

Talking points

- As the Danish authorities are aware, there is an international consensus that all those fleeing the current conflict in the Serbian province of Kosovo are refugees under the UNHCR broader mandate and therefore are in need of international protection. Moreover, at least an important number of them are refugees within the meaning of the 1951 Convention as they are fleeing persecution on account of their ethnicity, religion or political opinion, real or imputed. In view of the aforementioned, the protection granted to *persons evacuated from countries neighbouring the Kosovo province* warrants a set of rights compatible to those granted to 1951 Convention refugees.
- UNHCR appreciate the generosity of the draft law in this regard and wishes to express hope that the provisions for granting work permits will also be implemented with flexibility and generosity. Furthermore, it is appreciated that the Danish authorities are prepared to offer the Kosovar children of school age a specific education program and UNHCR would like to stress the importance of those programs to be of the same quality as the education program offered to the Danish children.
- With regard to the temporary residence permits, UNHCR is of the view that an initial one year residence permit automatically renewable on a yearly basis would both provide the refugees with more stability as well as it would save the Danish authorities a tedious task including stipulating set criteria for renewal of permits and setting up an appeal process in case of denials. The residence permits could be withdrawn or not renewed when and if the situation would warrant an ending of the protection scheme.
- Furthermore, UNHCR is concerned about the various effects of a system in which a person who has benefited from the relatively generous protection under the draft law for two years would then, while his/her asylum application is being processed, be put in the same situation as other asylum seekers and thus enjoy less rights than during the previous years.
- UNHCR would finally like to express a desire to include provision of procedures applicable when ending the protection provided for under the draft law and UNHCR would in this context like to see a formal role for UNHCR consultation.
- With regard to asylum seekers from *Kosovo who continue to arrive in Denmark spontaneously*, UNHCR wishes to reiterate the position as stated in the 6 April 1999 HIGW meeting; namely that asylum applications from individual asylum seekers from Kosovo may be dealt with through the regular asylum procedure unless there are no asylum procedures in place, or where a large-scale influx is overwhelming the existing system. In view of the above and considering the relatively manageable numbers of spontaneously arriving Kosovars in Denmark, UNHCR would like to see that they continue to be granted access to the regular asylum procedure in Denmark.

(20 April 1999)