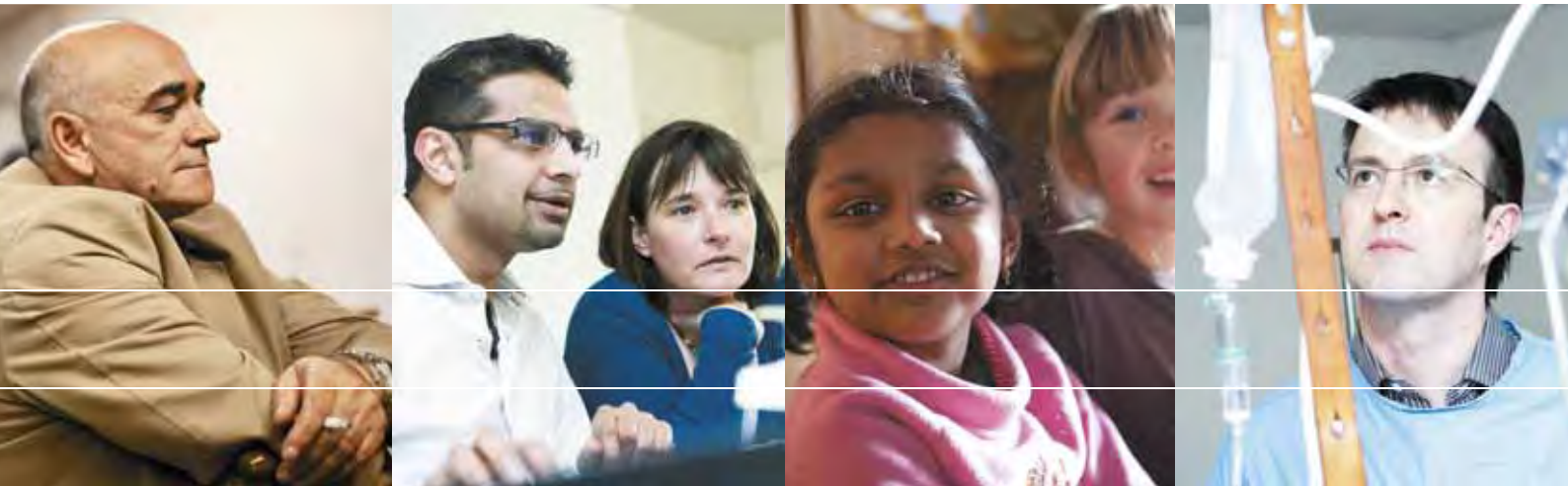




Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Swiss Confederation

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



# Migration Report 2009

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## Editorial



At the beginning of 2010 I left the Invalidity Insurance and took up my position at the Federal Office for Migration (FOM). Some would say it was a change from “bogus beneficiaries of disabled pensions” to “bogus asylum seekers” or “benefit shopping”.

It is a fact that foreign workers in Switzerland are considered by many as competitors for Swiss jobs. The term asylant has negative connotations. Abuse of the asylum or welfare system has become a topic of discussion also within the field of migration policy. Certainly isolated incidents are occasionally blown up into a major issue in public. The fact is, however, that the system is subject to abuse and, unfortunately, always will be. Abuse must be tackled systematically and it must never pay off. To this end the Swiss authorities must continue to enforce existing legal norms with all means available to them, otherwise the state will lose its credibility.

Despite the importance of fighting abuse, we must not forget that other topics should also be given our close attention. It strikes me that not much is said about the real refugees. Around 2600 applicants were granted political asylum in our country in 2009: these people have been through difficult and intensive asylum proceedings, they have asserted – rightly so – a legitimate claim emanating from Switzerland’s humanitarian tradition. They enjoy safety and protection in Switzerland and have hopes of a new and better life. Let us endeavour to integrate these people quickly and successfully into our society. A similar situation applies to Switzerland’s foreign workers; at present one in four workers is a foreign national. Specialists are much sought after all over Europe. Highly qualified manpower makes a contribution to our added value and creates new jobs. Let us recognise the fact that besides their work performance these people also enrich our society. Let us see them as an opportunity rather than a threat.

As director of the Federal Office for Migration (FOM) one of my concerns beyond dealing with daily business is to give momentum to migration policy. The challenge now is to attain the goals we have set using our new process-oriented structure and the new directorate for migration policy. I am sure that the Federal Office for Migration (FOM) will achieve these goals thanks to the dedication of its 700-strong staff.

A handwritten signature in black ink, appearing to read 'A. L. ...', with a long horizontal stroke extending to the right.



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# Year at a glance



## Brief outline

### **Adoption of Protocol II on extension of the Swiss-EU bilateral agreement on the free movement of persons to Bulgarian and Romanian nationals**

In February 2009, over 59% of the Swiss electorate voted in favour of adopting Protocol II on extension of the Swiss-EU bilateral agreement on the free movement of persons to Bulgarian and Romanian nationals. For a maximum of seven years after the additional protocol comes into effect, Switzerland is entitled to apply labour market restrictions on the short-stay and longer-term stays of Bulgarian and Romanian nationals. Such restrictions include: national priority, control of wages and working conditions, gradual increase in annual permit quotas.

### **Deportation initiative**

The aim of the deportation initiative is to reject foreign nationals without further examination of individual cases should they be found guilty of certain crimes or if they have abusively claimed social insurance benefits.

After a thorough discussion the National Council and the Council of States decided to validate the deportation initiative.

### **Complete revision of the Swiss Citizenship Act**

In 2009, the Federal Council began consultations regarding a complete revision of the Federal Act of 29 September 1952 on the acquisition and loss of Swiss Citizenship (SR 141.0), otherwise referred to as the Swiss Citizenship Act. This piece of legislation had become unclear and cumbersome to read over the years as a result of countless partial revisions. The complete revision is intended update the content to reflect present-day circumstances and ensure that:

- only well-integrated third-state nationals are able to obtain a Swiss passport;
- there is no administrative overlap between the federal, cantonal and communal naturalisation authorities;
- the naturalisation process becomes less complex.

### **Integration**

In 2009, the FOM participated in the work of the Tripartite Agglomeration Conference (TAC) – the political platform representing executives from the federal government, the cantons and communes – on the further development of Swiss integration policy.

The FOM supported the continued development of the following integration measures:

- language courses and assessment;
- campaigns to raise awareness of the risks of forced marriages;
- preschool facilities for children to improve their prospects upon enrolment in primary school.

### **Implementation of Swiss-EU bilateral agreement on Schengen/Dublin cooperation**

The Swiss-EU bilateral agreement on Schengen/Dublin cooperation became operational in 2008. Since then, initial experiences have been positive:

Schengen cooperation offers greater mobility to third-state nationals by harmonising short-stay visa practices. Dublin cooperation determines which country is responsible for processing asylum claims. Thus far, cooperation between Dublin countries has been smooth. Switzerland has returned considerably more persons to other Dublin countries than vice versa.

### **Biometric identity documents**

The further development of the Schengen Acquis places Switzerland under an obligation to include biometric data in Swiss passports, in travel documents for foreign nationals, in Schengen visas and in residence permits for third-state nationals.

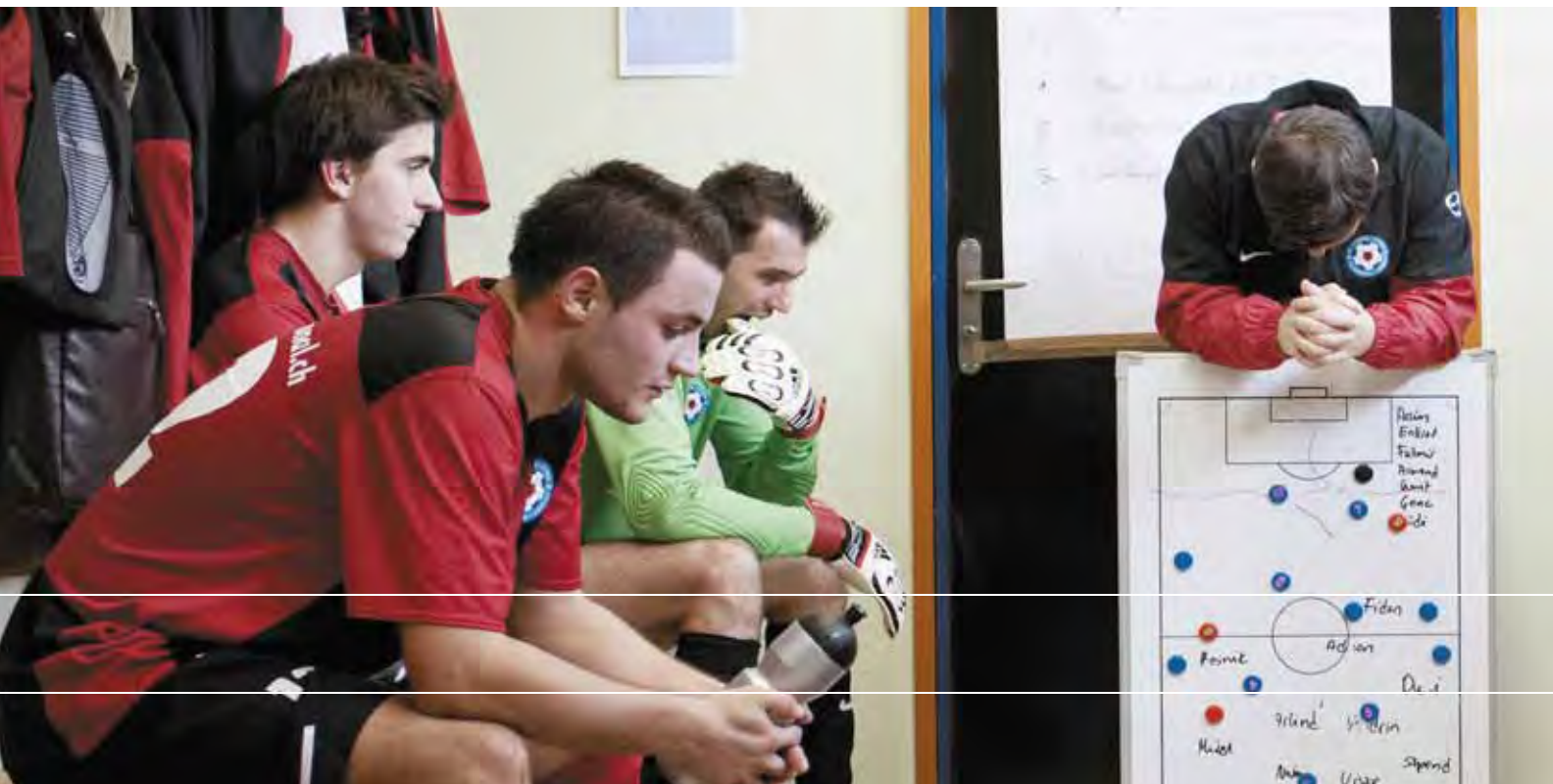
A system platform needed to be developed to collect and verify data for e-documents. Rollout of biometric identity documents is planned for 2010.

### **Restructuring**

The Federal Office for Migration is undergoing restructuring. The operating structure currently in place will largely be replaced by a procedural structure. The aim is to make optimal use of available resources.

## Key figures in 2009

- At the end of the year, there were 1 680 197 legally resident foreigners in Switzerland. Of these legally resident foreigners, 1 066 086 persons were EU-27/EFTA nationals.
- 90 215 EU-27/EFTA nationals immigrated to Switzerland. Around 63 % of these foreign nationals immigrated to Switzerland for the purpose of taking up employment.
- Last year, Switzerland issued 394 260 visas, 38 % less than in the previous year. The reasons for this are the association of Switzerland to the Schengen Area and the economic crisis.
- 44 948 persons were granted Swiss citizenship. As in recent years, those naturalised came chiefly from Kosovo, Italy, Germany and Turkey.
- 16 005 persons applied for asylum in Switzerland. Most of these asylum applicants came from Nigeria, Eritrea, Sri Lanka, Iraq, Somalia, Afghanistan, Kosovo, Georgia, Serbia and Turkey.
- Of the 17 326 asylum applications handled at first instance in 2009, 2 622 applications were approved. This corresponds to an approval rate of 16.3 %.
- 3 289 persons obtained residence permits as hardship cases.
- 44 948 persons were granted Swiss citizenship. As in recent years, those naturalised came chiefly from Kosovo, Italy, Germany and Turkey.
- A total of 1 577 people left Switzerland under the federal return assistance programme.
- 3 571 detention orders (for preventive detention or punitive detention) were issued to enforce expulsion or deportation orders. In 86 % of the cases, detention resulted in successful deportation.
- Swiss authorities ensured the expulsion or deportation by air of 7 272 persons. 61 % of these cases fell within the scope of the Asylum Act (SR 142.31) and the remaining 39 % fell within the scope of the Foreign Nationals Act (SR 142.20).
- In 2009, the FOM issued 7 943 entry bans.
- By the end of 2009, Switzerland had concluded 43 readmission agreements as well as three technical agreements on return.







# 1. Key figures

The figures speak for themselves:

- Since World War II, approximately two million people have immigrated to Switzerland or live here as the descendants of immigrants.
- At the end of 2009, there were over 1.68 million foreign nationals living in Switzerland.
- One in every four employed persons in Switzerland has a foreign passport.
- At over 21%, 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.
- One in every ten Swiss nationals lives abroad.

# 2. Historical context

Until well into the 19th century, Switzerland was predominantly a country of emigrants. It was mainly impoverished small-holder 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 bereiten die «Schwabern» 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.

# 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". This policy led to a 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.

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 would only be allowed to stay in Switzerland for a few years to fill cyclical gaps in our economy. Working permits were not automatically renewed and the 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, 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. Approval of the year 2000 popular vote

### Sozialisten, Anarchisten, Kommunisten



Gegen Ende des 19. Jahrhunderts landeten 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 «Umstürzern» 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



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 member states. The admission of foreign workers from non-EU/EFTA member states, 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 Slovaks 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 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 spark 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 pressure", "illegal migration", "economic refugees", "combating abuse", but also "protecting genuine refugees" and "integration" have now become the new buzzwords. Discussions pit the proponents of a more restrictive asylum policy 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 consensus 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 Krisen 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 traten 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 unsolved and constitute ongoing and future concerns for Swiss migration policy. With this in mind, ten 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 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 safeguards and promotes the prosperity of our country. This is why we need migrant workers.
- 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 key aspects of Swiss policy that must be continuously reconciled in order to safeguard the interests of both Swiss nationals and legally resident foreigners in Switzerland.
- Migration must be managed and the related security problems solved; the promotion of integration is a key concern.
- Migration and integration cannot be achieved without tensions or conflicts. Swiss nationals and migrants share the same burden.
- Migration and integration can work if a coherent concept reconciling the two can be found. Such a concept is needed if Switzerland is to continue to show a willingness to accept migrants. The opportunities and risks associated with migration and integration must be the subject of constant 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 1985 vor zahllosen Konflikten in Indochina, viele davon auf Booten. 1978 erreichte die Schweiz eine Luftbrücke nach Südostasien und floh 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 Asylsuchende 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.





# Migration 2009

# 1. Immigration and legally resident foreigners

At the end of December 2009, there were 1 680 197 legally resident foreigners in Switzerland.<sup>1</sup> Considering a total usual resident population of 7 783 000 inhabitants, the foreigner-to-total population ratio stands at 21.6%. Of these legally resident foreigners, 1 066 086 persons (63.6% of the usual foreign resident population) are EU-27/EFTA<sup>2</sup> nationals, 614 111 (36.5%) are third-state nationals. The number of EU-27/EFTA nationals registered an increase of 3.9% compared to the previous year. The number of third-state nationals increased by 0.3%.

The largest group of foreigners is comprised of Italian nationals (298 111 persons, 17.7%), followed by German nationals (250 471 persons, 14.4%), and Portuguese nationals (205 255 persons, 12.2%). The largest increase compared to the previous year was registered by Kosovar nationals (+27 181), followed by German nationals (+17 119), Portuguese (+9 087), French (+4 955) and British nationals (+2 222). The increase in the number of Kosovar nationals is primarily due to the fact that many of the Kosovars resident in Switzerland decided to register under Kosovar nationality following the independence of Kosovo. Correspondingly, the number of persons from Serbia declined.

In 2009, Serbian nationals accounted for the largest decrease (-31 093), followed by nationals from Bosnia-Herzegovina (-17 113), Sri Lanka (-12 433), Croatia (-11 833) and Italy (-9 093).

<sup>1</sup> FOM statistics on foreign nationals; the following categories are not included: 27 341 international civil servants with their families (status: 2008, source: FDFA); 48 006 persons on short-stay permits valid for less than 12 months; and 40 319 asylum seekers.

<sup>2</sup> 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,

# 2. Gainful employment

As far as admission of foreign workers is concerned, Switzerland draws a distinction between two main categories of foreign nationals: EU/EFTA nationals and third-state nationals. EU/EFTA nationals enjoy the same rights and privileges under the Swiss-EU bilateral agreement on the free movement of persons as Swiss nationals wishing to live and work in an EU member state. All other foreign nationals (referred to as third-state nationals) have restricted access to the Swiss labour market. Restrictions take the form of quotas on the number of permits issued to executives, specialists, and other qualified workers. Third-state nationals may only be admitted if no qualified Swiss or EU/EFTA nationals can be recruited.

## EU/EFTA nationals on the Swiss labour market

In 2009, 90 215 persons immigrated to Switzerland from EU-27/EFTA member states.<sup>3</sup> Around 62.7% (56 539) of these immigrated to Switzerland for the purpose of taking up gainful employment.

76% of all EU-17/EFTA workers who moved to Switzerland by virtue of the Swiss-EU bilateral agreement on the free movement of persons found jobs in the services sector. Around 22.2% took up employment in the industry and manual labour sector and some 1.8% in the agricultural sector.

The picture is similar for EU-8 workers.<sup>4</sup> Around 63.3% found jobs in the services sector, around 15.6% took up employment in the industry and manual labour sector and 21.1% in the agricultural sector. The latter percentage is considerably larger than the one for EU-17/EFTA workers. EU-2 workers (i.e. Bulgarian and Romanian nationals) began enjoying the rights and privileges of the Swiss-EU bilateral agreement on the free movement of persons on 1 June 2009. 84.3% of all EU-2 workers who moved to Switzerland found jobs in the services sector. Around 11.4% took up employment in the industry and manual labour sector and only 4.3% in the agricultural sector.

Slovakia, Slovenia, Spain, Sweden and the United Kingdom. The current member states of the European Free Trade Association are Switzerland, Iceland, Liechtenstein and Norway.

<sup>3</sup> Only usual foreign resident population; in the same period, 38 693 EU-27/EFTA nationals left Switzerland.

<sup>4</sup> The EU-8 refers to the eight Eastern European countries that joined the European Union in 2004 at the same time as Malta and Cyprus: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

### Third-state nationals on the Swiss labour market

In 2009, Switzerland issued fewer residence and work permits to third-state nationals: in 2009, the Swiss authorities issued a total of 6994 short-stay permits (about -21 % compared to the 2008 quota period) and 3530 residence permits (about -20 % compared to the 2008 quota period).

Among the 10524 permits mentioned above, we should note that 3199 permits (30 %) were issued to service providers from

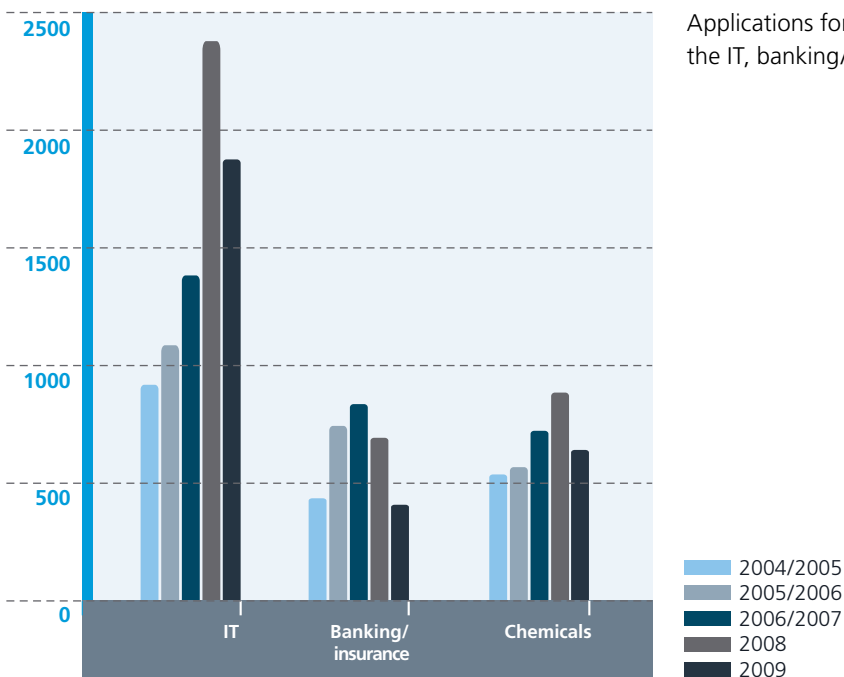
EU/EFTA member states, whose stay was not subject to the provisions of the Swiss-EU bilateral agreement on the free movement of persons.

As in 2008, the FOM issued a very large number of permits to workers specialised in the following sectors: IT services (1797 permits), mechanical and electrical engineering (676 permits) and the chemical and pharmaceutical industry (604 permits). A significant shortage of workers in these branches was recorded on Swiss, EU and EFTA labour markets in 2009.



As in 2008, statistics show that four-fifths of all third-state nationals that the FOM admitted to Switzerland were holders of tertiary-level A qualifications. The data concerning admissions by nationality shows a uniform reduction in the number of permits issued. The largest group is still comprised of Indian nationals (1833 permits issued mainly to IT specialists), followed by American and Canadian nationals (1499 resp. 459 permits issued to employees of multinational companies), and finally Chinese nationals (385 permits, mainly employed by companies in the chemical, mechanical and electrical engineering sectors or working as speciality chefs and doctors of traditional Chinese medicine, also referred to as TCM). The clear decrease in permit applications is mainly a reflection of the economic slowdown experienced in 2009, which is echoed more or less strongly in all branches but most particularly in the financial services sectors (-38 %) and corporate consulting (-35 %).

The FOM issued fewer short-stay permits in 2009. Once the corresponding quotas were used up, the FOM was no longer able to process incoming permit applications.



Applications for residence and short-stay permits relating to the IT, banking/insurance and chemistry sectors since 2004.

Source: FOM

### 3. Visas

In 2009, the FOM devoted its efforts to consolidating implementation of the Swiss-EU bilateral agreement on Schengen/Dublin cooperation, which became operational on 12 December 2008. A total of 394 260 Schengen visas were issued in 2009 to applicants from different countries and on different grounds. Our consular missions in Russia issued the highest number of visas (65 156), followed by India (51 260) and China (30 539). Compared to the previous year, the total number of visas issued decreased by 38%. Schengen cooperation may partly explain this decrease. Many travellers no longer need to apply for multiple visas to travel within the Schengen Area, since visas issued by one Schengen country are also valid in Switzerland. At the same time, the worldwide economic crisis has also had a significant curtailing effect on the number of travellers.

The visa consultation procedure enables Schengen countries to consult other Schengen countries or be consulted before a Schengen visa is issued. In 2009, 55 400 consultation requests came from Switzerland and 235 000 consultations came from member states. 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. Within the scope of visa representation, i.e. the possibility of being represented by a member country or of representing a member country, Switzerland was contacted by Austria for the purpose of representing this country in Kosovo and the Dominican Republic. Hungary has also asked Switzerland to represent its visa interests in various South American and Asian countries. Visa representation has been formalised in bilateral agreements with the countries concerned. These agreements were signed by the Federal Department of Foreign Affairs (FDA), working with the Federal Department of Justice and Police (FDJP).

The year 2009 was also spent preparing for implementation of the new Visa Information System (VIS). This system is used to store ten fingerprints and a digitalised photograph of all Schengen visa applicants. Switzerland's participation in this system represents a further development of the Schengen Acquis; implementation is planned for the end of 2010. Certain adjustments will be required: both legal (Foreign Nationals Act, Ordinance on Entry and the Granting of Visas) and technical (access to the CS-VIS system and adaptation of the EVA system).

In the border regions, operational cooperation between Switzerland and the EU took place in two parts: first of all, the systematic control of persons at land borders was discontinued in December 2008, followed in March 2009 by the systematic control of persons at the exterior borders of the Schengen Area. In the case of Switzerland, these borders are located at the airports that have connections to international networks outside the Schengen Area as well as, provisionally, the border with Liechtenstein. Thus passengers coming from, or headed for, a country not belonging to the Schengen Area are submitted to systematic controls. On arrival in and departure from the Schengen Area, a stamp is affixed to the passports of third-state nationals; in addition, their entry conditions are subject to controls (control of travel documents, visas, residence permits, consultation of national and international databases).



## 4. Asylum seekers<sup>5</sup>

### Situation in Switzerland in 2009

A total of 16 005 asylum applications were filed in Switzerland in 2009; this represents a decrease of 3.6 % (-601 applications) compared to the previous year. By the end of December 2009, 40 319 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 1.2 % (-475 applications) compared to the end of 2008. In 2009, 17 326 asylum applications were handled at first instance; this makes 56.6 % more (+6264 decisions) than in 2008. In 7678 cases, the application was not considered admissible (2008: 3073 cases). The clear increase in the number of inadmissible applications is partly due to the fact that Switzerland does not consider asylum applications filed by persons who may be transferred to another country under Dublin provisions (2009: 3486 cases). Applicants were granted asylum in 2622 cases. In 2009, the approval rate reached 16.3 %. This rate shows that persons who are being persecuted or threatened within the meaning of the Asylum Act are also granted protection in Switzerland. In 2009, a total of 4053 persons were admitted on a temporary basis. By the end of November 2009, a total of 23 543 persons had been granted refugee status.

<sup>5</sup> As of 1 March 2008, the FOM changed the databases (from AUPER to ZEMIS) that it uses to generate statistics (cf. Section D10). The statistical analyses presented in this report are based on the new ZEMIS database. Because of these changes and the entry into force of the new Asylum Act on 1 January 2008, the new asylum data gathered by the FOM are no longer entirely comparable with the data published in the FOM's 2007 Migration Report.

<sup>6</sup> Until October 2008, Serbia and Kosovo were recorded together in statistics. It is therefore impossible to quantify the level of change from 2008 to 2009. In 2008, a total of 1301 persons from these two countries filed an asylum application in Switzerland.

In 2009, the ten major countries of origin of asylum seekers in Switzerland included:

Country	Applications 2009	Change from 2008-2009
Nigeria	1786	+798
Eritrea	1724	-1125
Sri Lanka	1415	+153
Iraq	935	-505
Somalia	753	-1261
Afghanistan	751	+346
Kosovo	694	<sup>6</sup>
Georgia	638	+157
Serbia	575	<sup>6</sup>
Turkey	559	+40

The stabilisation of asylum applications in Switzerland compared to the previous year is mainly due to the following factors:

- The virtual closure of the Central Mediterranean route from Libya via Lampedusa to Italy. This resulted in the interruption of one of the major migration routes towards Switzerland. In addition to a last-minute surge right before the Swiss-EU bilateral agreement on Schengen/Dublin cooperation became operational in December 2008, the increased use of this route was the main reason for the high monthly level of asylum applications in Switzerland from August 2008 to January 2009.
- In 2009, Switzerland became the second-most important destination country (after Italy) of Nigerian asylum seekers in Europe. The fact that Switzerland has been less significantly affected by the economic crisis than the other major countries targeted by Nigerians (in particular Italy and Spain), led to inner-European migration. Swiss asylum practice towards Nigerian nationals matches that of other European countries: nearly all of the 1808 asylum applications processed in 2009 were rejected. Asylum was only granted in one case; six persons received temporary admission.

### European trends

In 2009, around 283000 asylum applications were submitted to EU and EFTA member states (including Switzerland). This represents an increase of just under 2% compared to 2008. For the third time in a row, the number of applications increased slightly across Europe. Compared to 2001 and 2002, the number of asylum applications remains low. At that time, more than 450000 persons were seeking asylum in Europe. Approximately 5.6% of the asylum applications filed in Europe in 2009 were received by Switzerland. This figure stood at 6.1% in 2008.

### Major European destination countries

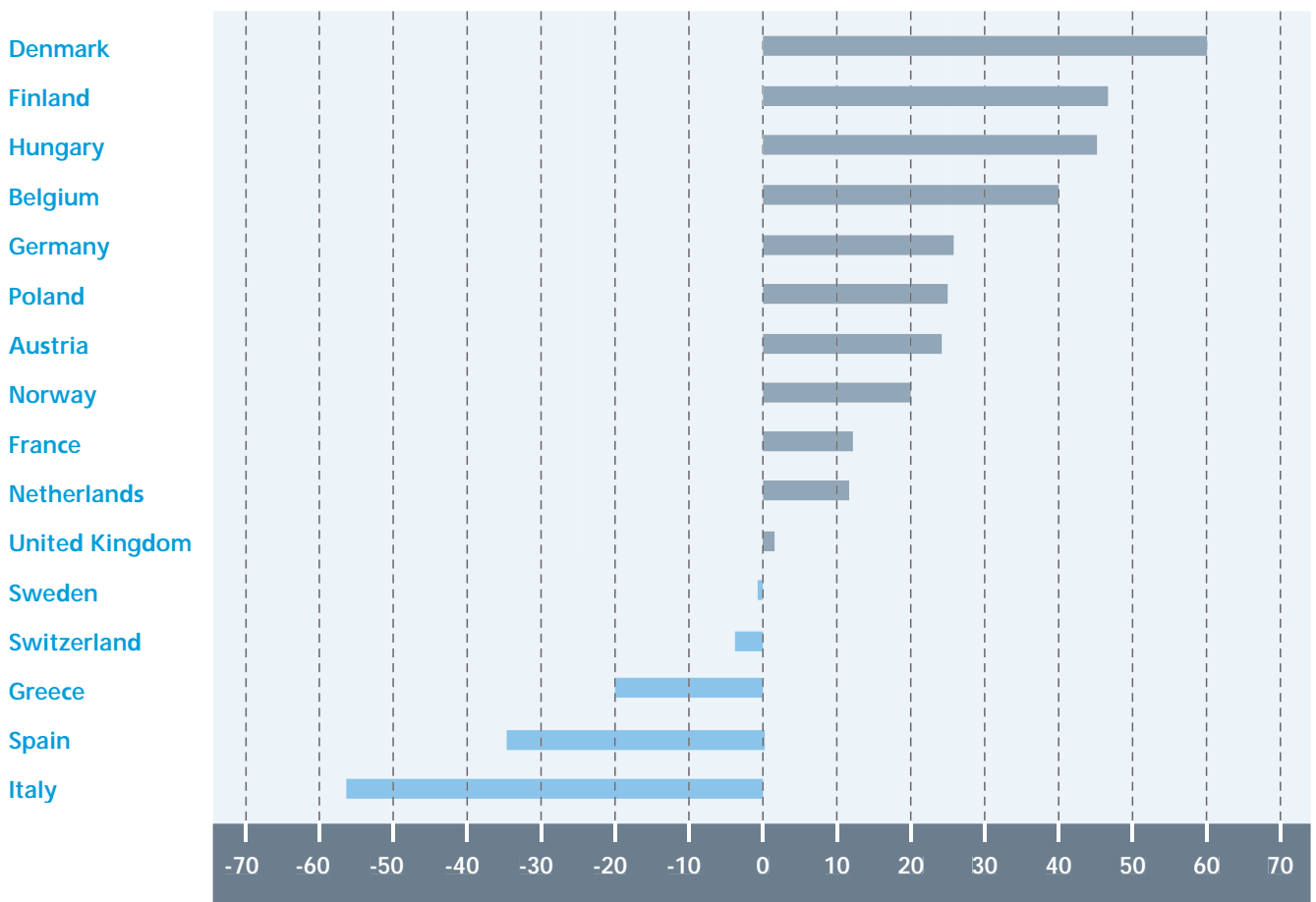
In 2009, the following destination countries received the largest number of asylum applications in Europe:<sup>7</sup> France (47600 asylum applications), UK (30200 applications),

Germany (27600 applications), Sweden (24200), Norway (17200), Belgium (17200), Switzerland (16005), Greece (15900), Austria (15800), Netherlands (14900) and Italy (13700).

However, developments in the individual destination countries varied considerably. In Sweden and the UK, levels remained more or less stable and in the other major Central and Northern European destination countries they rose, some significantly.

The three major Southern European destination countries (Greece, Italy and Spain) recorded a decrease in the two-digit percentage range. The clearest decrease was Italy at approximately 55%. This was mainly due to the interruption of the migration route through the Central Mediterranean. In Spain (-34%) and Greece (-20%), the number of asylum applications

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



also showed a clear decrease. Despite this, the importance of Greece as a transit country for illegal migration towards destinations in Northern and Western Europe rose further in the past year, especially following interruption of the Central Mediterranean migration route via Lampedusa.

#### Main countries of origin of asylum seekers in Europe

As in 2008, the largest group of asylum seekers came from Afghanistan. At around 25 500 persons, there were clearly more Afghan nationals seeking asylum in Europe in 2009 than in the previous year (+10 000). 751 Afghan nationals (approx. 3.0% of all Afghan asylum seekers in Europe) sought asylum in Switzerland. Somalia comes in second with approximately 21 000 asylum seekers (the same as the previous year). The situation in Somalia continued to worsen over the course of the year. Migration pressure remains high. 753 Somali nationals

(approximately 3.6% of all Somali asylum seekers in Europe) sought asylum in Switzerland.

Iraq comes in third with approximately 19 600 asylum seekers. Compared to the previous year, considerably fewer Iraqi nationals sought asylum in Europe (-12 600). However, the migration potential remains high owing to the still fragile security situation. 935 Iraqi nationals (4.8% of all Iraqi asylum seekers in Europe) sought asylum in Switzerland.

*<sup>7</sup> The figures are partly based on provisional data or estimates taken from websites of the various migration authorities, plus the Office of the United Nations High Commissioner for Refugees (UNHCR) and Intergovernmental Consultations (IGC).*





## 5. Hardship cases

The Asylum Act (SR 142.31) and the Foreign Nationals Act (SR 142.20) recognise three types of hardship cases:

Under the Asylum Act, asylum seekers may obtain a residence permit from a Canton, subject to FOM approval. In order to qualify, they must have lived in Switzerland for at least five years and experience personal hardship following intensive efforts to integrate in Switzerland. In 2009, 429 asylum seekers (845 persons in 2008) received residence permits under these conditions.

The Foreign Nationals Act stipulates that, after five years of residence in Switzerland, in-depth evidence must be provided to determine whether or not personal hardship is present. The Cantons are able to grant a residence permit to such persons, subject to FOM approval. In 2009, 2682 persons (3132 persons in 2008) admitted on a temporary basis were granted a residence permit.

Furthermore, the Foreign Nationals Act enables a residence permit to be granted in the event of serious personal hardship. In 2009, 88 illegal immigrants living in Switzerland (Sans-Papiers) were granted residence permits (from September 2001 until the end of 2008, 1262 illegal immigrants were living in Switzerland).



## 6. Naturalisations

### Starting point / Developments in figures

The number of naturalisation applications has risen significantly over the past few years: in 1999, 19887 applications were filed nationally. This figure surpassed 30000 applications (32318) for the first time in 2004. In 2008, 34965 applications were filed, setting a new record in the number of naturalisation applications. In 2009, 30046 applications were received by the FOM.

In 2009, 44948 persons were granted Swiss citizenship, 357 fewer than in 2008.

34136 persons acquired Swiss citizenship through the standard naturalisation procedure; 10653 persons acquired Swiss citizenship through the fast-track naturalisation procedure. 159 persons were renaturalised.

As in the past few years, the applicants came predominantly from Kosovo, Italy, Germany and Turkey. Compared to 2008, the number of naturalisations granted to nationals from Kosovo decreased by 18% and in the case of Turkish nationals by around 10%. As of 28 August 2007, German nationals no longer lose their German citizenship if they acquire citizenship from another EU country or Switzerland. This has resulted in an increase of around 40% in the number of naturalisations granted to German nationals (from 3056 persons in 2008 to 4272 persons in 2009). Naturalisations of Portuguese nationals have increased by around 35% (from 1725 to 2324 persons) and those granted to French nationals by around 10% (from 1819 to 2010 persons).

## 7. Emigration

Although immigration is a major concern for the Swiss population, they tend to forget that Switzerland is also an emigration country.

More than 700000 Swiss nationals – or a good 11% – live abroad. Each year, up to 30000 Swiss leave Switzerland, and about 25000 return. While there are no emigration statistics, interviews conducted with emigrating Swiss nationals indicate that most move abroad for the purpose of pursuing further professional training and/or to learn a foreign language.

Each year, FOM responds to around 6500 enquiries and the homepage [www.swissemigration.ch](http://www.swissemigration.ch) records over 9 million hits per year.

The FOM currently maintains trainee agreements with 30 countries. These agreements facilitate the issuance of limited-term work permits to young professionals. Since the entry into force of the Swiss-EU bilateral agreement on the free movement of persons, the agreements previously existing with EU member states are no longer in force. As a result, there has been a decline in the number of trainees. The FOM currently still helps around 400 young Swiss professionals to take up traineeships abroad and up to 150 foreign trainees are granted permits for Switzerland.



## 8. Return assistance and prevention of illegal migration

In 2009, a total of 1577 persons left Switzerland to return to their country of origin, either voluntarily or independently, under one of the return assistance (RA) programmes.

- 283 people left with return assistance following a stay at an asylum centre (18 %), cash contribution
- 455 people left within the framework of a country programme (29 %), cash contribution and microproject
- 614 people with individual return assistance (39 %), cash contribution and microproject
- 225 people after consultation (14 %)

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

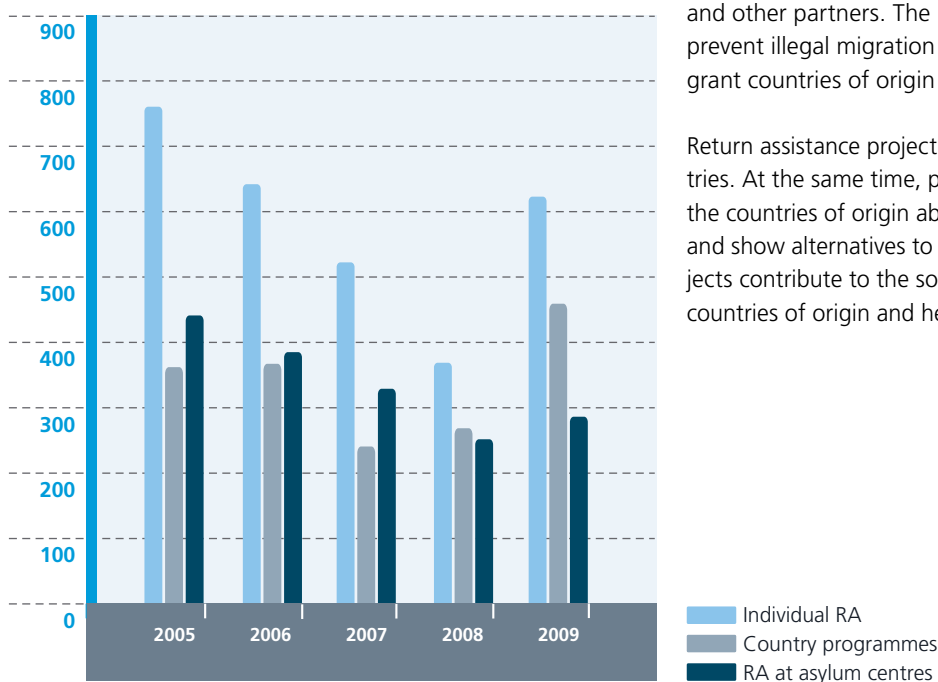
The number of asylum applications increased in the second half of 2008. As could be expected, this increase was later reflected in the statistics on return assistance (RA-backed exits 2008: 991). Regarding RA programmes, a trend over the past

five years reached an all-time high in 2009. Two programmes focussing on RA in Iraq (exits 2008: 53; 2009: 158) and in Nigeria (exits 2008: 41; 2009: 133) chiefly accounted for a threefold increase in number. Similarly, in connection with further RA programmes (West Balkan, Georgia) and a pilot project on foreign nationals, the number of returnees increased in 2009 over 2008.

The worldwide offer of individual return assistance includes start-up funding as well as an individual reintegration project. In 2009, the FOM organised special country programmes with its partners in Nigeria, Guinea, Georgia, Iraq and the West Balkans. These countries were also the major destinations of the people leaving Switzerland with return assistance.

Since entry into force of the Foreign Nationals Act on 1 January 2008, certain groups of persons falling within the scope of the Foreign Nationals Act have enjoyed access to 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.

**Table showing number of departures according to the individual return assistance programmes 2005–2009**



Source: FOM

### Prevention of illegal migration

In addition to providing return assistance, the FOM works with the Swiss Agency for Development and Cooperation (SDC) and other partners. The FOM supports projects designed to prevent illegal migration as well as structural projects in migrant countries of origin and transit countries.

Return assistance projects are also implemented in transit countries. At the same time, prevention projects inform migrants in the countries of origin about the conditions for legal migration and show alternatives to migration. Finally, structural aid projects contribute to the social and economic development of the countries of origin and help to reduce migration pressure.







## 9. Detention

Under Swiss law there are various types of detention. In 2009, detention orders were issued in 90 % of the cases, leading to successful removal in 86 % of the cases. The corresponding quota for punitive detention went from 29 % to 30 %. The average length of detention remained practically unchanged with respect to the previous reporting period: 32 (2008: 35) days for preliminary detention; 19 (2008: 18) days for administrative detention as well as 106 (2008: 100) days for punitive detention. As expected, the maximum duration of detention increased – with administrative detention reaching nearly 18 months. For punitive detention, the limit is set at just under 12 months. The proportion of persons detained for over 12 months lies at 0.1, which corresponds to 4 out of 3570 completed detention cases.

It is worth noting that of the 4463 detention orders issued in the past 18 months, 1082 individuals are still being held in detention. 381 individuals who were placed in detention between January and June 2008 were still in detention at the end of June 2009. At present, these people have already reached the 12-month limit and some have already clearly exceeded it.

As was already the case at the end of 2008, Nigeria, Kosovo and Serbia were the countries with the highest level of persons placed in administrative detention in 2009. In the case of punitive detention, 35 % of the total 169 detention orders issued related to Algerian nationals. Just under 90 % of the individuals placed in detention were men and over half of them were between the ages of 22 and 30. Detention orders vary from one Canton to another; while all Cantons ordered administrative detention at one point or another during the reporting period, preliminary detention was ordered by 16 Cantons and punitive detention by 18 Cantons.

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## 12. Readmission and visa facilitation agreements

International agreements still represent an important tool of Swiss migration policy. The conclusion of readmission agreements was also a FOM priority in 2009. In addition, new instruments such as migration partnerships or comprehensive migration agreements were either discussed or concluded.

In 2009, Switzerland signed readmission agreements with Bosnia-Herzegovina, Bulgaria, Finland, Russia, Serbia and the Czech Republic. Negotiations for readmission agreements with Guinea-Conakry, Kazakhstan, Kosovo, Montenegro, Sri Lanka and Tajikistan were still undergoing approval procedures at the end of 2009. Negotiations were also underway with Benin, Denmark, Portugal, Macedonia, Syria and the Ukraine at the end of 2009.<sup>8</sup> By the end of 2009, Switzerland had concluded 43 readmission agreements as well as three technical agreements on return.

As in 2008, Switzerland entered into a number of negotiations with several countries concerning visa facilitation agreements. This new type of agreement is based on a similar agreement that the EU has already concluded with various countries.

A number of negotiations launched in 2008 were successfully concluded. The agreements with Bosnia-Herzegovina, Serbia and Russia have already been signed. The visa facilitation agreements with Montenegro, Moldavia, Macedonia and the Ukraine are undergoing an internal approval procedure. This type of agreement is based on the agreement that the EU has already concluded with various countries.<sup>9</sup>

Switzerland is, however, free to establish its own visa policy as far as holders of diplomatic, official or special passports are concerned. In 2009, Switzerland signed the corresponding agreements with Armenia and Vietnam. An analogous agreement with South Africa is on the verge of being signed, another with Kazakhstan is currently undergoing an internal approval procedure.

<sup>8</sup> Certain negotiations might not be concluded until 2010.

<sup>9</sup> Albania, Bosnia-Herzegovina, Macedonia, Moldavia, Montenegro, Russia, Serbia, Ukraine.





# Highlights in 2009

# 1. Extension of free movement to Bulgaria and Romania (EU-2)

On 8 February 2009, over 59% of the Swiss electorate voted in favour of continuing the free movement of persons agreement after 2009 and of adopting Protocol II on extension of the agreement to Bulgarian and Romanian nationals (EU-2). Protocol I to this agreement was approved by the Swiss electorate for EU-8 nationals back in 2005. As far as Switzerland is concerned, the accession of Bulgaria and Romania to the EU meant that the first series of Swiss-EU bilateral agreements would automatically be extended to these two countries. The only exception to this was the bilateral agreement on the free movement of persons, which required adoption of an additional protocol. The extension of the free movement of persons agreement to Bulgaria and Romania therefore came into force on 1 June 2009.

For a maximum of seven years (i.e. from 1 June 2009 until 1 June 2016), Switzerland is entitled to maintain labour market restrictions on the short-stay and longer-term stays of EU-2 nationals. Such restrictions include: national priority, control of wages and working conditions, gradual increase in annual permit quotas. Following this initial 7-year transitional period, Switzerland will have the option of invoking a specific safeguard clause for an additional three years (i.e. until 1 June 2019).

The B and C type permits for EU-2 nationals (Romania and Bulgaria) are subject to quotas until 2016. With entry into force of the free movement of persons agreement for Romania and Bulgaria, the quota set for temporary residence permits (type B) to EU-2 nationals was quickly exhausted in 2009. Admittedly, this quota was quite low. As far as short-stay permits (type L) to EU-2 nationals are concerned, relatively few have been issued.

## Annual permit quotas set for EU-2 nationals:

Period	Quota on the number of temporary residence permits (type B EC/EFTA) *	Quota on the number of short-stay permits (type L EC/EFTA) **
1 June 2009–31 May 2010	362	3620
1 June 2010–31 May 2011	523	4987
1 June 2011–31 May 2012	684	6355
1 June 2012–31 May 2013	885	7722
1 June 2013–31 May 2014	1046	9090
1 June 2014–31 May 2015	1126	10457
1 June 2015–31 May 2016	1207	11664

\* Type B EC/EFTA temporary residence permits are valid for a period of five years; in order to receive this permit, the duration of the employment contract must be at least one year or for an unlimited period.

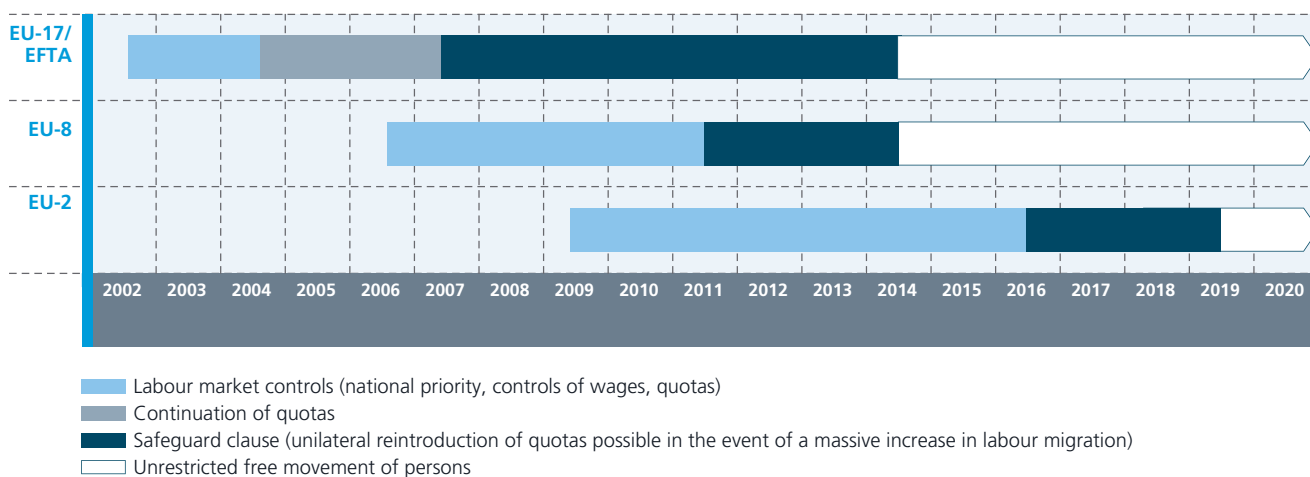
\*\* Type L EC/EFTA short-stay permits are valid for the duration of the short-term employment contract, which must be between three months to one year.

### Transitional arrangements for EU-8 member states

On 13 May 2009, the Federal Council decided to maintain the transitional arrangements for the EU-8 member states which joined the EU back in 2004 until 30 April 2011. Thus, nationals of these member states will continue to be subject to the restrictions regarding entry to the Swiss labour market (specific

quotas, national priority and control of wages and working conditions) until this time. For the period from 1 June 2009 to 31 May 2010, the annual permit quotas have been set at 700 temporary residence permits (type B) and 6500 short-stay permits (type L).

### Periods relating to the Swiss bilateral agreement on the free movement of persons



## 2. Deportation initiative

The gathering of signatures for the deportation initiative began on 10 July 2007. It was submitted on 15 February 2008. The initiative came into being within a few months, with around 211 000 valid signatures.

The Federal Council issued its dispatch on the deportation initiative in June 2009. While it recognised the validity of the deportation initiative, the Federal Council recommended that Swiss voters reject it. At the same time, it made an indirect counter-proposal to the Federal Parliament to amend the Foreign Nationals Act (SR 142.20).

More effective measures to crack down on criminal acts perpetrated by third-state nationals is a major concern for the population and the authorities. The Federal Council felt that a solution was needed to tackle current problems but side-step the foreseeable difficulties in enforcing the provisions set forth in the deportation initiative. The Federal Council's counter-proposal should result in more uniform and consistent practice in the Cantons.

The Political Institutions Committee of the Council of States (PIC-S) originally voted in favour of the amendment of the Foreign Nationals Act proposed by the Federal Council, with a few minor adjustments. However, on 10 December 2009, the Council of States sent the draft back to the PIC-S with a request to re-check the validity of the initiative and consider the alternative option of submitting a draft constitutional amendment directly. On 18 March 2010, the Council of States confirmed the validity of the deportation initiative and also resolved to submit a draft constitutional amendment.

The initiative would have to be declared invalid if it constitutes a breach of mandatory international law provisions (Article 139, Paragraph 3 of the Federal Constitution). Mandatory international law provisions form a fundamental core from which deviations are not permitted under any circumstances. In the opinion of the Federal Council and the Council of States, the deportation initiative may be interpreted in a manner that complies with mandatory international law provisions. While the validity of the deportation initiative is still



subject to debate, the Federal Council and the Council of States have ultimately adhered to the principle of “when in doubt, observe civil rights”.

The deportation initiative has led to clashes with the EU over non-mandatory international law, such as the Swiss-EU bilateral agreement on the free movement of persons. However, based on current Swiss legislation in force, the deportation initiative cannot be declared invalid on these grounds.

The content of the draft constitutional amendment submitted by the Council of States largely corresponds to the content of the indirect counter-proposal put forward by the Federal Council regarding amendment of the Foreign Nationals Act. The definition of serious crime, which would constitute grounds for the revocation of permits, is identical. Likewise, the Federal Council supports the special, somewhat more stringent regulation of the Council of States, relating to abuse of social insurance benefits, evasion of taxation and social insurance contributions as well as economic fraud. The same applies to the regulation on integration also proposed.

After a thorough discussion the National Council and the Council of States decided to validate the deportation initiative.





### 3. Complete revision of the Swiss Citizenship Act

On 16 December 2009, the Federal Council began consultations regarding a complete revision of the Federal Act of 29 September 1952 on the acquisition and loss of Swiss Citizenship (SR 141.0), otherwise referred to as the Swiss Citizenship Act. This piece of legislation had become unclear and cumbersome to read over the years as a result of countless partial revisions. The complete revision is intended update the content to reflect present-day circumstances and ensure that:

- only well-integrated third-state nationals are able to obtain a Swiss passport;
- there is no administrative overlap between the federal, cantonal and communal naturalisation authorities;
- the naturalisation process becomes less complex.

The content of the revised draft is coherent with that of the new Foreign Nationals Act, which came into force on 1 January 2008. The term "integration of foreign nationals" is more clearly defined and a provision has been added to ensure that holders of a settlement permit (type C) are admitted to the regular naturalisation process. As things currently stand, holders of a temporary residence permit (type B) and even holders of a temporary admittance permit (type F) may apply for naturalisation. With the revised draft, this will no longer be possible. Settled foreigners are those who obtain a settlement permit (type C) after having resided in Switzerland for a period of five (EU/EFTA, US and Canadian nationals) or ten years (non-EU nationals). In the latter cases, a settlement permit may be granted earlier if successful integration can be demonstrated. In order to encourage more rapid integration, an eight-year threshold for naturalisation will be open to foreigners who have made particular efforts to successfully integrate in Switzerland, which enabled them to obtain their settlement permit early.

Under the terms of the revised draft, naturalisation applicants must meet even more stringent integration requirements than was previously the case. They must:

- observe public security and order, which also includes abiding by the law;
- respect the basic principles of the Federal Constitution;
- be capable of communicating in one of Switzerland's national languages;
- express willingness to be economically active or pursue education and training.

The relevant implementing provisions should be set out in a corresponding Federal Ordinance.

As has been the case to date, only those who do not constitute a threat to Switzerland's domestic or foreign security may be naturalised. Finally, in the case of regular naturalisation, besides successful integration, familiarity with Swiss customs is also required.

The revised draft also seeks to harmonise the minimum length of stay at the cantonal and communal level, thereby adequately accounting for the modern-day reality of a mobile population. Finally, the revised draft provides for a more efficient exchange of data and information among the various authorities. All relevant data and information relating to the naturalisation applicant (police records, education records, welfare records, etc.) will be made available to the authorities responsible for deciding on naturalisation.

## 4. Integration milestones

In 2009, the FOM was involved in the Tripartite Agglomeration Conference (TAC). This is a political platform for executive bodies at federal, cantonal and communal level working to develop Swiss integration policy. During general consultations, the TAC made recommendations on how to improve integration policy and encourage integration. In June 2009, the Federal Council took note of these recommendations and used them as a basis for its further integration policy work.<sup>10</sup>

Basing themselves on the premise that promoting integration is a cross-sectional endeavour, fifteen federal agencies took forty-six federal initiatives to encourage greater integration.<sup>11</sup>

Additional targeted measures will be implemented in the future: in 2009, the FOM published its first report on federal integration initiatives and their impact at the cantonal level. The report shows that federal integration initiatives have improved language learning, professional integration, counselling and information services, which have all had a positive impact on integration in the Cantons.<sup>12</sup>

<sup>10</sup> <http://www.bfm.admin.ch/bfm/de/home/themen/integration/politik/weiterentwicklung.html>

<sup>11</sup> <http://www.bfm.admin.ch/bfm/de/home/dokumentation/berichte/integration.html>

<sup>12</sup> <http://www.bfm.admin.ch/bfm/de/home/dokumentation/newsletters.html>



In order to further develop integration tools, the FOM supports various model propositions, three of which are to be particularly emphasised in 2009:

#### **Quality of language learning and assessment**

In order to meet both the needs of migrants and improve the quality of language learning, the FOM has developed a general concept to encourage migrants to learn one of Switzerland's national languages.<sup>13</sup> This concept is intended to improve coordination between the agencies concerned and set out standards in the areas of language learning and assessment. These standards will be used both as a benchmark for authorities as well as a basis for assessment of language skills.

#### **Raising awareness of the risks of forced marriages**

Being forced to marry is not only a breach of constitutional rights such as personal freedom and the freedom to marry, in Switzerland it may also result in civil and criminal sanctions and can have consequences under the Foreign Nationals Act. As part of its remit to provide information, (Article 56 of the Foreign Nationals Act), the FOM will support four projects until the end of 2011. These projects are intended to develop best practices and raise awareness among the migrant population and professionals.

#### **Increasing the chances of a good start in life through early intervention**

Children from families where a foreign language is spoken within the home often have reduced chances of a good start in life during the preschool and primary school phases. The FOM and the Federal Committee for Migration Issues (EKM) have therefore decided to launch a joint call for tenders entitled "Promoting integration in preschool and primary school education". Between 2009 and 2011, government funding will be provided to fifty-five innovative projects, which take account of the needs of children, parents and professionals and encourage integration.

<sup>13</sup> <http://www.bfm.admin.ch/bfm/de/home/themen/integration/themen/sprache.html>

## 5. Swiss-EU bilateral agreement on Schengen/Dublin cooperation

The Swiss-EU bilateral agreement on Schengen/Dublin cooperation became operational in December 2008. Since then, initial experiences have been positive. Schengen cooperation offers greater mobility especially to third-state nationals by harmonising short-stay visa practices. Thus far, cooperation between Dublin countries has also been smooth. Switzerland has returned considerably more persons to other Dublin countries than vice versa.

While the Swiss-EU bilateral agreement is already operational, the FOM continues to take part in mixed project committees in Brussels. These committees draw various experts and FOM involvement ensures that Swiss interests are represented.

### Schengen

Between 1 January and 31 December 2009, over 392 000 Schengen visas were issued. After the Swiss-EU bilateral agreement on Schengen/Dublin cooperation became operational, a new residence permit (NRP) was introduced for the Schengen Area, over 372 000 of which were issued by the end of 2009.

There are plans to introduce biometric data for travel and identification documents.<sup>14</sup> This biometric data will be included in both Schengen visas and the **new residence permits** in Schengen countries. The FOM has already launched two corresponding implementation projects: the first in 2008 and the second in early 2009.

In 2009, the FOM also represented Swiss interests in negotiations leading to a supplementary agreement on Swiss involvement and contributions to an External Borders Fund. The agreement for this solidarity fund was signed mid-March 2010.

### Dublin

The Dublin Agreement regulates which state is responsible for processing an asylum application. Between the date when the Swiss-EU bilateral agreement on Schengen/Dublin cooperation became operational (i.e. 12 December 2008) and 31 December 2009, Switzerland requested that 6041 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 4590 cases, 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 865 cases, the Dublin country denied Switzerland's transfer request. In 586 cases, Switzerland received no reply. Of the 4590 asylum seekers to be transferred to another Dublin country, 1904 transfers were completed. For the remaining 2686 asylum seekers, transfer proceedings had been initiated but were still pending by 31 December 2009. Over the same period, Switzerland received 605 transfer requests from other Dublin countries. In the case of 452 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 133 cases, Switzerland denied the transfer request. In 20 cases, Switzerland had not yet replied. Of the 605 asylum seekers to be transferred to Switzerland, 195 arrived by 31 December 2009.

In accordance with the Dublin Regulation, Dublin countries may enter into bilateral agreements covering practical aspects that will make implementation both easier and more effective. In 2009, Switzerland initiated corresponding negotiations with certain countries.

### Further developments

The Schengen Acquis are dynamic and constantly developing. Thus, in 2009, Switzerland had already received its 100th further development. Over half of all further developments relate to the FOM. The most significant are the introduction of the biometric residence permit, the National Visa Information System (N-VIS), Switzerland's involvement and contribution to the External Borders Fund and its adoption of return assistance guidelines.

<sup>14</sup> For more detailed information on N-VIS, see the section entitled "Biometric identification documents".

## 6. Biometric identification documents

The development of the Schengen Acquis obliges Switzerland to include biometric data in the Swiss passport, in travel documents for foreign nationals as well as in the Schengen visa and new residence permit. The e-documents system platform is used to record, process and verify biometric data.

The e-documents system platform is comprised of a technical infrastructure, software applications and actual biometric recording stations. The software applications for the Swiss passport (ISPID), travel documents (ISR), Schengen visas (N-VIS) and new residence permits for the Schengen Area (ZEMIS) are all installed on the e-documents system platform. The procedure for recording biometric data is the same for all documents: personal data is first entered into the corresponding software application interface. The software application then saves this data on the e-documents system platform. The person's biometric data are then taken at the recording station. The software application then links the personal data to the biometric data and processes this information to produce the identification document. For Swiss passports, travel documents and new residence permits, a picture of the face, two fingerprints and the person's signature are recorded in each case. For Schengen visas, all ten fingerprints, but no signature, are recorded. The biometric data are stored in encrypted form on the relevant document and can only be read with corresponding authorisation.

Biometric data will be included in Swiss passports as well as in travel documents for foreign nationals starting on 1 March 2010. Biometric data will be taken at the passport office or at a cantonal recording centre. Swiss nationals based abroad may have their biometric data taken at the corresponding Swiss consulate.

Switzerland plans to introduce a biometric residence permit in December 2010. This residence permit, however, will be issued exclusively to third-state nationals. When combined with the passport issued by the person's country of origin, the biometric residence permit may be used for the purpose of travelling within the Schengen Area. The migration authorities will continue to be responsible for granting residence permits. The biometric data will be taken at the migration office or at a cantonal recording centre.

The date for introduction of the biometric Schengen visa has been set by the European Union as December 2010. The new software application, N-VIS, will then replace the existing issuance system both in Switzerland and abroad. However, fingerprints will not be stored on the label, but rather on the European Central System. National systems will be connected to the European Central System (CS-VIS) on a region-by-region basis over a period of two years. The first region to be connected will be North Africa, followed by the Middle East and the Gulf region. For space and cost reasons, consulates that issue a large number of visas will use a corresponding desktop device to take fingerprints rather than set up a recording station.





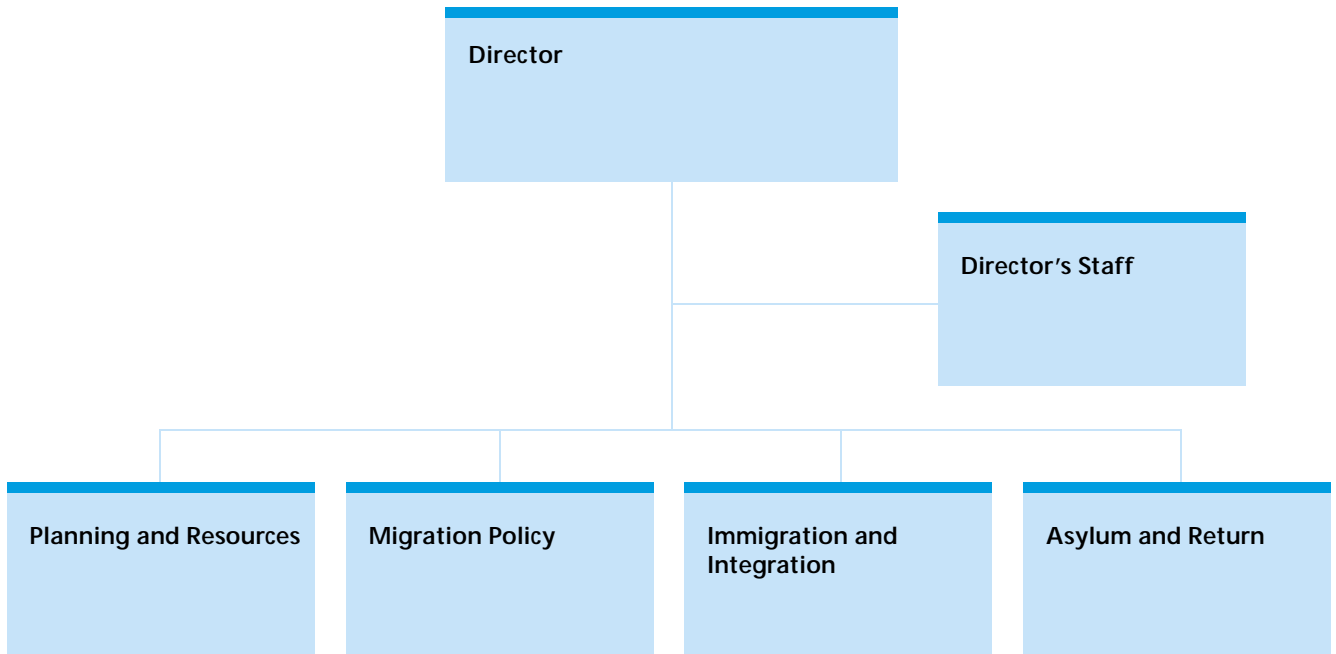


# The Federal Office for Migration

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). FOM establishes the conditions whereby a person may enter, live and work in Switzerland and decides who receives protection in Switzerland from persecution. FOM coordinates migration activities at the federal, cantonal, municipal and communal levels and is responsible for naturalisations at the federal level.

Furthermore, FOM provides advice to Swiss nationals wishing to move to another country. In all areas of migration policy, FOM actively fosters international dialogue with countries of origin, transit countries, other destination countries and international organisations.

# Organisation



FOM is currently undergoing reorganisation. Following an activity analysis of FOM in the second half of 2009, Federal Councillor Eveline Widmer-Schlumpf decided on 17 December 2009 that asylum tasks be coordinated and streamlined, and that FOM optimise its activities and processes. Process optimisation is aimed at emphasising FOM's responsibility for dealing with a given task from A to Z: for example, from the moment an asylum request has been submitted to the time a person has been successfully repatriated following refusal of their application. By optimising the process in this way, organisational barriers are removed, and communication and cooperation among the parties involved are enhanced. What has been a merely functional structure up to now is to become largely a process-oriented structure whose goal is to utilize its resources most efficiently. What is more, FOM's task with regard to assisting foreign nationals in Switzerland will be coordinated and streamlined too. A special directorate has been established to take a process-oriented approach in dealing with these tasks wherever appropriate. FOM's new organisational structure is scheduled to become operative on 1 September 2010.







## Personnel development

### FOM staff

Around 84% of FOM's staff budget is used to pay the salaries (including social security contributions) of general FOM staff. The remaining 16% of the staff budget is used for hourly assignments: asylum hearing interpreters, transcribers, research experts and language assessors. From 2003 to 2007, the Federal Council's programme to streamline the Federal Administration took its toll on FOM's staff budget as federal employees were gradually let go. FOM's payroll costs increased from 2008 to 2009 for several reasons: major flow of incoming asylum applications, the transfer of all asylum hearings from the cantons on 1 January 2008 (which increased staff costs for asylum hearings and interpretation) and greater workload generated by the need to implement the Schengen-Dublin Association Agreements.

## Increased expenditure

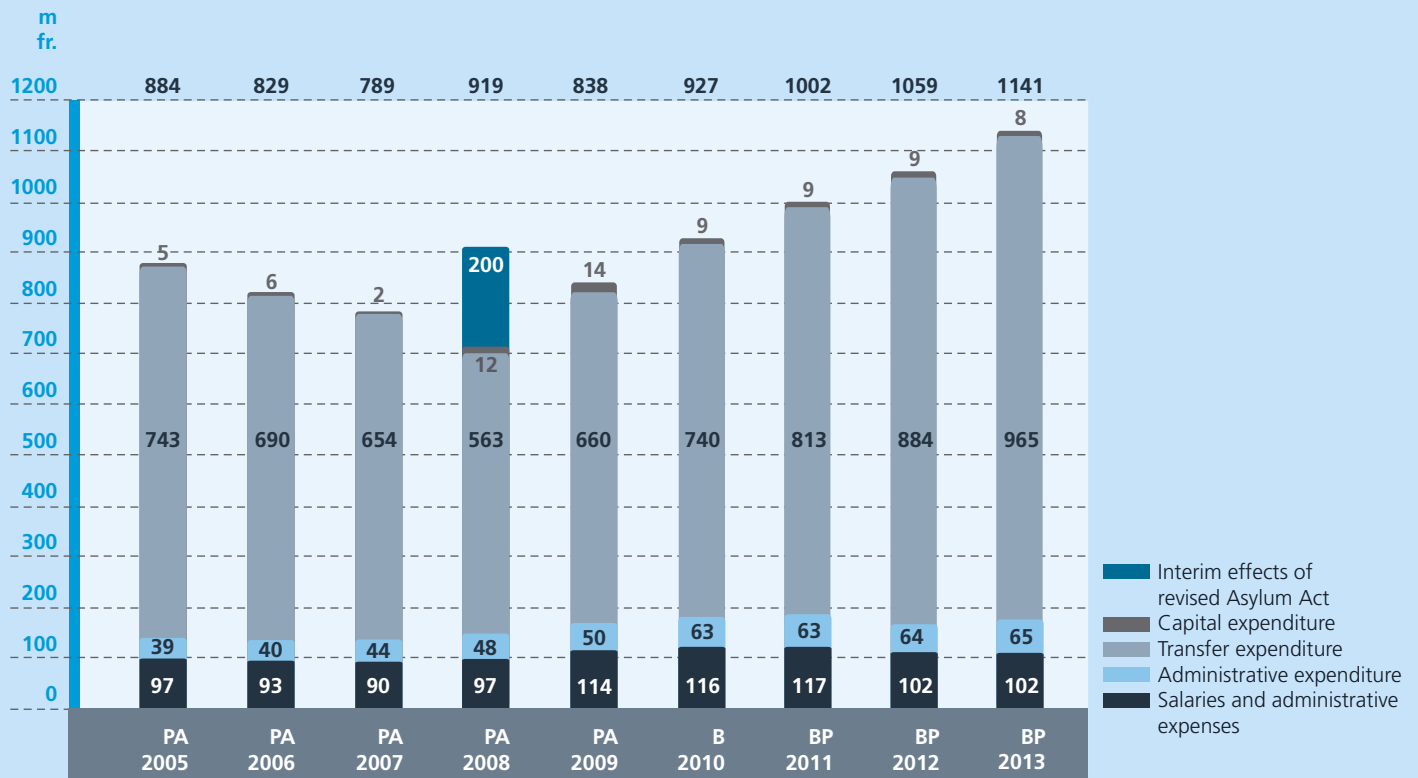
The FOM's expenditure can be broken down into four categories:

- **Transfer services:** approximately 78% of total expenditure relates to: support services for asylum seekers, persons admitted on a temporary basis and refugees; expulsion and deportation costs; costs associated with providing RA services; costs associated with integration measures for foreign nationals; and costs associated with international cooperation in the area of migration.
- **Payroll:** approximately 14% of the total expenditure relates to: payroll (including social security contributions for all categories of staff); basic and continuing education and training.
- **Operations:** approximately 6% 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.

Layoffs of federal employees in the asylum sector combined with a constant stream of incoming asylum applications (10500 applications) led to a steady decline in available funding for transfer services from 2003 to 2007. The shift to the new system of FOM funding (introduced when the new Asylum Act came into force) and a surge in asylum applications in the latter half of 2008 led to increased expenditure. Thanks to the revision of the asylum law costs could be saved. Cost-saving measures were first felt in 2009. However, the number of asylum applications remained high in 2009, cost savings were soaked up and costs forced up, resulting in excess expenditures. Consequently, supplementary budgets were necessary to cope with these expenditures.

### New system of FOM funding

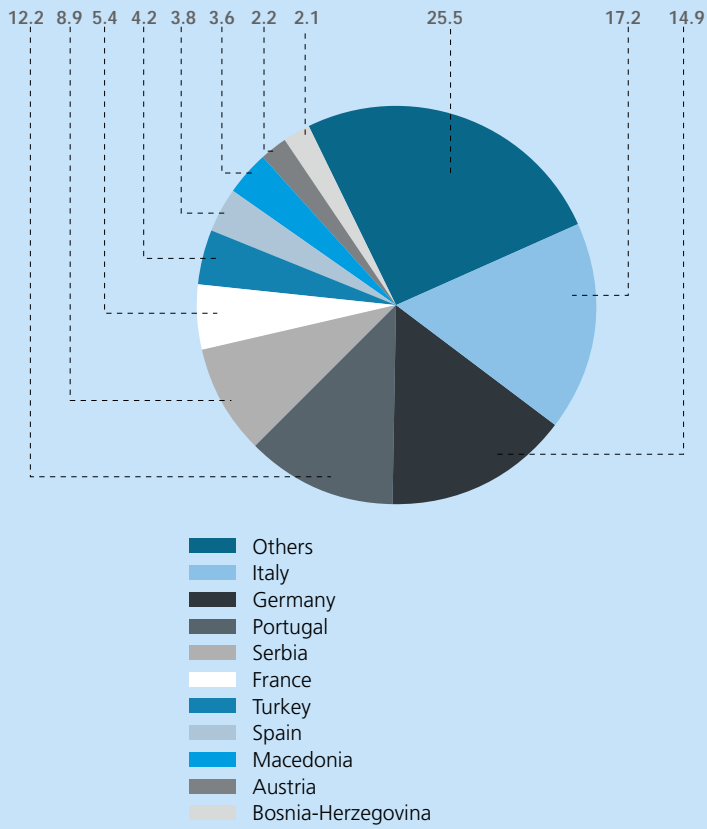
(2005–2009 public accounts, 2010 budget, 2011–2013 budget period)



# Appendix 1

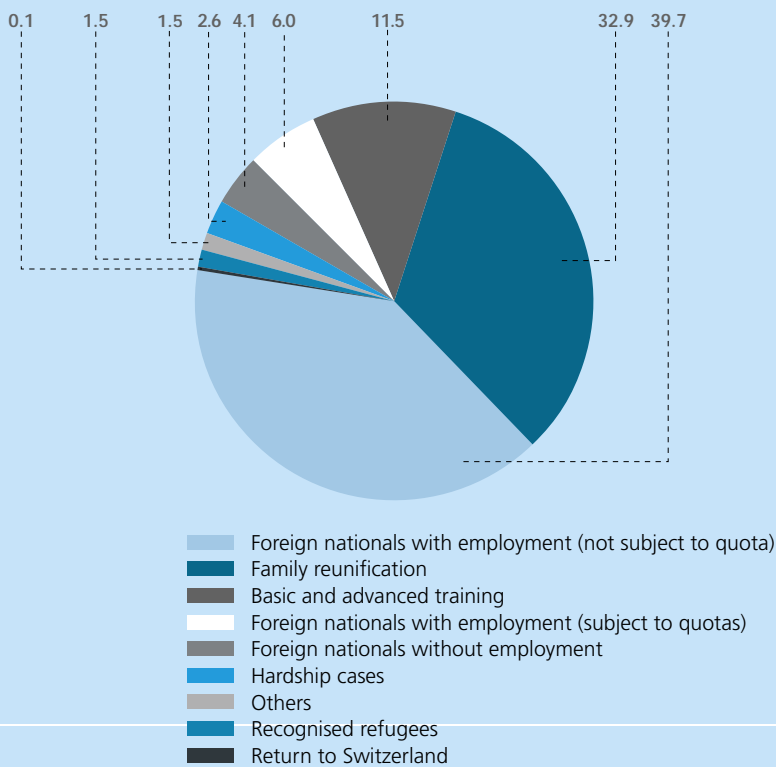
## Top ten by nationality

(in %, figures as per 31 December 2009)



## Entry by immigration grounds

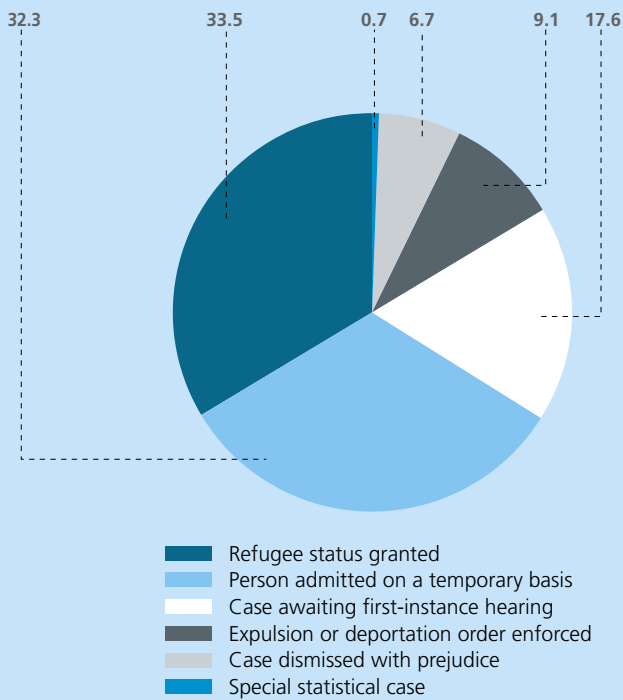
(in %, figures as per 31 December 2009)





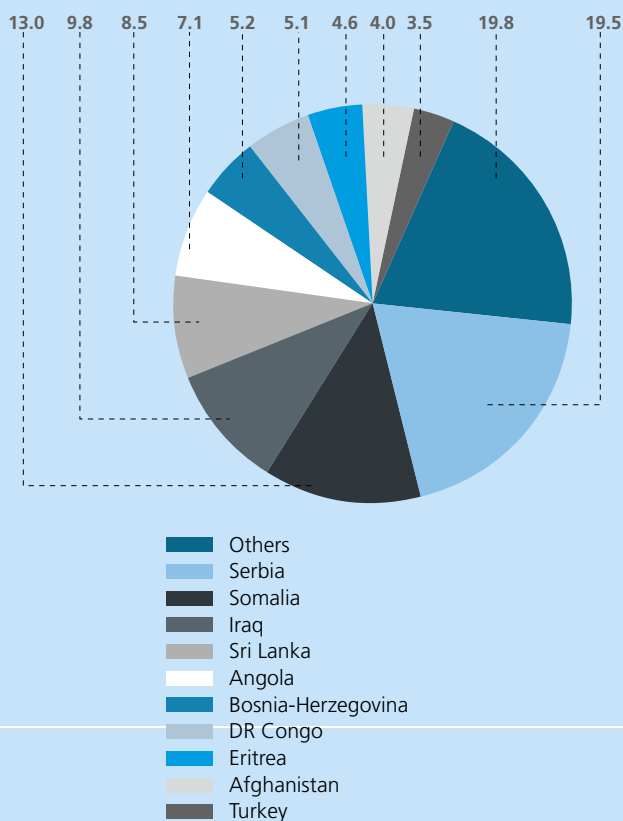
### Persons in the asylum sector – status

(in %, figures as per 31 December 2009)

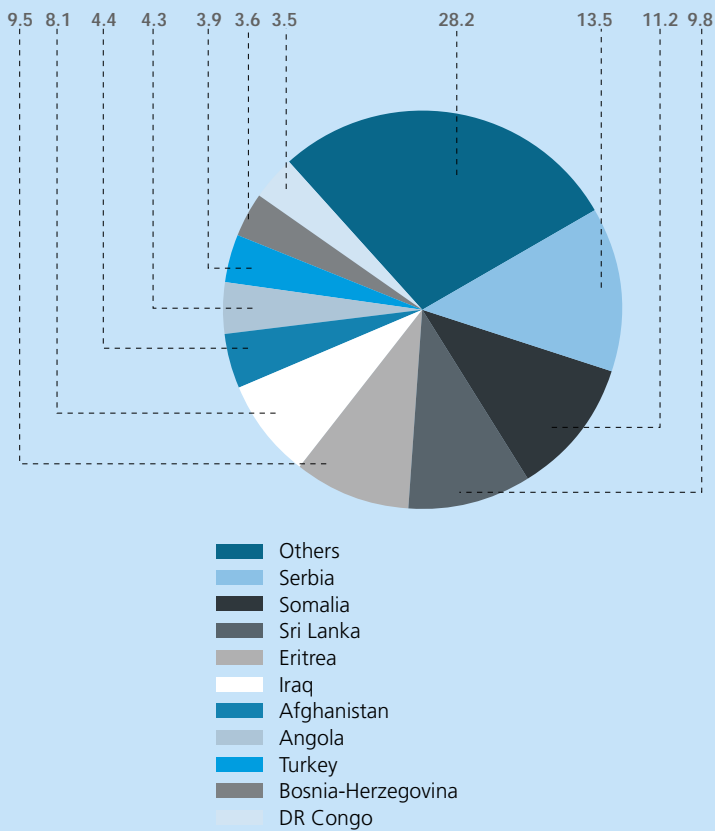


### Temporarily admitted persons by country

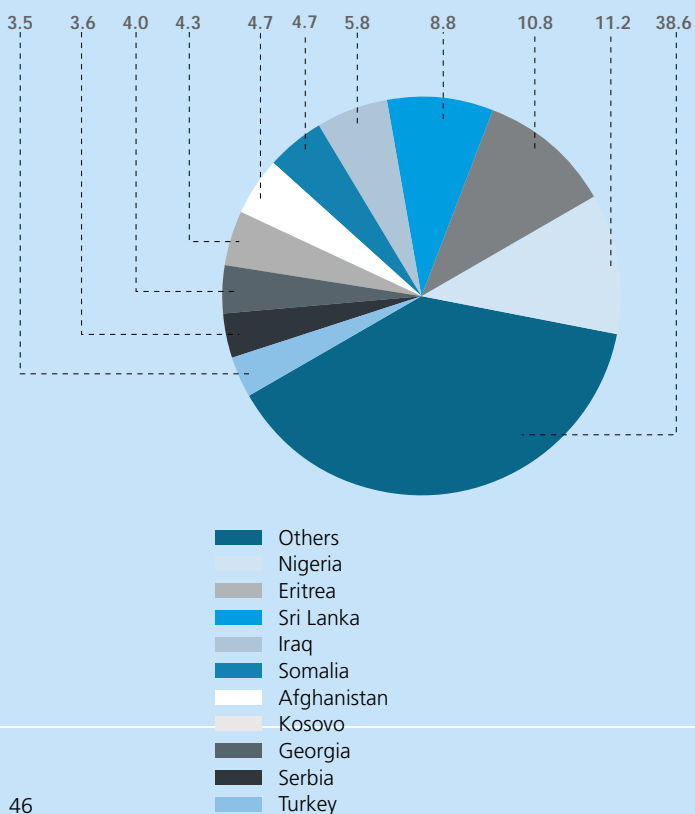
(in %, figures as per 31 December 2009)



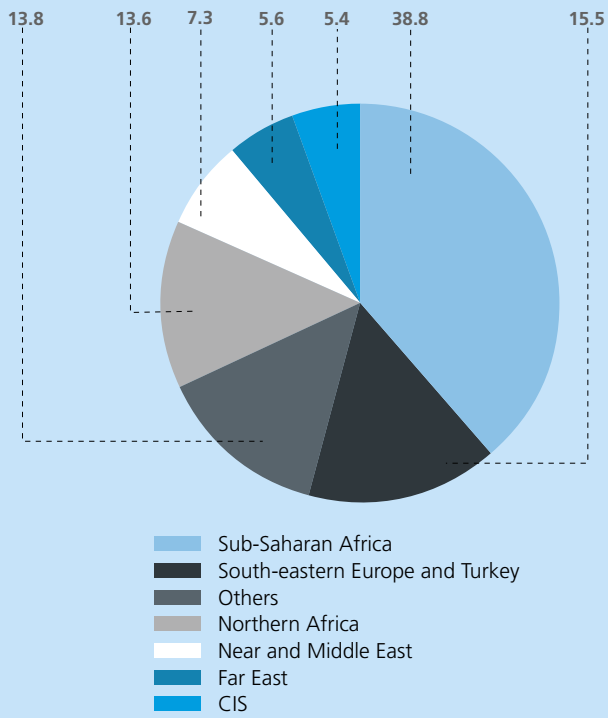
**Persons in the asylum process by country**  
(in %, figures as per 31 December 2009)



**Asylum applications by country**  
(in %, figures as per 31 December 2009)



**Applications processed by region (excl. temporarily admitted)**  
 (in %, figures as per 31 December 2009)



**Asylum applications per year**

