

Minister for Immigration and Integration

The European Commission



Ministry of Immigration,
Integration and Housing

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Boligministeriet

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Case no. 2016 - 14789

Dear Commissioner Avramopoulos,

Thank you for your letter of 12 December 2016 regarding the implementation by Denmark of the Implementing Decision setting out a Recommendation which allows for the prolonging of temporary internal border control on the basis of Article 29 of Regulation (EU) 2016/399 of 9 March 2016 (Schengen Borders Code), which was adopted by the Council on 11 November 2016.

In your letter, you note that internal border controls should only be carried out as a measure of last resort when other alternative measures cannot achieve the same effect. In this context, you ask for information on the outcome of the Danish reflections on whether alternative measures could achieve the same effect as well as the reasons for opting for border controls.

Let me reassure you that I share your view that internal border controls is a measure of last resort, which should be organised and carried out in an intelligent manner with the aim of not disrupting the normal traffic patterns.

That is also why the Danish border controls consist of spot checks based on continuous observation of traffic across the border. This means that only some vehicles are being examined based on a specific assessment. The assessment is made on the basis of analyses, intelligence and the experience of the border guards. The above-mentioned analyses are being put into operation via specific profiles of vehicles with possible irregular migrants and profiles of human smugglers and traffickers. It should be noted in this regard, that the National Police produces an intelligence assessment, which is being continuously updated, regarding the migration situation to the police districts. This intelligence assessment is available to be used by the police districts in their operational work with border control.

Furthermore, it is important to be aware that the spot checks are targeted towards passengers on the ferries to Rødby and Gedser as well as towards persons and vehicles crossing the Danish-German land border in Southern Jutland. As for the land border, the main focus is on the three most busy border crossings, namely Kruså, Padborg and Frøslev. The situation is monitored closely, and the control effort is adjusted accordingly to ensure public order and internal security.

Please find below information on the results of the checks carried out since the Implementing Decision was adopted by the Council.

In the past month, a total number of 260.249 persons have been checked at the Danish ports with ferry connections to Germany or at the Danish-German land border, 140 persons have been refused entry, and 235 persons have applied for asylum, of which 71 applications have been submitted in the police districts closest to the border. Furthermore, a total number of 110 requests according to the Dublin Regulation to another Member State have been made since 11 November 2016 (until 4 December 2016), and the Danish Immigration Service has made 111 decisions to transfer an asylum seeker to another Member State based on acceptance of responsibility from the Member State. The numbers broken down per week are:

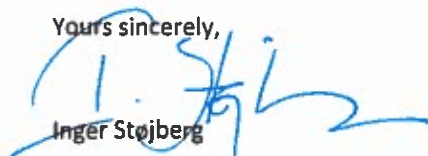
Week	Number of persons checked	Number of refusals of entry	Number of asylum requests	Number of asylum requests in border area	Dublin requests	Dublin decisions
46	52574	29	73	21	42	48
47	69237	20	61	13	38	36
48	67681	56	43	14	30	27
49	70.757	35	58	23	-	-

Furthermore, there has not been registered a change in the normal traffic patterns that can be directly attributed to the temporary border controls. In relation to this, the Danish Ministry of Business and Growth has informed the Ministry of Immigration and Integration that according to Scandlines – the company that operates the Rødby-Puttgarden and Gedser-Rostock ferry lines between Germany and the islands Lolland and Gedser – the border controls in both Rødby and Gedser run smoothly without any negative economic or operational impact. In addition, the Ministry of Business and Growth has not been approached by any companies, industry associations or other organisations regarding any problems with delays attributed to the border controls.

Although the number of irregular arrivals to Denmark has decreased, the Danish Government considers the temporary border controls to be a necessary instrument in order to prevent an inflow of irregular migrants and asylum seekers who do not want to stay in Denmark, but who cannot continue their onward journey due to the Swedish border controls and ID checks. This could constitute a serious risk for public order and security. In this context, it has been thoroughly considered whether alternative measures could have the same effect. However, the Danish Government does not see a viable alternative. From the point of view of the Danish Government, the controls at the internal borders have an important preventive effect on secondary movements that is not to be underestimated.

In light of the above, the Danish Government considers the border controls to be proportionate with regards to scope, frequency, location and time and limited to what is strictly necessary to respond to the serious threat and to safeguard public policy and internal security in Denmark.

Yours sincerely,



Inger Støjberg