



## **News from the Danish Parliamentary Ombudsman**

### **Processing times at the Immigration Appeals Board still too long**

25 November 2022

The Immigration Appeals Board still takes too long to make decisions in its cases. This is evident from a new own-initiative investigation carried out by the Parliamentary Ombudsman.

The investigation shows a growing problem with the Board's oldest cases. Where the oldest cases in the first half of 2020 had a processing time of between two and three years and constituted 2 per cent of the Board's cases, the share of cases with such a long processing time had risen to 14 per cent in 2021. Furthermore, the processing time in some cases is now between three and four years.

Overall, 42 per cent of the Board's concluded cases had a processing time of one year or more in 2021.

'The Immigration Appeals Board's cases are often of vital importance to the people involved who can have difficulties in moving on with their lives before they receive the Board's decision. Though the authorities have in recent years started a number of initiatives in order to bring down case processing times, I have unfortunately found that they are still too long and that the Board still spends an unacceptably long time to decide on the oldest cases', says Parliamentary Ombudsman Niels Fenger.

The authorities have stated that the Immigration Appeals Board has taken on nine new case officers over the last months and that the Board will be allocated additional staff resources for a period over the coming months in a targeted endeavour to improve case processing times.

The authorities expect that the Board's average case processing time at the end of next year will have been reduced to approximately eight months.

The Ombudsman's investigation has been carried out in continuation of a similar investigation that he carried out in 2020. Also then, the results showed that the Board spent too much time on its cases.

In the beginning of 2024, the Ombudsman will ask the Immigration Appeals Board for a new statement in order to check whether the proposed measures have had the expected effect.

Read [the Ombudsman's statement](#) (in Danish only)

Further details:

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## **FACTS**

### **The Immigration Appeals Board**

The Immigration Appeals Board is an independent collegial quasi-judicial administrative body. The Board consists of a chairman and a number of deputy chairmen who are judges, and furthermore consists of attorneys who are appointed upon nomination by the Ministry of Immigration and Integration. The Board is served by a secretariat.

The Immigration Appeals Board considers appeals of a number of different decisions relating to immigration, among others the authorities' decisions on family reunification, residence permits on the basis of occupation and employment (work schemes) and permanent residence permits.

### **Rules for case processing times**

Neither the Public Administration Act nor other legislation stipulates any general rules on the authorities' case processing time. The issue of when an authority's processing time in a specific case or in a specific case field exceeds what is acceptable therefore rests – in the absence of stipulated special rules – on a concrete assessment.

However, it follows from good administrative behaviour that cases in the public administration must always be processed within a reasonable time.

The assessment of the reasonableness of the case processing time includes among other things:

- The nature of the case
- The extent of the investigations which the authority has to undertake

- The usual processing time for the type of case
- The actual and legal complexity of the case
- Whether the case, out of consideration for the party or other private or public interests, must be considered more or less urgent.

Read also the Ombudsman's [overview #11](#) regarding case processing time (in Danish only) in the Ombudsman's Guide for Authorities.