

Fundamental rights of children displaced in the EU following the Russian war of aggression

Denmark

June 2023

Contractor: The Danish Institute for Human Rights

Authors: Trine Otto Hansen and Kia Leopold Thorndahl

Disclaimer

This document was commissioned under contract by the European Union Agency for Fundamental Rights (FRA) as background material for the project 'Fundamental rights of children displaced in the EU following the Russian war of aggression'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

1. Children fleeing Ukraine	3
1.1. Data on children fleeing Ukraine.....	3
2. Child protection – legal, policy framework and procedures in place	8
2.1. Responsibilities of child protection authorities.....	8
2.1.1. Individual children, including unaccompanied and separated children.....	9
2.1.2. Children evacuated from Ukrainian institutions.....	10
3. Guardianship/legal representation arrangements for unaccompanied and separated children fleeing Ukraine	11
3.1. Arrived unaccompanied	11
3.2. Arrived without parents, but with other family members, neighbours or family friends	12
3.3. Arrived within a group, from Ukrainian institution or foster carers (with or without an appointed legal guardian)	12
3.4. Arrived within a group, through private initiatives, such as football clubs (with or without an appointed legal guardian)	12
4. Information and practical challenges in access to basic services for children fleeing Ukraine	13
4.1. General information and challenges	13
4.2. Challenges for children at multiple risk/disadvantage.....	14
5. Policies in place.....	15
5.1. Dedicated action plan and/or integrated measures	15
5.2. European Child Guarantee	16
5.3. Budget	16

1. Children fleeing Ukraine

The EU Temporary Protection Directive does not apply to Denmark due to an opt-out on legal issues. Therefore, Denmark is not legally bound by the directive.¹ However, on 16 March 2022, the Parliament adopted a so-called Special Act called the Act on Temporary Residence Permits for Persons Displaced from Ukraine (the Special Act) (*Lov om midlertidig opholdstilladelse til personer, der er fordrevet fra Ukraine (særloven)*) which entered into force on 17 March 2022.²

The Special Act covers Ukrainian citizens with former residence in the country who departed Ukraine no earlier than 24 February 2022 as well as immigrants who, no later than 24 February 2022, were recognized refugees and who have departed from Ukraine on the same date or later, cf. section 1 of the Special Act.

According to section 3 of the Special Act, the residence permit is time-limited to end on 17 March 2024 but can be extended until 17 March 2025.

1.1. Data on children fleeing Ukraine

Table 1 Children fleeing Ukraine

The national registration system is for all persons seeking intern protection. However, the registration system also contains separate and specific data for displaced Ukrainians.

Category of child	Registration system Y/N	Number of children (as disaggregated as possible) (as of 30 April 2023 unless otherwise specified)
Overall number of children	Y	A total number of 13,096 children between the ages of 0-19 years from the first quarter of 2022 to the second quarter of 2023 obtained a residence permit under the Special Act.

¹ Parliament of Denmark (*Folketinget*), [The Danish opt-outs from EU cooperation](#), 25 November 2022.

² Denmark, [Act on Temporary Residence Permits for Persons Displaced from Ukraine](#) (*Lov om midlertidig opholdstilladelse til personer, der er fordrevet fra Ukraine*), 16 March 2022.

		<p>6,465 were boys and 6,631 were girls. The greatest amount of obtained residence permits were in the second quarter of 2022.³</p> <p>The numbers are provided by Statistics Denmark (<i>Danmarks Statistik</i>) which is responsible for monitoring data collection at the national level. The database is publicly available.</p> <p>Statistics Denmark is an independent institution under the Ministry of Digital government and Gender Equality (<i>Digitaliserings- og Ligestillingsministeriet</i>) with the authority to produce Danish statistics. The Act on Statistics Denmark obliges private business owners as well a public authorities to submit information to Statistics Denmark.⁴</p> <p>The Ministry of Immigration and Integration is responsible for issuing residence permits and must therefore report data concerning permits granted under the Special Act.</p>
Arrived accompanied by mother, father or another legal guardian	N	<p>In Denmark, displaced children from Ukraine who arrive with their custodial parent are neither considered accompanied (<i>ledsaget</i>) or unaccompanied (<i>uledsaget</i>). Instead, these children are considered enclosed (<i>medfølgende</i>).⁵</p>

³ Statistics Denmark (*Danmarks Statistik*), *Statistik*, [VAN77KA: Residence Permits \(Quarterly\) distributed on Residence Permit, Citizenship, Sex, Age and Time](#) (VAN77KA: *Opholdstilladelser (kvarstal) efter opholdstilladelse, statsborgerskab, køn, alder og tid*).

⁴ Denmark, [Executive Order on Statistics Denmark](#) (*Bekendtgørelse af lov om Danmarks Statistik*), 30 May 2018.

⁵ Denmark, Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), [Information Letter on Temporary Guardians to Unaccompanied and Accompanied Refugee Children with a Residence Permit](#) (*Informationsbrev om midlertidige*

		<p>Enclosed children are children who arrive with their custodial parent whereas accompanied children are children who arrive with a legal guardian.</p> <p>Data on enclosed children is not publicly available. The Danish Immigration Service (<i>Udlændingestyrelsen</i>) has stated that all children fleeing Ukraine who applied for a temporary residence permit under the Special Act on displaced persons from Ukraine are registered in the Danish Immigration Service's electronic case and document handling system (ECDH).</p> <p>The Danish Immigration Service has provided the information that 11.641 residence permits were granted as of 30 April 2023 to children who arrived accompanied. Moreover, 55 cases were refused, 528 cases were closed without a decision and 61 cases were rejected.</p>
<p>Arrived without parents, but with other family members, neighbours or family friends</p>	<p>N</p>	<p>In cases that fall under the Special Act, the Danish Immigration Service do not carry out a so-called 'accompanying assessment' of whether displaced children from Ukraine is to be considered unaccompanied (<i>uledsaget</i>) (children arriving without a custodial parent or a legal guardian) or accompanied (<i>ledsaget</i>) (children arriving with a legal guardian).⁶</p> <p>Thus, displaced children from Ukraine who arrive without custodial parents</p>

forældremyndighedsindehavere til uledsagede og ledsagede flygtningebørn med opholdstilladel), 18 April 2018, p. 2.

⁶ Denmark, Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), [Displaced Persons from Ukraine](#) (*Fordrevne fra Ukraine*).

		<p>but with other family members, neighbours or family friends will be considered unaccompanied. Data on unaccompanied children will be provided under the category of “Arrived unaccompanied” right below.</p>
Arrived unaccompanied	N	<p>Data concerning the number of unaccompanied children displaced from Ukraine is not publicly available. The Danish Immigration Service has provided the information that 655 residence permits were granted as of 30 April 2023 to children who arrived without holders of parental authority. Moreover, 0 cases were refused, 155 cases were closed without a decision and 1 case was rejected. “Children who arrived without holders of parental authority” refers to all minors who were not accompanied by holders of parental authority when their residence permit was granted, including fully unaccompanied minors, children who arrived with adult family members, and children with adult family members living in Denmark.</p> <p>According to The Danish Immigration Service it should be noted that the numbers include children born in Denmark before and after the invasion on 24 February 2022 and that the nationality of the children is not only Ukrainian nationality.</p> <p>Moreover, the figures are preliminary, based on administrative records from the electronic case and document handling system (ECDH) from 13 June 2023.</p> <p>Lastly, as a general reservation, it must be mentioned that the statistics are subject to general uncertainty as</p>

		the immigration authorities' electronic case management system is structured as a record-case management system and not as an actual statistical system.
Arrived within a group of children, as an organised evacuation from Ukrainian institutions or foster carers (with or without an appointed legal guardian)	N	Children from Ukraine who arrive without a custodial parent such as children within a group of organised children are considered unaccompanied children. Data on unaccompanied children will be provided under the category of "Arrived unaccompanied" right above.
Arrived within a group of children, through private initiatives, such as football clubs (with or without an appointed legal guardian)	N	Children from Ukraine who arrive without a custodial parent such as children within a private group of children are considered unaccompanied children. Data on unaccompanied children will be provided under the category of "Arrived unaccompanied" above.

2. Child protection – legal, policy framework and procedures in place

2.1. Responsibilities of child protection authorities

The responsibility of child protection is distributed among different governmental institutions.

The Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) is responsible for the reception of displaced Ukrainian children.⁷ The Danish Immigration Service, an agency under the Ministry of Immigration and Integration, is the responsible authority on applications of residence permits.⁸ The Ministry of Interior and Health (*Indenrigs- og Sundhedsministeriet*) is responsible for healthcare for displaced children from Ukraine.⁹ The Ministry of Social Affairs and Housing (*Social- og Boligministeriet*) is responsible for social affairs as well as family law issues such as the appointment of a temporary guardian.¹⁰ Moreover, the Ministry of Children and Education (*Børne- og undervisningsministeriet*) is in charge of education for displaced children from Ukraine.¹¹

Denmark also has 98 municipalities, and these municipalities are responsible for a large part of child protection systems. However, each municipality has its own form of organisation as well as own guidelines and agreements with the regional and national level. The local administration is governed by a political council. The council oversees

⁷ Denmark, Ministry of Immigration and Integration, [Areas of Responsibility](#) (*Arbejdsområder*).

⁸ Denmark, National Board of Immigration, [About us](#) (*Om os*).

⁹ Denmark, Ministry of the Interior and Health, [Healthcare for Displaced Ukrainians](#) (*Sundhedshjælp til ukrainske flygtninge*).

¹⁰ Denmark, Ministry of Social Affairs and Housing, [Information About Ukraine and Social Affairs](#) (*Information om Ukraine og socialområdet*).

¹¹ Denmark, Ministry of Children and Education, [The Situation in Ukraine](#) (*Situationen i Ukraine*).

design and decision-making of overall policy matters. For example, the municipality of Copenhagen has established a hotline for information to displaced Ukrainians¹² whereas the municipality of Aarhus has created a counselling centre that is open on Tuesday and Thursday mornings for newly arrived Ukrainians¹³.

2.1.1. Individual children, including unaccompanied and separated children

Displaced children who are covered by the Special Act are equated with refugees within the meaning of the Integration Act (*Integrationsloven*).¹⁴ Thus, the provisions of the Integration Act for refugees apply to displaced children from Ukraine who have obtained residence permit under the Special Act.

Displaced children who are granted a residence permit under the Special Act are not covered by rules concerning responsibility of integration stipulated in the Integration Act. Instead, the Danish Immigration Service refers the child to a municipality which becomes responsible for the integration of the child.¹⁵ The child is subject to the same rules as other children, including the right to school as well as special offers and measures in accordance with the Social Service Act (*Service-loven*).¹⁶

The Danish Immigration Service has provided the information that as soon as possible upon arrival in Denmark, all minors without holders of parental authority will have a personal representative appointed regardless of whether the minor stays with adult relatives, foster family or any other adults. Minors who arrive without holders of

¹² Denmark, Municipality of Copenhagen, [Do you have questions to the municipality about the reception of displaced persons from Ukraine?](#) (*Har du spørgsmål til kommunen om modtagelse af fordrevne fra Ukraine?*).

¹³ Denmark, Municipality of Aarhus, [Where you can find information](#) (*Hvor kan I finde information*).

¹⁴ Denmark, [Executive Order on the Act on Integration of Immigrants in Denmark \(the Integration Act\)](#) (*Bekendtgørelse af lov om integration af udlændinge i Danmark (integrationsloven)*), 22 June 2020.

¹⁵ Denmark, Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), [Displaced Persons from Ukraine](#) (*Fordrevne fra Ukraine*).

¹⁶ Denmark, Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), [Information Letter on Temporary Guardians to Unaccompanied and Accompanied Refugee Children with a Residence Permit](#) (*Informationsbrev om midlertidige forældremyndighedsindehavere til uledsagede og ledsagede flygtningebørn med opholdstilladel*), 18 April 2018, p. 4.

parental authority include fully unaccompanied minors, children who arrived with adult family members and children with adult family members living in Denmark.

The Danish Immigration Service initially requests the Danish Red Cross to suggest a personal representative. The Agency of Family Law then officially appoints the personal representative. The main purpose of this framework is to ensure that every minor who arrive without holders of parental authority will receive personal and steady support when their cases are processed in Denmark. The personal representative can support and guide the child and can make the same decisions as a holder of parental authority, e.g. about legal matters.

When a minor who arrived without a parental authority holder is granted a residence permit in Denmark, the Danish Immigration Service requests the Agency of Family Law to assess whether a temporary holder of parental authority should be appointed.

2.1.2. Children evacuated from Ukrainian institutions

The Danish Immigration Service has provided the information that unaccompanied minors fleeing Ukraine have access to accommodation in ordinary reception centers for unaccompanied minors. The Danish Immigration Service does not operate reception centers specifically for Ukrainian unaccompanied minors.

3. Guardianship/legal representation arrangements for unaccompanied and separated children fleeing Ukraine

3.1. Arrived unaccompanied

Children fleeing Ukraine fall under the same guardianship as other third-country national children.

As explained in section 2.1.1., a minor under the age of 18 who arrives unaccompanied will be appointed a representative to look after his or her interests, cf. Section 56 (1) of the Danish Aliens Act (*Udlændingeloven*). An organisation approved by the Minister for Immigration and Integration nominates a person for the position as representative at the request of the Danish Immigration Service (*Udlændingestyrelsen*).¹⁷ The Danish Red Cross is an approved organisation.¹⁸ The representative will have the authority to make all decisions that a custodial parent can normally make on behalf of the child.¹⁹

When an unaccompanied minor is granted a residence permit in Denmark, a temporary guardian must be appointed for the child in accordance with section 28 of the Parental Responsibility Act (*Forældreansvarsloven*).²⁰ The decision of temporary custody is made by the Agency of Family Law (*Familieretshuset*). Even though the

¹⁷ Denmark, [Executive Order on the Danish Aliens act](#) (*Bekendtgørelse af udlændingeloven*), 25 August 2022, section 56 (1).

¹⁸ Denmark, [Guidance Note on Handling Cases Involving Representatives of Unaccompanied Minor Immigrants](#) (*Vejledning om behandling af sager om repræsentanter for uledsagede mindreårige udlændinge*), 20 March 2019, section 2.1.1.

¹⁹ Denmark, [Guidance Note on Handling Cases Involving Representatives of Unaccompanied Minor Immigrants](#) (*Vejledning om behandling af sager om repræsentanter for uledsagede mindreårige udlændinge*), 20 March 2019, section 1.

²⁰ Denmark, [Parental Responsibility Act](#) (*Forældreansvarsloven*), 30 November 2020.

parental authority is described as temporary, temporary custody will often last until the child turns 18 years.²¹

3.2. Arrived without parents, but with other family members, neighbours or family friends

Children arrived without parents, but with other family members, neighbours or family friends are considered unaccompanied children.

3.3. Arrived within a group, from Ukrainian institution or foster carers (with or without an appointed legal guardian)

Children arrived within a group, from Ukrainian institution or foster carers, are considered unaccompanied children.

3.4. Arrived within a group, through private initiatives, such as football clubs (with or without an appointed legal guardian)

Children arrived within a group, through private initiatives, are considered unaccompanied children.

²¹ Denmark, [Guidance Note on Handling Cases Involving Representatives of Unaccompanied Minor Immigrants](#) (*Vejledning om behandling af sager om repræsentanter for uledsagede mindreårige udlændinge*), 20 March 2019, section 2.2.1.

4. Information and practical challenges in access to basic services for children fleeing Ukraine

4.1. General information and challenges

The Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) has developed a National Integration Barometer (*Det nationale integrationsbarometer*) which maps out the integration efforts and developments in Denmark. The website provides data on enrolment of education. The data is updated on 12 April 2023 and includes children with a residence permit under the Special Act. In the age group of 0-5-year-old children, 71% are enrolled in day care. In the age group of 6-16-year-old children, 87% are enrolled in primary schools.²² In Denmark, there is 10 years of compulsory education which takes place when the child is 6 years old to 16 years old.²³

A report carried out by Save the Children Denmark (*Red Barnet*) in February 2023 finds that children displaced from Ukraine have been well received in Denmark but also that more children express that they feel more alone and lonely in Denmark than they usually do at home. Moreover, the survey indicates that many children also have difficulty finding a foothold in the communities at school and that they do not become part of leisure life.²⁴

²² Denmark, The National Integration Barometer (*Det nationale integrationsbarometer*), [How many children are enrolled in day care or primary school?](#) (*Hvor mange børn er indskrevet i dagtilbud eller grundskole?*), 12 April 2023.

²³ Denmark, Ministry of Children and Education, [Start of School and Compulsory Education](#) (*Skolestart og undervisningspligt*), 21 June 2023.

²⁴ Save the Children Denmark, [From Ukraine to Denmark](#) (*Fra Ukraine til Danmark*), February 2023, p. 15-16.

4.2. Challenges for children at multiple risk/disadvantage

The Special Act aligns with the EU directive to some extent. In a few areas, however, the national legislation is different from the EU regulation. For example, the Special Act does not protect persons with permanent residence permits in Ukraine. Moreover, the Special Act does not deal with issues of stateless persons in Ukraine. Lastly, other persons, such as students, with legal residence in Ukraine, are not included in the protected group of people in the Special Act.²⁵ Thus, children with a permanent residence permit in Ukraine, state-less children, and children with lawful residence in Ukraine are not granted a residence permit in Denmark under the Special Act.

²⁵ The Danish Institute for Human Rights, [Public Consultation Memo on the Proposal for the Act on Temporary Residence Permits for Persons Displaced from Ukraine](#), 15 March 2022.

5. Policies in place

5.1. Dedicated action plan and/or integrated measures

In April 2022, the Danish Government and several other parties made an agreement on increased flexibility in the reception of displaced children and young people from Ukraine in the field of children and education. The agreement entails that the municipalities will have the opportunity to establish special offers for displaced children and young people from Ukraine and greater flexibility for the municipalities to organise offers in the day care and primary school areas. Moreover, it will be possible to teach displaced persons from Ukraine in English and Ukrainian in primary schools and in youth and adult education institutions.²⁶ As an extension of the agreement, the Parliament adopted two acts on 19 May 2022. One act concerned special primary schools in the municipalities for children and young people displaced from Ukraine.²⁷ The other act concerned special care and education opportunities for displaced children and young people from Ukraine.²⁸ The acts gave the municipalities increased flexibility to find local solutions in the area of day care and primary schools.²⁹

²⁶ Ministry of Children and Education (*Børne- og Undervisningsministeriet*), [Political Agreement on Increased Flexibility in the Reception of displaced Children and Young People from Ukraine in the field of Children and Education](#) (*Politisk aftale om øget flexibilitet i modtagelsen af fordrevne børn og unge fra Ukraine på børne- og undervisningsområdet*), April 2022.

²⁷ Denmark, [Act on Municipal Special Primary Schools for Children and Young People Displaced from Ukraine](#) (*Lov om kommunale særlige grundskoler for børn og unge, der er fordrevet fra Ukraine*), 24 May 2022.

²⁸ Denmark, [Act amending the Daycare Act, Act on the Primary School and Various Other Laws](#) (*Lov om ændring af dagtilbudsloven, lov om folkeskolen og forskellige andre love*), 24 May 2022.

²⁹ Denmark, Ministry of Children and Education, [New Legislation on the Reception of Displaced Children and Young People from Ukraine has been adopted by the Danish Parliament](#) (*Ny lovgivning om modtagelsen af fordrevne børn og unge fra Ukraine er vedtaget af Folketinget*).

5.2. European Child Guarantee

The national action plan on the implementation of the European Child Guarantee addresses the need for protection of displaced children from Ukraine. Firstly, displaced children from Ukraine have access to day care and primary school education in Denmark. Secondly, displaced young people from Ukraine have access to youth education if the general requirements for entry are fulfilled. Thirdly, persons from Ukraine, who holds a legal residence permit, is covered by the Service Act (*Serviceoven*) and is entitled to social service benefits.³⁰

5.3. Budget

There is not a specific budget allocated for displaced children from Ukraine in the current or future annual budgets. However, as a result of the adoption of the Special Act as well as an updated forecast on the number of displaced persons from Ukraine, the budget in various areas that relate to displaced children from Ukraine have been increased. For example, in the current annual budget, the budget allocated to ordinary child allowance has been increased by 23.3 million DKK in 2023 and 5.9 million DKK in 2024 as a result of the adoption of the Special Act.³¹ The current Finance Act 2023 was adopted by Parliament on 16 May 2023.³²

³⁰ Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), [The Danish Action Plan for the Implementation of the European Child Guarantee](#) (*Den danske handlingsplan for implementering af den Europæiske Børnegaranti*), 30 April 2022, pp. 40-42.

³¹ Ministry of Finance (*Finansministeriet*), [Proposal on Finance Act 2023](#) (*Forslag til finanslov for finansåret 2023*), March 2023, p. 271.

³² Parliament (*Folketinget*), [L 65 Proposal on Finance Act 2023](#) (*L 65 Forslag til finanslov for finansåret 2023*).