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Swiss Confederation

Federal Department of Justice and Police FDJP  
**Federal Office for Migration FOM**



## **The Federal Office for Migration FOM**

Its tasks in focus

## **Foreign nationals and asylum seekers in Switzerland**

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## Source of photographs

All the photos in this publication (with the exception of those on pp. 3 and 5) originated in a project entitled La Suisse plurielle. In the course of some weeks in 2004, three photographers photographed how the native and immigrant populations of three Swiss city districts live together: Ursula Markus in Molino Nuovo in Lugano, Pierre-Antoine Grisoni in Lausanne's Maupas, and Edouard Rieben in the Lorraine district of Berne.

## Captions:

- Cover page: Making friends (Ursula Markus)
- Page 7: Encounter in the district (Pierre-Antoine Grisoni)
- Page 9: Brazilian radio presenter with a Bernese local radio station (Edouard Rieben)
- Page 11: Refugee family in Lugano (Ursula Markus)
- Page 13: During the break, primary school in the Lorraine district (Edouard Rieben)
- Page 15: An Italian immigrant in Berne proudly displays his Swiss marksmanship medals (Edouard Rieben)
- Page 17: Chemistry lesson in the Beaulieu Cantonal Secondary School in Lausanne (Pierre-Antoine Grisoni)
- Page 19: Q-Yard in Berne's Lorraine district (Edouard Rieben)

# Migration policy

Swiss migration policy covers a wide range of diverse issues: from the Portuguese construction worker to the family of Kurdish refugees, and from the top managers from Germany to second-generation foreign nationals born in this country. Unfortunately, it also has to cope with foreign drug dealers and illegal residents.



## Swiss migration policy pursues three aims:

- » A good migration policy safeguards and fosters Switzerland's prosperity. For this purpose, Switzerland relies on foreign labour without which many industries such as construction, tourism and health care, as well as Switzerland as a financial centre and a workplace, would be unable to preserve current levels. It is for this reason that Switzerland depends on controlled immigration.
- » A good migration policy grants protection to people who are really persecuted, as befits Switzerland's humanitarian tradition. People who must escape from war, persecution and torture should be able to find refuge here. However, by no means all those who apply for asylum are granted refugee status or are provisionally admitted. Rejected asylum-seekers must leave this country again, and their return should be supported.
- » A good migration policy aims at a situation whereby both natives and immigrants feel safe in Switzerland. This is why everyone must accept our fundamental rules of living together. Often – but unfortunately not always – immigrants succeed in becoming integrated. We pay particular attention to the fight against crime, abuse and racism.

The staff of the Federal Office for Migration work towards these goals day after day. Switzerland's new Foreign Nationals Act and revised Asylum Act guarantee an accountable policy on foreign nationals and asylum seekers. How migration policy is implemented by our Office on a day-to-day basis, and where to turn to if you have any questions, is what this brochure is meant to inform you about.

## Eduard Gnesa

Director of the Federal Office for Migration

# The FOM's tasks in brief

The Federal Office for Migration was established on 1 January 2005 as a result of a merger between the Federal Office for Refugees (FOR) and the Federal Office of Immigration, Integration and Emigration (IMES). It regulates all matters arising under the laws concerning foreign nationals and asylum-seekers in Switzerland.

## Entry and residence

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People who want to enter Switzerland on a permanent basis do not only require valid travel documents, but also a residence permit. EU/EFTA nationals are granted such permits more easily than nationals from third countries. Persecuted people may apply for asylum.

## Labour

» Page 8

Gainfully employed EU/EFTA nationals may profit from the Agreement on the Free Movement of Persons. Nationals from eight EU member states are subject to certain restrictions until 2011. A limited number of nationals from all other countries are only admitted if they are well qualified. Asylum seekers are not allowed to work during the first three months of the asylum procedure.

## Protection against persecution

» Page 10

Switzerland grants temporary or permanent protection to people who are persecuted in their native countries or who have to take refuge from the ravages of war. Asylum seekers undergo an asylum procedure in which a decision will be made as to whether they are granted refugee status or not.

## Integration

» Page 12

People who live in Switzerland permanently should be as well integrated as possible. Immigrants are required to make efforts to become integrated, and they are expected to comply with our rules and laws. The Confederation supports certain integration projects.

## Naturalisation

» Page 14

Well-integrated foreign nationals may be naturalised. Naturalisation is primarily the responsibility of the communes and cantons. The Confederation defines the criteria.

## Emigration

» Page 16

Who has not thought about emigrating at some stage? Every year, some 30,000 Swiss nationals go abroad to study, work, get married or enjoy their retirement.

## Returning abroad

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People whose application for asylum has been rejected or who are illegal residents in Switzerland have to leave the country. The FOM encourages voluntary return but, if necessary, also enforces return.

# Federal Office for migration

The Federal Office for Migration is part of the Federal Department of Justice and Police (FDJP) with a staff of around 650. The Office's headquarters are in Wabern near Berne. Apart from this, there are seven field offices, namely Zurich Airport, Geneva Airport, the Federal Reception and Procedure Centres in Basel, Chiasso, Kreuzlingen and Vallorbe, as well as the Transit Centre in Altstätten/SG.

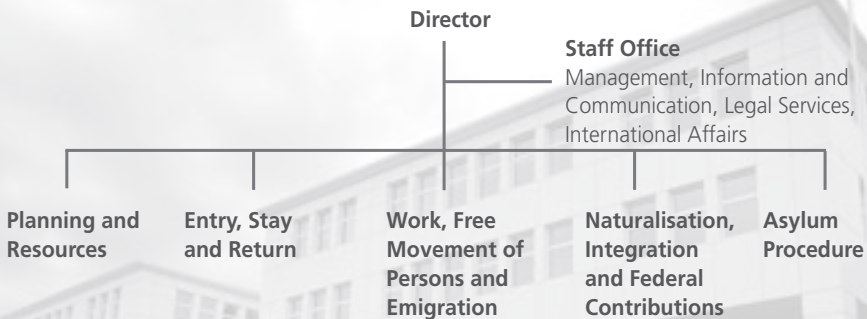
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Internet: [www.bfm.admin.ch](http://www.bfm.admin.ch)

Information specially aimed at young people: [www.jugendweb.asyl.admin.ch](http://www.jugendweb.asyl.admin.ch)



## Did you know that ...

... one in five of us is a foreign national? That amounts to about 1.5 million people, two thirds of whom were born or have lived in Switzerland for more than ten years.

... some 25,000 people with refugee status live in Switzerland?

# Entry and stay

## Foreign nationals in Switzerland

### Entry formalities

Entry into Switzerland is subject to a variety of rules for tourists, employees, students or pensioners. This is worth finding out about in advance. Information is available from the Swiss representations abroad, the cantonal migration offices, or the Federal Office for Migration. Foreign nationals who endanger public security are refused entry or are deported.

### Residence regulations

People who work while staying in Switzerland or who stay in Switzerland for more than three months require a permit. This permit is issued by the cantonal migration offices. A distinction is made between a short-term residence permit (less than 1 year), a residence permit (up to 10 years) and a settlement permit (without time limit). Depending on the type of permit, there are different regulations regarding family reunion.

### Free movement of persons with the EU

The bilateral Free Movement of Persons Agreement with the EU came into force in 2002, at the same time as a similar regulation regarding EFTA member states. Since 1 June 2007, nationals from the EU 17/EFTA member states (i.e. 15 old EU member states, Cyprus, Malta and EFTA member states) enjoy the complete freedom of movement without any transitional period. The Free Movement of Persons Agreement has also applied to the new EU member states (EU 8) since 1 April 2006, albeit with labour restrictions (annual quotas, preferential treatment to Swiss workers, control of pay and working conditions) until 2011. The Agreement does not currently apply to Romania and Bulgaria.

### Immigration from non-EU countries

Immigration by nationals from non-EU/EFTA countries is subject to restrictions. A limited number of new work and residence permits are only granted to well-qualified professionals.

### Did you know that ...

- ... people from 187 countries live in Switzerland? Of these, 79% are Swiss and 18% are other Europeans.
- ... German nationals have constituted the biggest group of immigrants to Switzerland during the last few years?
- ... the birth rate in Switzerland amounts to 1.4 children per woman? This is one third below the figure necessary to stabilise the population long-term.

# Entry and stay

## Asylum seekers in Switzerland

### Entry

Most asylum applications are submitted directly to one of the Confederation's reception and procedure centres in Chiasso, Kreuzlingen, Vallorbe or Basel. There is also a possibility, however, of applying for asylum at a Swiss representation abroad, at a border crossing, or at an airport.

### Reception centres: admission and rapid asylum procedure

The admission of asylum seekers, which includes registration, initial interview, fingerprinting, health check (e.g. vaccination), takes place in the reception and procedure centres. Almost 69% of asylum-seekers do not hand in any official identity papers or travel documents when applying for asylum, which makes identification difficult or even impossible. With obviously unjustified or abusive asylum applications, but also in clearly positive cases, an accelerated procedure is put into action. This means that the asylum application is dealt with by the reception centre itself, and where necessary, deportation is enforced. People whose asylum applications are not accepted for consideration merely receive limited emergency aid. All other asylum seekers are allocated to the different cantons according to a distribution key based on population numbers, where they are looked after and housed until their asylum procedures have been completed.

### Stay

After allocation, the cantons are responsible for looking after and housing asylum-seekers. The costs for this are borne by the Confederation.



Did you know that ...

... two-thirds of all asylum applications are decided within two months?

# Employment

Gainfully employed foreign nationals are an important part of the Swiss economy. All in all, nearly one million foreign nationals work in Switzerland. They are not only unskilled workers in, for example, the construction industry, the hotel and catering industry or in agriculture, but increasingly also highly-qualified personnel in commerce, management, health, technology and many other sectors.

## Dual admission system

The admission of foreign employees and their families is governed by differing rules:

The bilateral Agreement on the Free Movement of Persons with the EU has been in force since 2002. It was approved by the Swiss electorate in a popular vote and allows for mutual free access to labour markets. Since 1 April 2006, the Agreement has also been in force with the ten new EU member states. However, restrictions (annual quotas, preferential treatment for Swiss employees and control of pay and working conditions) apply for the EU 8 (the new member states excluding Cyprus and Malta) until 2011. Accompanying measures are in place to prevent wage dumping. EU nationals may take up residence and work in Switzerland, just as Swiss nationals are able to profit from this freedom in the EU. To date, experiences with this agreement have been favourable. The agreement also coordinates the social security systems and results in the mutual recognition of diplomas.

Conversely, only a limited number of well-qualified professionals are admitted from non-EU/EFTA countries, with the quotas being determined by the Federal Council on an annual basis.

Admission to the labour market is primarily the responsibility of the cantons. In the case of the admission of gainfully employed persons from non-EU/EFTA countries, the FOM issues the requirements and either grants or refuses approval of preliminary cantonal decisions.

## Did you know that ...

... one quarter of the entire volume of work in Switzerland is done by foreign nationals?

... some 65,000 foreign nationals are employed in the catering industry?

... some 100,000 foreign nationals are employed in the health and welfare sector?





### **Asylum and labour**

Refugees are permitted to take up gainful employment. Asylum-seekers, however, are not allowed to carry out any gainful employment on the free labour market during the first three months after submission of their asylum application. The cantons may extend this period by another three months if, within these initial three months, a person's asylum application has been rejected.

Asylum seekers are granted a work permit (after expiry of the waiting period) unless conditions on the labour market and in the economy as a whole preclude this. Such work permits may be restricted to individual industries with personnel shortages.

People who have been admitted provisionally have been granted permission to work since 1 January 2007 irrespective of the economic and labour market situation. This puts them on a par with foreign nationals who possess a residential permit and who are looking for work.

# Protection from persecution

## Asylum seekers in Switzerland

“Refugees” is the designation for people who are persecuted due to their ethnic origin, religion, nationality, membership of a certain social group, or due to their political convictions.

Worldwide, about 190 million people live outside their native countries. Of these, approximately 10.5 million are considered refugees. In addition to this figure, around 13 million people are internally displaced. Asia accommodates more than one third of all the world’s refugees and internally displaced – approximately 8.5 million. Africa accommodates likewise more than 8 million, followed by America with around 4 million and Europe with approximately 2.5 million.

Many people flee from regional conflicts, famines or epidemics without being exposed to any personally targeted persecution. Usually, large numbers of these reach safer regions of their native countries or a neighbouring country, where they are frequently housed in refugee camps. In such situations, nations which live in peace and stable economic conditions are called upon to shoulder part of the burden, for instance with the temporary admission of war refugees, with peace missions or with reconstruction aid.

Only a small part of the large number of people who take refuge from violence worldwide end up in Switzerland or in another industrialised country. With regard to its total resident population, however, Switzerland is among the European countries with a high number of asylum applications.

### Did you know that ...

... in the last ten years, Switzerland has on average granted asylum to about 11% of applicants and has provisionally admitted about 20 to 30% of asylum seekers?



### **The Geneva Refugee Convention and the European Convention of Human Rights as the foundation of Swiss asylum law**

The horrors of the Second World War prompted the international community of states in 1951 to conclude a protection agreement to ensure that individuals and groups would be protected from persecution due to their ethnic origin, religion, nationality, membership of a certain social group or due to their political convictions. In its core, the Refugee Convention defines who is considered a refugee and may therefore claim the protection of the signatory states. It further stipulates that people must not be evicted to a country in which they would be exposed to persecution for any of the above-mentioned reasons.

### **Crises make the number of asylum applications soar**

The Kosovo conflict in 1999 had a strong impact on the number of asylum applications submitted in Switzerland. In that year, almost 29,000 people from what was then the Federal Republic of Yugoslavia applied for asylum. All in all, about 46,000 asylum applications were registered in that record year. Since the end of the war in the former Federal Republic of Yugoslavia, the number of asylum applications in Switzerland has substantially decreased and has stabilised at around 10,000 applications annually in the last three years.

# Integration

The integration of foreign nationals permanently resident in Switzerland was neglected for a long time. Only since 2001 has integration been recognised as a federal task, and it is now also given financial support through federal funds earmarked for the promotion of integration. The FOM coordinates integration efforts on the part of the Confederation, cantons and communities. A majority of cantons and municipalities have appointed integration delegates in the past few years.

For the first time the aims and principles of integration have been incorporated into the new Foreign Nationals Act, which came into force in January 2008. Integration is defined as a process involving both the Swiss population and the foreign national. Anyone who lives in Switzerland must accept and adhere to the rules and laws of the country. The legal framework enables the cantons not only to promote integration, but also to expect it. The preconditions of integration include openness and acceptance by the Swiss population.

Learning one of the national languages is a central factor in the integration process. Professional and social integration, communication in daily life, as well as contact with authorities are facilitated – indeed, often only made possible – by a command of the local language. The FOM encourages programmes offered by the cantons in this field by providing them with financial assistance. People who are very well integrated may receive a permanent residence permit from the canton early.

## Did you know that ...

- ... the most popular cheese in Switzerland is neither Emmental nor Gruyère, but mozzarella? Today, it is mainly produced in Switzerland.
- ... one in three marriages in the last few years is binational?
- ... 44% of foreign nationals are Catholics, 18% are Muslims, and 7% are Protestants?

## Further information:

[www.ekm.admin.ch](http://www.ekm.admin.ch)

<http://www.bfm.admin.ch/bfm/de/home/themen/integration.html>

### **Foreign nationals with refugee status and temporary protection**

Particular efforts are made for the benefit of people with refugee status. They are granted their residence permits in Switzerland regardless of their education and training and regardless of economic demand. Many of them suffer from the after-effects of traumatic experiences. These aspects must be taken into special consideration when it comes to their integration into the labour market. Those who receive temporary protection are granted easier access to the labour market, they are permitted to bring their family to Switzerland after three years, and are allowed to benefit from the various integration measures.

In order to promote the integration of refugees and those with temporary protection, the FOM closely cooperates with the cantons and other federal offices.

### **Federal Commission for Migration Issues**

The Federal Commission for Migration Issues was set up by the Federal Council on 1 January 2008, continuing the work of the former Federal Commission on Foreign Nationals and the Federal Commission on Refugee Affairs. The Commission is an advisory body of the Federal Council and deals with social, economic, cultural, political, demographic and legal issues in connection with foreigners in Switzerland, including refugees, asylum seekers and people granted temporary protection. The Commission is supported by a secretariat, which in administrative terms is part of the FOM.

The Federal Commission for Refugees assesses the situation with regard to asylum seekers and refugees for the Federal Council and the Federal Administration, and it proposes new solutions. All the leading exponents in the sphere of asylum and refugees are represented in the Commission for Refugees.



# Naturalisation

Switzerland has an interest in the naturalisation of foreign nationals who live here permanently and are well integrated. People who think Swiss and feel Swiss should also be Swiss on paper – with all the rights and duties this entails. In each of the last few years, some 45,000 people were naturalised. This amounts to just about 3 % of foreign nationals resident in Switzerland. Proposals made by the Confederation for a facilitated naturalisation of young people were rejected in popular votes, most recently in 2004.

## **Regular naturalisation**

People who have been resident in Switzerland for at least twelve years may apply for regular naturalisation, whereby the number of years spent in Switzerland by the applicant between the ages of 10 and 20 years count as double. There are further requirements: candidates must be well integrated in Switzerland (i.e. they must be integrated into society and familiar with Swiss habits, manners and customs), they must comply with the Swiss rule of law, and they must not pose a threat to Switzerland's internal and external security. Depending on the place of residence, different minimum periods of residence are additionally required by cantons and communes.

The regular naturalisation procedure is primarily the responsibility of the cantons and communes. The FOM examines compliance with legal provisions and grants the federal naturalisation permit.

## **Did you know that ...**

- ... around 500,000 people with joint citizenship live in Switzerland? In addition, a further 452,000 Swiss living abroad have dual nationality status.
- ... about half the Swiss national football team have foreign roots?
- ... about one third of naturalised Swiss citizens were born in this country?
- ... the man who saved the Swiss watch-making industry and founded Swatch has his origins in the Lebanon?
- ... the Swiss global group Nestlé was established in the 19th century by the immigrant German pharmacist Heinrich Nestlé?



### **Facilitated naturalisation**

Foreign spouses of Swiss nationals are entitled to a facilitated procedure, provided they have been married for at least three years and have lived in Switzerland for five years. Moreover, they must be well integrated in Switzerland, respect the rule of law and not pose a threat to Switzerland's internal or external security.

The decision to grant facilitated naturalisation is the responsibility of the FOM, which first consults the relevant canton and commune.

Naturalisation fees varied from canton to canton and have been very high in the past. Since 2006 these fees must not exceed the actual administrative costs. Likewise, the federal authorities have also adapted their fees for granting naturalisation and facilitated naturalisation.

# Emigration

Every year, some 30,000 Swiss nationals move to a foreign country in order to study, work, get married or retire there – some for good, others only for a few years. Many return to Switzerland later, bringing with them valuable international professional and life experience. Traditional destinations are the United States of America, Canada, Australia and South East Asia.

## **Living and working abroad**

The FOM advises Swiss nationals who stay abroad or who intend to emigrate, supplies free-of-charge information about entry and residence permits, social insurance, living costs and working opportunities, as well as a range of other practical tips. Swiss nationals who return to Switzerland after several years' residence abroad also receive job-hunting support.

## **Trainee permits**

International treaties provide young Swiss professionals with an opportunity to work as trainees in numerous countries.

### **Did you know that ...**

... about 700,000 Swiss nationals live abroad? They comprise the third largest “canton” after Zurich and Bern.

... around 120,000 Swiss nationals living abroad can participate in federal elections by post?



# Emigration

## **EURES/job mobility in Europe**

The FOM furnishes information about opportunities for job mobility in Europe. Since the entry into force of the Agreement on the Free Movement of Persons with the European Union, Swiss nationals in EU and EFTA countries have had the same rights on the labour market as the native population. The countries for which there is the greatest demand are Switzerland's neighbouring countries, the UK and Spain.

## **Further information:**

[www.swissemigration.ch](http://www.swissemigration.ch)

[www.euresinfo.ch](http://www.euresinfo.ch)

E-Mail: [swiss.emigration@bfm.admin.ch](mailto:swiss.emigration@bfm.admin.ch)

Tel. +41 (0)31 322 42 02



# Returning abroad

Foreign nationals who do not fulfil the requirements to remain in Switzerland under the Asylum Act or Foreign Nationals Act must leave the country. Although some people in this category leave Switzerland voluntarily and their departure is monitored, over half of the people in this category leave the country unsupervised, and a further group refuses to leave Switzerland at all. In such cases, final removal orders must be executed to avoid the regulations on entry and stay being undermined.

## **Missing identity papers**

Asylum seekers often conceal or destroy their personal documents before submitting their application in order to deceive the authorities concerning their identity and nationality so as to make any deportation impossible.

If asylum seekers who have received an order to leave do not cooperate in the procurement of substitute travel documents, the Federal Office for Migration's Return Division has to procure substitute travel documents in a lengthy and complex procedure. This procedure entails an analysis of the language and origin of the person in question. In cases where the person does not co-operate, a delegation of officials from the country of origin is consulted to assist identification.

Once the identity and origin of the person have been determined, the Swiss authorities can apply for substitute documents to enable the person to return home. If, for reasons of security, the person cannot be deported by scheduled flight, FOM's Return Division organises a chartered flight to ensure the removal of unmanageable or violent individuals.

## **Did you know that ...**

- ... Switzerland has concluded readmission agreements with 45 countries?
- ... special return programmes are in place or have already been operated in a total of 18 countries?
- ... each month some 130 people return to their home country supported by return assistance?



A few countries refuse to readmit asylum seekers for various reasons. Other countries delay readmitting their own nationals on bureaucratic pretences. For this reason, Switzerland has concluded readmission agreements with many countries in the last few years. These agreements provide a legal basis for the return to their home country of foreign nationals who do not have a residence permit.

#### **Return assistance**

Return assistance is a system of services intended to encourage asylum seekers to return home on a voluntary basis and with their departure duly registered. The Federal Office for Migration implements this instrument with its partners, the Swiss Agency for Development and Cooperation (SDC), the International Organisation for Migration and the competent cantonal offices and relief organisations. Return assistance involves advising asylum seekers in Switzerland, providing individual assistance on their return, setting up programmes and structural help abroad, and providing return-oriented training courses for asylum seekers.

In principle, return assistance may be requested by all asylum seekers and by certain categories of foreign nationals (e.g. victims of human trafficking). However, it is not granted to persons who have committed a crime. Persons granted refugee status may, too, be given return assistance if they want to return to their native countries.

