

Switzerland¹

IHF FOCUS: Citizenship; intolerance, xenophobia, and ethnic discrimination.

In Switzerland, the law allowed local residents to decide whether or not to grant Swiss citizenship to long-term foreign residents.

■ On 13 December, voters in the town of Beromuenster, canton Lucerne, rejected an application for Swiss citizenship by Litafet and Ganimet Ganijai. Five other immigrants from the former Yugoslav republics also applied for citizenship and were likewise refused.

The result of the case involving 21-year-old twin sisters whose parents had immigrated from Kosovo was representative of other similar cases. The two young women had grown up in Switzerland, attended the local schools and were perfectly socially integrated – yet voters in their hometown refused, for the third time and for no obvious reason, to grant them Swiss citizenship.

Like most applicants in similar cases, the Ganijai sisters more than fulfilled the stringent formal requirements stipulated under federal law.

According to the federal law on citizenship, before an application for citizenship can be filed, a foreigner must have resided in Switzerland for 12 years; time spent in Switzerland between the ages of 10 and 20 inclusive counted double. Further, authorities had to monitor whether an applicant was integrated into the Swiss environment, familiar with local customs and abided by the law.

Upon fulfilment of those requirements, the decision to grant citizenship was left to the discretion of the residential community. Community rules also determined the min-

imum number of years of local residence required before an application could be filed.

Depending on cantonal regulations, the decision-making body was comprised of either the local parliament or the voters. Rarely, the administrative office made decisions on this matter. As there was no legal right to citizenship, their decisions were final and could not be appealed.

If the decision to grant citizenship fell upon the local parliament, the administrative office usually submitted a report on the applicants, commenting not only on their level of integration, knowledge of the local language, and general obedience to the law, but also on very personal details about their family life and general background.

The refusal to grant citizenship was mostly based on vague criteria such as a “lack of integration” or an “unwillingness to accept local habits.” The fact that a candidate was considered an unpleasant person with a difficult character could even serve as the pretext for refusing citizenship.

■ On 26 November, the council of Kappelen, canton of Berne, turned down an application for citizenship made by a 19-year-old apprentice who had immigrated with his parents from Yugoslavia and grown up in Switzerland. The reason for the refusal was that his superior had attested to his “difficult character.”

Similar cases, which primarily involved nationals of the former Yugoslav republics, occurred in other communities in several cantons in the German-speaking region of Switzerland.

Often, the grounds on which the refusal of citizenship was based remained unknown because the sessions of the town councils

¹ Based on the report by the Swiss Helsinki Committee to the IHF.

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were not always open to the public and applicants did not receive detailed information on the reasons for the refusal.

The situation was even worse in those localities where the decision to grant citizenship was made by public ballot. Voters generally had little information on the personal background of the candidates. Particularly in the German speaking region of Switzerland, requests for citizenship made by foreigners who did not come from EU countries were systematically turned down. This negative attitude was directed at nationals of the former Yugoslavia in particular, who constituted the second largest group of foreigners residing in Switzerland, and immigrants from Turkey.

■ In September, in the town of Emmen, canton Lucerne, voters (by a large majority) granted two women from Italy and Spain a request for Swiss citizenship and simultaneously rejected the applications of a family and a man from former Yugoslavia.

■ Voters in Wattwil, canton St. Gall, recently refused for the second time to grant citizenship to a Turkish immigrant and his family despite the fact that he had been living in Wattwil for nearly 30 years and all of his children had been born in Switzerland.

Authorities in numerous cantons openly admitted that nationals from the former Yugoslav republics actually had little to no chance of obtaining citizenship.

Candidates whose applications were rejected were only able to file another request after a certain period of time. Like the Ganijai sisters, many people from former Yugoslavia or Turkey had their requests rejected several times.

The theoretical possibility to file a request in another locality was limited by the requirement of local residence, which could be rather stringent. In the town of Zurich, for instance, six years of local residence are required before a request for citizenship can be filed. Subsequent admission procedures generally took at least one year, and sometimes took three years.

Despite growing criticism of the procedure of putting the decision to grant citizenship to a public vote, a popular initiative has been launched by a right wing party to introduce this system in Zurich. ■■■