



**FOLKETINGET  
STATSREVISORERNE**



**FOLKETINGET  
RIGSREVISIONEN**

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# **The processing of family reunion applications**

# 1. Introduction and conclusion

## 1.1. Purpose and conclusion

1. This report concerns case processing times and the information provided to the citizens in family reunion cases, i.e. cases where a foreigner applies for family reunion with a Danish citizen or person residing in Denmark with a valid residence permit.

2. The purpose of the study is to assess whether the processing time for family reunion cases is relative to the time it takes to process applications, i.e. the active case processing time. Additionally, the purpose is to examine whether the authorities inform the applicants of the expected processing time and of extensions of the processing time.

3. The Danish Ministry of Immigration and Integration has the overall responsibility for family reunion. The Danish Immigration Service processes the family reunion applications, and the Immigration Appeals Board serves as an instance of appeal for applicants who want to complain about decisions made by the Danish Immigration Service.

4. The Aliens Act does not stipulate any time limit for the processing of family reunion applications. In the guidance to authorities issued by the Danish Parliamentary Ombudsman, it is stated that: ...*“under the principles of good administrative practice in the public sector, cases must be processed within a reasonable time and should not be unduly extended”*. In its performance plan for 2022, the Danish Immigration Service committed to processing 90% of all applications within a maximum of seven months, whilst the Immigration Appeals Board informed the applicants that case processing would take an average of 14 months.

The Ministry of Immigration and Integration has informed Rigsrevisionen that an assessment of case processing times should take into consideration the complexity of the family reunion legislation and the many times it has been amended during the period covered by the study. Additionally, developments in immigration are unpredictable and the war in Ukraine has, for instance, affected case processing times for family reunion applications.

According to the Danish Parliamentary Ombudsman’s guidance to the authorities, information as to when the outcome of the authorities’ deliberations can be expected must be communicated to the applicants without delay. If the authorities are aware that they will be unable to meet the deadline, they need to inform the applicant of the new expected case processing time.

5. Rigsrevisionen took the initiative to carry out the study in September 2022.

### **The Immigration Appeals Board**

The Immigration Appeals Board is an independent body under the Danish Ministry of Immigration and Integration. The board considers appeals of decisions relating to immigration, including decisions made on family reunion by the Danish Immigration Service. The Immigration Appeals Board is composed of several board members and a secretariat. The members of the appeals board are judges, lawyers and civil servants. The secretariat collects all relevant data relating to the appeal cases, makes the legal assessments and drafts decisions for consideration by the board members.



## Main conclusion

**The Ministry of Immigration and Integration has not managed the processing of family reunion applications in a satisfactory manner due to a combination of long proceedings compared to the active processing time, and the fact that some applicants are informed too late of changes in previously communicated processing times as well as expected changes in the processing time.**

### **The processing time is not proportionate to the active case processing time and the development in caseload**

The study found that idle time, i.e. the time during which applications are not actively processed, accounts for most of the total processing time for family reunion applications. Approximately 80% of the processing time for all cases completed in 2022 by the Danish Immigration Service was idle time. In 2022, idle time accounted for 4.7 months of the total processing time of 5.8 months. At the Immigration Appeals Board, approx. 95% of the processing time was idle time, which accounted for 17.2 months of the total processing time of 18 months. Rigsrevisionen agrees with the Ministry of Immigration and Integration that if resources are used efficiently, periods of inactivity are inevitable. However, Rigsrevisionen is of the opinion that the ministry should analyze the workflow in depth to reduce idle time.

On average, it took 24.1 month to process applications that had been appealed and processed by the Immigration Appeals Board but were subsequently remitted to the Danish Immigration Service.

### **The processing time indicated to the applicants by the Danish Immigration Service and the Immigration Appeals Board has often been unrealistic, and the applicants have not consistently been informed in time informed of expected or potential delays in the case processing**

The study found that the Danish Immigration Service keeps the applicants informed of the maximum processing time and that the Immigration Appeals Board keeps applicants informed of the average case processing time. Rigsrevisionen's analysis found that the case processing time communicated to the applicants does not reflect the variations in the time required to process various types of family reunion applications. Therefore, the expected case processing time communicated to many applicants is not realistic.

Rigsrevisionen's analysis also shows that the applicants are not informed within the time limits indicated in the Parliamentary Ombudsman's guidance to authorities. According to the guidance, applicants should be informed of the expected case processing time within one month after receipt of their application. From 2019 to 2022, however, 21% and 6% of the applicants were informed after the time limit by the Danish Immigration Service and the Immigration Appeals Board, respectively. Additionally, 85% of the applicants were not informed by the Immigration Appeals Board about extensions of the case processing time before the expected case processing time had elapsed. The Danish Immigration Service has changed its practice, yet in 2022, 27% of the applicants were still informed of extended case processing time after the expected case processing time had elapsed.-