

How to avoid employing foreign nationals illegally

Information for employers in Denmark



**Ministry of Immigration
and Integration**

Danish Agency for International
Recruitment and Integration

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Your responsibility

This folder describes how to avoid employing foreign nationals illegally in Denmark.

It is your responsibility as an employer to ensure that a foreign employee has the right to work for you. This concerns both paid work and non-paid (voluntary) work. If you employ a person who is not allowed to work for you, you may be subject to a fine or imprisonment. A fine can be DKK 50,000 per month per person employed illegally by you. Under certain circumstances, the fine could be larger.

Where to begin?

Before employing a foreign national you have to determine the citizenship of the person. You do so by checking the person's passport. You can find information about citizenship on the page with the picture of the person under "nationality"*.

Who can start working immediately?

If the foreign national is a Nordic citizen, he or she can start working straightaway. The Nordic countries consist of Finland, Iceland, Norway, and Sweden.

If the foreign national is an EU, EEA or Swiss citizen he or she can start working immediately and apply for a registration certificate at the Danish Agency for International Recruitment and Integration afterwards. The following countries belong to this group:

Austria	Estonia	Latvia	Portugal
Belgium	France	Liechtenstein	Romania
Bulgaria	Germany	Lithuania	Slovakia
Croatia	Greece	Luxembourg	Slovenia
Cyprus (only the Greek part of Cyprus)	Hungary	Malta	Spain
Czech Republic	Ireland	The Netherlands	Switzerland
	Italy	Poland	

*Some people have an alien's passport. For example, a Russian citizen might have a Latvian passport. However, this does not mean that the person is a Latvian citizen, hence the person needs a valid permit in order to work in Denmark. You can find information about citizenship on the page with the picture of the person under "nationality".

Who needs a work permit?

Citizens of countries outside the Nordic countries, the EU/EEA, and Switzerland must hold a valid permit to work in Denmark.*

A work permit may be granted with certain restrictions. For example, students in a higher educational programme are only allowed to work 20 hours a week (but full time in June, July, and August).

Furthermore, a work permit may be limited to one specific employer. This means that if the foreign national changes his or her job, he or she needs to apply for a new work permit.

*Family members of a citizen of an EU country (including Finland and Sweden), an EEA country (including Iceland and Norway), or Switzerland do not need a work permit, if the conditions for residence within the rules of the European Union have been met. Under certain conditions, posted employees for a company in the EU which is to provide a service in Denmark will not need a work permit either. You must contact the Danish Agency for International Recruitment and Integration for guidance on these conditions or you can find information on newtodenmark.dk. Upon application, the Danish Agency for International Recruitment and Integration issues EU residence documents as proof of the right to reside in Denmark.

What does a work permit look like?

If a foreign national has a residence permit in Denmark, the foreign national has a residence card to prove this. A residence card is a credit card-sized plastic card.

It will say on the residence card if the holder is entitled to work and whether the work permit has been granted with certain restrictions.

Documents NOT valid as proof of the right to work in Denmark

The following are examples of documents which are NOT proof of a valid work permit:

- eSkattekort (electronic tax card)
- health insurance card (yellow card)
- residence card issued in a country other than Denmark (for instance Sweden)

How to check whether a person is allowed to work

- Check that it is a Danish residence card (issued in Denmark)
- Check that the card holder is identical with the person on the residence card and the person in the passport (age, height, colour of eyes, shape of ears etc.)
- Check that the card is valid (date of expiry)
- Check that the type of card entitles the holder to work for you by comparing the type of card with the rights regarding work for each card. On page 10 and 11 you will find an overview of the different types of cards

Common misunderstandings

- The employee has a residence permit from another EU country. This DOES NOT entitle the card holder to work in Denmark
- The employee has a residence card type Z. The employer employs the card holder for more than 20 hours a week (full time during June, July, and August)
- The employee has a residence card type R. The employer employs the card holder after the work permit has expired and the card holder has not applied for an extension of the permit.
- The employee has taken up residence outside Denmark, e.g. in Sweden and continues his employment without applying for a new permit as a commuter (commuters should have card type P). However, certain employees such as those with a residence permit as a researcher or under the Fast-track scheme do not need a card type P
- The employee has a residence card type J, but is employed by another employer than the one specified on the card
- The employee is not identical with the person on the residence card

Additional advice

We recommend that you always see the original residence card.

We recommend that you keep colour copies of all relevant documents concerning the employee. Regardless of the employee's nationality, you should keep a copy of the employee's passport. If the employee is a citizen of a country outside the EU, EEA, or Switzerland, you should also keep a copy of both sides of the employee's residence card. In case the Danish authorities wish to check your employees, you will be able to document that you have done what you can to comply with the rules.

Take note of the work permit's date of expiry and make sure that the employee applies for an extension of the work permit when the date of expiry is coming up.

Make sure that the person employed is the same person who shows up to do the work.

Overview of the different types of residence cards

Residence Card type	Duration of residence permit	Rights regarding work
Card A	Temporary	Unlimited work permit
Card B	Permanent	Unlimited work permit
Card C	Temporary	Unlimited work permit
Card D	Permanent	Unlimited work permit
Card E	Temporary	Not permitted to work
Card F	Temporary	Unlimited work permit
Card G	Temporary	Unlimited work permit
Card H	Permanent	Unlimited work permit
Card J	Temporary	Work permit limited to a specific job and a specific employer. Any right to a sideline job will be stated on the card.*
Card K	Temporary	Unlimited work permit
Card L	Permanent	Unlimited work permit

* The sideline job must be naturally related to the job that forms the basis of the residence and work permit. As an example a researcher can be affiliated with several universities as a researcher, but is not allowed to work as a waiter.

Overview (continued)

Card M	Temporary	Unlimited work permit
Card P	Temporary	Work permit limited to a specific job and a specific employer. Any right to a sideline job will be stated on the card*.
Card R	Temporary	Work permit. However, the right to work is either limited to a shorter period of time than the validity period of the residence permit or it is limited to a specific job with a specific employer. The residence card contains information on the limitation. Any right to a sideline job will be stated on the card.*
Card Z	Temporary	Work permit. However, the right to work is either limited to a shorter period of time than the validity period of the residence permit or it is limited to a specific job with a specific employer. The residence card contains information on the limitation. Any right to a sideline job will be stated on the card.*
Card V	Temporary	Work permit limited to a specific job and a specific employer.
Card Y	Temporary	Unlimited work permit

* The sideline job must be naturally related to the job that forms the basis of the residence and work permit. As an example a researcher can be affiliated with several universities as a researcher, but is not allowed to work as a waiter.

You can find updates on all relevant issues concerning employment of foreign nationals on www.newtodenmark.dk

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