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# Migration Report 2012

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## Editorial

To migrate means to move from one place to another. Nowadays, mobility and ease of adapting to a new environment are a must. People who migrate do so usually out of necessity. Immigration into Switzerland is to a considerable degree dependent on economic demand. Whereas many of Europe's economies have been hit by an economic crisis in the past few years, Switzerland's economy has remained solid – not least thanks to the focused recruitment of qualified labour from EU and EFTA member states.

While Switzerland's resistance to economic downturn may be attributable to the benefits of the agreement on the free movement of persons, there is a drawback: the population in Switzerland is growing. This means that more people need accommodation, require education, utilize infrastructure and claim access to social security facilities. The growing number of people coming to Switzerland to work poses a challenge to domestic policy. To respond to this challenge, the Federal Council has taken a variety of steps. Invoking the safeguard clause – a provision under the agreement on the free movement of persons that temporarily restricts workers from EU member states from accessing the Swiss labour market – has been one of these steps. Although Switzerland's economy depends on a foreign workforce, the influx of people must be economically viable and socially acceptable.

Switzerland's asylum policy has not been spared from challenges either. In view of the growing number of asylum applications and the lengthy proceedings, the call for reform has been steadily growing louder. One response was to introduce in August 2012 summary proceedings for asylum seekers from European safe countries. What is more, the asylum sector will undergo major reform in the coming years that will redefine federal and cantonal responsibilities. One of the priorities of the reform is to centralize the processing of asylum applications and thus expedite proceedings in order to reduce long waiting times and ensure that people in need of protection can readily be accommodated in asylum shelters. Admitting the persecuted has top priority in Switzerland's asylum policy, and this is where we focus our resources.

Faster asylum proceedings shorten the period of uncertainty for asylum applicants. And there is another advantage: those who are allowed to stay in Switzerland can be integrated at an early stage. Willingness on the part of immigrants to integrate and a welcoming society are essential ingredients of successful integration. Granting these people access to the Swiss labour



market is one way of integrating them, which is why the Swiss government supports greater equal opportunities in this area. Within the framework of the Tripartite Agglomeration Conference (TAK), representatives from the Confederation, cantons, municipalities and communes maintain an active dialogue with representatives from the private sector on topics such as giving refugees and temporarily admitted persons a fair chance on the labour market.

The Migration Report 2012 contains detailed information on our current projects. I hope you will enjoy reading it.

Mario Gattiker  
Director of Federal Office for Migration



*At the end of 2012, there were 8036900 people living in Switzerland, 1 825060 of whom were of foreign nationality.*

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# A Year at a glance



*Foreign nationals account for one-fourth of the total volume of work done in Switzerland.*

## Key figures in 2012

- Last year, Switzerland issued 477 922 Schengen visas. As in the previous year, most of these visas were issued by Swiss consulates in China, followed by those in India and Russia.
- At the end of the year, there were 1 825 060 (2011: 1 772 279) legally resident foreigners in Switzerland. Of these legally resident foreigners, 1 194 640 persons (2011: 1 147 185) were EU-27/EFTA nationals. The proportion of foreigners to the total Swiss population stood at over 23 %.
- 104 350 EU-27/EFTA nationals immigrated to Switzerland. Around 64 % of these foreign nationals immigrated to Switzerland for the purpose of taking up employment.
- 35 056 persons were granted Swiss citizenship. As in previous years, those naturalised came chiefly from Serbia, Italy and Germany.
- 28 631 persons applied for asylum in Switzerland. The main countries of origin were Eritrea, Nigeria, Tunisia, Serbia, Afghanistan, Syria, Macedonia, Morocco, China and Somalia.
- Of the 24 941 asylum applications handled at first instance in 2012, 2 507 persons were granted asylum. This corresponds to an approval rate of 11.7 %.
- 2 088 persons obtained residence permits as hardship cases.
- A total of 2 088 persons left Switzerland under the federal return assistance programme.
- Swiss authorities ensured the removal by air of 13 801 persons. 77 % of these cases fell within the scope of the Asylum Act and 23 % fell within the scope of the Foreign Nationals Act.
- In 2011, the Federal Office for Migration issued 10 018 bans on entry.

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As in previous years, those naturalised came chiefly from Italy, Serbia and Germany, followed by Kosovo and Portugal.

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## Main highlights in 2012

### TAC dialogue on integration in the workplace

In October 2012, government officials and business leaders discussed the topic of integration in the workplace. The participants agreed on 15 objectives in three fields of action: "Information and Awareness", "Language and Education" and "Labour Market Integration". Intended for recognised refugees and temporarily admitted persons, these objectives are to be reached by 2016.

The integrated border management strategy is intended to fight illegal migration, commercial smuggling of human beings and cross-border crime. This strategy should also make it easier for legitimate travellers to cross borders.

### New Citizenship Handbook

In early August 2012, the Federal Office for Migration (FOM) published a new Citizenship Handbook on the Internet. This handbook pursues two main objectives: it provides useful information to staff at the FOM's Citizenship Division on how to properly handle naturalisation cases from a legal perspective and encourages adoption of a common doctrine; secondly, the handbook provides interested persons with answers to questions regarding citizenship. As such, the handbook is a source of reference and clarification on specific FOM and court practices.

### Confederation takes action against forced marriage

On 14 September 2012, the Federal Council launched a national programme to crack down on forced marriage. Within the next five years (2013–2018), the programme will establish functional "networks against forced marriage" in all regions of Switzerland. Through these networks, it will be possible for teachers, professionals and counsellors to work together and regularly exchange information on matters pertaining to domestic violence and integration. The aim is to develop specific actions and prevention measures for victims, the perpetrators of coercion and social workers.

### Report on the impact of free movement of persons and immigration

The Swiss population is growing – in part due to immigration. In July 2012, the Federal Council released a comprehensive report on the impact that the free movement of persons and immigration has had on various policy sectors. The report also suggests various ways in which migration policy may be handled in Switzerland.

### Integrated border management strategy

The Schengen Association agreement has fundamentally changed border controls in Switzerland. Although personal controls are no longer permitted within Switzerland's internal borders, controls at the external borders have become more stringent. Within this context, the Federal Council has prepared an integrated border management strategy to help all authorities involved to more effectively fight illegal migration, commercial smuggling of human beings and cross-border crime. This strategy should also make it easier for legitimate travellers to cross borders.

### Broad-based support for asylum reform

Despite numerous changes made to legislation in the past, a major reform project will be conducted within the asylum sector over the next few years. The aim of this reform is to accelerate processing of asylum applications. In the future, most asylum applications will be processed at major federal centres. At the national asylum conference, the main protagonists agreed on an overall plan to restructure the asylum sector.

### New Asylum Action Plan and introduction of the 48-hour procedure

Current staff levels are insufficient to handle the consistently high volume of incoming asylum applications since the end of 2011. For this reason, the Federal Office for Migration launched a new action plan on 1 July 2012. One of the most important measures is to assign priority levels to application categories. In addition, a 48-hour procedure has been introduced for asylum seekers from visa-exempt European countries.



**swissREPAT: centralised management of departures at the Zurich and Geneva airports**

Foreign nationals who are required to return to their home country or to a third country usually do so by air. Most of the individuals in question make their own travel arrangements without the involvement or knowledge of the authorities. Whenever the authorities wish to ensure that a foreign national departs from a Swiss airport, they usually make the necessary arrangements through swissREPAT, an FOM organisation responsible for the centralised management of departures.

**Migration partnerships**

In order to handle the complexity of modern-day migration, Switzerland created the instrument of migration partnerships. A migration partnership is the expression of a mutual desire to work together in a more comprehensive and intensive manner in the area of migration. Migration partnerships take place through agreements, programmes and projects that are directly related to migration, such as return and reintegration, migration and development, protection of refugees and vulnerable migrants, human trafficking or regular migration (e.g. visa policy, initial and continuing training).



*A significant portion of immigration is managed in a way that serves the needs of the economy.*

# B Migration facts



*People from around 190 different countries live in Switzerland.*

## 1. 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 European partners to face new challenges, in many cases in direct cooperation with countries of origin and transit countries outside the EU.

Globalisation continues to accelerate the pace and lower the cost of global trade. The transfer of information over the Internet and mobile phone networks has revolutionised the way in which we live. People are also becoming more geographically mobile. As air transport capacities increase and both Internet and mobile phone coverage spreads to remote regions, more people are finding these services less expensive. In many developing countries, Internet, mobile 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 robust economic growth, which has gradually shifted the global balance towards Asia. However, the world's richest countries are still in Western Europe and North America, with Australia being the richest country in the Pacific. Generally speaking, these countries apply restrictive immigration policies. True global mobility is only available to a small elite, most of whom live in 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, even more so under migration pressures. There are also pull factors such as a demand for workers in countries like 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 exists 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 mainly referring 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, especially for employ-

ers and financial backers. It is also sustained 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 have naturally taken advantage of the possibilities afforded to them. 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 estimate does not include around 15 million refugees and some 27.5 million internally displaced persons, most of whom remain relatively close to conflict zones.

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Millions of people remain in a situation of poverty without prospects. This has led to an increase in migration pressures.

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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/EFTA 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, do 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.

## 2. Facts and figures

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 reach the Swiss border. This prompted Switzerland to enter into cooperation agreements with the EU. It also intensified its foreign policy in the area of migration by developing new approaches (e.g. migration partnerships, targeted bilateral agreements, return assistance, structural projects in the country of origin, programmes to prevent illegal migration, and active migration dialogue with key partner countries).

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 2012, there were over 1.82 million legally resident foreigners in Switzerland.
- One in every four employed persons in Switzerland has a foreign passport.
- At over 23 %, 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.



*In 2012, 45379 people moved to Switzerland by way of family reunification.*

### 3. Historical context

Switzerland was predominantly a country of emigrants until well into the 19th century. 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, 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 rather as 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, 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.

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In 1890, the registered inflow of immigrants exceeded the outflow of emigrants for the first time.

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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 asylum applications per year. Due to political upheavals in Arab countries since December 2010, the number of asylum seekers to Switzerland has once again increased: from 22 000 in 2011 to over 28 000 in 2012.

## 4. 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 instruments are needed to manage 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".
- Immigration 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.
- Immigration and integration cannot be achieved without tensions or conflicts. Swiss citizens and migrants share the same burden.
- Immigration 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.

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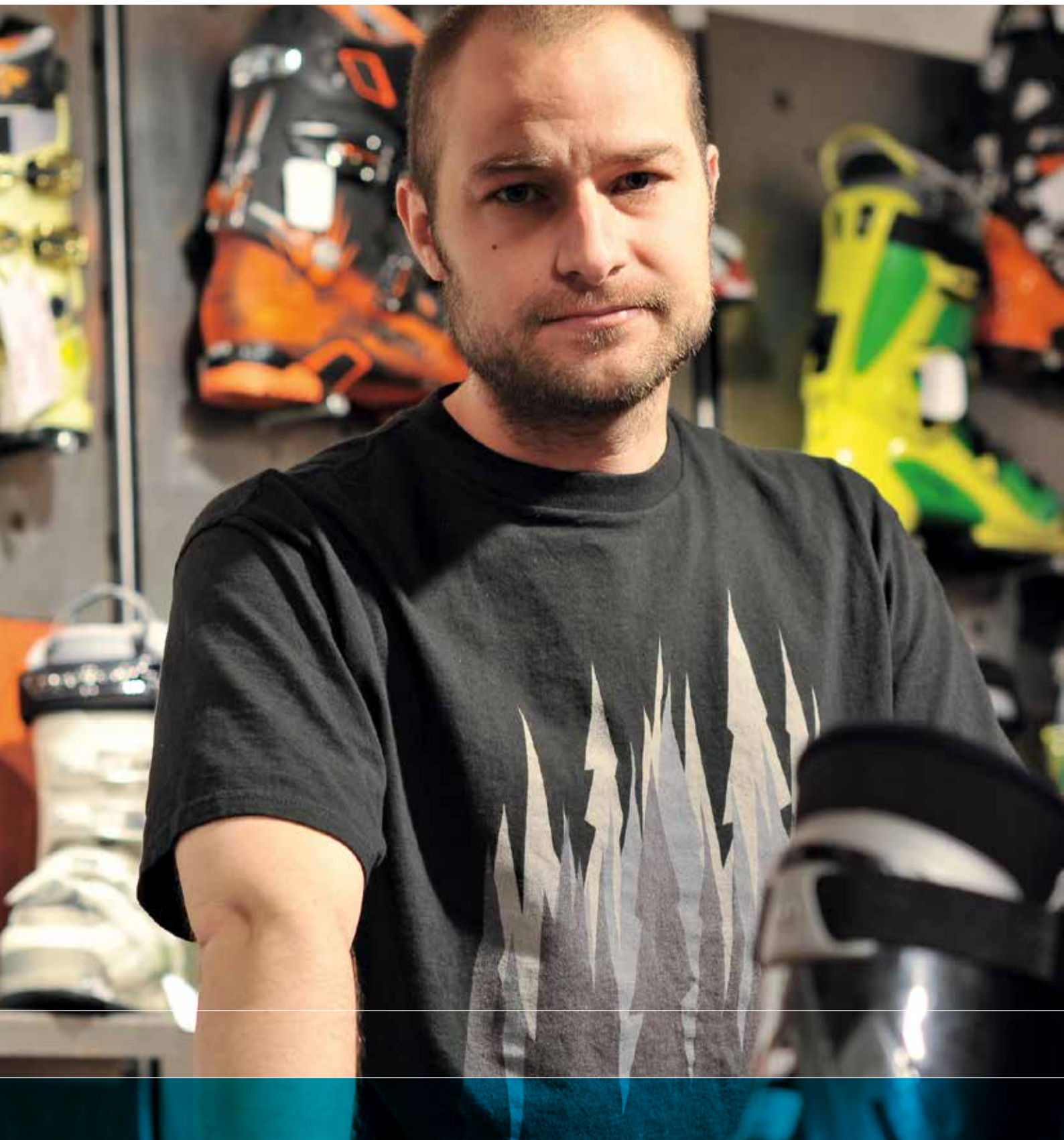
Migration is a reality; it is a part of our human history. Globalisation facilitates mobility and accelerates migration.

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*In 2012, 28 631 people sought asylum in Switzerland. The five main countries of origin were Eritrea, Nigeria, Tunisia, Serbia and Afghanistan.*

# C Migration figures in 2012



*Around 70% of EU and EFTA nationals work in the Tertiary Sector.*



## 1. Immigration and foreign resident population

At the end of December 2012, the usual foreign resident population in Switzerland stood at 1 825 060<sup>1</sup> (2011: 1 772 279). A total of 1 194 640 (2011: 1 147 185) people (just under 65 % of the usual foreign resident population in Switzerland) are nationals of EU-27/EFTA member states; 630 420 (2011: 625 094) or 35 % are nationals of other states. The number of EU-27/EFTA nationals increased by 4.1 % compared to the previous year. The number of third-state nationals increased by 0.9 %. The largest group of foreigners is comprised of Italian nationals (294 359 persons, or 16.1 % of the usual foreign resident population in Switzerland), followed by German nationals (285 379 persons, 15.6 %), and Portuguese nationals (238 432 persons, 13.1 %). The largest increase compared to the previous year was registered by Portuguese nationals (+14 261), German (+8 551) and Kosovar nationals (+7 319).

## 2. 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/EFTA 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. On 18 April 2012, the Federal Council decided to make use of the opt-out clause provided for in the Free Movement Agreement to reintroduce quotas on residence permits for nationals from EU-8 member states. This measure went into effect on 1 May 2012. Those affected are nationals of EU-8 member states who do not have a permanent employment contract in Switzerland or a limited-term employment contract valid for more than one year or who wish to pursue self-employment in Switzerland.

In 2012, 104 350 EU-27/EFTA<sup>2</sup> nationals immigrated to Switzerland – around 64 % (66,700) of whom came for the purpose of taking up employment. EU-17/EFTA<sup>3</sup> nationals mainly work in the tertiary sector (74 %).<sup>4</sup> Nearly 24 % work in the secondary sector (industry and crafts) and 2 % work in the primary sector. The employment situation for EU-8<sup>5</sup> nationals is similar: around 68 % work in the tertiary sector and nearly 21 % work in the secondary sector (industry and crafts). Compared to EU-17/EFTA nationals, however, considerably more EU-8 nationals (around 11 %) 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 bilat-

<sup>1</sup> The Federal Office for Migration's statistics on foreign nationals are based on data taken from the Central Migration Information System (ZEMIS), but nevertheless exclude the following categories of foreign nationals: international civil servants and their family members, short-term residents <12 months, asylum seekers and temporarily admitted persons.

<sup>2</sup> The current member states of the European Union are known as EU-27 member states. 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 (EFTA) are Switzerland, Iceland, Liechtenstein and Norway.

<sup>3</sup> EU-17/EFTA: citizens of Belgium, Denmark, Germany, Finland, France, Greece, Ireland, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Austria, Portugal, Sweden, Spain, United Kingdom and Cyprus enjoy unrestricted freedom of movement since 1 June 2007.

<sup>4</sup> These values are based on the usual foreign resident population.

<sup>5</sup> 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. They are the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

eral agreement on the free movement of persons since 1 June 2009. The vast majority of EU-2 nationals (77 %) work in the tertiary sector, around 11 % work in the secondary sector (industry and trade) and 12 % in the primary sector.

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

A quota of 5000 short-stay permits and 3500 normal residence permits was established for third-state nationals for 2012. A separate quota of 3000 short-stay permits and 500 normal residence permits was established for service providers from EU/EFTA member states wishing to work for longer than 120 days.

In 2012, most of the permits were issued in the IT field, followed by the chemical and pharmaceuticals industry, the machine industry, the food and beverage industry and corporate consulting.

The 3000 short-stay permits available to service providers were all used up in 2012. Of the 500 normal residence permits available, only 336 permits (around 9 % more than in 2011) were issued. Permits for service providers were issued mainly in the tertiary sector (financial services, corporate consulting, IT) and the secondary sector (machine industry, electrical engineering, construction).

88 % of the 2012 quota for normal residence permits (B) for third-state nationals was used up (3074 permits issued). Likewise, 89 % of the 2012 quota for short-stay permits (L) for third-state nationals was used up (4423 permits issued). While the demand for normal residence permits remained stable during the reporting year, the demand for short-term residence permits fell by 7 % compared to the previous reporting year. The slight decrease in demand for L permits can be explained by the difficult economic situation.

In 2012, most of the permits were issued in the IT field (1772 permits), followed by the chemical and pharmaceuticals industry (752 permits), the machine industry (590 permits), the food and beverage industry (441 permits) and corporate consulting. In 2012, 85 % of all newcomers who received a permit were holders of a higher education qualification, which constitutes a slight increase over the previous reporting year. As in 2011, third-state nationals mainly came from the following countries: India (1705), USA (1425), Russia (475) and China (472). The Federal Council has announced that the 2013 quota will be the same as the one approved for 2012.

#### Bilateral traineeship agreements

Over the past decade, Switzerland has signed bilateral traineeship agreements with various countries. These agreements give young professionals up to the age of 35 the opportunity to work in their occupation for up to 18 months in another country and pursue subsequent training. This option is available for all occupations.

In 2012, a total of 320 Swiss nationals took advantage of this opportunity to spend some time abroad. Most of the young Swiss nationals travelled to Canada (241) and the USA (46). In that same year, a total of 112 permits were issued to foreign nationals for traineeships in Switzerland. Most of the permits were issued to young professionals from Canada (39), the Philippines (30) and the USA (11). Traineeships in Switzerland took place in various branches, mainly in health care, architecture and finance.

On 11 June 2012, Switzerland signed a bilateral traineeship agreement with Tunisia. However, this agreement has not yet come into effect.

### 3. Europe

The Federal Office of Migration (FOM) monitors migration policy developments within the EU and seeks to ensure that Swiss interests in the area of migration are adequately taken into account in the various EU bodies and international organisations. In this manner, Switzerland is able to actively influence EU legislative processes at an early stage.

In order to represent the FOM's interests in Swiss dealings with the European Union, a migration attaché has been assigned to work at the Swiss Mission to the European Union in Brussels.

Within the framework of the Schengen Association Agreement, Switzerland is represented by the head of the Federal Department of Justice and Police, who regularly attends the Justice and Home Affairs Council (JHA) of the European Union as well as its associated specialised committees. The FOM works with other federal agencies to ensure that Switzerland maintains coherent positions in its dealings at the European level.

As a Schengen acquis, the External Borders Fund (EBF) is an instrument enabling the external borders of the Schengen area to be managed and administered. Switzerland contributes funding to the EBF, which the EU has also used as a solidarity fund for 2007–2013 to compensate countries for their efforts to protect the external borders of the Schengen area. By helping to fund corresponding national projects, the EBF should lead to efficient border controls, improved protection of external borders and a reduction of illegal immigration.

In the area of asylum, Switzerland is involved in the activities of the European Asylum Support Office (EASO), which seeks to help member states establish more uniform and just asylum policies. This is achieved through the dissemination of best practices, through training courses organised at the European level or through the provision of access to relevant information regarding countries of origin.

The FOM also represents Swiss interests in bilateral migration cooperation initiatives with European partner countries as well as in multilateral institutions such as the General Directors' Immigration Services Conference (GDISC) and the International Centre for Migration Policy Development (ICMPD).

The GDISC encourages practical cooperation between immigration authorities in EU and EFTA member states as well as in other Eastern European countries (EU candidate countries). GDISC offers Switzerland, which is not a member of the EU, the possibility of taking part in migration policy debates as a full-fledged partner.<sup>6</sup> In 2012, Switzerland became a member of the GDISC Steering Group and will organise workshops for professionals working in the field of European migration.

The ICMPD is an international organisation that is active in the field of migration. It imparts knowledge and competences, prepares case studies and provides support for migration dialogue between countries. ICMPD activities are intended to harmonise European migration policies and encourage implementation of foreign migration policy. Represented by the FOM, Switzerland is a founding member of the ICMPD and plays an active role in the ICMPD Steering Group.<sup>7</sup>

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Switzerland is involved in the activities of the European Asylum Support Office (EASO), which seeks to help member states establish more uniform and just asylum policies.

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<sup>6</sup> <http://www.gdisc.org>.

<sup>7</sup> <http://www.icmpd.org>.

## 4. 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;
- prevent irregular 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.

A full range of instruments have been developed for the purpose of reaching these objectives, including migration partnerships, programmes to prevent irregular migration, return assistance and structural aid in countries of origin.

The basic principle underlying these instruments is that advancement 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. Migration partnerships also open the way for projects that seek to leverage migration dynamics to further development in partner countries.

These instruments were developed in cooperation with 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, Education and Research (EAER). The main protagonist is the Federal Office for Migration (FOM), which plays the leading role in Swiss migration policy.



## 5. Schengen visas

Schengen visas are valid for short-term stays (i.e. no longer than 90 days within a 180-day period) usually required by tourists and business travellers. A single Schengen visa allows the holder to travel anywhere within the entire Schengen area, including Switzerland. A total of 477 922 Schengen visas were issued in 2012. As in the previous year, most of these visas were issued by Swiss consulates in India, followed by those in China and Russia.

Like other Schengen countries, Switzerland also maintains a list of third countries for which preliminary (or post) consultation with fellow Schengen countries is required. Whenever a national of a country on this list submits a visa application at a consulate of a Schengen country, any other Schengen member countries that have expressed a wish to be consulted will be systematically informed in advance and given the option of raising objections to issuance of a Schengen visa to the applicant in question. In 2012, Switzerland submitted around 60 324 consultation requests (incl. consultation requests that Switzerland submitted on behalf of another Schengen country). At the same time, Switzerland handled preliminary consultation requests from other Schengen countries in relation to 346 484 persons. Switzerland submitted post consultation requests (H forms) for around 347 298 visas issued by other Schengen countries. Consultation requests are channelled through an online network (VISION system), which links the various national VISION offices. Each national VISION office acts as the point of contact for the other VISION offices in the network.

Whenever a Schengen country does not have a diplomatic or consular mission in a third country, it may have another Schengen country act on its behalf. In 2012, Switzerland signed additional agreements to represent the following countries in visa-related matters: Hungary in Quito (Ecuador) and Wellington (New Zealand); Netherlands and Sweden in Antananarivo (Madagascar). In 2012, Switzerland also signed agreements to be represented by the following countries in visa-related matters: Austria in Dublin (Ireland) and Kuala Lumpur (Malaysia); Hungary in Chongqing (China); Sweden in Gaza (Palestinian territories); Belgium in Cotonou (Benin); France in N'Djamena (Chad), Port Moresby (Papua New Guinea) and Suva (Fiji); the Netherlands in Amba, Curaçao and Suriname. 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 (FDFA), working in close cooperation with the Federal Department of Justice and Police (FDJP).

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In 2012, Switzerland issued most Schengen visas to citizens of China, India and Russia.

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*Under employment programmes, asylum seekers perform tasks that serve the public interest such as clearing snow, cleaning lakeside areas, preparing firewood or maintaining forests.*

## 6. Integration

In 2012, the FOM also coordinated integration policy at the federal level and provided funding support for integration measures taken by the cantons and communes as well as for projects.<sup>8</sup> The greatest emphasis was placed on language and education, both important prerequisites enabling immigrants to integrate in society and the labour market. Other priorities included early educational support for children and the use of intercultural translations.

In February 2012, the OECD published a study stating that integration of immigrants and their children on the Swiss labour market worked very well.<sup>9</sup> Nevertheless, there were still areas where improvements could be made. The report suggested that Switzerland develop minimum standards for integration measures that should benefit all migrants. In addition, urgent measures should be taken to better protect migrants from discrimination.

The OECD recommendations confirm the general thrust of Switzerland's future integration policy. In 2011, in an effort to take specific measures to encourage integration, the Confederation and the cantons established strategic objectives in the areas of counselling and information, education and employment as well as social integration. These objectives will be reached as soon as the cantonal integration programmes are implemented in 2014. These programmes will be jointly funded by the Confederation and the cantons.

The various objectives include specific standards. For example, initial information is now being provided throughout Switzerland to all incoming migrants. Anyone in need of orientation will receive targeted advice on such things as language courses, solutions for young people lacking vocational skills or family gatherings.

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In order to ensure that immigrants quickly learn Swiss national languages, the FOM has developed the fide language-learning concept, where language courses are targeted to meet the practical needs of specific groups of learners.

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Cantonal integration programmes also now include measures to improve the level of protection against discrimination. Other measures are planned such as the provision of complete information, the creation of local migrant counselling centres or the launching of public awareness campaigns to ensure that migrants are not discriminated against in their search for employment or housing. Dialogue between the Confederation, cantons, towns, communes and employers (see page 33) also helps to improve migrant access to the labour market.

### Fide language-learning concept

In order to ensure that immigrants quickly learn Swiss national languages, the FOM has developed the fide language learning concept, where language courses are targeted to meet the practical needs of specific groups of learners.<sup>10</sup> This concept was presented and discussed at the first national fide conference on 15 May 2012, in the presence of Federal Councillor Simonetta Sommaruga. The 300 participants who attended the conference (incl. representatives of education institutions, language-learning providers, policymakers and public agencies) responded favourably to the concept. For 2013, around 800 teachers will undergo training in order to spread the fide concept.

<sup>8</sup> The Annual Report 2012 "Federal Incentives to Encourage Integration and their Effects in the Cantons" will be published in October 2013.

<sup>9</sup> OECD study entitled "Labour Market Integration in Switzerland": <http://www.bfm.admin.ch/content/bfm/de/home/dokumentation/medienmitteilungen/2012/2012-02-14.html>

<sup>10</sup> [www.fide-info.ch](http://www.fide-info.ch)

## 7. Naturalisations

### Starting point/ developments

The number of naturalisation applications has increased substantially over the past few years: In the year 2000, 21 798 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. Since then the number of applications has been decreasing: in 2009, the FOM received 30 046 applications. In 2010, there were 26 554 applications. In 2011, the FOM received 26 102 applications and in the reporting year, the figure fell further to 24 806 applications. The decrease was mainly observed in relation to the standard naturalisation procedure. This was mainly caused by the fact that several cantons raised their integration requirements (e.g. mandatory language courses).

In 2012, 35 056 persons were granted Swiss citizenship. This corresponds to a decrease of around 7.5 % with respect to the previous year (37 893 persons). 26 221 persons acquired Swiss citizenship through the standard naturalisation procedure; 8 718 persons acquired Swiss citizenship through the fast-track naturalisation procedure; and 117 persons were renaturalised.

As in recent years, the applicants came predominantly from Italy, Serbia and Germany, followed by applicants from Kosovo and Portugal. In the reporting year, 4 181 Italian nationals and 3 449 Serbian nationals acquired Swiss citizenship. While the number of naturalisations of Italian citizens decreased by only around 2 % compared to the previous year, the number of naturalised Serbian nationals fell by around 21 % to 3 449 persons. While the number of German nationals obtaining Swiss citizenship fell by around 7 % to 3 444 persons, the number of Kosovar nationals<sup>11</sup> obtaining Swiss citizenship remained relatively constant compared to the previous year (2 522 persons). In the reporting year, naturalisations of Portuguese nationals stood at 2 107 persons, which constitutes a drop of around 8 %. The number of Turkish nationals obtaining Swiss citizenship fell by around 12 % to 1 661 persons. At the same time, the number of naturalised French nationals in the reporting year fell by around 2 % to 1 742 persons.

<sup>11</sup> Since 2008, nationals from the Republic of Kosovo are shown separately in statistics.



*In 2012, 35 056 foreign nationals obtained a Swiss passport. The newly naturalised Swiss citizens came mainly from Italy, Serbia, Germany, Kosovo and Portugal.*



## 8. Asylum seekers

### Asylum applications in Switzerland

In 2012, the number of asylum applications increased by around 27 % (+6080) compared to the previous year, reaching 28631. This is the highest volume of incoming asylum applications since 1999 (47 513).

In 2011, the ten major countries of origin of asylum seekers were:

Country	Applications in 2012	Change from 2011 to 2012, in persons	Change from 2011 to 2012, in %
Eritrea	4407	+1051	+31.3 %
Nigeria	2746	+851	+44.9 %
Tunisia	2239	-335	-13.0 %
Serbia	1889	+672	+55.2 %
Afghanistan	1386	+334	+31.7 %
Syria	1229	+403	+48.8 %
Macedonia	1137	+211	+22.8 %
Morocco	931	+436	+88.1 %
China (People's Rep.)	808	+112	+16.1 %
Somalia	808	+172	+27.0 %

As in 2011, the top country of origin was Eritrea. The larger number of applications is mainly due to the fact that in 2011 over 2500 Eritrean nationals were granted asylum in Switzerland and some of these asylum seekers also brought their spouses and children to Switzerland by way of family reunification through the asylum process. In addition, there were births (642) – among persons whose asylum applications were still pending and these newborns were included in the calculation of asylum seekers – which also explains the increase.

In many of the cases involving Nigerian nationals, the asylum seekers in question had already spent some time in another European country before moving on to Switzerland. Nigerian nationals are not the only asylum seekers to migrate onwards, asylum seekers from many African countries of origin also do this. By virtue of the Dublin Agreement, most of these asylum seekers can nevertheless be sent back to the European country where they first applied for asylum.

Tunisian nationals are also among those asylum seekers who migrate onwards to another European country.

Since the end of 2009, citizens of Serbia, Macedonia and Montenegro have been able to enter the Schengen area without a visa. At the end of 2010, this right was extended to include citizens of Albania and Bosnia. As was the case in previous years, many persons from these countries took advantage of this possibility in 2012 to apply for asylum. By the summer of 2012, Switzerland was one of the preferred destination countries, which is why an accelerated application handling procedure was introduced (see page 40).

### Handling of asylum applications

Cases handled in first instance (persons)	2012	Change from 2011–2012	Change from 2011–2012 in %
Asylum granted	2507	-1204	-32.4 %
Recognition rate	11.7%	-9,3%	-44.3 %
Applications dismissed	14 008	+4320	+44.6 %
of which related to Dublin	9130	+2031	+28.6 %
Asylum denied	4928	+647	+15.1 %
Application cancelled	3498	+1711	+95.7 %
<b>Total cases handled</b>	<b>24 941</b>	<b>+5474</b>	<b>+28.1 %</b>
<b>Applications pending in first instance</b>	<b>18 979</b>	<b>+5282</b>	<b>+38.6 %</b>

### Duration of asylum applications handled in first instance

All outcomes considered, asylum applications in 2012 were handled within an average of 163 days (2011: 179 days). This reduction is mainly the result of the action plan implemented by the Federal Office for Migration (see page 40). Nearly 45 % of the asylum applications handled in first instance were settled within two months and around 80 % within six months after the asylum application was submitted.

For asylum applications that led to a negative decision under the Dublin II Regulation, the amount of time required for processing was reduced to 63 days (2011: 78 days).

### Dublin procedures

The Dublin Association Agreement came into force in Switzerland on 12 December 2008. In around 40 % of the cases, another Dublin country turned out to be responsible for the asylum application submitted to Switzerland. In the previous year, 36.6 % of all asylum applications handled fell under the provisions of the Dublin Association Agreement. So far, Switzerland has transferred considerably more asylum seekers back to the corresponding Dublin country than vice versa (2012: 4637 transfers to another Dublin country compared to 574 transfers to Switzerland).

### European trends

In EU and EFTA member states (incl. Switzerland), around 342 000 asylum applications were submitted in 2012, around 10 % more than in the previous reporting year. This is the second increase in the number of asylum applications in Europe since 2011. Switzerland received around 8.4 % of asylum applications in 2012 (2011: 7.2 %).

### Main European destination countries for asylum seekers in 2012:<sup>12</sup>

Country	Applications		Change	
	2012	2011	Absolute	Relative
Germany	64 500	45 739	+18 761	+41.0 %
France	61 200	57 337	+3 863	+6.7 %
Sweden	43 900	29 648	+14 252	+48.1 %
Switzerland	28 631	22 551	+6 080	+27.0 %
United Kingdom	27 500	25 898	+1 602	+6.2 %
Belgium	21 500	25 479	-3 979	-15.6 %
Austria	17 400	14 426	+2 974	+20.6 %
Poland	10 700	6 890	+3 810	+55.3 %
Norway	9 800	9 053	+747	+8.3 %
Greece	9 300	9 311	-11	-0.1 %
Italy	8 600	28 100	-19 500	-69.4 %
Denmark	6 100	3 806	+2 294	+60.3 %

No official figures are currently available for the Netherlands.

These changes are mainly due to three factors:

*West Balkans:* there was a sharp increase in the number of asylum applications from citizens of visa-exempt countries from the West Balkans (often ethnic Roma). This group of persons tended to choose countries where processing times were rather long and/or where relatively high social insurance benefits could be obtained. Since then, all of the countries in question have removed these incentives.

*Economic crisis:* asylum seekers and illegal migrants chose to leave southern European countries, which were the hardest hit by the economic crisis, to seek better prospects in Central and Northern Europe.

*Migration routes:* once again, the extensive use of various migration routes had a major impact on the number and the distribution of new asylum applications. The most important migration route in 2012 was through the Balkans. This route runs from Turkey through Greece and the Balkans to Central and Northern Europe and is mainly used by people from the Middle East, South Asia as well as East and North Africa. Compared to 2011, the number of persons reaching Italy across the Mediterranean Sea has fallen by over 85 %. In contrast, there has been a sharp increase in migration through the Eastern European route from Belarus to Poland and from there to Central Europe. This route is mainly used by Russian nationals, often of Chechen origin, and Georgian nationals.

### Main countries of origin of asylum seekers in Europe<sup>12</sup>

	Asylum applications in Europe in 2012	Difference compared to 2011	Asylum applications in Switzerland in 2012	Proportion of asylum applications in Switzerland with respect to total
Afghanistan	27 500	-1 400	1 386	5.0 %
Syria	23 000	+14 900	1 229	5.3 %
Russia	22 500	+5 000	338	1.5 %
Pakistan	19 000	+3 700	171	0.9 %
Serbia	16 000	+4 000	1 889	11.8 %

<sup>12</sup> 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).

## 9. 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 2012, 144 asylum seekers received residence permits under these conditions (2011: 202).

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 2012, 1674 persons admitted on a temporary basis were granted a residence permit (2011: 1866).

Finally, the Foreign Nationals Act enables a residence permit to be granted in the event of serious personal hardship. In 2012, 270 illegal immigrants living in Switzerland were granted residence permits (2011: 163). 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).



*In 2012, 4124 former asylum seekers returned to their country of origin under a return assistance programme. They received lump-sum start-up aid and support for an employment, training, or housing project in their country of origin.*

## 10. Return

### Return assistance

In 2012, a total of 4124 persons left Switzerland to return to their country of origin, either voluntarily or independently, under one of the return assistance programmes.

Return assistance is available to all individuals falling under the scope of the Asylum Act or the Foreign Nationals Act (e.g. victims of human smuggling). The provision of *individual return assistance* includes lump-sum start-up aid as well as local support for an occupational, training or housing project.

Specific *country programmes* are intended to offer incentives to people to remain in their countries of origin. The project funding amounts are therefore generally higher than with individual return assistance. In 2012, the Federal Office for Migration worked with its partners in Georgia, Guinea, Iraq, Nigeria and Tunisia to implement country programmes.

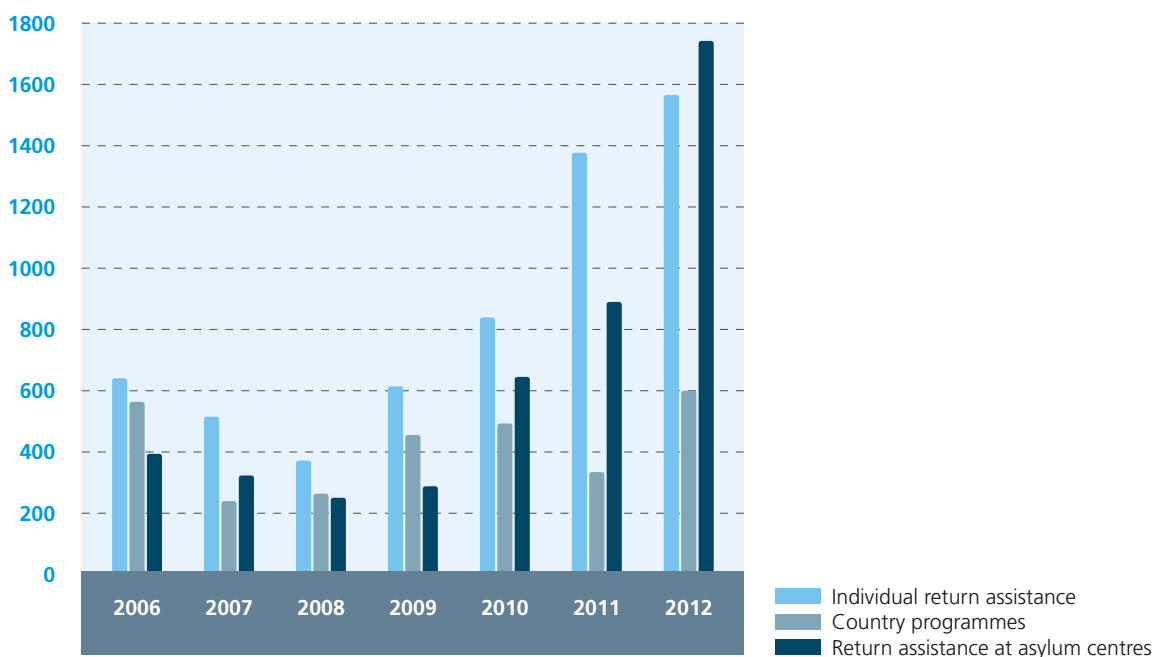
Asylum seekers who already receive return assistance from a reception and processing centre, those who remain in Switzerland for less than three months as well as those falling under the responsibility of another Dublin country generally receive a smaller cash contribution.

All asylum seekers may request return assistance at the local return counselling office in their Canton of residence, at a reception and processing centre and at airport transit areas. In 2012, the number of cases where return assistance was provided at reception and processing centres increased sharply.

This was because foreign nationals (mainly from visa-exempt countries of Serbia, Macedonia and Bosnia and Herzegovina) were more willing to leave Switzerland, especially in August 2012, after the 48-hour procedure was introduced for asylum seekers from visa-exempt European countries.

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. In 2012, 25 people have benefitted from this return assistance.

Number of departures by type of return assistance programme 2006–2012



Source: FOM

## 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.

As in the previous year, Nigeria, Tunisia and Serbia were the three main countries of origin of foreign nationals held in detention pending deportation in 2011. 93 % of the 6804 detention orders involved men.

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 four years remained unchanged in 2012. In 2012, detention pending deportation<sup>13</sup> was ordered in 96 % of the cases, coercive detention<sup>14</sup> in fewer than 0.5 % of the cases and detention in preparation for departure<sup>15</sup> in 4 % of the cases. The average duration of detention pending deportation was 24 days (2011: 26 days), which is slightly lower than the previous reporting year.

The average duration for detention in preparation for departure (33 days) and coercive detention (162 days) remained unchanged. In 88 % of the cases of detention pending deportation from January 2008 to December 2012, the individual returned to the country of origin. The percentage has therefore remained constant. For coercive detention, the corresponding percentage stands at 25 % (2011: 26 %), also virtually the same.

## Removal by air

In 2012, the Swiss authorities ensured the removal by air of 13801 persons. Compared to the previous year, this corresponds to an increase of over 45 % (2011: 9461 departures). The massive increase in the number of departures is mainly due to the larger number of incoming asylum applications and the generally intensified enforcement process. The increase was also due to the numerous departures of persons from visa-exempt European countries as a result of the new 48-hour procedure, which was introduced in August.

Of the total of 13801 departures, 77 % fell under the scope of the Asylum Act (SR 142.31) and 23 % under the scope of the Foreign Nationals Act (SR 142.20). Owing to the high number of Dublin deportations (Dublin out procedure), the

In 2012, the proportion of voluntary departures rose sharply. This is partly due to the more intensive enforcement of departures and introduction of the 48-hour procedure.

proportion of departures falling under the scope of the Asylum Act predominates, which was also the case in the previous year. In 2012, 4330 persons were transferred by air from Switzerland to the corresponding Dublin countries. This constitutes an increase of 23 % compared to the previous reporting year (2011: 3325 persons were transferred under the Dublin out procedure).

In 2012, the proportion of voluntary departures increased with respect to cases where return was enforced through detention. 43 % (2011: 32 %) of those ordered to depart Switzerland left voluntarily. Like last year, many persons failed to comply with removal or expulsion orders; choosing instead to go underground or refusing to leave. Most of these 7836 persons in question were returned after enforcement level 1.<sup>16</sup> Only 455 persons (5.8 %) were accompanied by specially trained security officials to their destination country on standard flights and 178 on special deportation flights.

<sup>13</sup> 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).

<sup>14</sup> 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.

<sup>15</sup> 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).

<sup>16</sup> The person to be returned is accompanied to the airport by police officers; the person then leaves Switzerland on the departure flight without police escort.

## 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*).

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Foreign nationals who have seriously and/or repeatedly undermined Switzerland's security and public order may be subject to removal, expulsion and bans on entry.

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Bans on entry and expulsions are aimed at preventing the uncontrolled entry to Switzerland of undesirable foreign nationals. Both measures are preventive rather than of 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 2012, 10 018 bans on entry were issued (2011: 8390 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. Transfer of emigration counselling

Although the past decades have seen more people immigrating to Switzerland than vice versa, Switzerland is still an emigration country as was repeatedly the case in the past century.

In an effort to optimise public services, create synergies, improve interfaces and focus on core competences, the Federal Council decided to transfer responsibility for emigration counselling from the Federal Office for Migration (FDJP) to the Consular Directorate (FDFA) on 31 December 2012. Emigration counselling is intended to provide Swiss citizens with general information regarding working and living conditions abroad.

This transfer is a milestone towards the "one-stop window" objective of ensuring that Swiss citizens abroad will have only a single point of contact within the Federal Administration for all of their needs (Brunschwig Graf motion 11.3203; "Coordinated Work of the Federal Administration for Swiss Nationals Abroad"). The Federal Department of Foreign Affairs will now be able to offer a comprehensive range of advisory services to Swiss nationals abroad.

This transfer effectively closes the circle, bringing emigration counselling back to the Federal Department where it originated back in 1888 (Federal Department of Emigration within the Federal Department of Political Affairs).



*In 2012, the authorities supervised the departure by air of 13 801 unsuccessful asylum seekers.*

# D Main highlights in 2012



*Helping children at an early age, particularly with acquisition of a national language of Switzerland, is an important aspect of integration policy.*



## 1. TAC dialogue on integration in the workplace

On 30 October 2012, high-ranking delegates from both the public and private sector discussed the topic of integration in the workplace. They agreed to specific objectives to be reached by 2016. This dialogue was launched by the Tripartite Agglomeration Conference (TAC), which includes representatives of the Federal Council, the Conference of the Cantonal Governments (KdK), the Swiss Union of Cities (SSV) and the Swiss Union of Communes (SGV). The FOM played a leading role in managing the project.

In addition to high-ranking delegates from the above-mentioned organisations, there were also those representing the Swiss Industry and Trade Association (SGV-USAM), the Swiss Employer's Association (SAV), the Swiss Association of Building Contractors (SBV), GastroSuisse as well as the Unia and Travail.Suisse trade unions. Representatives of the Forum for the Integration of Migrants (FIMM Switzerland) and the Swiss Refugee Council (SFH-OSAR) were also present.

The participants agreed on 15 objectives in three fields of action: "Information and Awareness", "Language and Education" and "Labour Market Integration". Intended for recognised refugees and temporarily admitted persons, many of the objectives are based on specific projects launched by the private sector at the start of the dialogue.

Examples include the pilot project "Use of German on Building Sites", which is sponsored by social partners in the construction industry. This project will begin in the German-speaking region of Switzerland and then be expanded to other linguistic regions of Switzerland (i.e. Use of French and Italian on Building Sites): language courses will be given at the workplace, included in working hours and based on the practical language-learning system *fide*, which was developed by the FOM. It should also be possible for this model to be applied to other branches of economic activity.

Immediately after the start of dialogue, SGV-USAM distributed a factsheet to around 150 000 of its magazine subscribers. This was done to ensure that companies are informed and aware of the various issues. The factsheet reminds employers that they play a key role in helping foreign workers integrate. It also provides information about the services offered to them by public integration offices.

The participating employers' and branch associations wish to make greater use of media and publications in the future as a means of providing information on integration and discrimination. These topics should also be covered in greater depth in branch-specific training courses for company and HR managers, as is done in the GastroSuisse initiative. Finally, the dialogue partners agreed to take measures to better integrate recognised refugees and temporarily admitted persons.

In order to reach these ambitious objectives, partners from other economic sectors will be encouraged to take part in the dialogue at both regional and local levels, which is where integration normally takes place on a daily basis. More information can be found at [www.dialog-integration.ch](http://www.dialog-integration.ch).

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The pilot project "Use of German on Building Sites" should enable foreign workers to attend language courses during working hours.

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## 2. Citizenship Handbook

In early August 2012, the Federal Office for Migration (FOM) published a new Citizenship Handbook on the Internet. This project, which began in 2008, has now come to a close.

The Swiss Citizenship Act (SCA, SR 141.0) was enacted in 1952. Since then, it has been revised on numerous occasions. The SCA is unique within Swiss legislation in that no implementing ordinance to this Federal Act has ever been enacted. This means that the authorities and courts have had to issue countless directives and circulars, which have only made it increasingly difficult for users to gain a clear overview. The idea of compiling Swiss citizenship practices into a single handbook originated from the current FOM Director, Mario Gattiker. Dr. Prof. Alberto Achermann from the University of Bern was brought in to provide the FOM with research guidance. Among the various tasks, a complete analysis of court practices was conducted and then compiled in the new handbook.

The handbook serves two main purposes: it provides useful information to staff at the FOM's Citizenship Division on how to properly handle naturalisation cases from a legal perspective. At the same time, it encourages adoption of a common doctrine and provides interested persons with answers to questions regarding citizenship. As such, the handbook is a source of reference and clarification of specific FOM and court practices.

The handbook is divided into six chapters and contains several annexes. It includes a list of legal sources and implementing authorities, a description of the steps in the naturalisation process, findings produced by the Agroscope Reckenholz-Tänikon Research Station on the Acquisition and Loss of Swiss Citizenship, a presentation of the various principles applying to the naturalisation procedure, information on data processing and protection as well as a list of common requirements and criteria for naturalisation. The handbook also provides information about dual citizenship and stateless status as well as invalidity proceedings during the naturalisation process. The annexes contain a list of legal sources and court decisions, working instruments for implementing authorities and a bibliography.

The handbook is not intended to contain the very latest information. Nevertheless, it will be updated at least once a year so that it reflects current naturalisation practices. Dr. Prof. Alberto Achermann will also be involved in the updating process.

The Citizenship Handbook can be found here:  
[http://www.bfm.admin.ch/content/bfm/de/home/dokumentation/rechtsgrundlagen/weisungen\\_und\\_kreisschreiben/buergerrecht.html](http://www.bfm.admin.ch/content/bfm/de/home/dokumentation/rechtsgrundlagen/weisungen_und_kreisschreiben/buergerrecht.html).



*A significant portion of the usual foreign resident population is comprised of second- or even third-generation immigrants.*

### 3. Programme against forced marriage

Over the last two years in Switzerland, an estimated 1400 people have experienced coercion or violence from family members to marry, end a love relationship or refrain from seeking divorce. This is the conclusion drawn by a scientific study conducted by Janine Dahinden and Anna Neubauer of the University of Neuchâtel on behalf of the Confederation. Their findings, which cover the whole of Switzerland for the first time, have now been published.<sup>17</sup> At the summer gathering held on 9 August, Federal Councillor Simonetta Sommaruga stated to the media that her Department intends to give priority to this matter.

On 14 September 2012, the Federal Council published its report drafted in response to the Tschümperlin motion and launched a national programme to crack down on forced marriage.<sup>18</sup> Within the next five years (2013–2018), the programme will establish functional “networks against forced marriage” in all regions of Switzerland. Through these networks, teachers, professionals and counsellors will be able to work together and regularly exchange information on matters pertaining to domestic violence and integration. The aim is to develop specific actions and prevention measures for victims, the perpetrators of coercion and social workers.

In its report, the Federal Council concludes that the phenomenon of forced marriages must be viewed as a form of domestic violence, that corresponding measures should be taken on the basis of prior experience and that existing structures should be given the support that they require. The programme against forced marriage will therefore be jointly run by the Federal Office for Migration and the Federal Office for Gender Equality (FOGE).

The programme is intended to complement the new Federal Act on Measures Against Forced Marriage, which was adopted by the Federal Assembly in June 2012 and is expected to go into effect sometime in 2013. The main purpose of the new Federal Act is to enable cases of forced marriage to be prosecuted and punished as an explicit criminal offence.<sup>19</sup>

In 2012, an important step was therefore taken by the Confederation to crack down on the complex phenomenon of forced marriage.

#### Domestic violence

The Federal Council’s report of 13 May 2009 on “Violence in Couples. Causes and Measures Taken in Switzerland” as well as its interim report of 22 February 2012 on the state of implementation requires the FOM to include domestic violence in its range of initial and continuing training courses given to migration experts. In addition, the FOM constantly considers domestic violence in hardship cases.

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Within the next five years (2013–2018), the programme will establish functional “networks against forced marriage” in all regions of Switzerland.

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On 14 June 2012, the FOM and FOGE held a specialised conference on the subject of domestic violence. This conference was intended for migration experts, particularly cantonal migration authorities, integration delegates, domestic violence response centres, victim support offices and women’s shelters. Speakers from within the FOM and FOGE as well as external speakers took part in this conference, which served as a platform for the exchange of views among experts and a means to optimise mutual cooperation.

In 2013, the FOM sent a circular to cantonal migration authorities announcing that the FOM and FOGE would jointly organise regional workshops with the cantonal migration authorities and other entities specialised in the area of domestic violence.

<sup>17</sup> Anna Neubauer and Janine Dahinden (2012). “Zwangsheiraten” in der Schweiz: Ursachen, Formen Ausmass. Bern: Federal Office for Migration.

<sup>18</sup> <http://www.bfm.admin.ch/content/lejpdlde/home/dokumentation/mi/2012/2012-09-14.html>.

<sup>19</sup> [www.bfm.admin.ch/content/lejpdlde/home/themen/gesellschaft/ref\\_gesetzgebung/ref\\_zwangsheirat.html](http://www.bfm.admin.ch/content/lejpdlde/home/themen/gesellschaft/ref_gesetzgebung/ref_zwangsheirat.html).

## 4. Report on the impact of free movement of persons and immigration

The Swiss population is growing – and not least because of immigration. High levels of immigration in Switzerland have been blamed in public debate for a range of different challenges: overcrowded trains, rising rent levels, shrinking of building land reserves or falling salaries. Given the high levels of immigration reported over the past few years, the question is justified: what effects has immigration had on Switzerland?

In July 2012, the Federal Council published a comprehensive report on the impact of free movement of persons and immigration in Switzerland. This report describes the impact that immigration has had on a wide range of policy sectors. It also shows the various ways in which migration policy can be managed. The Federal Council concludes that immigration has had a major impact on Switzerland's economic situation and its appeal with regards to other countries. The two-tiered system used to issue permits (unrestricted right of EU citizens to live and work in Switzerland under the terms of the bilateral Free Movement Agreement and quotas on right of highly qualified

third-state nationals to do the same) has proven its merits and should be maintained. Immigration has had positive effects for Switzerland: it has helped to drive economic growth and maintain prosperity. At the same time, existing challenges such as rising real estate prices, infrastructure and spatial planning or education policy issues have all intensified under the effects of immigration. The Federal Council therefore feels that reforms are needed in these areas.

In 2012, the two-tiered system used to issue permits also turned out to meet the needs of the Swiss economy: the 2012 quota on permits for third-state nationals was set at 8500 permits (3500 residence permits and 5000 short-stay permits). By the end of 2012, 88 % of the residence permit quota and 89 % of the short-stay permit quota was used up. Moreover, a total of 66 700 EU citizens moved to Switzerland to take up employment.



*Around 70% of all construction workers do not hold Swiss citizenship.*

## 5. Integrated border management

The Schengen Association Agreement has fundamentally changed the way in which people are checked at the border: although people can now freely move across internal borders, border checks on the external borders have become more stringent. This change in system requires new Schengen-wide coordination of measures to fight illegal migration and cross-border crime. Closer cooperation between national border management entities is a vital prerequisite for this.

In response to this situation and recommendations made in an evaluation of Switzerland's external borders, the Federal Council has prepared an integrated border management strategy. This new strategy will enable all the agencies involved in border management to coordinate their activities and more effectively counter illegal migration, commercial smuggling of human beings and cross-border crime while facilitating border crossing for legitimate travellers. The strategy includes 49 subordinate objectives aimed at improving the overall visibility of state action and optimising cooperation between the various authorities. The Federal Council adopted this strategy in June 2012. At the same time, it formed a working group comprised of federal and cantonal representatives. This new working group is currently developing ways to implement the subordinate objectives.

Since then, the first measures based on this strategy have already been implemented:

In autumn of 2012, Swiss document specialists were sent for the very first time to three selected airports in countries considered to be locations of origin and transit for illegal migration. These document specialists now help airline companies and local border control authorities to recognise forged documents. They also analyse the phenomenon of illegal migration and advise Swiss diplomatic/consular missions in matters pertaining to the issuance of visas.

Since the end of 2012, the FOM systematically checks the fingerprints of asylum seekers with those contained in the Central Schengen Visa Information System (CS-VIS). This enables officials to determine whether an asylum seeker has already obtained a visa from a Schengen country. If so, then the corresponding state is deemed responsible for handling the asylum seeker's application under the terms of the Dublin Association Agreement. Even in cases where Switzerland is responsible for the asylum seeker in question, database queries can yield important information regarding the person's identity. This is a tremendous help when steps need to be taken to return asylum seekers to their home countries.

In addition to the two measures mentioned above, numerous other measures are being devised to achieve integrated border management objectives. The complete action plan will be submitted to the Federal Council by the end of 2013.

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In autumn of 2012, Swiss document specialists were sent for the very first time to three selected airports in countries considered to be locations of origin and transit for illegal migration.

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## 6. Broad-based support for asylum reform

The asylum sector has always been the source of political controversy. In the past, the Asylum Act has been subjected to numerous revisions. Often, these changes only made asylum procedures increasingly complicated. Critics have always pointed out that processing of asylum applications takes too long and that this has only made the associated problems worse: lengthy processing times enable people who would otherwise not be considered as actual asylum seekers to remain for extended periods in Switzerland, a situation which draws even more migrants. Swiss asylum practices therefore allow non-asylum seekers to take advantage of the system. The complex interfaces between the Confederation and the cantons also make the entire process more difficult. To illustrate their point, critics highlight the problems that cantonal authorities have had in enforcing the removal of asylum seekers.

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By accelerating processing times, the incentive to submit clearly unjustified asylum applications will steadily decrease.

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For this reason, a broad consensus exists that the asylum sector requires a major overhaul to shorten processing times. The basis for this reform is the report published by the Federal Department of Justice and Police (FDJP) in March 2011 on measures to accelerate the processing of asylum applications.<sup>20</sup> This report was commissioned by the Political Institutions Committee of the Council of States (PIC-S).

On 9 May 2011, the PIC-S unanimously approved the proposal to implement option 1 of the report, which suggests adopting the "Dutch model" where asylum seekers are required to remain in designated centres for the entire duration of processing. Moreover, with the Dutch model, most of the asylum applications are processed and legally decided in these centres. Normally, this is the case for asylum applications for which decisions may be reached without the need for extensive clarifications.

It has been seen that in this controversial policy sector, deep reform can only be achieved when all of the relevant actors agree on a common set of principles. Based on this awareness, a joint working group was formed, comprised of representatives of cantonal governments and experts from the Confederation and the cantons. The first of five meetings took place on 23 March 2012. The working group visited the Ter Apel reception centre in the Netherlands in May 2012 to find out more about specific asylum procedures and infrastructure.

Since the restructuring effort will fundamentally alter the previous distribution of tasks between the Confederation and the cantons, a decision was reached to discuss the various issues at a national asylum conference. On 21 January 2013, representatives of the Confederation, the cantons, towns and communes adopted the report on restructuring of the asylum sector as well as the corresponding benchmarks.<sup>21</sup> According to the concept, in the future around 60 % of all asylum applications will be processed and decided in federal centres and only 40 % of asylum seekers will be assigned to various locations in the cantons. While this will require greater housing capacities in federal centres, it will also shorten processing times because most of the people involved in the asylum process (i.e. the asylum seekers, migration staff responsible for handling asylum applications, legal representatives, interpreters and return counsellors) will all be in the same location. In addition, complaint periods for standard asylum procedures will be shortened. As an accompanying measure, the concept provides that asylum seekers will also be entitled to cost-free legal advice and representation. In

<sup>20</sup> <http://www.bfm.admin.ch/content/dam/data/migration/rechtsgrundlagen/gesetzgebung/asylg-auglersatz-nee/ber-beschleunig-asyl-d.pdf>.

<sup>21</sup> <http://www.bfm.admin.ch/content/dam/data/pressemitteilung/2013/2013-01-21/erklaerung-d.pdf>.

addition, asylum seekers in the planned federal centres will also be guaranteed a legally proper and fair asylum procedure. Switzerland will continue to afford protection to those who are truly being persecuted. By accelerating processing times, the incentive to submit clearly unjustified asylum applications will steadily decrease. This will improve the long-term credibility of Swiss asylum policies. The new asylum procedures and process will be tested in a new pilot centre before they are definitively introduced.

The Federal Department of Justice and Police (FDJP) is currently preparing the necessary legislative amendments to enable restructuring of the asylum sector to take place as quickly as possible. Thanks to urgent legislative measures enacted on

29 September 2012, a portion of the revision has already taken place. The remaining provisions will normally go into effect in early 2014. The Confederation and the cantons will continue to work together to manage the various projects through a larger working group and corresponding steering committee. This new working group will supervise implementation and seek to clarify fundamental issues. The Swiss Union of Cities (SSV), the Swiss Union of Communes (SGV) and non-governmental organisations working in the field of migration will also be involved in subsequent implementation of restructuring plans. The objective is to ensure broad-based support for restructuring of the asylum sector among the various actors involved. With the chosen participative approach to implementation, this objective can be achieved.



*The recognition rate was 11.7 percent in 2012. This figure represents the number of recognized refugees.*

## 7. Asylum Action Plan

### New action plan and priorities established on 1 July 2012

Current staff levels are insufficient to handle the consistently high volume of incoming applications since the end of 2011. In addition, the processing of asylum applications is based entirely on strategies developed to handle the flow of incoming asylum seekers from individual countries of origin. For this reason, the Federal Office for Migration launched a new action plan on 1 July 2012. The aim is to process asylum applications more efficiently. One of the most important measures is to assign priority levels to asylum application categories.

Other general objectives of the Asylum Action Plan include:

- quickly enforcing removal orders – through coercive measures if needed and without further need for clarification – in cases where processing of asylum applications is suspended (particularly cases leading to Dublin and Safe Countries outcomes);
- reducing the appeal of the Swiss asylum system for asylum seekers whose applications will invariably be rejected;
- easing housing burdens;
- avoiding the pull effect;
- Minimising the overall costs of the asylum sector.

The Asylum Action Plan includes three priority levels, which went into effect on 1 July 2012.

The *first priority* level applies to asylum applications that meet the general objectives of the Asylum Action Plan for the following countries: Balkan countries, Sri Lanka, Turkey, Iraq and several Eastern European countries as well as Guinea, Nigeria, Tunisia and (since 1 January 2013) Algeria and Morocco. With these countries, the aim is to reduce the appeal of the Swiss asylum system for asylum seekers whose applications will invariably be rejected and where forced return is more

time-consuming and tedious. Other cases that should be given top priority include asylum seekers who commit criminal offenses or who show refractory or unsocial behaviour.

The *second priority* level applies to asylum applications that may be approved without the need for further clarifications. This priority level also includes asylum applications that result in a negative decision but where enforcement of a removal order is only possible with considerable effort or only independently and without coercion.

The *third priority* level applies to asylum applications requiring further clarification or temporary admittance. This priority level also includes asylum applications where further clarification leads to a negative decision and where enforcement of a removal order is only possible independently and without coercion.

The new Asylum Action Plan has been successfully put into practice: in the second half of 2012, around 79 % of all asylum applications were handled as priority 1 cases.

### Fast-track processing of asylum applications from visa-exempt European countries (48-hour procedure)

In the summer months of 2012, the FOM reported a sharp increase in the number of asylum applications from individuals who had been able to travel to Switzerland because they were citizens of visa-exempt European countries. Most of the asylum seekers in question came from Serbia, Macedonia as well as Bosnia and Herzegovina. This surge in asylum applications at Swiss reception and processing centres stretched processing capacities to the limit, preventing them taking on new cases. Experience has shown that asylum seekers from European countries have only a minimal chance of being granted asylum. For this reason, the FOM introduced a fast-track procedure (referred to as the 48-hour procedure) at the Basel reception and processing centre on 20 August 2012. At the same time, other measures were taken to sustainably reduce the number of incoming asylum applications falling under this category. In addition to nationals from the aforementioned visa-exempt countries, asylum seekers also included nationals of other EU countries.

The 48-hour procedure includes the following measures in particular:

- At the Basel reception and processing centre, greater focus will be placed on processing asylum applications from citizens of visa-exempt European countries as well as from foreign nationals who legally reside in the EU.

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With the new Asylum Action Plan, one of the most important measures is to assign priority levels to asylum application categories. Asylum applications that clearly have no grounds for approval will be handled first.

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*By the end of December 2012, there were 28 110 recognised refugees in Switzerland.*

- Barring entry to asylum seekers whose asylum applications have been rejected and who have failed to leave Switzerland within the established timeframe (applicable to the entire Schengen Area).
- Discontinuance of travel subsidy for asylum seekers from visa-exempt countries whose asylum application has been rejected, with the exception of vulnerable persons and special cases. Return assistance was already discontinued in April 2012.
- Preliminary information and a factsheet on the new measures will be distributed to asylum seekers in the various languages.

Asylum applications from citizens of the main visa-exempt European countries of origin (Bosnia and Herzegovina, Macedonia and Serbia) had been increasing steadily from June 2012, reaching 765 asylum applications in August 2012. After the new 48-hour procedure was introduced, there was a sharp decrease in the number of asylum applications from these countries (from 327 applications in September to 57 applications in December 2012).

#### Change in practices for repeat applications falling under Dublin provisions

In many cases, asylum seekers re-submit an asylum application to Switzerland shortly after being returned to the Dublin country responsible for their initial asylum application. In the fourth quarter of 2011, over 500 repeat applications were received. In most cases, no additional information was provided. The purpose of the asylum applications was simply to once again stay in Switzerland for the duration of a new Dublin out procedure.

Since 20 April 2012, asylum seekers who have been sent back to the corresponding Dublin country must now wait 6 months before submitting a new asylum application to Switzerland. If these individuals seek asylum from cantonal authorities, then a new Dublin out procedure can be set in motion if the cantonal authorities in question submit this request to the Federal Office for Migration. Since this measure was introduced, the number of repeat applications for the Dublin out procedure has fallen sharply to under 50 per month.



*In 2012, around 15 000 people came to Switzerland to pursue initial or continuing training.*

## 8. swissREPAT

Foreign nationals who are required to return to their home country or to a third country usually do so by air. Most of the individuals in question make their own travel arrangements without the involvement or knowledge of the authorities. Whenever the authorities wish to ensure that a foreign national departs from a Swiss airport, they usually make the necessary arrangements through swissREPAT, an FOM section responsible for the centralised management of departures. swissREPAT actively handles all of the formalities at the airport of departure on behalf of the returnee.

In the past, the cantons were responsible for handling the organisational aspects for removal by air for each individual case. Since the creation of swissREPAT in August 2001, arrangements for removal by air are now centralised and standardised. Professional risk assessments take the complex security conditions of airline companies and airports into account. With its main operations at the Zurich Airport and a branch at the Geneva airport, swissREPAT has the legal mandate to assist cantonal authorities, federal authorities and authorities from the Principality of Liechtenstein to enforce removal and expulsion orders requiring departure by air of foreign nationals. At 13 801, the volume of supervised returns of foreign nationals peaked in 2012, placing a major burden on the structural and human resources capacities of all cantonal and federal enforcement agencies involved.<sup>22</sup>

A removal and expulsion order is generally issued after an asylum application results in a decision not to grant asylum or when the police or Border Guard find a foreign national residing illegally in Switzerland. In such cases, the Federal Office for Migration or the cantonal immigration authorities order this person to leave the country. If the person fails to comply, the next step is expulsion.

For returns by air, a distinction is drawn between voluntary/independent return and forced return. In the first case, the foreign national travels like any other airline passenger. In the second case, the provisions of the Use of Force Ordinance (SR 364.3)<sup>23</sup> apply. There are four levels of enforcement that start with the least coercive (i.e. unaccompanied return on a regular flight) to the most coercive (i.e. charter flight, also referred to as special rendition flights). Irrespective of the willingness of the returnee to cooperate, the Use of Force Ordinance authorises certain coercive measures to be taken on such flights, in proportion to the circumstances at hand.

The corresponding cantonal enforcement bodies register the removal or expulsion orders for the persons concerned with swissREPAT, which then makes the necessary departure

Whenever the authorities wish to ensure that a foreign national departs from a Swiss airport, they usually make the necessary arrangements through swissREPAT.

arrangements. The various steps include the following: verification of the identity of the person to be returned as well as the validity of the travel documents required for the trip; charting the route and any transit stops; verifying travel through transit countries and actual entry requirements in the country of destination; assessing potential security risks that may arise on board the aircraft and deciding whether accompanying security personnel will be needed. In addition, medical examinations need to be conducted and decisions made on whether medical staff should also be brought on board the flight. Then, the flights need to be booked and tickets purchased and issued. Once this has been done, all of the parties involved at the cantonal and federal level as well as the authorities in the countries of transit and destination are informed of the travel dates. Finally, any accompanying and/or monitoring measures are taken. If security personnel are required to accompany the returnee on a regular or charter flight, the organisational workload and complexity of the process described above increases considerably.

Each organisational step in a given departure is based on specific technical know-how. This is why swissREPAT is structured as a partnership comprised of three organisational units. The Federal Office for Migration is fully responsible for this under the Federal Foreigners Act (SR 142.20) and is supported by the Federal Department of Foreign Affairs through its Swiss Government Travel Centre as well as by the Zurich Cantonal Police through its airport security personnel. In addition, swissREPAT works with transit authorities and private service providers (e.g. flights are arranged through 65 different airline companies; departures accompanied by security personnel are handled by Checkpoint Schweiz AG; and departures accompanied by medical staff are handled by OSEARA GmbH).

<sup>22</sup> Other key figures from the swissREPAT section can be found in chapter C10, page 29, Return – Removal by air.

<sup>23</sup> Ordinance of 12 November 2008 on the Use of Police Control and Restraint Techniques and Police Measures under Federal Jurisdiction (SR 364.3).



*A migration partnership is an expression of a mutual desire to work together extensively in the area of migration.*

## 9. Migration partnerships

In order to handle the complexity of modern-day migration, Switzerland created the instrument of migration partnerships, which complements the existing range of other migration policy instruments (bilateral and multilateral migration dialogue and agreements, return assistance and structural projects, protection in the region of origin, prevention of irregular migration) and include these and essentially all migration-related areas of interest to both partners. A migration partnership is the expression of a mutual desire to work together in a more comprehensive and intensive manner in the area of migration than would be possible through other migration policy instruments. Migration partnerships take place through agreements, programmes and projects that are directly related to migration, such as return and reintegration, migration and development, protection of refugees and vulnerable migrants, human trafficking or regular migration (e.g. visa policy, initial and continuing training).

Regular and structured meetings between partners are needed in order to improve mutual understanding and trust and address problems. Through these meetings, new solutions and opportunities can be found that create win-win situations for both Switzerland and its partners. Migration partnerships are intended to strike a balance between the interests of Switzerland, partner countries and migrants. Nevertheless, such partnerships have no direct influence on the actual migration decisions made by individuals (e.g. whether or not to submit an asylum application).

Switzerland adopts a “Whole of Government Approach” to migration partnerships. This helps to consolidate positions and clarify any conflicts of interest. The Interdepartmental Working Group on International Cooperation on Migration (IMZ), which is jointly managed by the Federal Department of Justice and Police and the Federal Department of Foreign Affairs, serves as the basis for this. Migration partnerships involve considerable financial and human resources, which means that a strategic approach is needed to identify suitable partners and ensure careful implementation.

Migration partnerships have been established with Bosnia and Herzegovina, Serbia, Kosovo, Nigeria and Tunisia.

### Interdepartmental cooperation in the area of migration

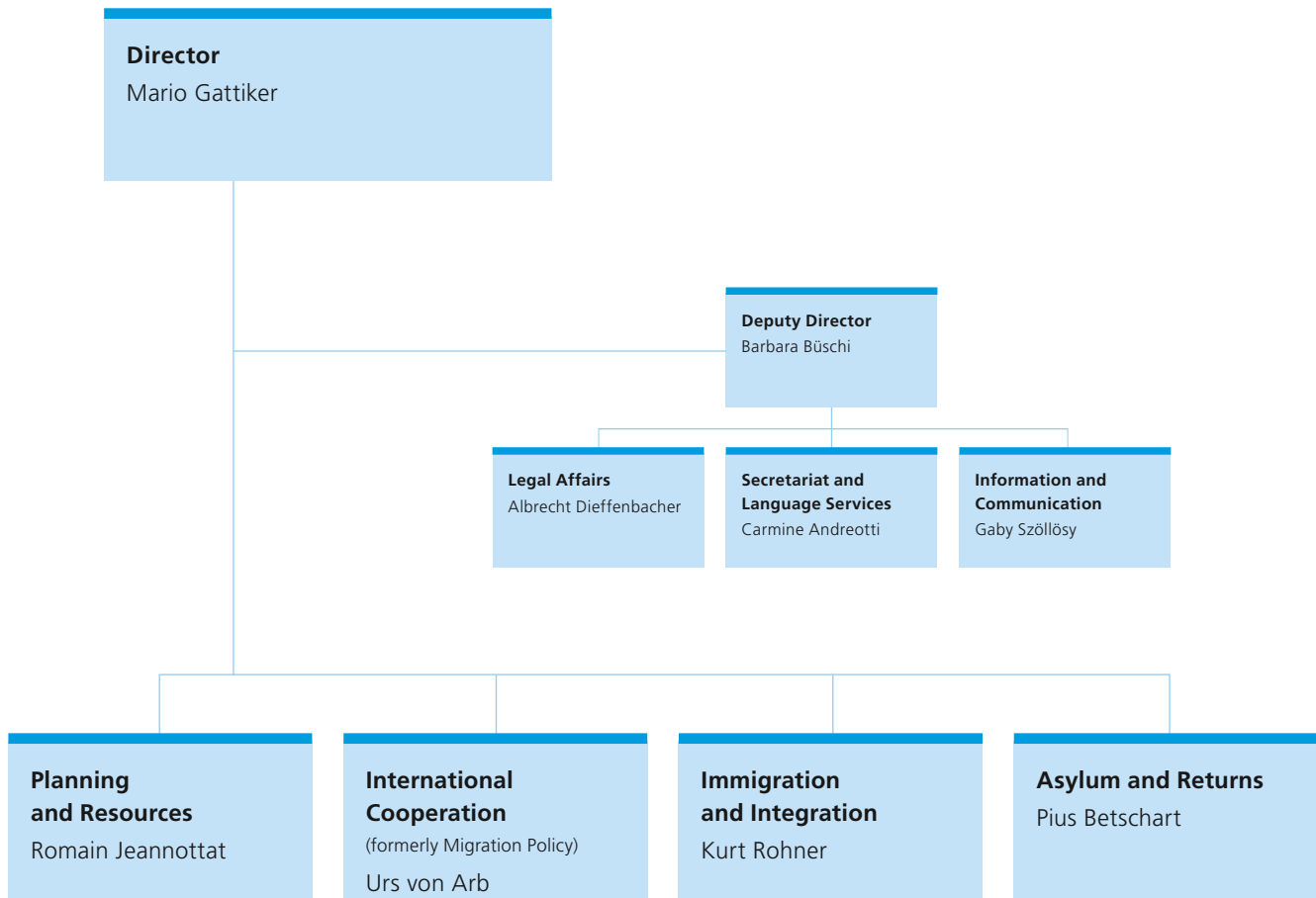
In 2011, the Federal Council created the Interdepartmental Working Group on International Cooperation on Migration (IMZ) to coordinate the foreign migration policy activities of the various federal agencies involved, namely the Federal Office for Migration (within the Federal Department of Justice and Police), Political Affairs Division IV: Human Security (within the Federal Department of Foreign Affairs), the Swiss Agency for Development and Cooperation (also within the Federal Department of Foreign Affairs), the State Secretariat for Economic Affairs (within the Federal Department of Economic Affairs, Education and Research) and the Special Ambassador for International Migration. Other federal agencies also take part in the various IMZ meetings, which are generally open to all agencies within the Federal Administration.

# E General information about FOM



In 2012, the Federal Office for Migration had a staff of around 742 employees.

## Organisation chart



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 or destination as well as with international organisations.

## 1. Restructuring of Asylum and Returns Directorate

### Background

Ordered by the former head of the Federal Department of Justice and Police (FDJP), Federal Councillor Eveline Widmer-Schlumpf, the FOM's new structure went into effect on 1 September 2010. In November and December 2011, Prof. Dr. Hans A. Wüthrich, from the University of the Federal Armed Forces Munich, evaluated the new structure. The Wüthrich report found that established objectives, particularly in the core areas of asylum and return, were not being adequately reached. Focussing on observed weaknesses, the FDJP's General Secretariat helped the FOM to devise a strategic agenda with realistic and binding objectives. Federal Councillor Simonetta Sommaruga approved this strategic agenda on 19 June 2012. The new agenda identifies the resources required and seeks to create a functional organisational structure for the FOM's Asylum and Returns Directorate.

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The new agenda identifies the resources required and seeks to create a functional organisational structure for the FOM's Asylum and Returns Directorate.

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### Aim of the project to restructure the FOM's Asylum and Returns Directorate

The project to restructure the Asylum and Returns Directorate is based on this strategic agenda. It seeks to adapt the organisation chart (organisational units and detailed structure) for the FOM's Asylum and Returns Directorate (DB armasuisse Group). The restructuring of the DB armasuisse Group should achieve the following objectives:

- suitable shortening of processing times/rule of law (quick, high-quality and lawful procedures);
- ability to adapt and manage peaks in workload (quick response to fluctuations in the volume of incoming asylum applications);
- work should be carried out within the confines of Swiss linguistic regions (avoid translations);
- universal doctrine (managerial concept, uniform asylum and removal practices);
- manageability (suitable room for managerial action).
- development of employee potential (using and developing employee potential);
- client orientation (clear responsibilities to both internal and external clients);
- alignment of medium- and long-term perspectives (Asylum Action Plan and restructuring of the asylum sector).

In the project to restructure the FOM's Asylum and Returns Directorate, considerable importance was given to ensuring the involvement and participation of employees, to close cooperation with cantonal authorities and social partners as well as to the provision of clear information.



### Results of the project to restructure the FOM's Asylum and Returns Directorate

At the end of 2012, Federal Councillor Simonetta Sommaruga approved the following changes to the FOM's organisational structure:

- A new Returns Division will be created to handle return activities. This new division will be directly under the International Cooperation Directorate.
- The Reception and Processing Centres/Dublin Division will be broken down into two different organisational units. This will allow more resources to be devoted to processing Dublin cases (40 % of all incoming asylum applications) and reduce managerial workload. Because of their close correlation with asylum matters, the new Reception and Processing Centres Division and the new Dublin Division will remain under the Asylum and Returns Directorate.

- As part of restructuring of the asylum sector, the operational capacities of personnel working at reception and processing centres should be developed further. The objective should be to enable reception and processing centres to handle a portion of the hearings and decision-making even during peaks in incoming asylum applications.
- The main remit of the two asylum-related divisions in Wabern will be to work closely with reception and processing centres to process and reach decisions on asylum applications and residence formalities.

The new structure will go into effect on 1 September 2013. It will be possible to assess the impact of the various measures by the end of 2013.



*Employment is an important step in the integration of recognised refugees and temporarily admitted persons.*

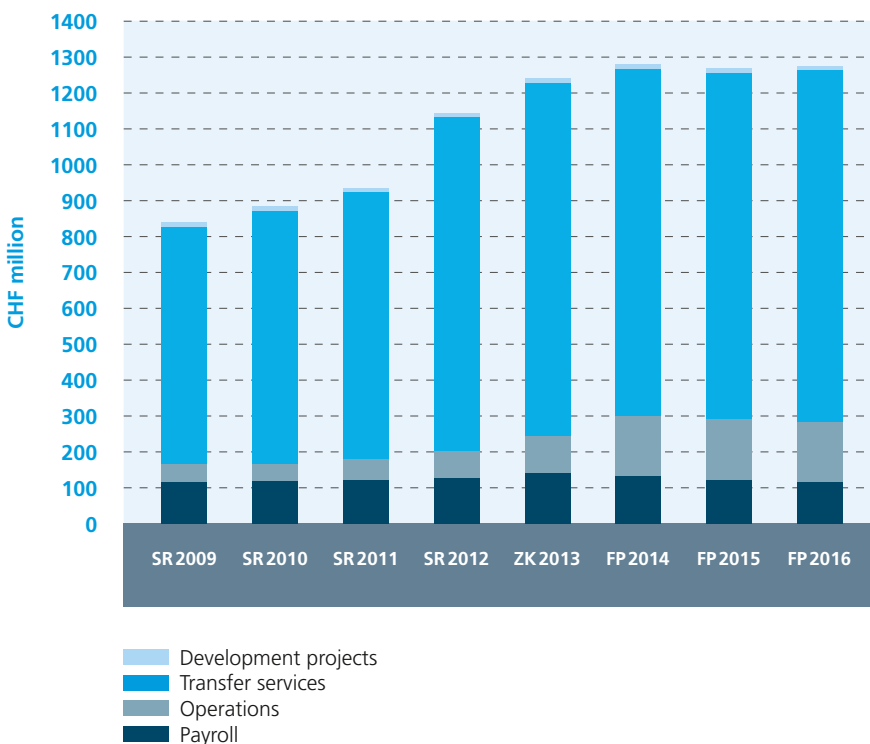
## 2. FOM activities

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

- **Transfer services:** approximately 82 % 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 11 % of the total expenditure relates to payroll (including social insurance contributions for all categories of staff) and other associated costs such as initial and continuing education and training.
- **Operations:** approximately 6 % of the total expenditure relates to running reception and processing centres; maintaining and developing IT infrastructure; consultancy; and other operating costs.
- **Development projects:** around 1 % of the total expenditure relates to developing and introducing specialised software applications.

### FOM activities – only major expenditures

(government accounts for 2009–2012, budget for 2013, financial plan for 2014–2016)



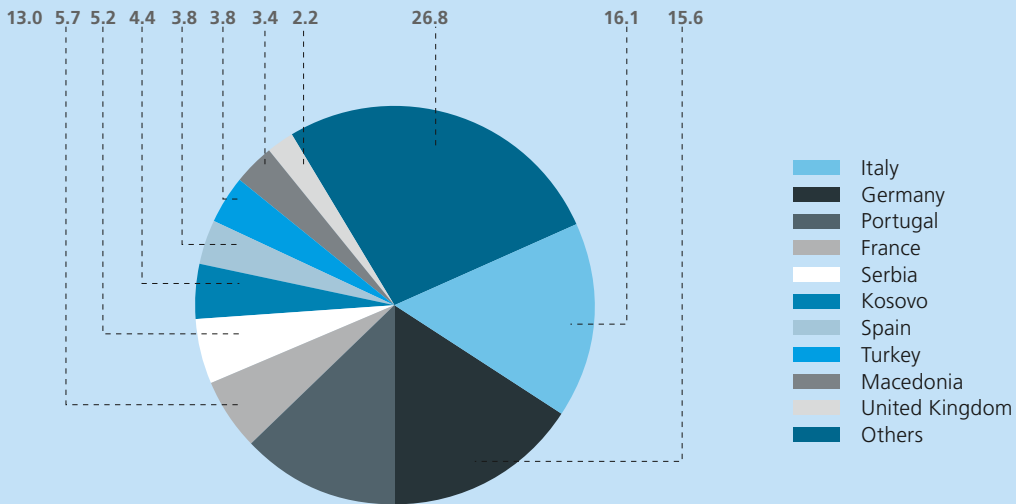


*In 2012, 24,941 asylum applications were decided in first instance.*

## Appendix

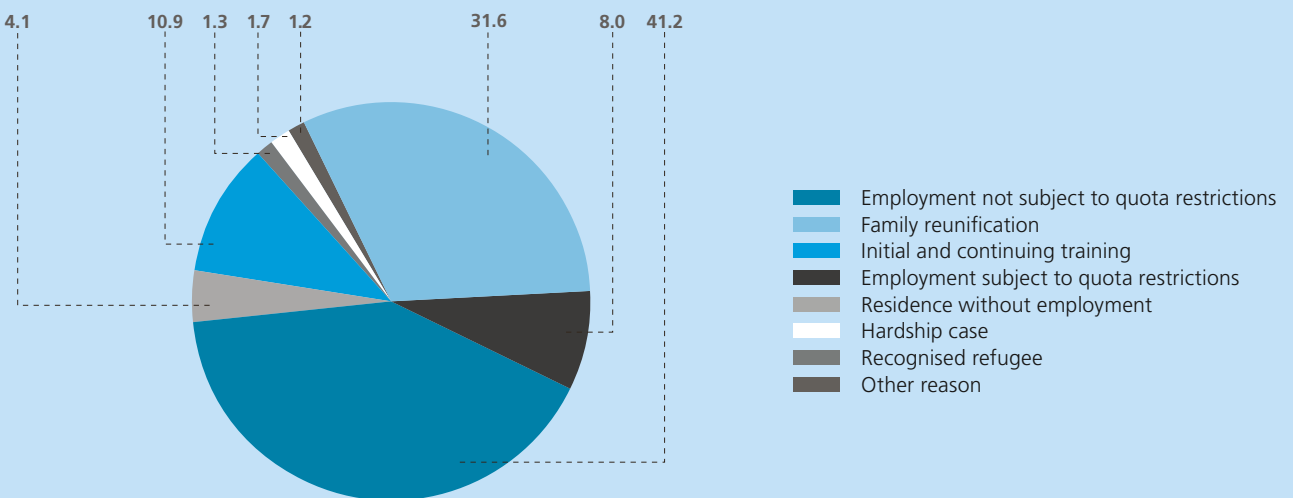
### Usual foreign resident population

(in %, on 31 December 2012)



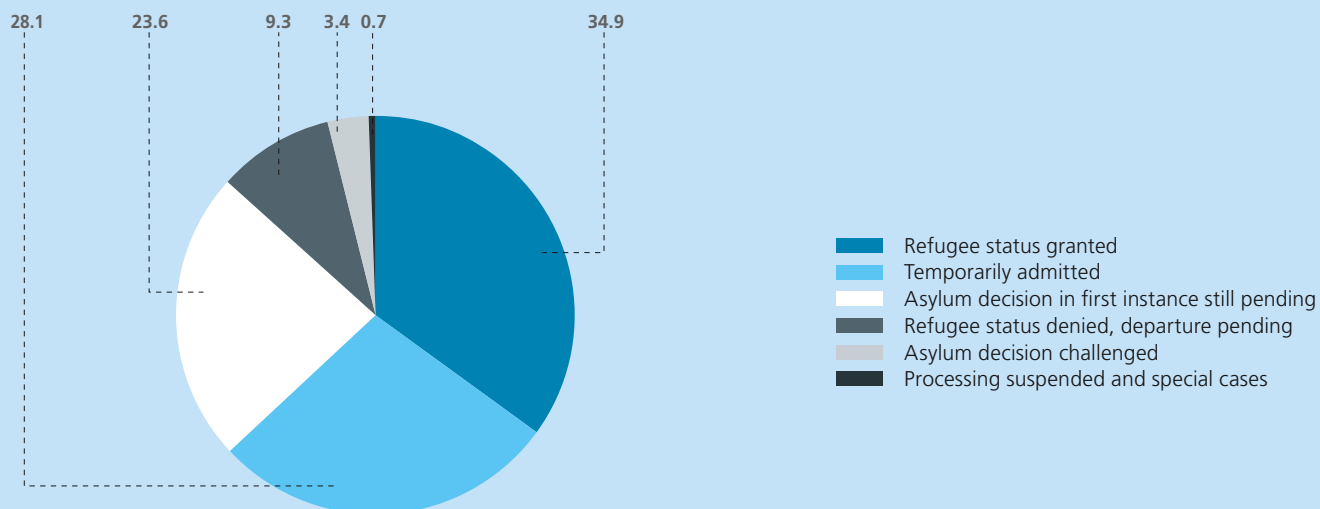
### Reason for immigrating

(in %, on 31 December 2012)



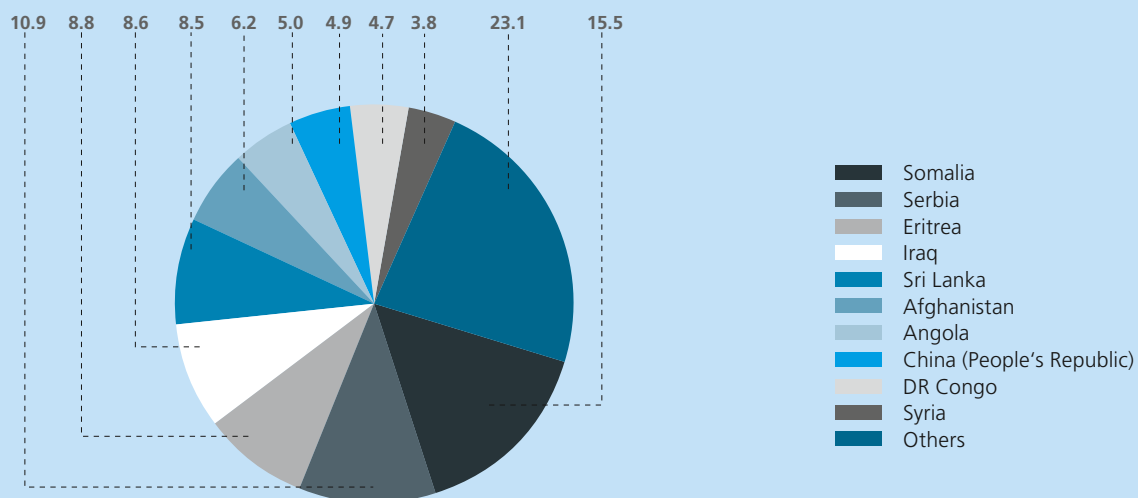
### Asylum figures

(in %, on 31 December 2012)



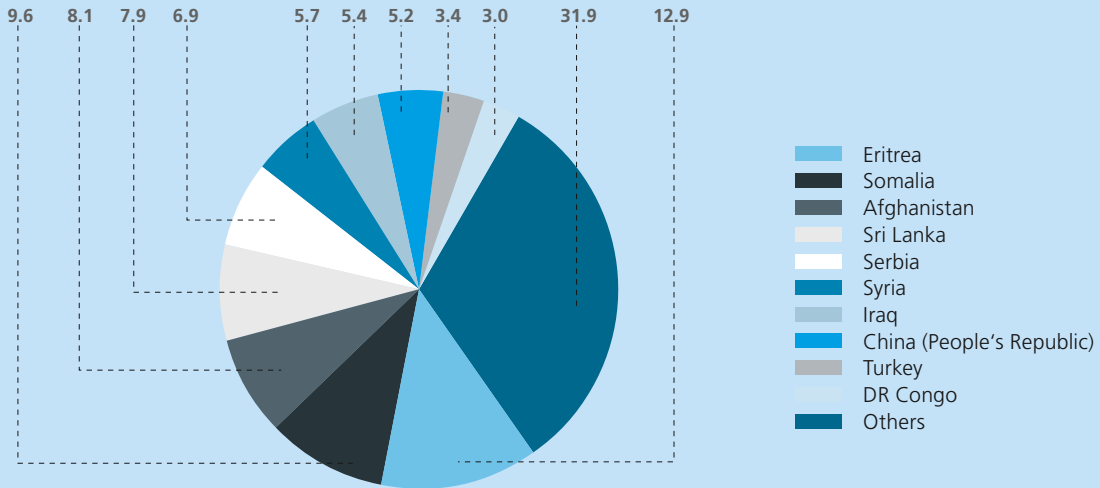
### Temporarily admitted persons

(in %, on 31 December 2012)



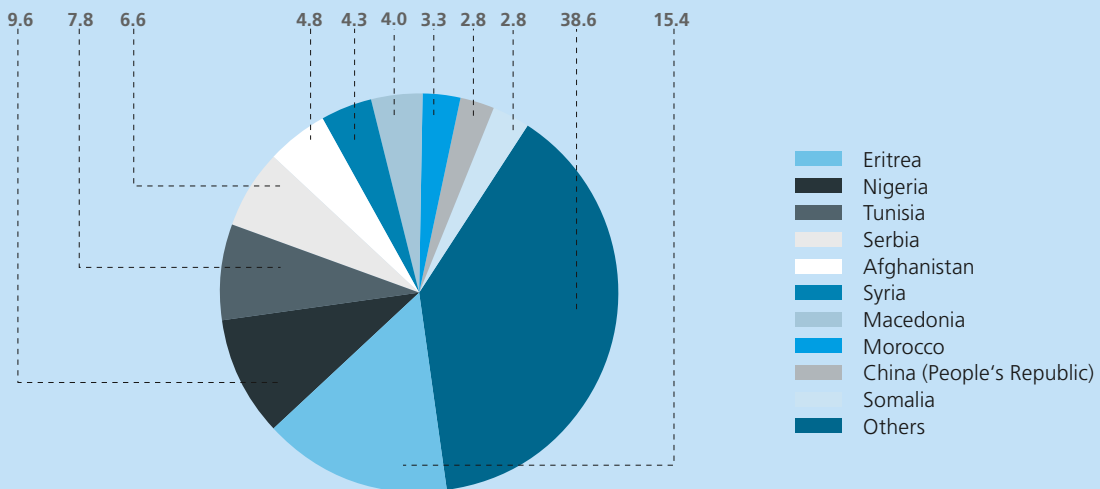
**Asylum seekers**

(in %, on 31 December 2012)



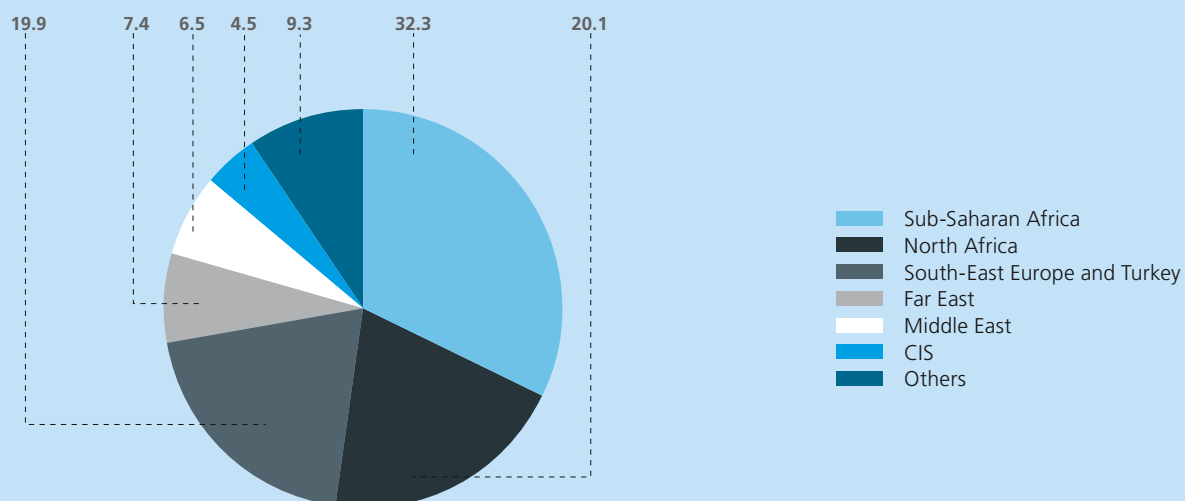
**Asylum applications by country**

(in %, on 31 December 2012)



### Refugee status denied, departure pending, by region

(in %, on 31 December 2012)



### Asylum applications per year

