must not exceed 5 hours; the weekly working hours must not exceed 30 hours; and the au pair must have at least one day off per week.
- o There must be at least one underage child living in the home of the host family, and the au pair must be able to assume a familiar status within the family.
- o As a rule, at least one of the parents in the host family must be a Danish citizen.

Rules for au pairs applying for residence permits

An au pair is eligible for a residence permit, but not for a work permit, as the tasks the au pair undertakes for a host family are not formally regarded as work. An au pair may not seek paid or unpaid work in addition to those tasks set by the host family.

However, an au pair job is nevertheless regarded as involving an employer/employee relationship, and is therefore subject to Danish labor vacation legislation, as well as Danish tax laws. The municipal tax office in the host family's local municipality can answer any questions regarding taxation. Questions regarding vacation laws should be directed to *Feriekontoret*, Finsensvej 78, 2000 Frederiksberg, Tel. 38 14 84 84 (Telephone service hours: Monday-Thursday 12-15, Friday 12-14).

How long are residence permits issued for?

An au pair is eligible for a residence permit for a maximum of one year at a time, and never longer than the duration of the au pair contract. The residence permit can be extended to a maximum of two years.

If an au pair applies for an extension of his or her residence permit, he or she is permitted to continue residing as an au pair during the Danish Immigration Service's examination of the application, provided this work continues under the same conditions and with the same host family. The contract between the au pair and the host family must also be extended and submitted together with the application. An au pair may not begin working with a new host family until the Danish Immigration Service has granted permission.

Can family accompany the applicant?

An au pair does not have an automatic right to bring his or her family to Denmark. Only in extreme extenuating circumstances can the Danish Immigration Service grant a residence permit to a spouse, cohabiting companion or underage children living at home. The family must be able to support itself and live together in Denmark. A spouse or registered partner will, in such cases, have the right to seek employment for the duration of the permit's validity.

Consequences of Illegal Residence & Employment

A foreign national may not start work as an au pair without having received a residence permit, and may not take any other form of employment. By doing so, he or she risks deportation from Denmark, as well as a ban on re-entry into the country for a set period (usually one year). The offender also risks punishment via fine or imprisonment.

TO BE CONTINUED

