Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
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Swiss Confederation

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

Migration Report 2010

Imprint

Published by: Federal Office for Migration (FOM),
Quellenweg 6, CH-3003 Bern-Wabern

Editing and concept: Information & Communication, FOM

Realisation: www.casalini.ch

Available from: SFBL, Federal publications, CH-3003 Bern,
www.bundespublikationen.admin.ch
Art. No.: 420.010.E

Photo credits

Editorial

Everyone has their own views on migration, which is a major concern for the Swiss people. According to the Concerns Barometer Report 2010, which was published by gfs.bern, foreigners and integration were listed as the fifth main concern among Swiss citizens. Refugees and asylum were listed as the eighth main concern.

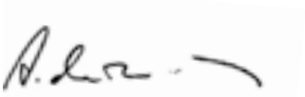
Having served as Director of the Federal Office for Migration for over a year now, I feel that it is important to remain objective on issues relating to migration. This also means taking the fears and uncertainties expressed by the population to heart. Current debates on the subject of immigration show that it is not possible to avoid discussion on how Switzerland intends to handle immigration in the future. Justifiable questions have been raised and the Swiss authorities are required to respond to them.

As a country that prides itself on the quality of its service, Switzerland needs highly qualified workers. The Swiss-EU bilateral agreement of the free movement of persons enables qualified workers to be recruited from abroad. Moreover, various studies have shown that the Swiss economy has grown thanks to this bilateral agreement and that immigration during the crisis has had an important stabilising effect.

Despite these positive findings, we also need to consider the possible negative consequences of increased immigration: what effects has the free movement of persons had on transport infrastructures, the housing market, spatial planning, education, integration and public safety? These questions cannot be considered in isolation. They must be addressed as part of a comprehensive approach to resolving the issues. Several federal agencies are currently working on an interdepartmental report on the matter.

Another important concern is the situation in North Africa. The arrival of around 26 000 migrants in southern Italy has raised fears that European countries, including Switzerland, will experience heightened migration pressures. However, we need to see things in proportion: it is the neighbouring countries of Libya that have received the greatest influx of refugees. On the Egyptian and Tunisian borders alone, there are currently 600 000 refugees who have fled the unrest in Libya. So far, Switzerland has only received 350 new asylum applications from North Africa. Nevertheless, we will continue to monitor the situation in North Africa. The amount of aid on the ground will have to be increased and Switzerland should continue lending support to partner government efforts to implement reform processes.

The present report provides an overview of the main activities carried out in 2010. It also bears testimony to the amount of work being done by the 800 employees of the Federal Office of Migration.



Alard du Bois-Reymond

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People from 40 different countries work at the Bern University Hospital
as housekeepers, gardeners, cafeteria workers, cooks, childcare workers.

Year at a glance

Brief outline

Further development of federal integration policy
On 5 March 2010, the Federal Council released a report containing its view on the direction that federal integration policy should take in the future:

- The current integration policy should be consolidated through improvements in various areas (e.g. language and education) and anchored in legislation.
- Specific measures taken by the Confederation to encourage integration should be developed further and aligned more closely with actual needs.

In the future, initial information for newly arriving migrants will be improved.

Nigeria
On 5 November 2010, the Swiss and Nigerian delegations successfully concluded negotiations for a bilateral migration partnership. On 14 February 2011, the corresponding Memorandum of Understanding (MoU) for this partnership was signed. This is the first time that Switzerland has ever signed such an agreement with an African country. The migration partnership should lead to greater cooperation between Switzerland and Nigeria.

Special flights
Switzerland's return policy provides for both voluntary and involuntary departure. The latter case applies for individuals who fail to comply with a removal or expulsion order. In such cases, detention may be used as a means of enforcement. Special flights may also apply in situations where an individual refuses to take a commercial flight back to his/her country of origin, even when escorted by police officers.

Dublin Association Agreement
The Dublin Association Agreement came into force on 12 December 2008. The Dublin Agreement ensures that only one Dublin country has jurisdiction over a particular asylum application. This prevents asylum seekers from submitting multiple asylum applications in various countries. Between the date when the Swiss-EU bilateral agreement on Schengen/Dublin cooperation became operational (i.e. 12 December 2008) and 31 December 2010, Switzerland requested that 12 035 (2010: 5994) asylum seekers be transferred to another Dublin country. In 9685 cases (2010: 5095), the Dublin country concerned confirmed that it was responsible for processing the asylum application and that it was therefore willing to take over the case.

Deportation Initiative
On 28 November 2010, despite the recommendation made by the Federal Council and the Swiss Parliament, Swiss voters adopted the Popular Initiative for the Deportation of Foreign Criminals (Deportation Initiative) by a majority of 52.9 %. In December 2010, Federal Councillor Simonetta Sommaruga, who heads the Federal Department of Justice and Police (FDJP), established a working group in charge of determining how the new constitutional provisions may be implemented at the Federal Act level. The working group's report is expected to be released in June 2011.

Long-term recipients and emergency assistance
Once their departure deadline has passed, asylum seekers whose asylum application has been turned down are no longer entitled to receive social insurance benefits, only emergency assistance if they are dependent on such assistance. Since early 2008, this termination of social insurance benefits applies to all people whose asylum applications have been turned down. Around 50 % of all such individuals receive no emergency assistance and leave Switzerland. 15 % of these individuals continue to receive emergency assistance for a period of one year, as was the case in the past. At the end of 2009, the Confederation and the Cantons commissioned a study on the problem of long-term recipients of social insurance benefits who later transition to emergency assistance. This study gave rise to a series of recommendations for improvement.

Residence permit quotas
On 4 December 2009, as a temporary measure in response to the worldwide economic and financial crisis, the Federal Council decided to halve residence permit quotas for third-state nationals in 2010. Various stances were taken during the consultation procedure on partial revision of the Ordinance on Admission, Period of Stay and Employment (SR 142.201) for 2011. Trade associations, other interest groups and around half of the Cantons felt that the lower residence permit quota for highly specialised workers was unjust. In contrast, policy-makers and the other Cantons felt that the lower residence permit quota was either adequate or should be even lower.

Schengen acquis
Since the signature of Schengen Association Agreement on 26 October 2004, the EU and Switzerland have added a total of 117 Schengen acquis to the Schengen Association Agreement (status: 11 April 2011).

In 2010, 11 Schengen acquis fell under the remit of the Federal Office for Migration. All eleven were adopted by the Federal Council and in some cases resulted in changes to legislation.

Key figures in 2010

- Last year, Switzerland issued 390 751 Schengen visas. As in the previous year, most of these visas were issued by Swiss consulates in Russia, followed by those in India and China.
- At the end of the year, there were 1 720 393 legally resident foreigners in Switzerland. Of these legally resident foreigners, 1 101 760 persons were EU-27/EFTA nationals. The proportion of foreigners to the total Swiss population stood at 22.1 %.
- 90 496 EU-27/EFTA nationals immigrated to Switzerland. Around 61.5 % of these foreign nationals immigrated to Switzerland for the purpose of taking up employment.
- 40 403 persons were granted Swiss citizenship. As in recent years, those naturalised came chiefly from Serbia, Italy and Germany.
- 15 567 persons applied for asylum in Switzerland. Most of these asylum seekers came from Nigeria, Eritrea, Sri Lanka, Serbia, Afghanistan, Iraq, Georgia, Kosovo, Turkey and Syria.
- Of the 20 690 asylum applications handled at first instance in 2010, 3499 persons were granted asylum. This corresponds to an approval rate of 17.7 %.
- 3071 persons obtained residence permits as hardship cases.
- A total of 2171 people left Switzerland under the federal return assistance programme.
- Swiss authorities ensured the removal by air of 8059 persons. 66 % of these cases fell within the scope of the Asylum Act (SR 142.31), and the remaining 34 % fell within the scope of the Foreign Nationals Act (SR 142.20).
- In 2010, the FOM issued 8176 bans on entry.

Theodulpass, Swiss border, 3301 metres above sea level.

1. Overview

The figures speak for themselves.

- Since World War II, over two million people have immigrated to Switzerland or live here as the descendants of immigrants.
- At the end of 2010, there were over 1.72 million legally resident foreigners in Switzerland.
- One in every four employed persons in Switzerland has a foreign passport.
- At over 22 %, Switzerland has one of the highest foreigner-to-total population ratios in Europe.
- Migration makes a larger contribution to Switzerland's population growth than in the classic immigration countries USA, Canada and Australia.
- Around one in every ten Swiss citizens lives abroad.

2. Historical context

Until well into the 19th century Switzerland was predominantly a country of emigrants. It was mainly impoverished smallholder farmers that were forced to leave the country to escape unemployment and demographic pressures. The most popular destination countries – apart from Switzerland's neighbouring countries – were North and South America, Australia and Russia. With the advent of industrialisation towards the end of the 19th century, Switzerland went from being a country of emigration to one of immigration. In 1890, the registered inflow of immigrants exceeded the outflow of emigrants for the first time. Compared to other countries, the more attractive working conditions and full freedom of movement favourably influenced immigration to Switzerland from neighbouring countries. In 1914, the level of legally resident foreigners in Switzerland peaked at approximately 600 000 persons, resp. 15 % of the usual resident population – a development that gave cause for great concern among Swiss nationals. In 1925,

Hugenotten

Seit Mitte des 16. Jahrhunderts wurden in Frankreich die Protestanten – Hugenotten genannt – verfolgt und vertrieben. Nach dem Widerruf des Edikts von Nantes im Jahre 1685, das den französischen Protestanten Glaubensfreiheit garantiert hatte, setzte eine Massenflucht der Hugenotten ein. Die protestantischen Kantone der Eidgenossenschaft nahmen Zehntausende dieser Vertriebenen grosszügig auf. Später wurden aber viele Hugenotten zur Weiterreise aufgefordert.

Die Revolutionen von 1848/49

1848 wurde die Schweiz zu einem Bundesstaat mit moderner Verfassung. Die Liberalen ganz Europas waren begeistert darüber. Die konservativen Regierungen der europäischen Staaten hatten jedoch an diesem liberalen Kleinstaat keine Freude. 1848/49 kam es in den meisten Staaten Europas zu bürgerlichen Revolutionen, denen jedoch kein Erfolg beschieden war. Die Anführer dieser Revolutionen wurden ins Exil gezwungen. Rund 12 000 politische Flüchtlinge gelangten damals in die Schweiz. Wegen der Aufnahme dieser Flüchtlinge wurde die Schweiz von den umliegenden Staaten unter Druck gesetzt.

Handwerker und Firmengründer

Nach 1840 zogen deutsche Handwerker auf der Suche nach Arbeit von Stadt zu Stadt. Auf diese Weise bereisten die «Schwaben» auch die Schweiz. In der zweiten Hälfte des 19. Jahrhunderts gründeten ausländische Pioniere zahlreiche Unternehmen, unter anderem Nestlé, Bally und Ciba.

Bourbaki-Armee

1871 überschritten in Les Verrières innerhalb von 48 Stunden 87 000 Soldaten der geschlagenen französischen Ostarmee die Schweizer Grenze. Die Internierung der Bourbaki-Armee stellte die erste grosse Herausforderung des Roten Kreuzes dar. Nach sechs Wochen verliessen die französischen Soldaten die Schweiz wieder.

D Migration facts

the Federal Council was given authority to establish a policy on refugees, foreign nationals and the labour market to counter the "excessive influx of foreigners". In the period of National Socialism, Switzerland did not want to be perceived by refugees as a country of asylum but merely a transit country. This policy led to the steady reduction in the number of legally resident foreigners in Switzerland. By the middle of World War II, the foreigner-to-total population ratio had reached a historical low of around 5 %, or 223 000 people. This was also the result of a restrictive asylum policy, which led to the expulsion of thousands of Jewish refugees to the Swiss border.

The favourable economic development in Switzerland after World War II resulted in a great demand for foreign labour. Most of these "guest workers" were Italian nationals who found employment in the agricultural, industrial and construction sectors. Until the mid-1960s, Switzerland's post-war policy on foreign nationals was essentially based on the principle of rotation whereby foreign workers were only allowed to stay in Switzerland for a few years to fill cyclical gaps in our economy. Furthermore, work permits were not automatically renewed and integration of these foreign workers was not an established objective.

Despite these restrictive measures, the number of guest workers continued to rise steadily. In 1970, for the first time in its history, Switzerland had over one million legally resident foreigners. Heated discussions on the "excessive influx of foreigners" led to a culmination point with the Schwarzenbach initiative, which was narrowly rejected by the Swiss electorate in the same year. The authorities reacted to growing xenophobic tendencies within the population by launching a series of capping measures to limit the influx of foreign workers,

Sozialisten, Anarchisten, Kommunisten

Gegen Ende des 19. Jahrhunderts fanden sich Flüchtlinge in der Schweiz ein, die die gesellschaftliche Ordnung und den Kapitalismus bekämpften. Es handelte sich um Sozialisten, Kommunisten und Anarchisten. Auch Karl Marx, Friedrich Engels und Michail Bakunin kämpften in der Schweiz für ihre Sache. Die Schweizer Behörden gestanden diesen «Umstürzlern» Redefreiheit zu. Anarchisten, die gelegentlich aus der Schweiz ausgewiesen wurden, durften jedoch bald schon keine Propaganda mehr machen.

Wirtschaftsaufschwung

Zwischen 1895 und 1914 erlebte die Schweiz einen besonders intensiven Wirtschaftsaufschwung, was zu einer starken Zunahme der Einwanderung führte. Für den Bau der Eisenbahntunnels durch den Gotthard, den Simplon und den Lötschberg sowie die Erstellung von Strassen und Staudämmen wurden vor allem Italiener rekrutiert.

Touristen und Studentinnen

Seit der zweiten Hälfte des 19. Jahrhunderts stand die Schweiz als Tourismusdestination bei den Engländern, Deutschen, Franzosen und Amerikanern hoch im Kurs. Es setzte ein regelrechter Sturm auf die Berge ein – mit Seil und Haken, aber auch mit Bahnen wurde Spitz um Spitz erobert. Zudem schrieben sich um die Jahrhundertwende viele russische Studentinnen an schweizerischen Universitäten für das Medizinstudium ein, da ihnen im Heimatland keine Ausbildungsmöglichkeiten offen standen.

Erster Weltkrieg

Mit Ausbruch des Ersten Weltkrieges verliessen junge Ausländer die Schweiz in Scharen, um in den Krieg zu ziehen. Im Verlaufe des Krieges suchten vor allem Militärflüchtlinge Schutz in der Schweiz. Auch wurden Verwundete und Kranke aus den Krieg führenden Lagern aufgenommen. Von den Bürgerlichen und den Behörden wurden die «Bolschewisten» als die grosse neue Gefahr für die Schweiz angesehen. Der Führer der sozialistischen Jugend, der Deutsche Willi Münzenberg, wurde deshalb 1918 ausgewiesen.

1895

1914

who now came mostly from Yugoslavia, Turkey and Portugal. Despite an economic recession in the mid-1970s and cantonal quotas on annual and seasonal workers, the number of legally resident foreigners continued to rise under the effects of family reunification, prompted by a restrictive naturalisation policy. In 1994, the number of legally resident foreigners in Switzerland exceeded the 20 % threshold for the first time. The year 2000 popular vote approving the Swiss-EU bilateral agreement on the free movement of persons marked a milestone in Switzerland's relationship to its foreign labour force: skilled and unskilled workers could now be recruited from EU/EFTA countries. The admission of foreign workers from non-EU/EFTA countries, in contrast, was only possible for persons with high professional qualifications.

After World War II, parallel to the legal influx of labour, a large number of people also came to Switzerland as refugees. Until the early 1980s, Switzerland had special programmes to readily admit large numbers of people in need of protection: 14 000 Hungarians in 1956, 12 000 Czechs and Slovakians in 1968 and several thousand refugees from Tibet, China and Indochina. Since the early 1980s, the number of asylum applications, particularly from Turkey, Lebanon, Sri Lanka and the West Balkans, as well as from other countries of origin, has shown a marked increase, peaking at 46 000 applications in 1999. After the end of armed conflict in the Balkans, the number of asylum applications in Switzerland and in most European countries decreased significantly. In recent years, Switzerland has registered an average of approximately 16 000 asylum applications per year. Despite the comparatively low proportion of asylum seekers to the total number of legally resident foreigners in Switzerland (2.5 %), the issue of asylum continues to fuel heated debates among Swiss inhabitants, politicians and the media.

In recent years, it has become increasingly clear that refugee flows are taking a back seat to economically motivated migration flows. "Migration pressures", "illegal migration", "economic refugees", "combating abuse", but also "protecting genuine refugees" and "integration" have become the new buzzwords. Discussions pit the proponents of a more restrictive asylum policy (e.g. more stringent provisions in the Asylum Act, faster processing of asylum applications, more effective enforcement of removal orders, etc.) against those who favour a more generous one. Both sides agree that there is a need for a uniform and coherent migration strategy that gives equal weight to domestic and international aspects and leads to greater dialogue with our foreign partners. There is also agreement that Swiss migration policy will only be successful if a balance can be struck between the core values of security, prosperity and solidarity and if Switzerland is able to reap rewards from migration. Both sides agree that there is a need for a uniform and coherent migration strategy that gives equal weight to domestic and international aspects and leads to greater dialogue with our foreign partners. There is also agreement that Swiss migration policy will only be successful if a balance can be struck between the core values of security, prosperity and solidarity and if Switzerland is able to reap rewards from migration.

Antifaschisten

Nach der Machtergreifung Mussolinis flüchteten zahlreiche seiner politischen Gegner in die Schweiz. Viele benutzten die Schweiz jedoch nur als Transitland auf dem Weg nach Paris. Die italienischen Antifaschisten stellten für die Schweizer Regierung eine Belastung in den Beziehungen zu Italien dar.

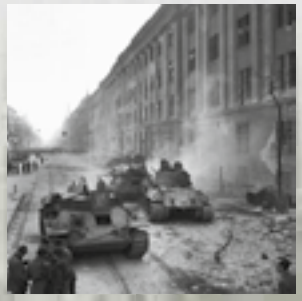
Nationalsozialismus und Zweiter Weltkrieg

Zur Zeit des Nationalsozialismus wollte die Schweiz den Flüchtlingen nicht als Asylland, sondern bloss als Transitland zur Verfügung stehen. Der Chef der Eidgenössischen Fremdenpolizei warnte vor der «Verjudung» der Schweiz. Verhandlungen zwischen der Schweiz und Deutschland führten zur Kennzeichnung der Pässe deutscher Juden mit dem «J-Stempel». Im Sommer 1942 verfügten die Schweizer Behörden die Schliessung der Grenze, obwohl sie zu diesem Zeitpunkt Informationen über die Deportationen und die Vernichtung der Juden hatten. Für die gesamte Kriegszeit sind über 24 000 Rückweisungen an der Grenze nachgewiesen. Der Anteil jüdischer Flüchtlinge an den Ab- und Weggewiesenen ist nicht bekannt, muss aber hoch gewesen sein. Demgegenüber wurden rund 51 000 Zivilflüchtlinge aufgenommen.

Die Zeit der Hochkonjunktur

In den 1950er- und 1960er-Jahren herrschte in der Schweiz Hochkonjunktur. Die von den Unternehmen zusätzlich benötigten Arbeitskräfte wurden in den Nachbarländern rekrutiert, insbesondere in Italien. Die «Gastarbeiter» waren vor allem im Baugewerbe, in den Fabriken, in der Landwirtschaft und im Reinigungswesen beschäftigt. Gewisse Kreise befürchteten eine Überfremdung der Schweiz und kämpften für eine massive Reduktion des Ausländerbestandes.

Ungarn-Aufstand



Nach der Niederschlagung des Ungarn-Aufstandes im Jahre 1956 durch die Sowjetunion flohen rund 14 000 Ungarn in die Schweiz. Ihnen schwappte eine Welle der Solidarität entgegen. Sie wurden ohne weitere Abklärungen als politische Flüchtlinge anerkannt.

Tibeter

1960 trafen die ersten tibetischen Flüchtlinge in der Schweiz ein. Ihnen folgten rund 1000 weitere Tibeterinnen und Tibeter. Diese Menschen wurden in der Schweiz mit offenen Armen empfangen.

3. Conclusions

A look at the historical context reveals the main migration challenges that Switzerland has had to face over the years. While new problems have emerged in recent decades, the main migration challenges have remained largely unresolved and constitute present and future concerns for Swiss migration policy. With this in mind, nine conclusions may be drawn:

- In the past, Switzerland has demonstrated its ability to handle and assimilate a large influx of migrants. It is an immigration country surrounded by other immigration countries.
- Migration is a reality; it is a part of our human history. Globalisation facilitates mobility and accelerates migration.
- National and international tools are needed to steer legal and illegal migration flows.
- A good migration policy is one that makes our country more prosperous and competitive. Foreign workers can make an important contribution along this line.
- It is impossible to clearly separate Switzerland's policies on asylum, foreign nationals and the labour market. People often leave their home countries for several reasons. Specific attempts should be made to classify migrant groups, their objectives and underlying interests.
- Migration patterns and reasons for fleeing may vary but a country's migration policy always needs to strike a balance between conflicting objectives: adhering to a "humanitarian tradition" while nevertheless avoiding "an excessive influx of foreigners".
- Migration and integration are two closely linked aspects of Swiss policy that must be continuously reconciled in order to safeguard the interests of both Swiss citizens and legally resident foreigners in Switzerland.
- Migration and integration cannot be achieved without tensions or conflicts. Swiss citizens and migrants share the same burden.
- Migration and integration can work if a coherent concept reconciling the two can be found. The opportunities and risks associated with migration and integration must be the subject of continuous public debate.

Prager Frühling - Tschechen und Slowaken

Rund 11 000 Tschechen und Slowaken flohen nach dem Einmarsch der Truppen des Warschauer Paktes in die Tschechoslowakei von 1968 in die Schweiz. Von der schweizerischen Bevölkerung und den Behörden wurden diese Flüchtlinge freundlich und unbürokratisch aufgenommen.

Chilenen

Nach dem Militärputsch in Chile von 1973 gewährte die Schweiz rund 1600 Personen aus diesem Land Aufnahme. Das waren weit mehr, als der Bundesrat eigentlich wollte.

Boat-People

Ungefähr drei Millionen Menschen flohen zwischen 1975 und 1995 vor zahlreichen Konflikten in Indochina, viele davon auf Booten. 1979 errichtete die Schweiz eine Luftbrücke nach Südasien und flog Tausende von Flüchtlingen in die Schweiz. Die schweizerische Bevölkerung zeigte eine immense Anteilnahme, als die Dimension der Dramen im südostasiatischen Raum in ihr Bewusstsein drang.

Asylsuchende aus aller Welt

Seit Beginn der 1980er-Jahre nahm die Zahl der Asylgesuche in der Schweiz stark zu. Aufgrund der kriegerischen Ereignisse in Bosnien und Herzegowina sowie im Kosovo flohen sehr viele Menschen aus diesen Regionen in die Schweiz, wo sie vielfach Verwandte oder Freunde hatten. 1999 wurden rund 46 000 Asylgesuche registriert, wobei es sich mehrheitlich um Kosovo-Albaner handelte. Seither sank die Zahl der Asylgesuche markant.

Drei Kreise – Zwei Kreise

Die Frage, aus welchen Ländern die Schweiz ihre Arbeitskräfte rekrutieren soll, sorgte in der jüngeren Vergangenheit immer wieder für hitzige Debatten. Heute wird das «Zwei-Kreise-Modell» praktiziert: Dem ersten Kreis gehören die EU- und EFTA-Staaten an, dem zweiten alle übrigen Länder. Aufenthaltsbewilligungen für Staatsangehörige aus EU- und EFTA-Staaten werden gemäss dem Personenfreizügigkeitsabkommen erteilt. Die Zuwanderung aus dem zweiten Kreis ist auf qualifizierte Arbeitskräfte beschränkt.

4. **New** developments

In recent times, global migration flows have changed and intensified. Relations between Switzerland and the EU have become close as a result of bilateral agreements covering many different areas, including migration. Switzerland therefore works with its EU partners – and in many cases in direct cooperation with countries of origin and transit countries outside the EU – to face new challenges.

Globalisation continues to accelerate global trade and make it more affordable. The transfer of information over the Internet and cell phone networks has revolutionised the way in which we live. People are also becoming more mobile geographically. As air transport capacities increase and both Internet and cell phone access reach remote regions, more people find these services less expensive. In many developing countries, Internet, cell phone and satellite TV are now commonplace. Some emerging countries are actually already ahead of the rest of the world. More people are now aware of events transpiring on the other side of the planet and also have the possibility to travel there.

Over the past few years, many regions have experienced strong economic growth, which has gradually shifted the global balance towards Asia. However, the world's richest countries are in Western Europe and North America as well as Australia. Generally speaking, these countries apply restrictive immigration policies. True global mobility is only really available to a small elite, most of whom come from the world's richest countries.

Millions of people remain in a situation of poverty without prospects. These push factors have led to a considerable increase in the number of people who are willing and able to leave their home countries, which increases migration pressures. There are also pull factors such as a demand for workers in countries such as Switzerland. For one thing, the Swiss economy needs workers from outside the EU. Migration is viewed as offering benefits to Switzerland, and a permit procedure has been in place to enable the Confederation and the Cantons to manage migration flows. At the same time, however, there has also been a market for labour that was either illegal or borderline legal. Here, we are referring mainly to work done under the table by people who lack a work permit but also to prostitution and drug trafficking. Illegal migration has been fuelled by lucrative business prospects, particularly for employers and financial backers, as well as by the fact that many people arriving in Switzerland have no opportunity to legally live and work here.

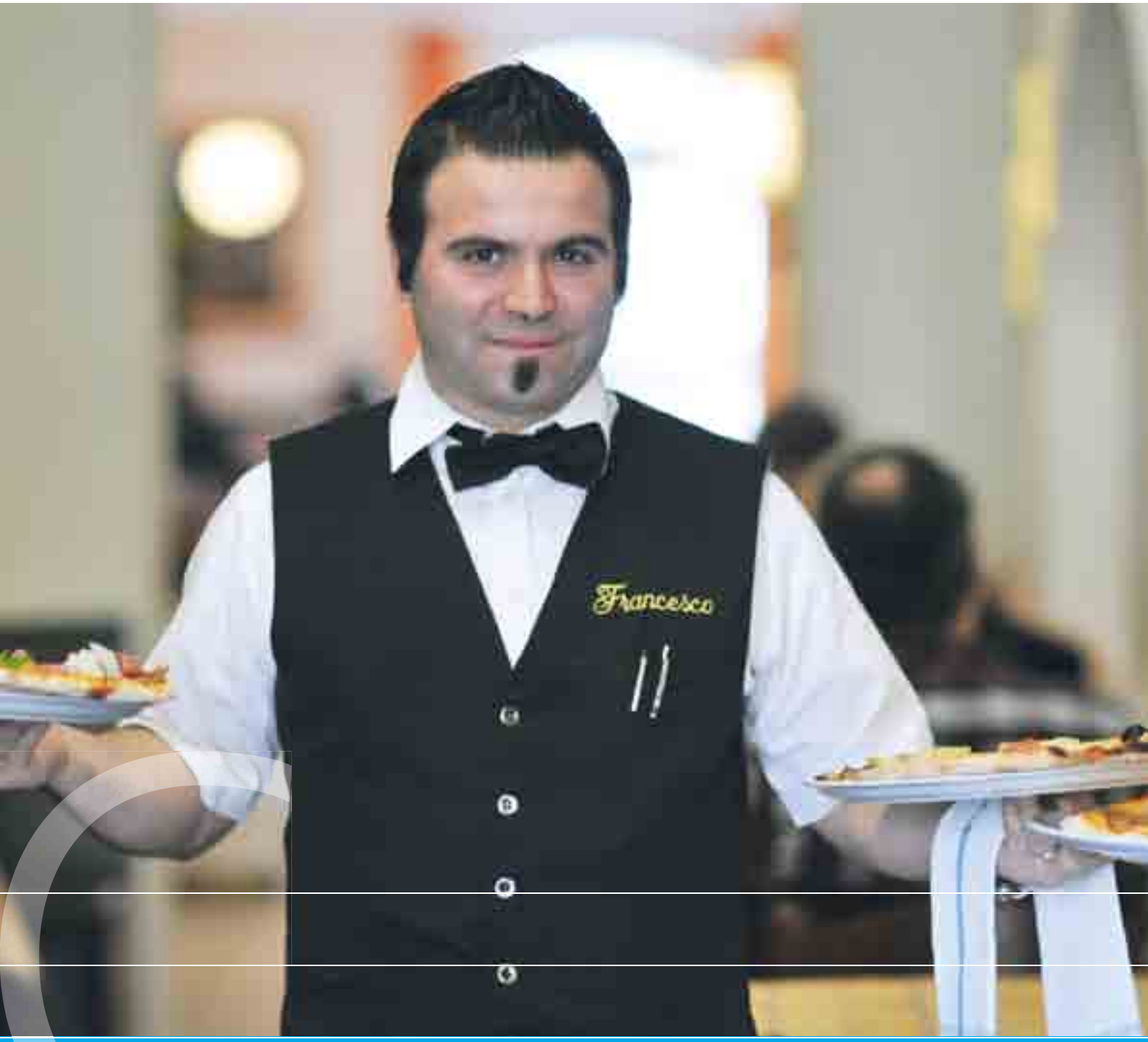
Globalisation has therefore made it possible for an unprecedented number of people to obtain information about distant locations and to migrate there. Given different levels of prosperity and economic growth – as well as democracy and human rights – people naturally took advantage of the possibilities afforded to them. In 2010, the number of international migrants (nearly 50 % of whom are women) reached an all-time high: according to the International Organization for Migration (IOM), 214 million international migrants, i.e. around 3 % of the world's population, spend over one year outside of their country of birth. This figure does not include refugees and internally displaced persons (IDPs), about 16 million in all, who mainly seek refuge in countries that border conflict zones.[1]

[1] *Only about 10 % (i.e. roughly 1.6 million people) of all refugees worldwide live in Europe.*

Alongside the general increase in migration, highly developed countries have become more knowledge-based, which has led to a decrease in demand for unqualified workers. With introduction of the Swiss-EU bilateral agreement on the free movement of persons, Switzerland decided to apply a restrictive policy on immigration by third-state nationals. Most international migrants, particularly from less developed countries, therefore did not meet the stringent criteria. Signature of the Swiss-EU bilateral agreement on Schengen/Dublin cooperation is an expression of Switzerland's commitment to work with its EU partners. Switzerland places considerable value on the social integration of migrants, which would have become more difficult in a situation of uncontrolled immigration of unqualified workers.

While complete openness to international migration is not an option for Switzerland, our country has nevertheless been affected by it. Switzerland realised early on that immigration had to be controlled at the external borders of the EU, before migrants reached the Swiss border. This prompted Switzerland to enter into cooperation agreements with the EU and to intensify its foreign policy in the area of migration by developing new approaches such as migration partnerships, the targeted use of other instruments such as bilateral agreements, return assistance, structural projects in the country of origin, programmes to prevent illegal migration, and establish active migration dialogue with key partner countries.

Nour El Gourany has lived in Bethlehem (Bern) for the past twelve years.



The largest community of foreign nationals comes from Italy: 289 125 people.

Migration 2010

1. **Schengen** visas

Schengen visas replace Swiss visas for short-term stays (i.e. no longer than 90 days within a 180-day period), and allow tourists and business travellers to use a single visa for the entire Schengen area. A total of 390 751 Schengen visas were issued in 2010. As in 2009, our consular missions in Russia, followed by India and China, issued the largest number of Schengen visas. Like other Schengen countries, Switzerland also maintains a list of countries for which consultation with fellow Schengen countries is required. Whenever a national of a country on this list submits an application for a visa at a consulate of a Schengen country, the Swiss authorities will be systematically informed and have the option of raising objections to the issuance of a Schengen visa to the applicant in question. In 2010, this consultation procedure led to around 48 900 consultation requests by Switzerland (incl. consultations where Switzerland represented another Schengen country). At the same time, since April 2010, Switzerland has received consultation requests (H forms) from other Schengen countries regarding roughly 218 900 visa applications. In addition, Switzerland performed background checks on 265 700 people in response to consultation requests from Schengen countries. Consultation requests are channelled through an online network (VISION system) of national VISION offices. Each national VISION office acts as the point of contact for the other VISION offices in the network.

Schengen countries can have another member country to process visa applications on their behalf. There are 14 locations where Switzerland handles visa-related matters on behalf of various Schengen countries. Switzerland itself is represented by Hungary in Chisinau and Minsk as well as by France in Kingston. This type of visa representation has been formalised in bilateral agreements with the countries concerned and have been signed by the Federal Department of Foreign Affairs (FDA), working with the Federal Department of Justice and Police (FDJP).

2. **Immigration and** foreign resident population

At the end of December 2010, the usual foreign resident population in Switzerland stood at 1 720 393 (2009: 1 680 197).[2] A total of 1 101 760 people (64 % of all legally resident foreigners in Switzerland) are nationals of EU-27/EFTA member states; 618 633 (36 %) are nationals of other states. The number of EU-27/EFTA nationals increased by 3.3 % compared to the previous year. The number of third-state nationals increased by 0.7 %. The largest group of foreigners is comprised of Italian nationals (289 125 persons, 16.8 % of all legally resident foreigners in Switzerland), followed by German nationals (264 227 persons, 15.3 %), and Portuguese nationals (213 153 persons, 12.3 %). The largest increase compared to the previous year was registered by Kosovar nationals (+32 433), followed by German nationals (+13 755), Portuguese (+7898) and French nationals (+4535). The increase in the number of Kosovar nationals is primarily due to the fact that many of the Kosovars residing in Switzerland decided to register under Kosovar nationality following the independence of Kosovo.

At the same time, the number of Serbian nationals decreased by roughly the same amount (-35 560), followed by nationals from Bosnia and Herzegovina (-1217), Croatia (-1170) and Sri Lanka (-985). As for Italian nationals, which constitute the largest foreign population in Switzerland, the number has remained fairly constant since the end of 2009 (+14 persons).

[2] *Federal Office for Migration, Foreign Population Statistics. The usual foreign resident population includes all foreign nationals who have been legally resident in Switzerland for at least one year and hold one of the following permits: short-stay permit (valid for 12 months or longer), normal residence permit, permanent residence permit.*

3. Employment

Switzerland draws a distinction between two types of foreign workers when awarding residence and work permits: EU/EFTA nationals and third-state nationals. The first group enjoys all of the benefits of the Swiss-EU bilateral agreement on the free movement of persons, which authorises EU/EFTA nationals to live and work in any EU/EFTA member state. All other nationals are considered as third-state nationals, which means that they are subject to quotas on the number of residence and work permits that may be issued. Generally, only managers, specialists and qualified workers are issued such permits but only if Swiss employers are unable to find equally qualified workers in Switzerland or, by extension, any other EU/EFTA member state.

In 2010, 90 496 EU-27/EFTA[3] nationals immigrated to Switzerland – around 61.5 % (55 685) of whom came for the purpose of taking up employment. EU-17/EFTA nationals who come to Switzerland by virtue of the Swiss-EU bilateral agreement on the free movement of persons mainly work in the tertiary sector (76 %).[4] Around 22 % work in the secondary sector (industry and crafts) and around 2 % work in the primary sector. The employment situation for EU-8 nationals[5] within the usual foreign resident population is similar. Around 67 % work in the tertiary sector and 12 % in the secondary sector (industry and crafts). Compared to EU-17/EFTA nationals, however, considerably more EU-8 nationals (around 21 %) work in the primary sector.

For their part, Bulgarian and Romanian nationals (EU-2 nationals) have been able to benefit from the provisions of the Swiss-EU bilateral agreement on the free movement of persons since 1 June 2009. The vast majority of EU-2 nationals (74 %) work in the tertiary sector, around 11 % work in the secondary sector (industry and trade) and 15 % in the primary sector.

Architects from Romania and Germany

Third-state nationals on the Swiss labour market

The reduction in quotas for residence and work permits for third-state nationals began in 2009 and continued in 2010. A total of 6129 short-stay permits and 3101 normal residence permits (12 % fewer short-stay permits and normal residence permits as in 2009) were issued. On 4 December 2009, as a temporary measure in response to the worldwide economic and financial crisis, the Federal Council decided to halve residence permit quotas for third-state nationals in 2010 (3500 for short-stay permits and 2000 for normal residence permits). In the spring of 2010, it was determined that the halved residence permit quota was not high enough to cover Swiss needs for highly qualified specialists from third states, and a supplementary quota was needed. On 28 April 2010, the Federal Council therefore decided to introduce a supplementary quota (4500 for short-stay permits and 1000 for normal residence permits). This effectively raised the total residence permit quotas to 8000 for short-stay permits and 3000 for normal residence permits. Since the 3000 quota for normal residence permits was fully used up, the authorities had to draw on unused quotas from 2009.

As in 2009, most residence and work permits were issued to IT specialists (1708 permits). The number of such permits issued to IT specialists remained roughly the same in 2010 as in 2009. The second largest group was comprised of highly qualified workers in the chemical and pharmaceuticals industry (688 permits); the third largest group was comprised of business consultants (560 permits). Compared to 2009 figures, the second largest group grew by 13 % and the third largest group by 15 %. In 2009, there was a sharp decrease in the number of permits issued to financial services specialists (35 % fewer than in 2008). In 2010, the figure was 13 % higher (435 permits). In contrast, there was a strong decrease in the number of permits issued to highly qualified workers specialised in the export-dependent machine industry (449 permits in 2010 compared to 676 permits in 2009). As far as the qualifications of third-state nationals are concerned, four-fifths of all newcomers who received a permit from the Federal Office for Migration were holders of a higher education qualification. As in 2009, third-state nationals mainly came from the following countries: India (1617), USA (1590), Canada (540) and China (376).

For years, demand from service providers from EU/EFTA member states for Swiss residence permits has been high, particularly for short-stay permits. 20 % (1858 permits) of the total of 9230 permits issued under quota restrictions went to service providers from EU/EFTA member states. Issuance of these permits was not subject to the provisions of the Swiss-EU bilateral agreement on the free movement of persons. On 3 December 2010, the Federal Council decided[6] that two types of residence permit quotas would be introduced starting from 1 January 2011:

- residence permit quotas for third-state nationals (5000 short-stay permits and 3500 normal residence permits),
- residence permit quotas for service providers from EU/EFTA member states (3000 short-stay permits and 500 normal residence permits).[7]

With this decision, the Federal Council has authorised the issuance of 1000 more residence permits in 2011 than in 2010. Partial revision of the Ordinance on Admission, Period of Stay and Employment (SR 142.201) also includes implementation of the revision of the Foreign Nationals Act (SR 142.20), which was approved by the Swiss Parliament on 18 June 2010.[8]

[3] The current member states of the European Union are known as the EU-27. They are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. The current member states of the European Free Trade Association are Switzerland, Iceland, Liechtenstein and Norway.

[4] These values are based on the usual foreign resident population.

[5] The EU-8 refers to the eight Eastern European countries that joined the European Union in 2004 at the same time as Cyprus and Malta: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

[6] Part of the consultation procedure on partial revision of the Ordinance on Admission, Period of Stay and Employment (SR 142.201)

[7] Service providers from EU/EFTA countries who work for more than 90 days in Switzerland are not subject to the provisions of the Swiss-EU bilateral agreement on the free movement of persons.

[8] Pa. Iv. Neirynck, 08.407, Facilitated immigration and integration of foreign nationals who hold higher education qualifications

4. Europe

The Federal Office of Migration's Competence Centre for EU Legislation monitors migration policy developments within the EU and represents Swiss interests in various EU bodies and international organisations. In this manner, Switzerland is able to actively influence EU legislative processes at an early stage.

The first migration attaché for EU policy took office on 1 December 2010 in Brussels. Working out of the Swiss Embassy to the European Union, the migration attaché is the Confederation's main liaison to the European Council and the European Commission on matters relating to migration.

The Federal Office for Migration represents Swiss interests in the following:

External Borders Fund (EBF). A Schengen acquis, the EBF was created by the EU for the period running from 2007 to 2013 to enable members to split the cost of protecting the external borders of the Schengen area. The EBF should improve border control efficiency, thereby improving protection of the external borders and reducing illegal immigration (see Chapter D 8.5 *External Borders Fund*).

General Directors' Immigration Services Conference (GDISC). The GDISC seeks to encourage practical cooperation among immigration authorities in EU/EFTA member states and other Eastern European countries (EU candidate countries). The GDISC offers Switzerland – which is not an EU member state – the possibility of taking part in migration policy debates as an equal partner.[9]

By virtue of the Swiss-EU bilateral agreement on Schengen/Dublin cooperation, Switzerland regularly takes part in the sessions of the EU's **Justice and Home Affairs Council.** By working directly with the various ministries, the Federal Office for Migration ensures the coherence of Switzerland's positions at the EU level.

International Centre for Migration Policy Development (ICMPD). The ICMPD is an intergovernmental organisation that seeks to harmonise European migration policies and encourage implementation of foreign migration policy. Represented by the Federal Office for Migration, Switzerland is a founding member of the ICMPD and plays an active role in the ICMPD Steering Group.[10]

[9] *http://www.gdisc.org/*
[10] *http://www.icmpd.org/*

Four friends from four different countries: Luca, Dejan, Ismail, Fabien

5. **Asylum** seekers

Situation in Switzerland in 2010

A total of 15 567 asylum applications were filed in Switzerland in 2010; this represents a slight decrease of 2.7 % (-438 applications) compared to the previous year. By the end of December 2010, 36 788 asylum applications were still pending (i.e. applications still being examined, applications for which expulsion or deportation orders had been issued but were not yet executed; and applications from persons who were admitted to Switzerland on a temporary basis); this represents a decrease of 8.8 % (-3531 applications) compared to the end of 2009. In 2010, 20 690 asylum applications were handled at first instance; this constitutes an increase of 19.4 % (+3364 decisions) compared to 2009. In 9466 cases, the application was not considered admissible, which was 23.3 % higher (+1788 cases) than in 2009. The large proportion of inadmissible applications can be mainly explained by the fact that Switzerland does not consider asylum applications filed by persons transferred to another country under Dublin provisions (2010: 6393 cases compared to 3486 in 2009). In 2010, 30.9 % of all asylum applications related to a Dublin procedure (see Chapter D 4 *Dublin Association Agreement*).

Applicants were granted asylum in 3499 cases, denied asylum in 6541 cases and withdrawn or disregarded in 1234 cases. In 2010, the approval rate reached 17.7 %, a slight increase with respect to the previous year (2009: 16.3 %). In 2010, a total of 4796 persons were admitted on a temporary basis. By the end of 2010, a total of 25 285 persons had been granted refugee status, which constitutes an increase of 7 % (+1645 persons) with respect to 2009.

In 2010, the ten major countries of origin of asylum seekers in Switzerland included:

Country	Applications in 2010	Change from 2009 to 2010 number of persons
Nigeria	1969	+183
Eritrea	1799	+75
Sri Lanka	939	-476
Serbia	910	+335
Afghanistan	670	-81
Iraq	659	-276
Georgia	642	+4
Kosovo	602	-92
Turkey	530	-29
Syria	469	+69

In 2010, the top country of origin was once again Nigeria. Switzerland has been less significantly affected by the economic crisis than other major destination countries (in particular Italy and Spain). As a result, it has become a target of inner-European migration by Nigerians. Swiss asylum practice towards Nigerian nationals matches that of other European countries: nearly all of the 2243 asylum applications processed in 2010 were rejected. Asylum was only granted in two cases; one person received temporary admission.

In 2010, as part of the family reunification programme, Switzerland admitted 1000 family members of Eritrean nationals who had been granted asylum in Switzerland.

The sharp increase in the number of applications from Serbian nationals is due to the fact that since December 2009, Serbian, Macedonian and Montenegrin nationals may now travel without a visa throughout the Schengen area. Several thousand Serbian and Macedonian nationals, many of whom belong to the Roma minority group, took advantage of the eased travel restrictions to apply for asylum within a Schengen country. Switzerland was by far the least affected by this development than other European countries (e.g. Belgium, Germany and Sweden).

European trends

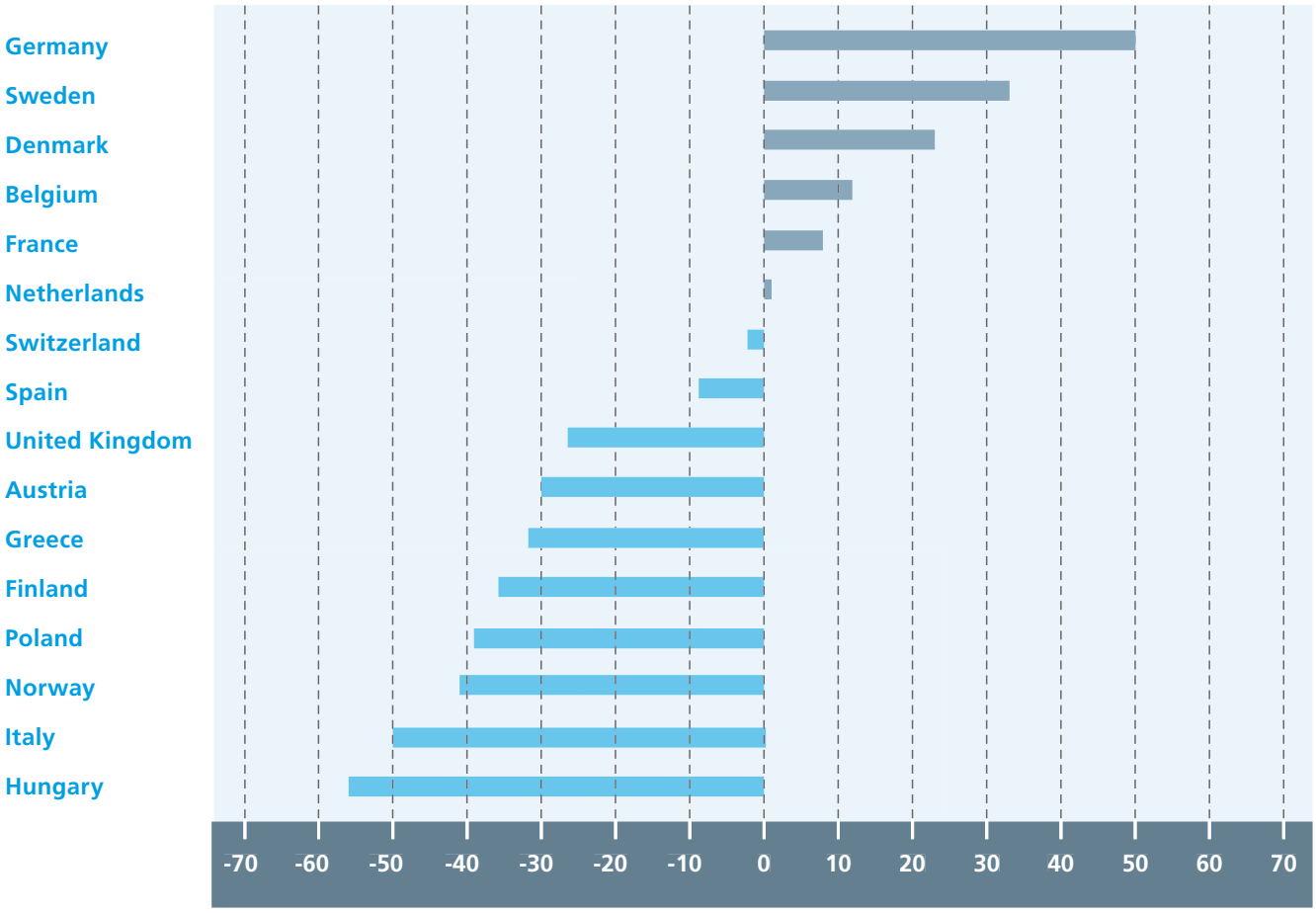
In 2010, around 265 000 asylum applications were submitted to EU and EFTA member states (including Switzerland). This represents a decrease of around 6 % compared to 2009. For the first time since 2006, the number of asylum applications decreased across Europe. Compared to 2001 and 2002, the number of asylum applications remains low. At that time, more than 450 000 persons were seeking asylum in Europe each year. Approximately 5.9 % of the asylum applications filed in Europe in 2010 were received by Switzerland. This figure was 5.7 % in 2009.

Main European destination countries

In 2010, the destination countries receiving the largest number of asylum applications in Europe:[11]

- France (51 000 applications)
- Germany (41 300)
- Sweden (31 800)
- United Kingdom (21 800)
- Belgium (19 400)
- Switzerland (15 567)
- Netherlands (15 000)
- Austria (11 000)
- Greece (10 800)
- Norway (10 100)
- Italy (6700)

Asylum applications in the main European destination countries (in %)



Developments have been quite different in individual destination countries. In France, the Netherlands and Switzerland, the number of asylum seekers remained fairly stable. In Germany, Sweden and Belgium, the number increased sharply. This increase was mainly due to the introduction of visa-free travel for Serbian and Macedonian nationals. Many nationals of these countries, particularly members of the Roma minority group, took advantage of the easing of travel restrictions to travel to and seek asylum in Western Europe – particularly in Belgium, Germany or Sweden.

In the United Kingdom, Austria, Greece, Norway and Italy, there was a significant decrease in the number of asylum applications in 2010. This decrease may be ascribed to several factors. Italy benefited from continued cooperation from Libya in monitoring of the central Mediterranean. Greece adopted controversial measures (which have since been changed) to factually limit access to its asylum system to only a few individuals per day. The United Kingdom benefited from the fact that it is an island as well as from the fact that border control is already handled by Belgian and French harbours on the English Channel.

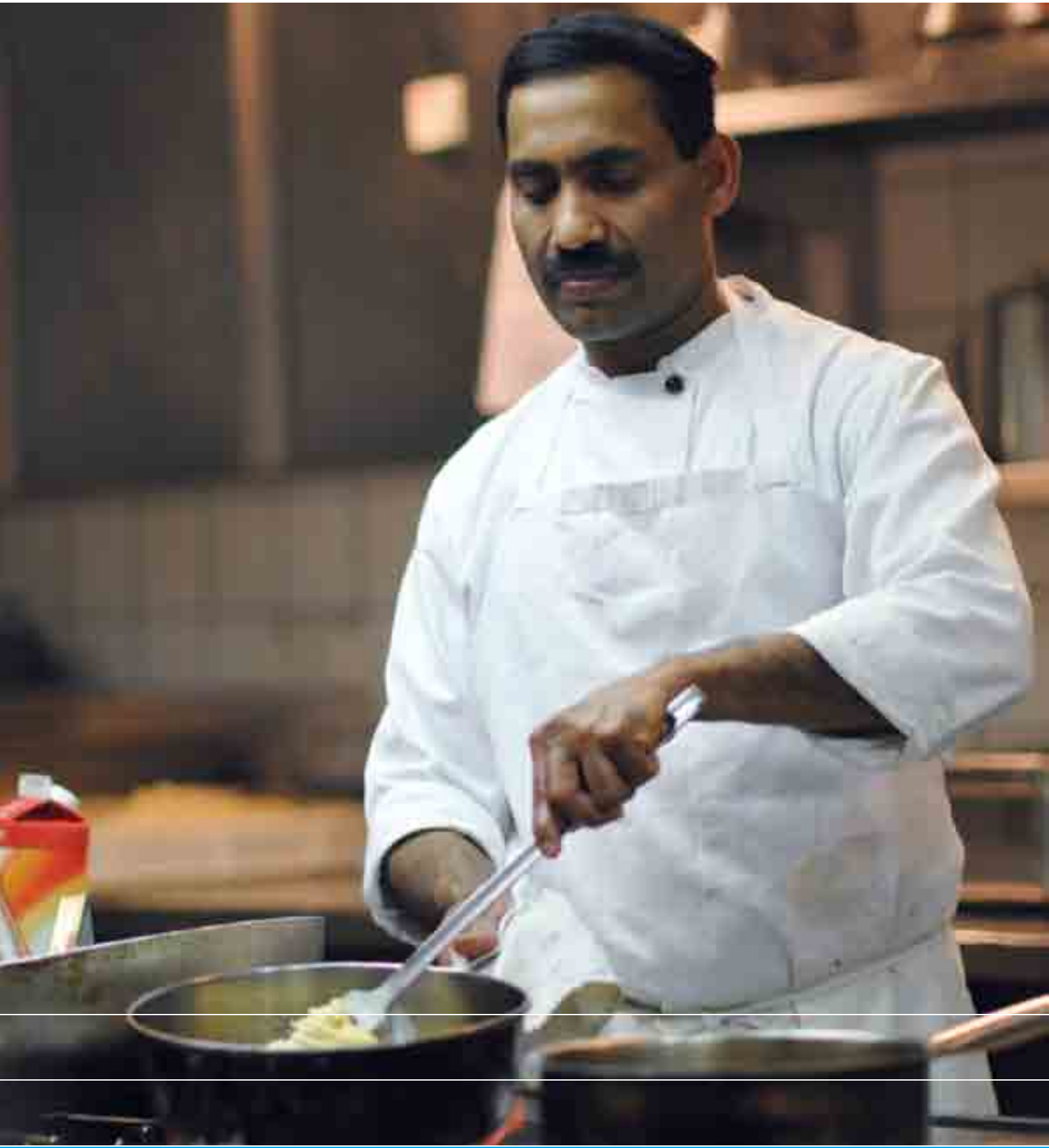
Main countries of origin of asylum seekers in Europe[11]
As in 2009, the largest group of asylum seekers came from Afghanistan (21 000 persons). However, there were fewer Afghan nationals (-4500 persons) seeking asylum in Europe in 2010 than in the previous year. A total of 670 Afghan nationals (approx. 3.2 % of all Afghan asylum seekers in Europe) sought asylum in Switzerland.

Russia comes in second with approximately 18 000 asylum seekers (-1000 compared to the previous year) in Europe. 348 of these Russian nationals sought asylum in Switzerland, which corresponds to 1.9 % of all Russian nationals who sought asylum in Europe.

Somalia comes in third with approximately 16 800 asylum seekers (-3000 compared to the previous year) in Europe. Migration pressure from Somalia remains high due to the fragile security situation. 337 Somali nationals sought asylum in Switzerland, which corresponds to 2 % of all Somali asylum seekers in Europe.

[11] *The figures are partly based on provisional data or estimates taken from Web sites of the various migration authorities, the Office of the United Nations High Commissioner for Refugees (UNHCR) and Intergovernmental Consultations (IGC).*

In 2010, Switzerland granted asylum to 3449 asylum seekers, 2160 of whom came from Eritrea.



3071 persons obtained residence permits as hardship cases.

6. Hardship cases

The Asylum Act (SR 142.31) and the Foreign Nationals Act (SR 142.20) recognise three types of hardship cases for which asylum seekers may obtain a residence permit from a Canton, subject to FOM approval:

Under the Asylum Act, asylum seekers must have lived in Switzerland for at least five years (their place of residence known by the Swiss authorities at all times) and experience personal hardship following intensive efforts to integrate in Switzerland. In 2010, 286 asylum seekers (429 persons in 2009) received residence permits under these conditions.

Under the Foreign Nationals Act, persons admitted on a temporary basis must have lived in Switzerland for at least five years, and in-depth verification must be carried out to determine whether or not personal hardship is present. In 2010, 2656 persons (2009: 2682 persons) admitted on a temporary basis were granted a residence permit.

Finally, the Foreign Nationals Act enables a residence permit to be granted in the event of serious personal hardship. In 2010, 129 illegal immigrants living in Switzerland were granted residence permits (2009, 88 persons). There is also a special rule whereby a residence permit may be revoked if a person becomes divorced under particular circumstances (e.g. domestic violence). Data relating to these special cases will be gathered for the first time in 2011.

7. Relations with countries of origin and third states

Relations with countries of origin and third states are much less contractually formalised and institutionalised than with EU member states. In its migration policy, Switzerland pursues the following objectives:

- ensure that immigration serves Swiss socio-economic interests;
- ensure that protection is afforded to refugees and vulnerable migrants;
- crack down on illegal migration;
- encourage and help migrants to return to their home countries;
- use migration as a means of furthering sustainable development in countries of origin and transit countries.

Various instruments have been developed to reach these objectives: migration partnerships, programmes to prevent illegal migration, return assistance and structural projects in the country of origin.

The basic principle underlying these instruments is that the furthering of Swiss interests does not start at the Swiss border. Sustainable solutions are not possible if the interests of partner countries are not adequately taken into account. The migration partnership concept enables Switzerland to do just that. Depending on the needs of the partner country, a migration partnership may include the above-mentioned instruments or other aspects where action may be taken. Migration partnerships may therefore also serve as a framework for projects that use migration to drive development in the partner country, i.e. by working with the diaspora from the country of origin.

These instruments are coordinated among all of the federal agencies involved – particularly the Federal Department of Justice and Police (FDJP), the Federal Department of Foreign Affairs (FDFA) and the Federal Department of Economic Affairs (FDEA). The main protagonist is Federal Office for Migration (FOM), which plays the leading role in Swiss migration policy.

8. Integration

Integration mainly occurs in our daily lives. Responsibility for integration rests squarely on the shoulders of existing structures such as general education schools and VET schools, companies or healthcare institutions and takes place at three political levels: federal, cantonal and communal. Special measures taken in relation to foreigners should only be complementary in nature.

In 2010, specific measures were launched to encourage the integration of foreigners in the following three areas (based on priorities set for 2008–2011):[12]

- language and education;
- creation of integration competence centres and community interpreting centres;
- development of standard projects.

In addition, subsidies are provided to cover the costs of integration of persons admitted on a temporary basis and recognised refugees: the Confederation makes a single lump sum payment to the Cantons for each new person admitted on a temporary basis as well as for each recognised refugee. This lump sum payment is intended to cover the costs of occupational integration and the acquisition of one of Switzerland's national languages.

All of these integration measures are described in the report entitled "Federal Integration Measures and their Impact in the Cantons in 2009" (*Integrationsförderung des Bundes und ihre Auswirkungen in den Kantonen 2009*, available in German, French and Italian only), which was published in September 2010.[13]

The Federal Council commissioned the Federal Office for Migration to develop a general concept to encourage language acquisition among migrants in Switzerland. The objective is to achieve good and adequate language teaching and learning. A further objective is to improve coordination between federal and cantonal agencies. Jointly run by the University of Fribourg and the Fribourg University of Teacher Education, the Institute of Multilingualism has recently developed a "framework curriculum to promote language skills of migrants". Between now and 2012, additional instruments will be developed to encourage and test the language and communication skills of migrants.[14]

Muslim dialogue

In response to voter approval of the "Minaret ban initiative" (November 2009), the Federal Office for Migration received a mandate from the head of the Federal Department of Justice and Police (FDJP) to establish a platform for dialogue between the federal authorities and Muslims in Switzerland. This Muslim dialogue platform enabled discussion and analysis of selected issues and problems, identification of the shared concerns of both the Confederation and Muslims as well as outlining of the measures that the Confederation can take in various areas under its jurisdiction. In 2010, six workshops were held.

[12] *Based on Art. 55 of the Foreign Nationals Act (SR 142.20), the Federal Department of Justice and Police (FDJP) has established the content of measures to be taken in priority areas for the duration of the legislative period. The Confederation has also established an integration budget that will be used to cover a portion of the costs associated with implementation of these measures.*

[13] *http://www.bfm.admin.ch/content/bfm/de/home/themen/integration/foerderung/spezifisch.html*

[14] *http://www.bfm.admin.ch/content/bfm/de/home/themen/integration/themen/sprache.html*

9. Naturalisations

Starting point / developments in figures
The number of naturalisation applications has increased substantially over the past few years: in 1999, 19 887 applications were filed nationally. This figure surpassed 30 000 applications (32 318) for the first time in 2004. In 2008, 34 965 applications were filed, setting a new record in the number of naturalisation applications. In 2009, the FOM received 30 046 applications. In 2010, there were 26 554 applications.

In 2010, 40 403 persons were granted Swiss citizenship. This corresponds to a decrease of around 10 % with respect to the previous year (44 948 persons). 31 186 persons acquired Swiss citizenship through the standard naturalisation procedure; 9080 persons acquired Swiss citizenship through the fast-track naturalisation procedure; 137 persons were renaturalised.

As in recent years, the applicants came predominantly from Serbia, Italy and Germany. In 2010, 6843 Serbian nationals applied for Swiss citizenship, 19 % fewer than in 2009. The number of Italians applying for Swiss citizenship fell from 4953 in 2009 to 4236 in 2010, which corresponds to a decrease of 14.5 %. As of 28 August 2007, German nationals no longer lose their German citizenship if they acquire citizenship from another EU country or Switzerland. This resulted in an initial increase of around 40 % in the number of naturalisations granted to German nationals (from 3056 persons in 2008 to 4272 persons in 2009). However, in 2010, the number of German nationals obtaining Swiss citizenship fell to 3742, which corresponds to a decrease of 12.5 % with respect to 2009. Naturalisations of Portuguese nationals stood at 2184 persons, which was slightly higher than the number of naturalisations of Turkish nationals (2098). The number of Portuguese nationals granted Swiss citizenship in 2010 is only slightly lower (-6 %) than in 2009. As far as Turkish nationals are concerned, the figure in 2010 was 19 % lower than in 2009.

Izet, who holds both Macedonian and Swiss citizenship, has been working for the past twenty years to keep rails clean.

10. Return

Return assistance

In 2010, a total of 2171 persons left Switzerland to return to their country of origin, either voluntarily or independently, under one of the return assistance programmes.

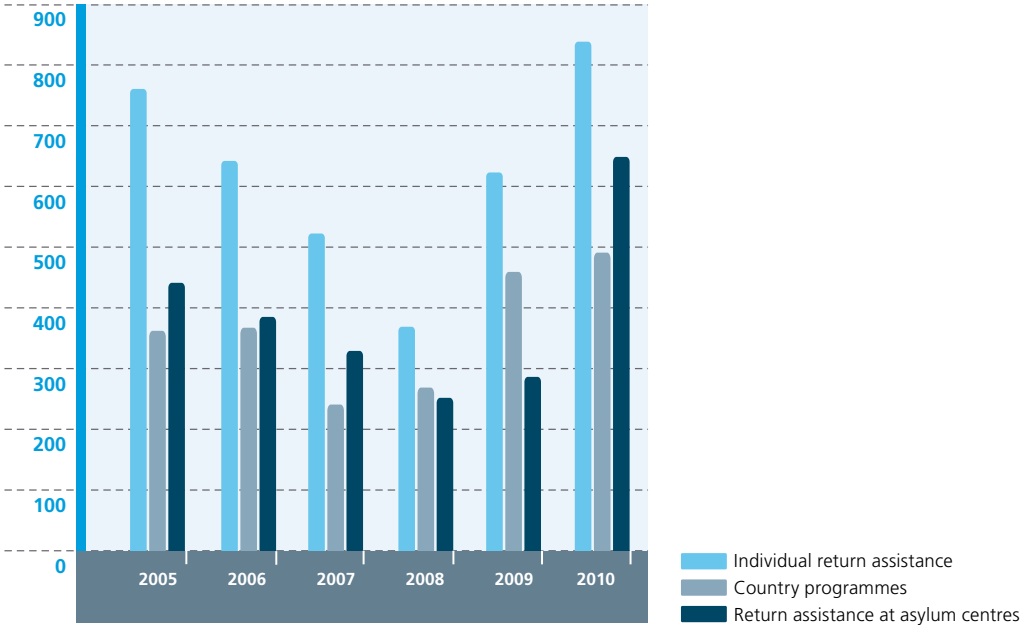
- 645 people left with return assistance after stay at asylum centre (30 %), cash contribution.
- 494 people left under a country programme (23 %), cash contribution and microproject.
- 835 people left with individual return assistance (38 %), cash contribution and microproject.
- 197 people left after consultation (9 %).

All asylum seekers may request return assistance at the local return counselling office in their Canton of residence, at an asylum centre and at airport transit areas.

The worldwide offer of individual return assistance includes start-up funding as well as an individual reintegration project. In 2010, the FOM organised special country programmes with its partners in Nigeria, Guinea, Georgia, Iraq and the West Balkans. These countries were also major destinations for people leaving Switzerland with return assistance. The FOM will continue to offer return assistance for all of these countries except for the West Balkans in 2011.

Since entry into force of the Foreign Nationals Act (SR 142.20) on 1 January 2008, certain groups of persons falling within the scope of the Foreign Nationals Act have received return assistance. The current project in this sector is intended to help the victims of human smuggling as well as cabaret dancers in situations of exploitation. So far, 28 people have benefited from this return assistance.

Table showing number of departures by type of return assistance programme, 2005–2010



Source: FOM

In 2010, a total of 2171 persons received return assistance.

Detention

Individuals do not always return to their country of origin on a voluntary basis. Asylum seekers whose application has been turned down must leave Switzerland after the deadline for departure. Other foreign nationals residing illegally in Switzerland may be issued a removal order. If the individuals in question do not leave Switzerland, detention may be used as a means of enforcement.

Swiss legislation provides for three main types of detention orders, **detention in preparation for departure** (*Vorbereitungshaft*), **detention pending deportation** (*Ausschaffungshaft*), and **coercive detention** (*Durchsetzungshaft*). The detention trends observed over the past two years remained unchanged even after the first half of 2010. Between January and June 2010, **detention pending deportation**[15] was ordered for 95% of the corresponding cases. 86 % of the detention pending deportations led to successful return of the illegal immigrant. During this same period, **coercive detention** was ordered in 30 % of the corresponding cases,[16] which is roughly the same as last year. As far as the duration of detention is concerned, the figures remain roughly the same as those indicated in last year's report: the average duration of **detention in preparation for departure**[17] was 31 days (2009: 32 days); the average duration of **detention pending deportation** increased to 24 days (2009: 19 days); the average duration of **coercive detention** sharply increased to 155 days (2009: 106 days). The total duration of **detention pending deportation** may not exceed 18 months (2009: 18 months) and the total duration of **coercive detention** may not exceed 16 months (2009: no more than 12 months).

As in 2009, Nigeria, Kosovo and Serbia were the three countries of origin of most foreign nationals held in **detention pending deportation** in 2010. Nearly 33 % of the total of 200 detention orders applied to nationals from Algeria. Nearly 90 % of the detainees were men.

Removal by air

In 2010, the Swiss authorities ensured the removal by air of 8059 persons. Compared to the previous year, this corresponds to an increase of just under 11 % (2009: 7272 departures). This increase in the number of departures is mainly due to the Swiss-EU bilateral agreement on Schengen/Dublin cooperation whereby persons are transferred by air from Switzerland to the corresponding Dublin countries where the asylum application was first submitted (Dublin out procedure).

Of the total of 8059 departures, 66 % fell under the scope of the Asylum Act (SR 142.31) and 34 % under the scope of the Foreign Nationals Act (SR 142.20). Owing to the high number of Dublin deportations (Dublin out procedure), the proportion of departures falling under the scope of the Asylum Act predominates, which was also the case in the previous year. In 2010, 2722 persons were transferred by air from Switzerland to the corresponding Dublin countries. This constitutes an increase of 43 % compared to the previous year (2009: 1904 persons were transferred under the Dublin out procedure).

In 2010, the rate of voluntary departures increased by 4 %. Nevertheless, many persons do not comply with removal or expulsion orders; instead, they go underground or refuse to leave. Only 29 % of those ordered to depart Switzerland left voluntarily, 71 % of them within the framework of a controlled return. 276 persons were accompanied by specially trained security officials to their destination country on standard or special flights (see Chapter D 3 *Special flights*).

[15] ***Detention pending deportation*** *(Ausschaffungshaft) is a preventive measure taken to enforce an expulsion or removal order. The duration of detention may not exceed 18 months. The general conditions applying to detention are set forth in Art. 76 of the Foreign Nationals Act (SR 142.20).*

[16] *According to Art. 78 of the Foreign Nationals Act (SR 142.20),* ***coercive detention*** *(Durchsetzungshaft) is intended to force a hitherto non-compliant individual to leave Switzerland. Non-compliant individuals may be detained for no longer than 18 months if* ***detention pending deportation*** *is not an option and other more lenient measures are ineffective.* ***Coercive detention*** *is initially ordered for a period of one month, and may be extended at two-month intervals.*

[17] ***Detention in preparation for departure*** *(Vorbereitungshaft) is intended to enforce removal proceedings. The maximum duration of detention is six months and this measure is subject to the general conditions set forth in Art. 75 of the Foreign Nationals Act (SR 142.20).*

11. Procedures to remove and keep people away

The Foreign Nationals Act (SR 142.20) provides for a range of measures designed for categories of foreign nationals whom Switzerland wishes to send back and/or deny entry for a limited or unlimited duration. These categories include foreign nationals who have seriously and/or repeatedly undermined Switzerland's security and public order or who constitute a serious threat to Switzerland's internal or external security. These measures include, in particular, removal orders (*Wegweisung*), expulsion orders (*Ausweisung*) and bans on entry (*Einreiseverbot*).

Bans on entry and expulsions are aimed at preventing the entry to Switzerland of undesirable foreign nationals. Both measures are preventive rather than penal nature. As long as they remain in force, the foreign national may not enter our country without obtaining the explicit authorisation of the competent authority. In the case of EU nationals, the conditions are more restrictive. Indeed, for a ban on entry to be ordered, the person in question must represent a real, current and sufficiently serious threat to security and public order. In 2010, 8176 bans on entry were issued (2009: 7943 bans on entry).

Since the Swiss-EU bilateral agreement on Schengen/Dublin cooperation came into effect, all bans on entry ordered by our country are entered into the Schengen Information System (SIS). This enables undesirable foreign nationals to be barred from entry to the Schengen area.

12. Emigration

Although immigration is a major concern for the Swiss population, people tend to forget that Switzerland is also an *emigration* country. In most cases, however, these departures are temporary, i.e. for limited durations.

Around 700 000 Swiss nationals – or a good 11 % – live abroad. Each year, over 25 000 Swiss leave Switzerland, and a slightly smaller number return. While there are no emigration statistics, interviews conducted with emigrating Swiss nationals indicate that most move abroad for the purpose of pursuing professional training and/or to learn a foreign language.

The FOM currently maintains trainee agreements with 33 countries. Of these 33 bilateral agreements, however, only about 17 are currently being actively implemented in Switzerland.

Following restructuring, all tasks relating to "Emigration, Traineeships, EURES, Return Migration of Swiss Nationals" were transferred to other organisational units within the Federal Office for Migration, effective 1 September 2010.

Registered Swiss nationals living abroad

Date	Total	Dual nationals	Total
31.12.08	676 176	485 286	+8069
31.12.09	684 974	493 468	+8798
31.12.10	695 101	502 320	+10 127

Exchange of trainees

Year	Swiss	Foreigners
2009	301	111
2010	96[18]	105

[18] *Plus over 200 Swiss nationals living in Canada (direct permit issued electronically).*

Falanga Yangala from the Congo, tram and bus driver for Bernmobil for the past 10 years.

Highlights in 2010

1. **Further development** of federal integration policy

On 5 March 2010, the Federal Council released a report containing its view on the direction that federal integration policy should take in the future.

Since integration is something that takes place in the day-to-day lives of people, it will now be viewed as a cross-cutting theme to be included as a basic objective in all corresponding regulatory frameworks. This greater anchoring of integration should lead to more equal opportunities. It should also enable better protection against discrimination and targeted dialogue on integration.

The report introduces two noteworthy innovations:
1. The current integration policy should be consolidated through improvements in various areas (e.g. language and education) and anchored in legislation. The Federal Office for Migration is currently in the process of drafting the corresponding legislative proposals.

2. Specific measures taken by the Confederation to encourage integration should be developed further and more closely aligned with actual needs. Starting in 2014, these specific federal measures will be harmonised with cantonal integration programmes, which will be based on three pillars: "Information and Counselling", "Education and Employment" and "Pillar 3" (platform for other measures). In addition, linkages will be established between activities relating to foreigners and asylum.

In the future, initial information for newly arriving migrants will be improved so that they will become more aware of their rights and obligations. This will also make it possible for the authorities to take suitable integration measures. In the further development of the new policy to encourage integration, the Federal Office for Migration will take appropriate steps in consultation with its partners in the Cantons and towns. In order to ensure careful planning and give the Cantons ample time to establish their own strategies and integration programmes, a two-year transitional phase will start after the current programme of priorities (2008–2011) is complete. During this time, the current programme of priorities will remain practically unchanged.

The Federal Office for Migration is currently helping the Cantons develop their own integration programmes. This is being done so that cantonal agencies will be able to plan their integration activities along the lines of the Schiesser report[19] and ensure that integration programmes offer a high level of quality.[20]

[19] *Federal Council report of 5 March 2010 on the continuation of federal integration policy.*

[20] *http://www.bfm.admin.ch/content/bfm/de/home/themen/integration/politik/weiterentwicklung.html*

2. Nigeria

On 5 November 2010, the Swiss and Nigerian delegations successfully concluded negotiations for a bilateral migration partnership. The Memorandum of Understanding (MoU), which had been the subject of discussions between the two countries since Federal Councillor Micheline Calmy-Rey's visit to Abuja in April 2009, covers cooperation in areas such as building capacities for migration management, migration and development, promotion and protection of human rights, legal migration. Cooperation will involve exchange programmes for education and training, measures to crack down on migrant smuggling, human trafficking and drug trafficking, return assistance, readmission and reintegration, as well as the prevention of illegal migration.

The MoU was formally signed on 14 February 2011 during an official visit by Nigerian foreign minister Henry Odein Ajumogobia to the head of the Federal Department of Justice and Police (FDJP) Simonetta Sommaruga. This MoU for a migration partnership breaks new ground and will enable Switzerland and Nigeria to take their cooperation to a new level. Both parties wish to establish lasting cooperation ties that will serve mutual interests and reflect a comprehensive approach to migration, i.e. one that recognises both the opportunities and challenges of migration. This is the first agreement of this kind between Switzerland and an African country.

Political consultations on 5 November 2010 served as a platform for the exchange of views on subsequent action to be taken, specific implementation of the partnership and possible joint projects and initiatives. Among the numerous topics covered, the two delegations explored possible avenues that would lead to improvement of Switzerland's voluntary return and reintegration programme, which has been in place for Nigerians since 2005. Preliminary discussions with Swiss companies operating in Nigeria have taken place to identify ways in which these companies might offer basic and continuing education and training to a certain number of young Nigerians. In the area of migration and development, Switzerland intends to include Nigeria in the regional system that is already in place to identify, protect and reintegrate young stranded migrants and vulnerable children. Switzerland and Nigeria also agreed to find ways to encourage the Nigerian diaspora living in Switzerland to become involved in the migration partnership.

Discussions also centred on the tragic incident of 17 March 2010, when a young Nigerian who was being repatriated died at the Zurich Airport. The Swiss delegation reiterated its regrets. The two delegations took stock of the series of practical measures that Switzerland and Nigeria have developed over the past few months to improve the repatriation process and prevent such an incident from reoccurring. The Nigerian government agreed in particular to play an active role in the entire repatriation process. State Secretary Uhomoibhi also expressed his satisfaction with the agreed measures. The two parties insisted on the need to take the measures needed to ensure that the repatriation process is conducted with dignity and respect. They therefore decided to resume regular cooperation on the basis of the Swiss-Nigerian bilateral agreement on readmission, which came into effect in 2003. Normal cooperation will gradually resume with identification missions conducted by the Nigerian authorities and the participation of repatriated Nigerians on FRONTEX flights to Nigeria.

The two delegations also discussed areas of mutual interest such as bilateral trade and investment, the joint fight against potentate funds, peacekeeping operations in Sub-Saharan Africa, the security situation in the Sahara-Sahel region, the Nigerian presidency of the Economic Community of West African States (ECOWAS) and the Human Rights Council review. In the spring of 2011, a one-month training course was organised in Geneva and Bern for a group of young Nigerian diplomats and their Swiss homologues.

3. **Special** flights

Switzerland's return policy provides for both voluntary and involuntary departure. The latter case applies for individuals who fail to comply with a removal or expulsion order. In such cases, police measures may be used as a means of enforcement. Special flights apply in situations where an individual refuses to take a commercial flight back to his/her country of origin, even when escorted by police officers.

Of the total of 8059 removal flights from Switzerland in 2010, 136 individuals were forcibly returned to their country of origin on 27 special flights. This constitutes a significant decrease with respect to 2009, when 360 individuals were returned to their country of origin on 43 special flights. The decrease was exclusively due to the suspension of such special flights from March to the end of May 2010, which was ordered by the Federal Office for Migration after the tragic death of a Nigerian national on 17 March 2010. Special flights gradually resumed again in early June 2010, with the exception of flights to Nigeria. Given the increasing prevalence of criminal cases involving individuals whose asylum applications had been rejected by virtue of the Dublin Association Agreement, more special flights were needed in 2010 (11 flights for a total of 42 individuals) to return these individuals to the corresponding Dublin country.

Swiss participation in EU joint flights

The EU's border control agency, FRONTEX, also handles EU joint flights. Between 2006 and 2009, Switzerland was involved in 24 bilateral or multilateral joint flights organised by the EU. In four cases, Switzerland even coordinated the joint flights. In 2010, Switzerland was not involved in any EU joint flights due to the improved security measures on special flights that were introduced by the federal and cantonal executive bodies of Conference of Cantonal Justice and Police Directors (KKJPD). In 2011, Switzerland is expected to once again take part in EU joint flights.

Of the total of 8059 persons who were removed from Switzerland by air,
136 persons had to be removed on special flights.

4. **Dublin** Association Agreement

The Dublin Association Agreement (DAA) came into force on 12 December 2008. The Dublin Area is currently comprised of 30 countries, namely the EU-27 member states and the three associate states of Norway, Iceland and Switzerland. The aim of the Dublin system is not to standardise asylum and removal proceedings in the Dublin Area, but rather to simply determine which Dublin country has jurisdiction over a given asylum application. Once jurisdiction has been determined, the asylum application is subject to the national law of that Dublin country.

Entry into force of the Dublin Association Agreement has no bearing on the right of asylum seekers to submit their application in any Dublin country. With the Dublin system, however, it may be that another Dublin country has jurisdiction over the asylum application regardless of where the asylum application has been submitted. In such cases, the Dublin country with jurisdiction will ultimately decide the outcome of the asylum application. The Dublin Agreement is intended to ensure that only one Dublin country has jurisdiction over a particular asylum application. This should prevent asylum seekers from submitting multiple asylum applications in various countries.

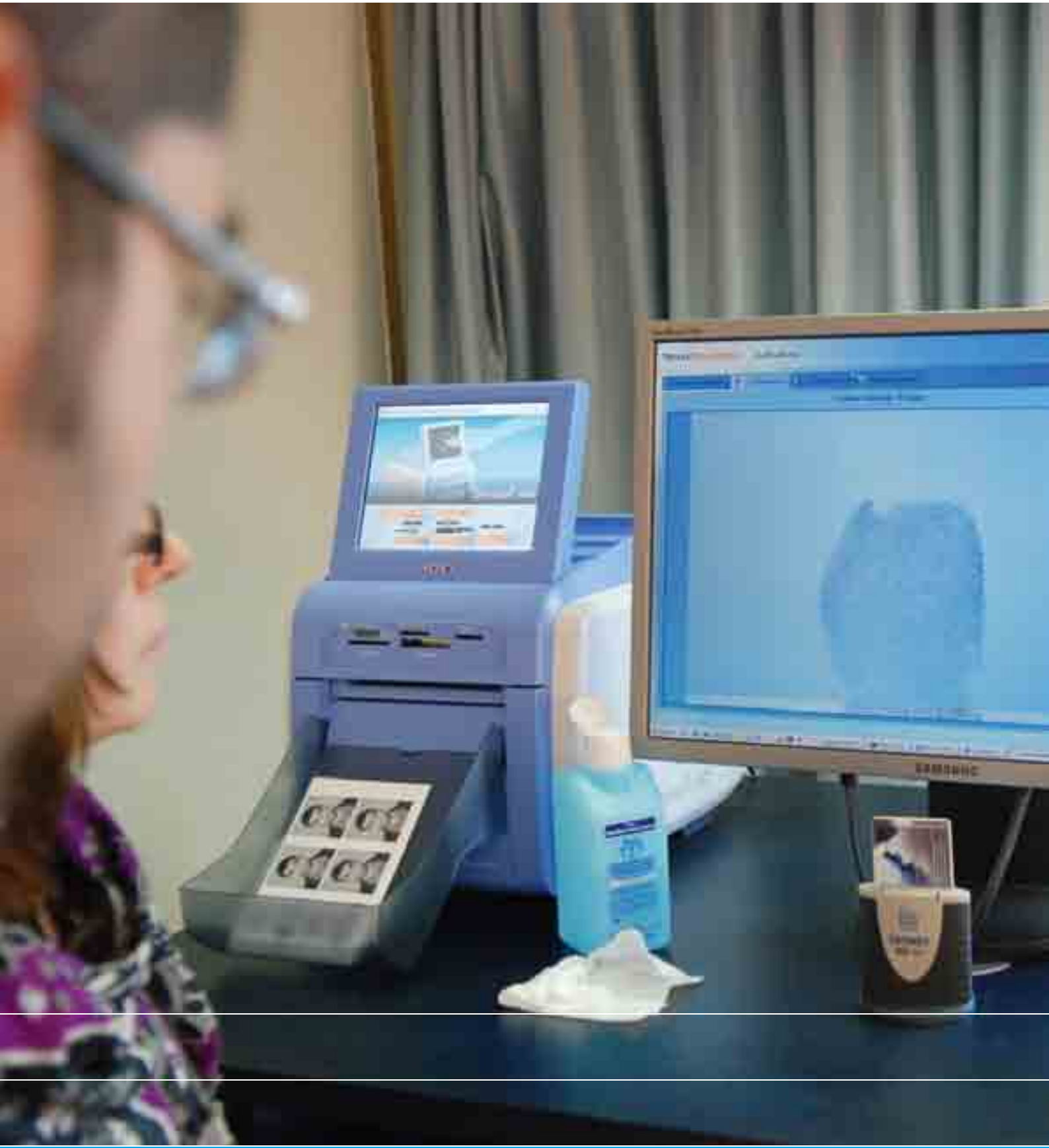
A Dublin country is generally considered to have responsibility for asylum and removal proceedings if any of the following conditions are met:

- if the asylum seeker submitted their first asylum application in that country;
- if a close relative of the asylum seeker has already submitted an asylum application on his/her behalf in that country, either because the close relative is a legal resident there or because the close relative has refugee status within the meaning of the Geneva Convention;
- if the Dublin country has granted the asylum seeker a visa or residence permit or if an asylum seeker has resided illegally in that Dublin country for a relatively long period of time.

Between the date when the Swiss-EU bilateral agreement on Schengen/Dublin cooperation became operational (i.e. 12 December 2008) and 31 December 2010, Switzerland requested that 12 035 (2010: 5994) asylum seekers be transferred to another Dublin country. These transfer requests were made under the Swiss assumption that another Dublin country was responsible for processing the asylum application. In 9685 cases (2010: 5095), the Dublin country concerned confirmed that it was responsible for processing the asylum application and that it was therefore willing to take over the case. In 1718 (2010: 853) cases, the Dublin country denied Switzerland's transfer request. In 632 cases, Switzerland received no reply. A total of 4626 (2010: 2722) asylum seekers was effectively transferred to another Dublin country.

Over the same period, Switzerland received 1932 (2010: 1327) transfer requests from other Dublin countries. In the case of 1249 (2010: 797) persons, Switzerland confirmed that it was responsible for processing the asylum application and stated its willingness to have the asylum seekers transferred to Switzerland. In 647 cases, Switzerland denied the transfer request. In 36 cases, Switzerland had not yet replied. 676 (2010: 481) asylum seekers were transferred to Switzerland.

Experiences with the Dublin Association Agreement have been positive. Cooperation with Dublin countries has been smooth. Thanks to the DAA, Switzerland has been able to transfer more asylum seekers to other Dublin countries than vice versa. The only problems have related to acceptance of asylum seekers from Greece. In 2010, the Federal Office for Migration was able to reject a Dublin procedure request from Greece for particularly vulnerable asylum applicants because Greece had not taken any suitable steps to identify particularly vulnerable asylum applicants and provide them with the necessary guidance, support and accommodation beforehand. The Federal Office for Migration monitored the situation closely in 2010 and decided that starting from January 2011, Switzerland would not process any Dublin procedure requests involving Greece.



Fingerprints help to determine which country is responsible for asylum proceedings or readmission.

5. **Deportation** Initiative

On 28 November 2010, despite the recommendation made by the Federal Council and the Swiss Parliament, Swiss voters adopted the Popular Initiative for the Deportation of Foreign Criminals (Deportation Initiative) by a majority of 52.9 %. The transitional provisions provide for a five-year period for the new constitutional provisions to be implemented at the Federal Act level.

The Deportation Initiative is intended to ensure that foreign nationals who have been convicted of specific criminal offences or who have fraudulently received social insurance and/or welfare benefits will lose their right to remain in Switzerland and will be deported. The individuals in question will also be barred from re-entry to Switzerland. Illegal entry or arrival in Switzerland will be subject to criminal sanctions.

In December 2010, Federal Councillor Simonetta Sommaruga, who heads the Federal Department of Justice and Police (FDJP), established a corresponding working group in charge of determining how the new constitutional provisions may be implemented at the Federal Act level. Specifically, the types of crimes that qualify for removal need to be more precisely defined, and new crimes may need to be added. Professor Heinrich Koller, former Director of the Federal Office of Justice (FOJ), has been appointed to chair this working group. The working group is comprised of two representatives of the originators of the initiative, two representatives of the Cantons and two representatives of the Federal Administration. The working group's report is expected in June 2011.

As in every legislative process, the Federal Council will submit a draft for consultation. Following this, the Federal Council will adopt a Federal Council Dispatch and a draft Federal Act to be submitted to the Swiss Parliament. The aim is to avoid provisions that may conflict with Switzerland's international commitments.

6. **Long-term recipients** and emergency assistance

Once their departure deadline has passed, asylum seekers whose asylum application has been turned down are no longer entitled to receive social insurance benefits, only emergency assistance if absolutely necessary. This measure is in place to encourage the individuals in question to leave Switzerland. Since early 2008, this termination of social insurance benefits applies to all asylum seekers whose asylum applications have been turned down. Around 50 % of all such individuals receive no emergency assistance and leave Switzerland. 15 % of these individuals continue to receive emergency assistance for a period of one year, as was the case in the past.

The Cantons have to contend with a certain number of people – long-term recipients – who refuse to leave Switzerland despite reductions in the amount of emergency assistance afforded to them. The most serious problems can be found in highly populated Cantons with larger urban agglomerations. At the end of 2009, the Confederation and the Cantons commissioned a study on the problem of long-term recipients of social insurance benefits who later transition to emergency assistance.

The study offers the Cantons two main lines of action to achieve an optimal balance between "carrot and stick" factors in the provision of emergency assistance and efforts to send long-term recipients back to their home country. The study also points out that the allocation of sufficient resources for detention centres and police work (e.g. identification of individuals) is a decisive factor.

An expert group on asylum and housing examined the measures recommended in the report and considered possible means of implementation. The following recommendations from the study were discussed:

- **Cooperation incentives:** various cooperation incentives and punishment options that can be used to enforce removal orders and included in the design of emergency assistance.
- **Arrangements with authorities:** the same federal agency should be responsible for enforcing removal orders and directing emergency assistance.
- **Enforcement capacities:** there is an adequate amount of space at detention centres and police officers to ensure the persons subject to a removal order will be present by the established deadline (identification) and that scheduled deportation is carried out.
- **Enforcement of removal orders:** regular reporting and inspections should be carried out to ascertain and verify the exact whereabouts of persons subject to a removal order.
- **Return assistance / return counselling:** persons subject to a removal order must be provided with clear information regarding return counselling and return assistance options, and these options must be readily accessible.
- **Emergency assistance:** the transition from social insurance benefits to emergency assistance must be clearly felt by persons subject to a removal order.
- **Hardship cases:** the Cantons are aware of the fact that their handling of applications in relation to hardship cases sends out a signal to persons subject to a removal order. They should not use their margin of manoeuvre for hardship cases when persons subject to a removal order intentionally hinder enforcement of removal orders.

The Confederation and the Cantons discussed other measures that, while unrelated to the emergency assistance programme, could lead to a reduction or containment of the number of long-term recipients of social insurance benefits who later transition to emergency assistance.
Based on these discussions, the Confederation and the Cantons identified various areas where action could be taken. These areas will now be examined in greater detail in smaller working groups. A progress report will be presented at the next expert committee meeting in mid-2011.

After the departure deadline has expired, asylum seekers who have received an expulsion order receive no more social insurance benefits, only emergency assistance.

7. **Residence** permit quotas

The Foreign Nationals Act (SR 142.20) was approved by Swiss voters (68 % majority) and all Swiss Cantons on 24 September 2006. This Act authorises the Federal Council to establish quotas on the issuance of initial short-stay permits and normal residence permits for third-state nationals wishing to work in Switzerland. In contrast, no such quotas apply to family members of immigrants who work in Switzerland, regardless of their citizenship. The same rule applies to the family members of students or recognised refugees. Apart from transitional quotas established for nationals of certain Eastern European countries, there are no longer any quotas on the issuance of permits to EU/EFTA nationals wishing to work in Switzerland.

Since the Swiss-EU bilateral agreement on the free movement of persons came into effect in 2002, most foreign workers have come from EU/EFTA member states. On 1 June 2007, transitional quotas were lifted for nationals of EU-17/EFTA member states. This lifting of quotas made it easier for such workers, regardless of their education level, to gain access to the Swiss labour market. As a result, the number of usual foreign residents from EU-17 member states in Switzerland increased from 816 300 in 2002 to 1 059 000 in 2010 (+29 %). On 1 May 2011, quotas were lifted for eight Eastern European countries that have joined the EU. As far as Bulgaria and Romania are concerned, Switzerland will continue to apply restrictions (separate quota, priority given to Swiss nationals and other EU/EFTA nationals already in Switzerland, verification of salary and working conditions) until 2016.

A look at the balance of migration (ratio of immigration to emigration) for nationals of EU-17/EFTA member states within the usual foreign resident population shows that the lifting of quotas in migration policy has had an impact on migration flows but so too has the economic situation and the resulting demand for foreign labour. As a result, the balance of migration increased from +16 923 persons in 2002 to +68 417 persons in 2008. The balance of migration has been decreasing since then but is still positive (2009: +43 904 persons and 2010: +37 072 persons).

Residence permit quotas established by the Federal Council have been the subject of considerable political and economic debate since the end of 2009. On 4 December 2009, as a temporary measure in response to the worldwide economic and financial crisis, the Federal Council decided to halve residence permit quotas for third-state nationals in 2010 (see Chapter C 3 *Employment / Third-state nationals on the Swiss labour market*). With the gradual extension of the free movement of persons, the only quantitative restrictions under the Foreign Nationals Act (SR 142.20) apply to third-state nationals and service providers from EU/EFTA member states coming to Switzerland for a period of over 4 months. Various stances were taken during the consultation procedure on partial revision of the Ordinance on Admission, Period of Stay and Employment (SR 142.201) for 2011. Trade associations, other interest groups and around half of the Cantons felt that the lower residence permit quota for highly specialised workers was unjust. In contrast, policymakers and the other Cantons felt that the lower residence permit quota was either adequate or should be even lower. The support group[21] set up during the consultation period was generally opposed to a lifting of quotas, stating that this would lead to a loss of Switzerland's ability to directly and indirectly manage immigration (e.g. family reunification).

For this reason, the residence permit quota policy established by the Federal Council was continued. Following the consultation period, the Federal Council decided to increase the quota by 1000 permits more than what was initially indicated in the draft submitted for consultation.

[21] *The support group is comprised of representatives of the following agencies: Federal Office for Migration (FOM), State Secretariat of Economic Affairs (SECO), Conference of Cantonal Directors of Economic Affairs (VDK), Swiss Association of Labour Market Authorities (VSAA), Swiss Association of Cantonal Migration Of-fices (VKM) and social partners.*

A laboratory specialist from a Kosovar family conducts research at the Bern University Hospital.

8. Schengen acquis

Visa Code

The Visa Code establishes the basic rules applying to the issuance of Schengen visas for airport transit and short stays of up to three months. It also places a three-month time limit on processing of visa applications by Schengen countries for transits through or stays in a Schengen member country. The Visa Code came into effect on 5 October 2009 and has been applied since 5 April 2010.

Removal guidelines

Removal guidelines should lead to greater harmonisation of removal proceedings for illegal immigrants from non-Schengen countries (third states). Among other things, these guidelines include standardised rules on the issuance of removal orders, detention to enforce removal orders, deportation and the issuance of bans on entry.

Implementation of these guidelines required amendments to be made to the Foreign Nationals Act (SR 142.20) and the Asylum Act (SR 142.31). This will include such things as the replacement of formal removal proceedings with informal ones as well as a maximum period of detention of 18 months for all types of detention.

Removal guidelines also provide for impartial monitoring of removal by air. This required amendments to be made to Ordinance on Enforcement of Removal and Expulsion of Foreign Nationals (SR 142.281).

The amendments to the respective federal acts and ordinances came into effect on 1 January 2011.

New biometric work/residence permits for foreigners

On 21 May 2008, Switzerland received notification of enactment of EC Council Regulation No. 380/2008,[22] which seeks to introduce the use of biometric data in a uniform ID card that Switzerland has been issuing to foreigners since 12 December 2008. This ID card is issued to all nationals who do not come from EU/EFTA member states. Last year, Switzerland devoted considerable time and energy to implementation of the new ID card.

These new ID cards are intended to prevent and crack down on illegal immigration and stays. The uniform ID card contains a microchip on which the holder's photo and two fingerprint images are stored. The biometric information stored on the microchip will only be used to compare existing data on file to confirm the authenticity of the ID card and verify the identity of the ID card holder.

The Swiss Parliament adopted the new legal provisions in a final vote held on 18 June 2010.

On 17 December 2010, the Federal Council decided that these legal provisions and the revised Ordinances would go into effect on 24 January 2011.

The technical work to produce the biometric ID card for third-state nationals was completed on 24 January 2011.

Visa Information System (VIS)

On 16 July 2008, Switzerland was notified of enactment of EC Regulation No. 767/2008,[23] as a Schengen acquis. This regulation allocates roles and responsibilities for the new system. It also describes the various procedures for the exchange of visa information between Schengen countries. Biometric data are included in the system to ensure reliable identification of the visa applicant. This Schengen acquis will normally be implemented in June 2011.

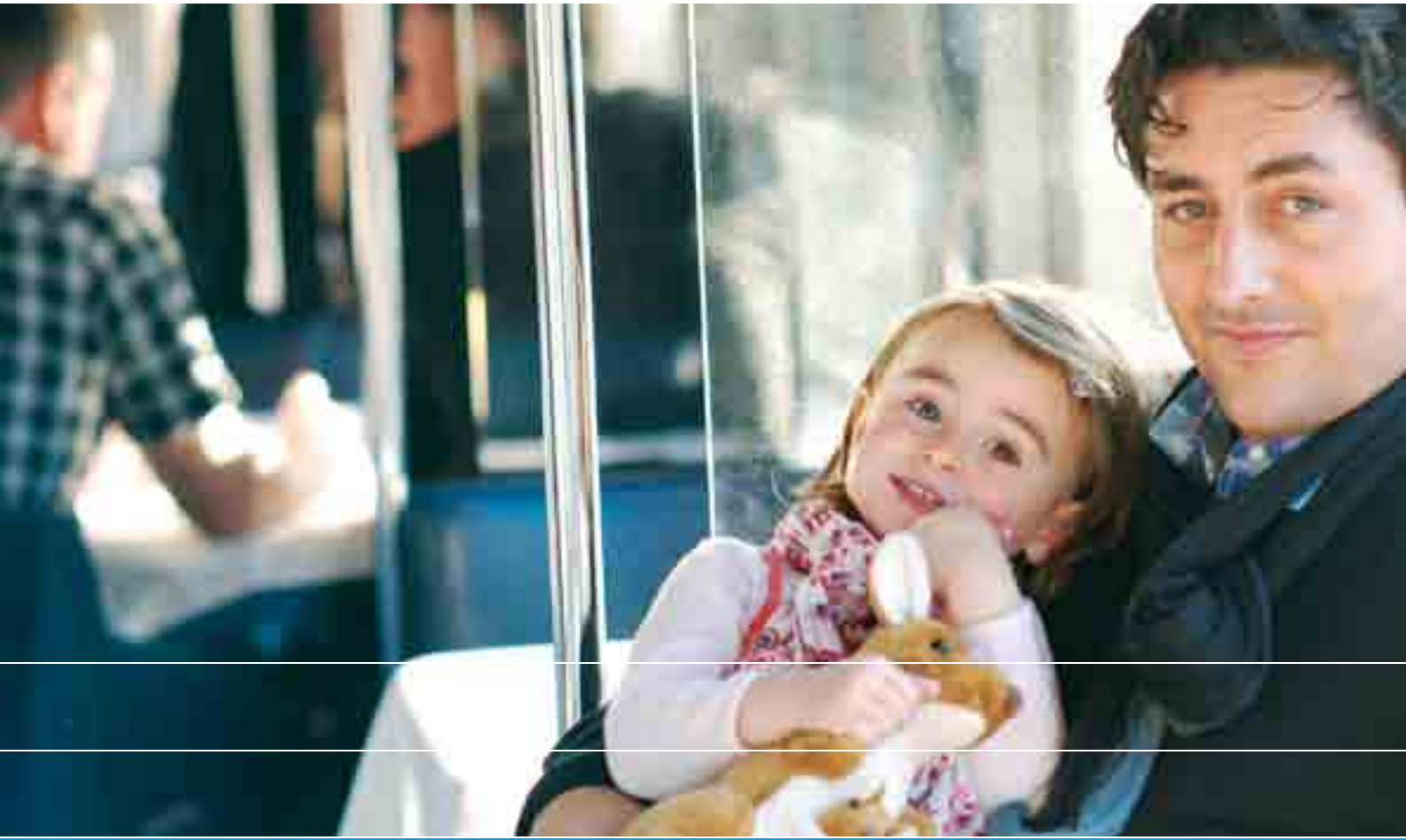
In 2010, the FOM worked intensively on implementation of the VIS. This included further development of Switzerland's electronic visa processing application (EVA) and subsequent connection of this application to the VIS.

In a final vote held on 11 December 2009, the Swiss Parliament adopted the legal provisions needed for implementation of EC Regulation No. 767/2008. In 2010, these legal provisions were then included in the Central Visa Information System Ordinance.

A further Schengen acquis, VIS Mail, was introduced at the same time as the VIS, which ensures secure e-mail communications between Schengen countries.

[22] Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals, ABl. L 115 of 29 April 2008, pg. 1

[23] Regulation (EC) No. 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, ABl. L 218 of 13 August 2008, pg. 60



Travel has become easier since Switzerland joined the Schengen area.

External Borders Fund (EBF)

The External Borders Fund[24] is a solidarity fund intended to provide funding to Schengen countries with extensive land and coastal borders to help cover the costs of protecting the external borders of the Schengen area.[25] The EBF should lead to more efficient border controls and hence more effective protection of the external borders, which should reduce illegal entry.

A total of EUR 1.82 billion has been set aside for the EBF for a limited period (2007–2013). Switzerland has been contributing retroactively to this fund since 2009 and pays an annual amount of CHF 15 million. In exchange for this contribution, Switzerland receives CHF 3 to 5 million in return. Switzerland is able to use these funds, for instance, to fund projects at airports, Swiss consular offices or IT projects. In order to ensure the proper management of the funds coming from Brussels, Switzerland had to set up a management and control system.

Schengen associated countries (Switzerland, Norway, Iceland and Liechtenstein) were required to sign an additional agreement outlining their participation rights and obligations. This additional agreement covers such things as financial contributions that Schengen associated countries must make to the EBF as well as the funds that they receive in exchange.

The Swiss Parliament approved the legal basis for the External Borders Fund in its final vote on 1 October 2010.[26] The 20 January 2011 deadline for a referendum expired unused. The three exchanges of notes on acceptance of the EBF were adopted on 9 February 2011, and the additional agreement came into effect on 1 April 2011.

Schengen acquis

By the end of December 2010, Switzerland had received notification of 114 Schengen acquis from the EU. In 2010, 11 Schengen acquis fell under the remit of the Federal Office for Migration. All eleven were adopted by the Federal Council and in some cases resulted in changes to legislation.

Most of the Schengen acquis related to Schengen visas, particularly the Visa Code and technical requirements for a uniform visa format. At the same time, Switzerland received a Handbook for the Organisation of Visa Sections and Local Schengen Cooperation.

As in 2009, EU member states agreed on further waiving of visa requirements in 2010. Under certain conditions, nationals of Taiwan, the Northern Mariana Islands, Albania, and Bosnia and Herzegovina no longer require a visa.

[24] Decision No. 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows", ABl. L 144 of 6 June 2007, pg. 22.

[25] See Chapter C 4 Europe

[26] BBl 2010 6617

Since 15 December 2010, nationals from Albania and Bosnia and Herzegovina may enter the Schengen area without a visa.

In addition to its over 800 employees, the FOM uses the services of around 500 community interpreters for immigration hearings and interviews.

General information about FOM

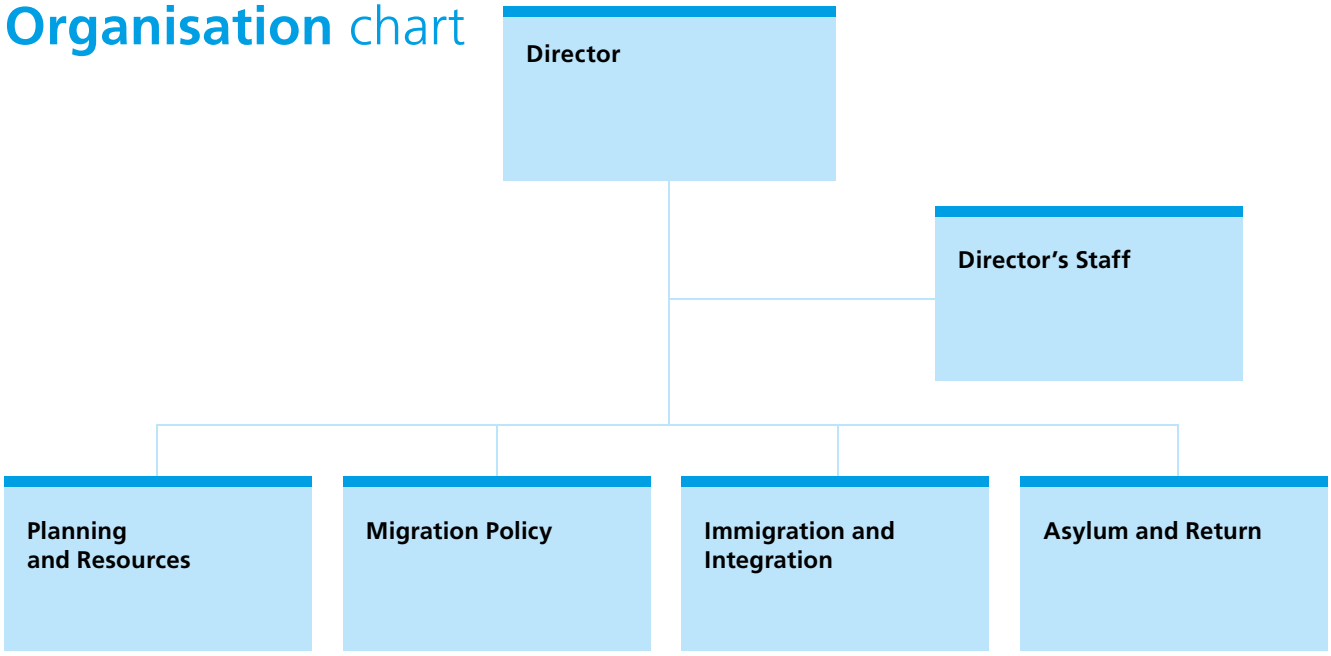
The Federal Office for Migration (FOM) was created on 1 January 2005 from the merger of the Federal Office for Refugees (FOR) and the Federal Office of Immigration, Integration and Emigration (IMES). The FOM establishes the conditions whereby a person may enter, live and work in Switzerland and it decides who receives protection from persecution in Switzerland. The FOM coordinates migration activities at the federal, cantonal and communal levels and is responsible for naturalisations at the federal level. In all areas of migration policy, the FOM actively fosters international dialogue with countries of origin, transit countries, other destination countries and international organisations.

FOM expenditure

The FOM's expenditure can be broken down into four categories.

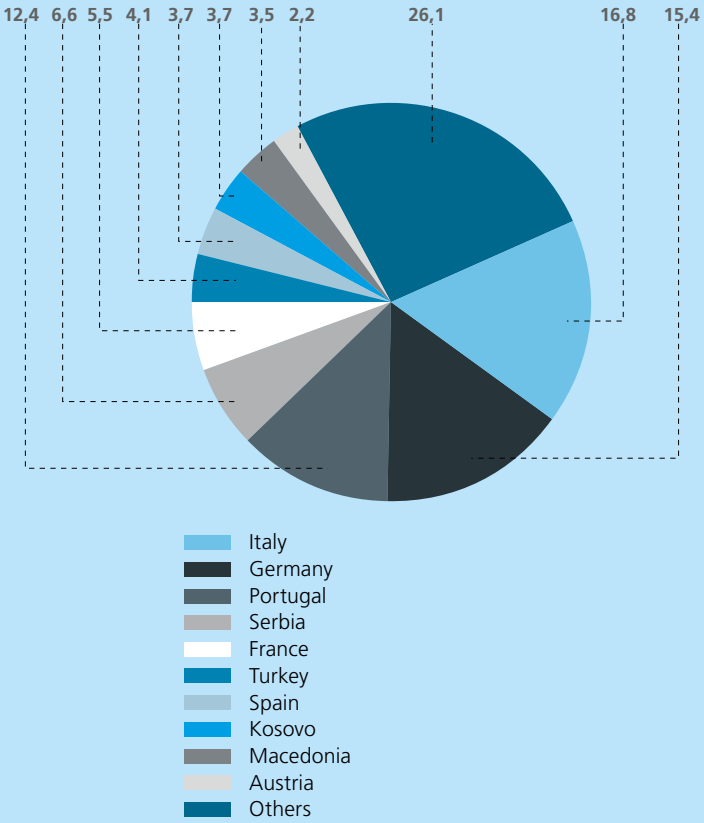
- Transfer services: approximately 80 % of total expenditure relates to support services for asylum seekers; persons admitted on a temporary basis and refugees; costs associated with enforcement of removal orders; costs associated with providing return assistance; costs associated with integration measures for foreign nationals; and costs associated with international cooperation in the area of migration.
- Payroll: approximately 13 % of the total expenditure relates to payroll (including social insurance contributions for all categories of staff) and other associated costs such as basic and continuing education and training.
- Operations: approximately 5 % of the total expenditure relates to running asylum centres; maintaining and developing IT infrastructure; consultancy; and other operating costs.
- Development projects: approximately 2 % of the total expenditure relates to developing and introducing specialised software applications.

Organisation chart

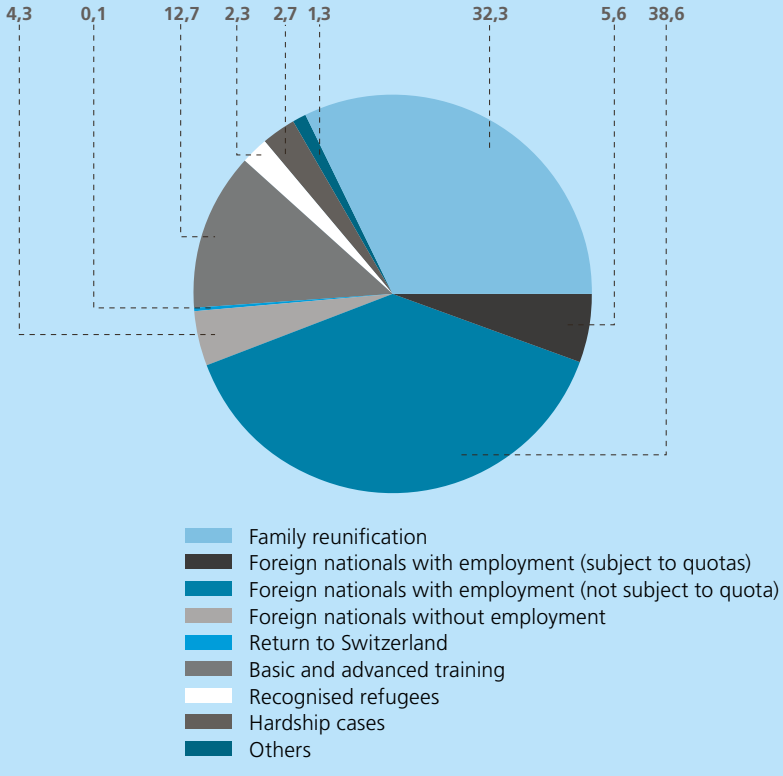


Appendix

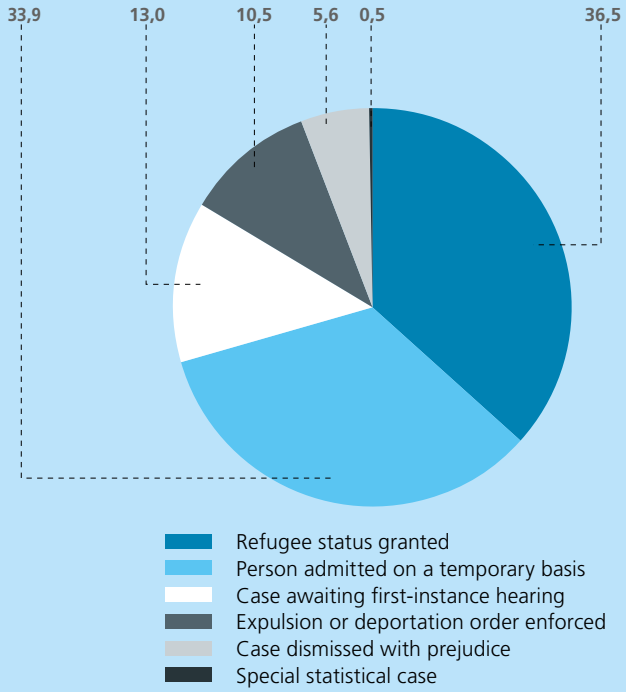
Top ten by nationality
(in %, figures as per 31 December 2010)



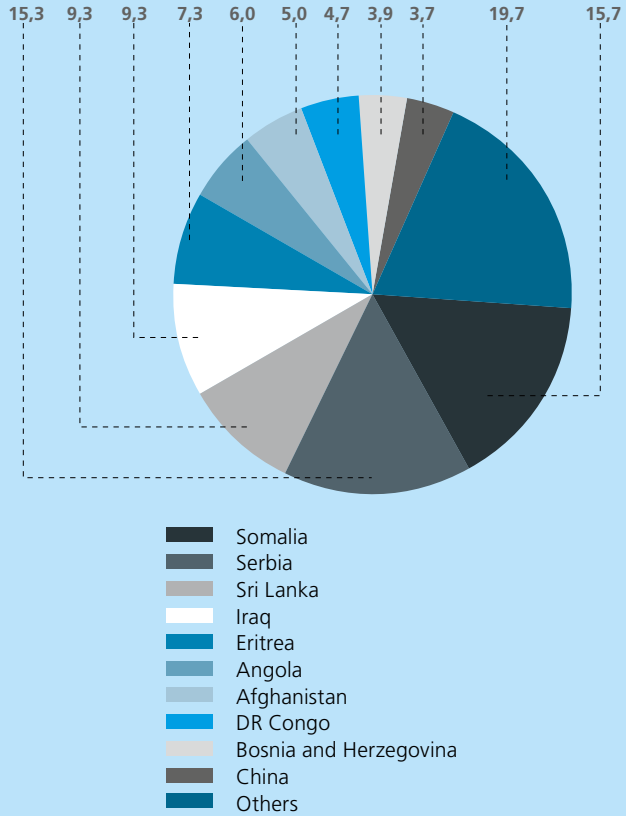
Entry by immigration grounds
(in %, figures as per 31 December 2010)



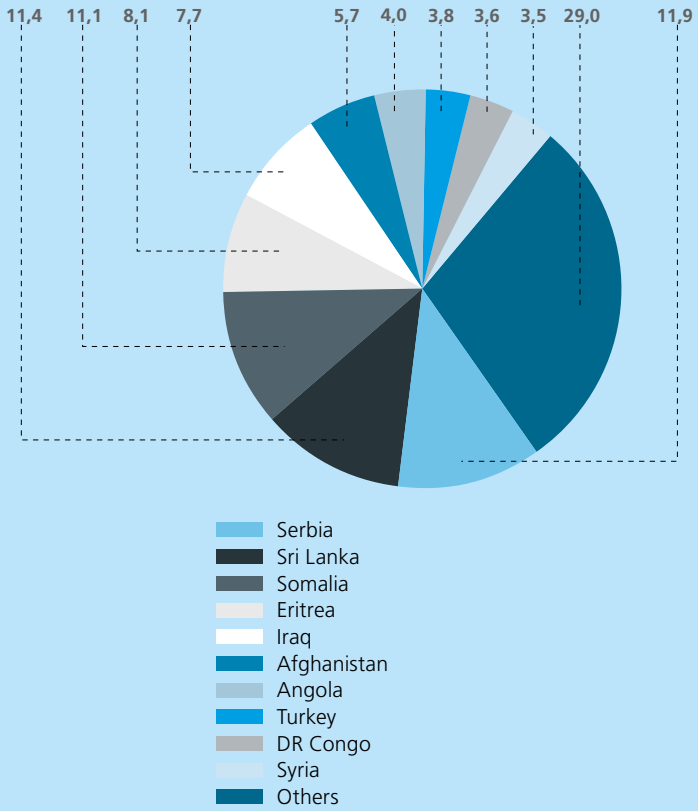
Persons in the asylum sector status
(in %, figures as per 31 December 2010)



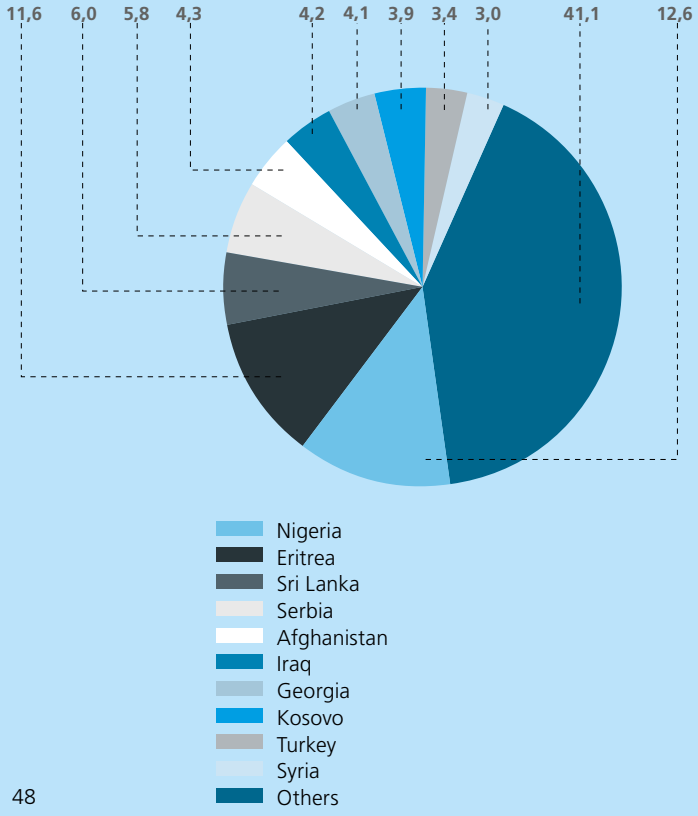
Temporarily admitted persons by country
(in %, figures as per 31 December 2010)



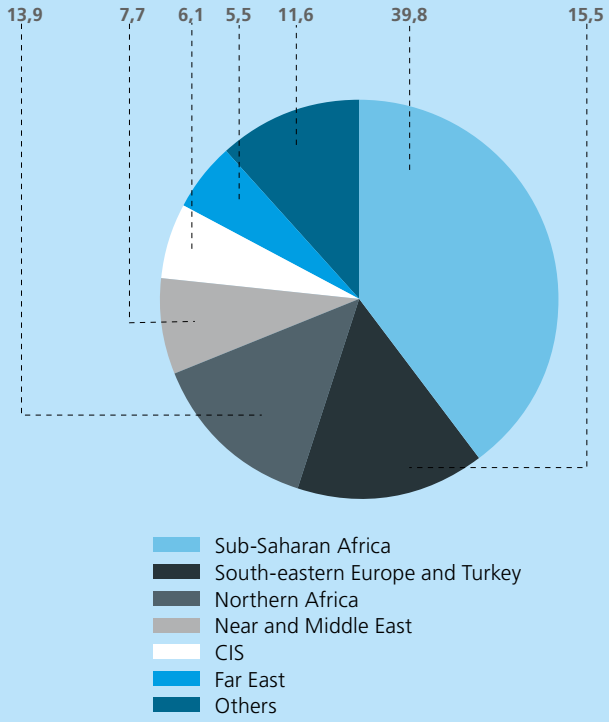
Persons in the asylum process by country
(in %, figures as per 31 December 2010)



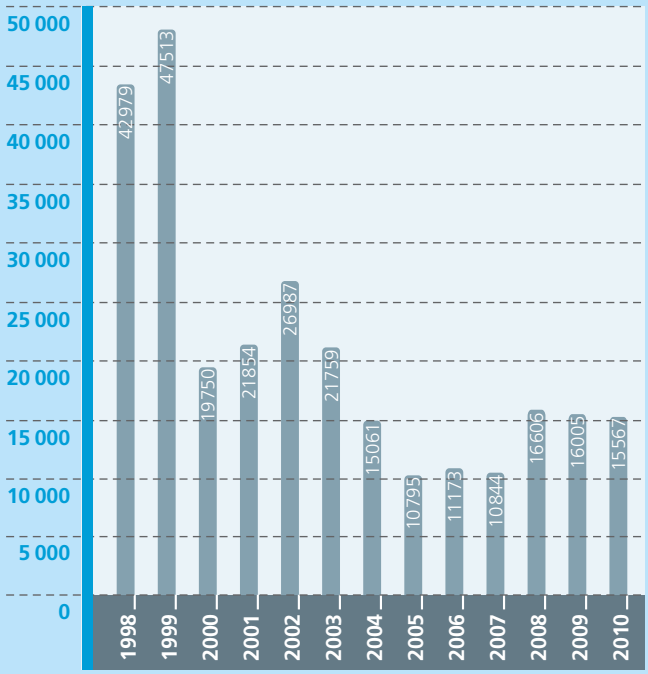
Asylum applications by country
(in %, figures as per 31 December 2010)



Applications processed by region (excl. temporarily admitted)
(in %, figures as per 31 December 2010)



Asylum applications per year



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