

Udvalget for Udlændinge- og  
Integrationspolitik  
UUI alm. del - Bilag 92  
Offentlig

United Nations High Commissioner for Refugees  
Case Postale 2500  
CH-1211 Genève 2 Dépôt  
Suisse.

Copenhagen, 24. October 2004

RE: The low social assistance offered to refugees in Denmark,

Dear UNHCR,

We write in frustration. The past two years refugees in Denmark have received a significantly lower level of social assistance than Danish citizens. During this period numerous of organizations, individuals, politicians and professionals have urged the Danish Government to change the law as it has clear negative impacts.

Refugees arriving to Denmark are faced with economic problems and social isolation. They are left in a disgracing dependency on local authorities for additional ad hoc payments. They are left without adequate possibilities to participate and integrate themselves into the Danish society.

However, none of these arguments have changed the opinion of the Danish Government. In frustration we write this letter.

We urge you to evaluate whether the level of social assistance offered to refugees in Denmark is in agreement with the 1951 Refugee Convention.

#### **Legal status**

Back in 1998, an earlier attempt to discriminate between refugees and Danish citizens<sup>1</sup> was stopped following critique from UNHCR.<sup>2</sup> Back then UNHCR concluded *"that the lower social assistance to be given to refugees is indeed not in accordance with Article 23 of the 1951 Convention."*

The new social assistance scheme has been modified so that it applies to everyone, also Danish citizens, who have not lived in Denmark for seven out of the past eight years. This modification was an attempt to bring the law into conformity with the 1951 Refugee Convention.

However, in the comments given by UNHCR to the draft bill<sup>3</sup> it was stated that *"with regard to international refugee law Article 23 of the 1951 Refugee Convention promotes the equal treatment of refugees with nationals, but as such, i.e. not with selected sub-categories of nationals. There is no reference in the Article to nationals "in the same circumstances", as otherwise appears in some articles of the convention. In any case, clearly a refugee who does not have the same background in and knowledge of the society, the same social and family*

<sup>1</sup> Law nr. 474, July the 1<sup>st</sup>, 1998.

<sup>2</sup> UNHCR, RE. Recent Changes to Danish Legislation concerning Refugees and Integration. Letter ROBNC/0306/98, 7. august 1998.

<sup>3</sup> UNHCR's comments on the Draft Bill on amending the Aliens Act, the Marriage Act and other Acts (Ref: 2001/7310-81), 18. March 2002.

*ties, a comparable grasp of the language, or an economic base on par with a returning Danish citizen, could not be said to be in a comparable position". ... UNHCR therefore questions the rationale, and the legality of this provision of the Draft Bill."*

Moreover, at a meeting held in Denmark on the 23<sup>rd</sup> of October 2003, Brian Gorlick, Regional Protection Officer, UNHCR Regional Office for the Baltic and Nordic Countries, Stockholm, stated that he clearly believed that the reduced payments were in contradiction with the Refugee Convention.

We do lack, however, lack a written statement based on not only the text of the bill but also the practice it given rise to.

### **Economic impact**

In theory the refugees in Denmark could be placed on an equal footing with Danish citizens, if the lower payments was levelled out because of tax or technical reasons, if they received additional ad-hoc social payments of if they all managed to find a job. However, this is not the case.

Firstly, it has been documented without any doubt that the economic assistance offered to refugees in Denmark differ significantly from the ordinary amount offered to Danish citizens. The reduced assistance amounts to 5419 DKK for adults living alone without children, 8986 for couples without children and a supplement of 1355 DKK for each child for singles and 1124 for couples. A survey from late 2003 showed that this amounted to between 52 and 77 percent of the disposable income for Danish citizens receiving the ordinary social assistance.<sup>4</sup> As such the economic discrimination is severe.

The Danish Council for Socially Marginalised People concluded in a report that *"the social assistance offered to refugees was below the basic level of living costs needed to live a decent life in Denmark. (...) This leaves this group of people as acutely threatened people in an unfair economic situation."*<sup>5</sup>

Secondly, surveys have revealed a highly uneven practice between different municipalities with it comes to additional ad hoc payments of social assistance to refugees. In some municipalities refugees do receive additional assistance. In others they do not. In total, a survey showed that 44 percent of those receiving the reduced social assistance did not get additional ad hoc payments.<sup>6</sup> In this respect it should be remembered that the refugees are not free to move between different municipalities during their first three years in Denmark. If they move, they risk losing their right to enter the integration programme and they risk being refused social assistance or having it reduced.

Thirdly, it is clear that the job opportunities for refugees have not secured them a living standard equal to that of Danish citizens. A survey has shown that the reduced social assistance has not led to an increased participation in the formal job market.<sup>7</sup> Two surveys carried out by Danish newspapers have shown that only between 4 and 9 percent of newly arrived refugees find a job.<sup>8</sup>

<sup>4</sup> Starthjælpsnetværket (2003): Undersøgelse af de økonomiske konsekvenser for flygtninge, der lever af starthjælp. <http://www.starthjaelpnet.dk/cms/uploads/arkiv/upload/fil/starthjaelp.pdf>

<sup>5</sup> The Council for Socially Marginalised People (2004): Sociale ydelser i et fattigdomsperspektiv. <http://www.udsatte.dk/publikationer/sociale-ydelser1103/publikation.pdf>

<sup>6</sup> Politiken, 12 februar 2004.

<sup>7</sup> CASA (2004): Starthjælp og introduktionsydelse - Hvordan virker ydelserne? Rapport skrevet af Finn Kenneth Hansen og Henning Hansen. [http://www.casa-analyse.dk/files/pdf/Starthi\\_og\\_introduktionsydelse~.pdf](http://www.casa-analyse.dk/files/pdf/Starthi_og_introduktionsydelse~.pdf)

<sup>8</sup> Ejrnæs, M. (2004): Flygtningefattigdommen forværres og regeringen gør fortsat intet. <http://www.starthjaelpnet.dk/kommentar.php>

### **The necessary next step**

In conclusion, we find that the negative impact of the reduced social assistance scheme for refugees in Denmark has been proven without any doubt. We see the effects everyday. We meet the refugees who suffer. We see how they - and their children - cannot participate at a decent and equal level in the Danish society. We see them locked into poverty and problems.

To now, we have trusted that the evidence would speak its own language. That it would convince the Danish government that the reduced social assistance to refugees is a wrong, unfair and short-sighted policy. Unfortunately it has not.

The Danish Prime Minister Mr. Anders Fogh Rasmussen and the Minister for Integration Policy, Mr. Bertel Haarder has stated that Denmark will respect its international obligations.

Our last resort is therefore to ask you to judge whether the reduced social assistance scheme offered to refugees in Denmark is in accordance with the 1951 Refugee Convention.

Thank you in advance for your reply. Thank you for your attention.

Best regards,

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