



Recognition of foreign qualifications in Denmark

► Since 2003 foreigners have legal access to getting their qualification assessed and recognised in Denmark. There are several methods and initiatives to get foreign qualifications recognised. The article describes the legal basis and procedures for the recognition and assessment of foreign qualifications, both for the labour market and for the Danish educational system. Furthermore, it outlines the role ascribed to qualifications in today's Denmark in the context of the residence permit rule.

The legal framework for recognition of foreign qualifications in Denmark

Qualifications from outside Denmark can be assessed and recognised both for education and training purposes and for general employment purposes. Two laws constitute the main legal framework for recognition of foreign qualifications in Denmark: the "Consolidated Act no. 189"¹ for regulated professions and the "Assessment of Foreign Qualifications etc. Act"².

In addition to compliance with EU regulations, the rationale and justification for preparing and passing the legislation in Danish Parliament originate partly from identified labour market prognoses stating that, in 2020, Denmark will face a huge shortage of persons holding certificates from EQF levels 4 to 7.³ It is expected that foreigners holding a further and higher education qualification from EQF level 6 will contribute to the financing of the Danish public sector⁴ and to the creation of new jobs. Moreover the legislation is seen as a means for promoting open and inclusive behaviour towards foreigners coming to Denmark.

RECOGNITION OF QUALIFICATIONS IN REGULATED PROFESSIONS

The procedures for recognition of qualifications in regulated professions are outlined in the Consolidated Act 189. The Act relates to all cases in which an individual applies for the right to exercise a regulated profession and claims that foreign professional qualifications meet the requirements of a specific profession. Within the so-called regulated professions, authorisation or other formal approval is



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¹ Consolidated Act on the Right to Exercise Certain Professions in Denmark: Consolidated Act no. 189 of 12. February 2010

² Assessment of Foreign Qualifications etc. (consolidation) Act no. 371 of 13. April 2007

³ Danish Federation of Industries Fremtiden kalder – uddanner vi nok – 2010

⁴ Copenhagen Business School: Analyse af højtuddannede indvandreteres bidrag til det danske samfund. Copenhagen 2011

required for a person to be able to practise the profession in question based on foreign professional qualifications. A profession is a regulated profession if it is stipulated either directly or indirectly in statutory or administrative provisions that a certificate or diploma is required for a person to practise the profession in question. Regarding citizens from EU and EEA Member States, the right to practise most of the regulated professions is covered by the European Directive 2005/36/EC.⁵ The co-ordinating function for the implementation of the European Directive is handled by the Danish Agency for Universities and Internationalisation (hereafter the Agency).⁶ As the co-ordinating authority, the Agency is responsible for co-ordinating the competent public authorities' activities and for ensuring that the Directives are implemented in a uniform manner in the vocational areas and professions in question. The competent public authorities (i. e. the authorities that administer the professions) decide whether the terms and conditions for practising the profession have been met. In 2011, the authorities made 1,476 decisions on foreigners' applications to be recognised within a specific profession. Compared to 2010, this figure represents a decrease of 23 per cent, on top of the ten per cent decline seen in 2009. The health sector, medical practitioners, dentists, nurses, midwives etc., constitute by far the largest part of the applications, 76 per cent of all cases.⁷

RECOGNITION OF FOREIGN QUALIFICATIONS FOR EDUCATION AND TRAINING AND FOR LABOUR MARKET PURPOSES

The procedures for recognition of foreign qualifications are regulated by and founded on the Assessment of Foreign Qualifications etc. Act, adopted by the Danish Parliament in 2007. The objective of the Act is: "to secure access to have foreign qualifications assessed with a view to easing access to the Danish labour market and the Danish education system and to improve the possibility of obtaining credit and foreign qualifications within a Danish programme of education" (Part One of the Consolidation Act).

According to the existing legislation, all holders of foreign qualifications are entitled to have their qualifications assessed by the Agency. Furthermore the right to obtain an assessment lies with:

- any authority that requires an assessment for its administrative procedures,
- any educational institution, and

- any unemployment insurance fund considering an application for admission from a holder of foreign qualifications.

(§ 2 Assessment of Foreign Qualifications Act)

When applying for assessment/recognition of qualifications, the applicant shall, as general rule, submit the following documents:

- a letter of application or an application form,
- proof of nationality – e. g. copy of pages in passport,
- evidence of formal qualifications (diploma, certificate, attestation of competence, certificate of apprenticeship or the like). In some cases these documents have to be translated into Danish,
- a list of subjects regarding the applicant's education,
- documentation of any relevant professional experience,
- an authorisation certificate from the country of the applicant stating that she/he is qualified to perform the profession applied for in Denmark (this specifically relates to the right to perform regulated professions in Denmark),
- contact with authorities in the country of education.

The assessment offered by the Agency is a brief statement saying what the applicant's foreign qualification corresponds to in Denmark: which educational level and, if possible, which field of education. This can facilitate foreigners' job-seeking in Denmark. Obviously, an assessment does not guarantee that the applicant will obtain employment. It is up to the individual employers to decide whether they can use the educational qualifications and the occupational experience achieved outside Denmark. In addition, the assessment of foreign qualifications can serve the purpose of obtaining admission to vocational training, upper secondary education and to higher education. It is the general rule that the individual educational institution decides on the admission of applicants with foreign qualifications. The educational institution must, however, use any assessment of foreign qualifications by the Agency as a basis, when deciding whether the foreign qualification satisfies the general entry requirements.

In 2011, the Agency completed 3,983 assessments.⁸ Out of these, 1,932 were covered by the so-called Green Card Scheme (see more below). The rest have been labelled "ordinary assessments" by the Agency. 2,051 ordinary assessments were completed in 2011. The figure represents an increase of five per cent compared to 2010. In the period from 2006 to 2011 the number of completed assessments increased by more than 100 per cent, from 1,008 to 2,051 in 2011. The great bulk of the 2011 applications, 65 per cent, were linked to employment purposes while further

⁵ DIRECTIVE 2005/36/EC of The European Parliament and of The Council on The Recognition of Professional Qualifications of 7. September 2005

⁶ www.iu.dk

⁷ Annual report 2011 of the Danish Agency for Universities and Internationalisation (available only in Danish)

⁸ These and the following statistical figures are captured from the annual report of the Danish Agency for Universities and Internationalisation (available only in Danish).

education was the primary purpose in 35 per cent of cases. The proportion of applications aiming at gaining admission to further education institutions has been increasing constantly during the last five years.

In 2011, as in 2009, the biggest cluster of educational pathways to be assessed was composed of social, commercial and business certificates: 30 per cent of the overall assessment. The group of humanities amounted to 14 per cent.

87 per cent of applications for assessment of foreign qualifications are made by the holders themselves and with the purpose of either looking for a job or applying for admission to an educational institution. Seven per cent of the assessment applications were forwarded by public employers in order to be in a better position to determine salaries for newly employed foreigners. 65 per cent of the applications were aimed at providing the applicant with support when applying for job and 35 per cent were related to entry procedures for further education. 63 per cent of the applications related to women.

38 per cent of the assessments from 2011 were made less than five years after the completion of education. 64 per cent of the assessments were made less than ten years after the completion of education.

In 2011 the average duration for the administrative procedures was 33.4 days. 89 per cent of assessments were completed in less than two months (89% in 2010).

The “Green Card Scheme”

For applicants coming from outside EU/EEA countries the Danish Government established a procedure known as the “Green Card Scheme”⁹ as an opportunity for being granted a residence permit for the purpose of seeking work, and subsequently working, in Denmark. A residence and work permit under the Green Card Scheme is issued on the basis of an individual evaluation using a point system designed to assess the likelihood that the applicant will be able to find qualified work in Denmark.¹⁰ If a person is granted a residence permit under the Green Card Scheme, she/he does not need to obtain a work permit. A residence permit under the Green Card Scheme gives the applicant the right to carry out paid or unpaid work. However, a residence permit under the Green Card Scheme does *not* give the applicant the right to work as a self-employed person (run her/his own business).

In order to be granted a residence permit under the Green Card Scheme the applicant must attain a minimum of 100 points. Points are given for: educational level, language skills, work experience, adaptability, and age. The educational level is by far the most important component in the overall application for a residence permit, as listed below:

- Bachelor’s degree/graduated from medium-length education – 30 points,
- Bachelor’s degree followed by one-year Master’s degree – 50 points,
- Master’s degree – 60 points,
- PhD – 80 points.

The level of academic degrees may vary from country to country, even if they have the same title. For example, a Bachelor's degree from another country may not necessarily be equivalent to a Danish Bachelor's degree. The Danish Agency for Labour Retention and International Recruitment will decide whether it is necessary to have the applicant’s educational level assessed by the Agency. If the applicant’s education is on a level lower than a Danish Bachelor's degree, she/he will not be able to obtain enough points to be granted a residence permit under the scheme.

In this context, brief reference shall be made to a survey from 2010.¹¹ The main conclusions from these papers are:

- 70 per cent of the Green Card holders, 2,100 persons, are either unemployed or working in low skilled jobs. This is stark contrast to the political ambitions of attracting attract highly qualified persons.
- 25 per cent of the Green Card Holders are still looking for a job.

These figures have, obviously, re-opened the discussion on Danish immigration policy and more specifically on the issue of giving foreigners access to the Danish labour market and educational institutions. As already referred to, foreigners outside EU/EEA countries can be granted a residence permit if they attain 100 points on a scale where educational level, language skills, work adaptability and age are the criteria for being awarded points, of which educational level is the most important component overall.

The number of assessments completed in 2011 was 1,932.¹² The figures for 2010 were much higher, 5,455. The big difference between 2010 and 2011 is explained by a backlog of applications from 2009, which were finalised in 2010. In 2011 an application fee (800 EUR) was introduced and this might be another reason for the decline from 2010 to 2011.

⁹ Danish Green Card – www.workpermit.co

¹⁰ Information based on the website: “New to Denmark”, www.nyidanmark.dk/en-us/

¹¹ Integrationsministeriet: *Undersøgelse af Greencard ordning*. København October 2010

¹² Annual report 2011 of the Danish Agency for Universities and Internationalisation

In 2011, the average duration for the administrative procedures was 20.6 days. 98 per cent of the assessments were completed in less than two months (99% in 2010). The reasons for being able to manage the applications within such a short period are primarily explained by the fact that the Agency, temporarily, employed a number of assessors to cope with the high number of applicants.

88 per cent of the foreign qualifications' assessments under the Green Card Scheme originated from Asian citizens: Pakistan 578, India 555, Bangladesh 244 and Nepal 183. 50 per cent of the Green-Card-related assessments from 2011 were made less than five years after the completion of education. 84 per cent of these assessments were made less than 10 years after the completion of education.

Qualifications Board as an intermediary institution

Holders of foreign qualifications may complain about decisions to a special complaints board: the Qualifications Board considers appeals against decisions made by Danish educational institutions regarding credit transfer of non-Danish, and to a certain extent, Danish qualifications and study periods. Furthermore, the Qualifications Board considers appeals against decisions regarding the recognition of prior learning within the Danish adult education system.

The authority and decisions of the Qualifications Board are consultative, in the sense that the board assesses the procedures and content in the credit transfer process. The final decision lies, if need be, within the authority of the Ministry responsible for the actual education.

The Board has a web-site www.iu.dk/kn where on-going cases with decisions are presented, but without reference to the names of persons involved in the procedures.

In 2011, the Board had 33 cases compared to 36 in 2010. 14 appeals were either withdrawn or denied further process. Decisions were made in 18 of the 33 cases; six were granted and twelve rejected.

In spite of visibility campaigns, the Board receives only a limited number of complaints. In addition, the complaints seem to be concentrated within a specific educational area. Apparently students, both Danish and foreign, applying for credit either are satisfied with the assessment of the educational institutions and/or accept possible rejections.

Based on the limited number of cases brought to the Board, the Agency has intensified information and visibility campaigns in order to highlight the options for students, be they Danish or foreign, to complain about decisions con-

cerning the award of credits aimed at either supporting admission to an institution or granting exemptions for subjects/topics on a specific educational pathway.

Preliminary experiences with the recognition system

The system of assessing and recognising foreign qualifications in Denmark is a relatively new phenomenon and hence assessments and evaluations can only be preliminary and based on limited information. It became obvious that verification of the authenticity of the certificates has become a still more important part of the assessment procedures. In 310 cases, the Agency had to reject the applications because of reasonable doubt concerning either the authenticity of the certificate or the validity of the awarding institutions decision. Specific focus has been directed at the so-called "diploma mills", which can be either individuals or companies specialised in producing fake certificates/examination papers. In one case, submission of a fake diploma led to imprisonment of the applicant.

Nevertheless, some trends indicating a development can be discerned, which seems to be valid and to continue in the coming years.

- The numbers of qualification assessments (the Green Card Scheme excluded) seem to be on a constant rise from 1,416 in 2007 to 2,051 in 2011.
- The purpose of going through an assessment procedure is still primarily motivated by getting employment in Denmark (65 % in 2011), but applications related to educational matters (admission to Danish institutions) have been on the rise (22 % in 2007 and 35 % in 2011).
- The number of approvals of regulated professions has been declining since 2008 (1,907) compared to 1,476 in 2011. This development is obviously disappointing, seen in the EU overall context of promoting mobility of labour. Without jumping to hasty conclusions, one may presume that this decline can be explained (mainly) by the economic crisis prevailing in a global context.

Reference has already been made to frequent political discussions concerning the extent and content of services provided to foreigners when it comes to granting recognition of qualifications and giving admission to studies in Denmark. ■