

Denmark: Stop revoking residence permits of Syrian refugees and end their arbitrary detention

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The ICJ condemns the Danish authorities' practice of revoking residence permits of Syrian refugees, mainly women and older men, on the false premise that Syria is safe for refugees' return. Partly due to a lack of diplomatic relations with Syria, Denmark cannot forcibly remove refugees and instead detains them. These practices should end immediately, individual assessments must be carried out in each case, and those detained pending removal should be immediately released, the ICJ said.

"International law requires that before any forcible removal, an individualized assessment of risks for each individual must be made and the principle of *non-refoulement* must be respected at all times," said Róisín Pillay, ICJ Europe and Central Asia Director.

The principle of *non-refoulement*, prohibiting States to transfer anyone to a country where he or she faces a real risk of persecution or other serious human rights abuses, is a fundamental principle of international law and one of the strongest limitations on the right of States to control entry into their territory and to expel aliens as an expression of their sovereignty, as set out in Article 33 of the Geneva Refugee Convention and Article 3 of the Convention against Torture.

"Immigration detention pending removal is permitted only for as long as removal proceedings are in progress, and only if such proceedings are executed with due diligence and there is a realistic prospect that removal will be carried out within a reasonable time. Denmark's practices fail to meet these standards as set out in international and EU law," Pillay added.

At least 189 Syrians have had applications for renewal of temporary residency status denied since last summer, a move the Danish authorities said was justified because of a report that found the security situation in some parts of Syria had "improved significantly". In March, [ECRE](#) and the Danish Refugee Council reported that the geographical scope of reassessments of cases of Syrian nationals has been expanded to include cases from greater Damascus with hundreds of cases set to be reassessed by the Appeals Board in 2021.

"The 'improved situation' assessment in Syria does not reflect the reality on the ground and runs counter to assessments of the UN, the European Parliament and other countries", said Róisín Pillay.

On 11 March, the European Parliament adopted a [resolution](#) on the conflict in Syria which "(r)eminds all Member States that Syria is not a safe country to return" for refugees, and "calls on all EU Member States to refrain from shifting national policies towards depriving certain categories of Syrians of their protected status, and to reverse this trend if they have already applied such policies." The EP also opposed any "normalization of diplomatic relations with the Syrian regime as long as there is no fundamental progress on the ground in Syria, with clear, sustained and credible engagement in an inclusive political process."

The UNHCR [considers](#) that "changes in the objective circumstances in Syria, including relative security improvements in parts of the territory, are not of a fundamental, stable and durable character so as to warrant cessation of refugee status on the basis of Article 1C(5) of the 1951 Convention." Furthermore, "in light of continued conflict, insecurity, and contamination with explosive remnants of war (ERW); severe concerns about the rule of law and widespread human rights violations and abuses, including against returnees; fragmented community relations and a lack of genuine reconciliation efforts; massive destruction and damage to homes, critical infrastructure and agricultural lands; and deepening economic and humanitarian crises, which are compounded by the COVID-19 pandemic, UNHCR continues to call on states not to forcibly return Syrian nationals and former habitual residents of Syria, including Palestinians previously residing in Syria, to

any part of Syria, regardless of whether the area is under control of the Government or under control of another state or non-state entity. "

"The Danish authorities' assessment of the situation in Syria refers solely to the situation of wide-spread violence and bombing in some parts of Syria, in total disregard of the continuing hostilities in other parts of the country, as well as Syria's abysmal human rights record, including widespread and systematic use of torture and other ill-treatment, arbitrary detention and enforced disappearances," said Said Benarbia, ICJ MENA Director.

Background and further information

In December 2019, the Refugee Appeals Board confirmed the Danish Immigration Service's first instance decisions to reject the protection needs of three female asylum seekers from Syria. The Danish Refugee Appeals Board (Flygtningenaevnet) has declared the situation in the Rif Damascus governorate (greater Damascus) safe enough for return, widening the geographical area considered safe by Danish authorities.

In February 2020 the Danish Social Democratic government confirmed to parliament that despite the alleged improved security situation in Damascus no forced returns would be carried out as it would involve direct cooperation with the regime. However, despite the lack of practical ability to return by force, Minister for Immigration demanded in June 2020 an acceleration of reassessments of the cases of hundreds of Syrian nationals from the Damascus area.

On 30 March 2021, a statement of the fifth Ministerial conference co-chaired by the European Union and the United Nations on "Supporting the Future of Syria and the Region" stated that "(...)conditions inside Syria have not been met for the promotion or organization of large-scale, safe and dignified voluntary return in line with international law" and that "all governments hosting refugees and asylum seekers in the region and beyond must uphold non-refoulement and commit to a moratorium on summary deportations of Syrian refugees."