

As an EU-citizen, have you been denied entry into Denmark prior to your studies because of COVID-restrictions?

We ask you to quickly contact us at MA if you – as an EU-citizen, who due to COVID-restrictions have been denied entry into Denmark prior to starting your studies – have also experienced the following:

- You were denied eligibility for unemployment insurance (*dagpenge*) due to not being a legal resident and residing in Denmark prior to starting your studies, or
- you refrained from applying for *dagpenge* as a graduate, as you did not meet the criteria at the time.

The responsible government body, *Styrelsen for Arbejdsmarked og Rekruttering* (STAR), have recently found that the *dagpenge*-rules requiring a Danish place of residence in times of travel restrictions are in contravention of settled EU law.

The rules

The criteria for income level and employment are both considered met if a member of the a-kasse has completed an education according to §54 in *Lov om Arbejdsløshedsforsikring m.v.*

To be eligible for *dagpenge*, the rules require a legal residence and that the applicant is residing in Denmark immediately prior to starting the studies, as well as no later than 14 days following completion.

STAR's decision

STAR have become aware that the rule requiring a Danish residence in order to receive *dagpenge* can not be justified in a situation, where an EU-citizen – due to COVID-related travel restrictions – has been denied entry prior to starting their studies.

According to STAR's assessment, this would in effect be discriminatory as no Danish citizens met similar restrictions during this period. Accordingly, maintaining a rule requiring residence in Denmark prior to starting the studies as a prerequisite for *dagpenge* eligibility is deemed to contravene EU-law in periods where travel restrictions apply.

Therefore, STAR has written a new instruction concerning the eligibility for graduate-rate *dagpenge* of EU-citizens, who during 2020 and 2021 were denied cross-border travel due to COVID-restrictions, and who as a result could not maintain a legal residence, or be resided, in Denmark prior to starting their studies.

Criteria for membership

If you as an EU-citizen did not meet the requirement for a Danish residence prior to your studies, you will now be eligible for membership of MA and graduate-rate *dagpenge* regardless of whether you met the residence criteria.

However, the following points must apply to your case:

- You were denied entry into Denmark due to COVID-related travel restrictions.
- A remote-learning option must have been offered by the educational institution as a substitute for in-person classes.
- Unless you had a valid reason, you must have had legal residence – and have resided – in Denmark no later than the start of the fall semester of 2020 or 2021, respectively.
- You must have legal residence and reside in Denmark on the final date of your studies.
- You must either:
 - have applied for membership by the final date of your studies, or
 - be able to substantiate that you did not seek membership as a result of MA's guidance or due to you not meeting the residence criteria as they were explained on the MA website.
- Your membership will be retroactive from the date of the application or the final date of your studies.
- Your membership fee would likewise be collected retroactively from the beginning of your membership.

Dagpenge payment in arrears

Dagpenge can only be paid out retroactively if the standard criteria are met, including a legal address and residence in Denmark. Additionally, you must also have been registered as unemployed with the jobcentre and have met the conditions for availability (or *rådighed*) during the period in question. This corresponds to the current rules regarding payment in arrears of *dagpenge*.