



Statement after the Act on Marriage Formation and Dissolution
§ 11b concerning
knowledge of Aliens Act rules on family reunification

Pursuant to section 9 (1) (a - d) a residence permit can be issued upon application 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 has obtained a Danish citizenship (a), is a national of one of the other Nordic countries (b), is issued with a residence permit as a refugee (c) or has held a permanent residence permit for Denmark for more than the last 3 years.

Family reunification of spouses is usually subject to the following conditions being met:

- Both spouses must sign a declaration that they will both contribute actively to their (and any accompanying children's) learning Danish and integrating into Danish society to the best of their ability.ⁱ
- The resident spouse must provide financial security to cover any future public expenses for assistance to the applicant pursuant to the Act on active social policies or the Integration Act.ⁱⁱ The amount is adjusted of rates and amounted on the 15th of May 2012 50.000 kr.
- The resident spouse must not within a period of 3 years prior to the decision on residence permit have received assistance cf. the Danish Act on active social policies or the Integration Act.ⁱⁱⁱ This does not include assistance in the form of isolated benefits of a minor amount not directly related to support, or benefits that are comparable with a wage or salary or pension, or replace such payment.
- The resident spouse must prove that he disposes of his own dwelling of a reasonable size.^{iv}

Slotsholmsgade 10
1216 København K.

Telefon 7226 8400
Telefax 3393 3510

www.justitsministeriet.dk
jm@jm.dk

- The spouses' attachment to Denmark must be greater than their combined attachment to another country.^v This does not apply if the resident spouse has held Danish citizenship for 26 years, or was born and raised in Denmark or arrived as a small child and has had his childhood in this country and has legally resided in Denmark for the substantial continuous period of at least 26 years. If the resident spouse was adopted from abroad before the age of 6 and acquired Danish citizenship later in connection with the adoption, the resident is regarded as a Danish citizen from birth.^{vi}
- It must not be considered doubtful whether the marriage was contracted at both parties' own desire.^{vii} If the marriage has been contracted between close relatives or otherwise closely related parties, it is considered doubtful, unless particular reasons make it inappropriate, including regard for family unity, that the marriage was contracted at both parties' own desire.^{viii}
- The resident spouse must not have received a suspended sentence or a sentence of imprisonment or other criminal sanction involving or allowing deprivation of liberty by final judgment of assault against a former spouse within a period of 10 years prior to the adjudication on family reunification.^{ix}
- An application for family reunification to the applicant's accompanying child must not have been refused because the resident spouse or the spouse or partner is sentenced to imprisonment or other criminal sanction involving or allowing deprivation of liberty by final judgment for assault against under-aged within a period of 10 years prior to the date of the adjudication.^x This does not apply if the applicant's child can be required to take up residence with close family in its country of origin and regard for the interests of the child does not make it inappropriate, or if exceptional reasons otherwise make it inappropriate, including regard for family unity.^{xi}

If the resident spouse *does not* have Danish citizenship, citizenship of one of the other Nordic countries or is granted residence as a refugee, family reunification of spouses is usually subject to the following further conditions being met^{xii}:

- The resident spouse must not have been sentenced to a term of imprisonment of at least 1 year and 6 months or other criminal sanction involving or allowing deprivation of liberty for an offense that would have resulted in a sentence of this duration.^{xiii}

- The resident spouse must not have been sentenced to a term of imprisonment of at least 60 days imprisonment for violation of Penal Code Chapter 12 or 13.^{xiv}
- The resident spouse must not be indebted to the public sector unless reprieve has been given and the debt does not exceed 100.000 kr. (102.900 kr. in 2012-level, with the amount rate adjusted annually).^{xv}
- The resident spouse must not within a period of 3 years prior to the application date have received government benefits pursuant to the Danish Act on active social policies or the Integration Act.^{xvi} This does not include support in the form of isolated benefits of minor amounts not directly related to support, or benefits that are comparable with a wage or salary or pension, or replace such payment.
- The resident spouse has passed the Exam in Danish 1 (Prøve i Dansk 1), cf. section 9(1) of the Act on Danish courses for adult aliens, or a Danish language test at a similar or higher level.^{xvii}
- The resident spouse has been enrolled in education, in regular employment or has been self-employed for at least 3 years within the last 5 years prior to the application for residence permit and must still be considered closely connected to the labour market or enrolled in education at the time when the residence permit can be given.^{xviii}

Usually it is made a condition for family reunification that the alien passes a Danish test at level A1 (danskprøve på A1-niveau) or another Danish test at a similar or higher level set up by the Minister of Justice.^{xix} The test must be passed within 6 months from the date of the aliens registration at the national register, or if the alien has already obtained a residence permit in this country, from the notification of residence permit granted pursuant to the Aliens Act section 9(1)(1). If the alien has attended but not passed the test within 6 months, re-examinations can take place until 3 months after the time limit of 6 months.

If highly exceptional reasons make it appropriate, it may be made a condition for a family reunification of spouses, that the person living in Denmark proves that he can maintain the applicant.^{xx}

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

- There must not be definite reasons for assuming that the decisive purpose of contracting marriage is to obtain a residence permit.^{xxi}

The undersigned hereby certifies, that either are familiar with the above mentioned clauses of the Aliens Act section 9(1)(1), (2) - (14) and (30), for family reunification cf. section 11(b) of the Act on Marriage Formation and Dissolution.

Date	Date
Signature	Signature

ⁱ Alien Act, section 9(2) first sentence.

ⁱⁱ Alien Act, section 9(4) first sentence.

ⁱⁱⁱ Alien Act, section 9(5) first sentence.

^{iv} Alien Act, section 9(6).

^v Alien Act, section 9(7) first sentence.

^{vi} Alien Act, section 9(7) second sentence.

^{vii} Alien Act, section 9(8) first sentence.

^{viii} Alien Act, section 9(8) second sentence.

^{ix} Alien Act, section 9(10).

^x Alien Act, section 9(11).

^{xi} Alien Act, section 9(11) second sentence.

^{xii} Alien Act, section 9(12)(1-6). Section 9(13), states that the conditions in subsection 12(1-6) are met if the resident person is granted permanent residence permit cf. section 11(3), or according to section 11(10) and (11) or (14) and (15). If the resident person has reached State Pension age or has been granted incapacity benefit, the conditions in subsection 12(6), are met, cf. Alien Act, section 9(14) first sentence. If a resident person over 18 years has been granted permanent residence permit on the basis of a strong association with Denmark, the conditions in subsection 12(6), is regarded as being met under similar conditions as for the resident according to section 11(11), who could obtain permanent residence permit, according to Aliens Act section 9(14) second sentence.

^{xiii} Alien Act, section 9(12) first sentence.

^{xiv} Alien Act, section 9(12) second sentence.

^{xv} Alien Act, section 9(12)(3).

^{xvi} Alien Act, Section 9(12)(4).

^{xvii} Alien Act, Section 9(12)(5).

^{xviii} Alien Act, section 9(12)(6).

^{xix} Alien Act, section 9(30).

^{xx} Alien Act, section 9(3) second sentence.

^{xxi} Alien Act, section 9(9).

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

"In cases where one party does not have Danish citizenship, citizenship of one of the other Nordic countries or residence permit according to Aliens Act section 7 – 9(f) or section 9(i) - 9(n), and where the other party has obtained citizenship or such residence, marriage cannot be contracted without either party declaring that they are familiar with the clauses of the Aliens Act section 9(1)(1), (2) - (14) and (30). This does not apply if the resident is either an EU / EEA citizen with residence permit under section 6, cf. section 2(4), or a Swiss citizen with residence permit under section 6, cf. section 2(5)."

This statement has been issued by the Ministry of Justice and is effective from 1st of July 2012.