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Eidgenössisches Justiz- und Polizeidepartement EJPD  
Département fédéral de justice et police DFJP  
**Bundesamt für Migration BFM**  
**Office fédéral des migrations ODM**



# Migration Report 2008

## Masthead

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## Foreword



Despite the popular vote confirming Switzerland's intention to maintain the Swiss-EU bilateral agreement on the free movement of persons and extend this agreement to include Romania and Bulgaria, migration and integration continue to be controversial political issues in Switzerland. Moreover, political debates on these issues pit those who believe that immigration has already reached a critical point against those who believe that immigration can bring tangible benefits to the economy and stabilise the social system.

Since the 1970s, public debate on migration and integration has intensified in direct proportion to the rise in the number of legally resident foreigners in Switzerland. A similar trend can be seen in other European countries. The subjective perceptions (or those propagated by the media) of some segments of Switzerland's resident population have changed noticeably.

This is especially true in larger urban areas, where inhabitants have been confronted with rising immigration from countries of origin where none of our national languages are spoken. Many Swiss nationals have begun to feel increasingly "foreign" in what used to be familiar surroundings. This has generated feelings of insecurity. In recent decades, the Swiss have voted time and time again on immigration issues. And each time, they have shown support for the migration policy adopted by the Federal Council: controlled immigration, assimilation of migrants in society and the labour market and consistent crack-down whenever attempts are made to abuse the system.

Over the years, the Federal Office for Migration (FOM) has been directly involved in a large number of changes in the migration sector, including the introduction of the free movement of persons for EU nationals, revision of the Asylum Act (SR 142.31), Swiss adoption of the Schengen and Dublin Agreements and entry into force of the new Foreign Nationals Act (SR 142.20). The FOM has compiled various reports, for example on integration and naturalisation. The FOM has helped to introduce integration measures and international cooperation in the migration sector.

A handwritten signature in black ink, appearing to read "E. F. F. F. F." with a long, sweeping flourish at the end.

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# Year at a glance

**The FOM had an eventful year in 2008. New trends and developments in the migration sector demanded a great deal of flexibility and the ability to act quickly. Below, we take a brief look back at the FOM's main activities in 2008.**

The FOM responded to the strong rise in the number of asylum applications during the second half of 2008 with the "Swiss Asylum Process" action plan. This package of measures was mainly intended to streamline the asylum process, which also required work with the cantons to rapidly raise workload capacity.

Following preliminary work by the FOM, and in response to various developments in the area of asylum, the Federal Council decided to hold consultations on selective amendments to the Asylum Act and Foreign Nationals Act at the end of 2008. Operational implementation of the Schengen/Dublin Association Agreements on 12 December 2008 placed a heavy burden on FOM resources. In particular, it took a great deal of energy and resources were used to put all IT systems in operation on schedule.

In the area of integration, particular emphasis was placed on implementing the 45 measures that the Federal Council had decided on in August 2007. These measures apply to the areas of language, education, employment, social security and the promotion of social integration in residential settings. Using the "migration partnerships" tool, the FOM has been able to intensify bilateral discussions with various countries of origin of migrants. These bilateral discussions have made it possible for win-win situations to be achieved for Switzerland and the corresponding partner countries of origin. Programmes aimed at protecting refugees in first host and transit countries ("Protection in the Region") were further developed and supported. The FOM has been working in close collaboration with the United Nations High Commissioner for Refugees (UNHCR) on this matter.

At the beginning of 2008, FOM-driven negotiations with the EU regarding the extension of the free movement of persons to Romania and Bulgaria were concluded.

The FOM published two studies in 2008. One study concerns the Sri Lankan Diaspora in Switzerland and the other relates to factors involved in successful labour market integration at cantonal level.

Finally, at the beginning of March 2008, the old ZAR-3 (Central Register of Foreigners) and AUPER 2 (Automated Register of Persons) databases were replaced – after a great deal of time and effort – by the new ZEMIS (Central Migration Information System) database.

The key migration figures for 2008 are as follows:

- At the end of the year, there were 1,638,949 legally resident foreigners in Switzerland. Of these legally resident foreigners, 1,026,495 were EU-27/EFTA nationals.
- 113,235 EU-27/EFTA nationals immigrated to Switzerland. Around 60% of these foreign nationals immigrated to Switzerland for the purposes of taking up employment.
- Last year, Switzerland approved 638,896 and rejected 25,597 visa applications.
- 16,606 people applied for asylum in Switzerland. Most of these asylum applicants came from Eritrea, Somalia, Iraq, Serbia, Kosovo, Sri Lanka and Nigeria
- Of the 11,062 asylum applications handled at first instance in 2008, 2,261 people were granted asylum. This corresponds to an approval rate of 23%.
- 45,305 people obtained Swiss citizenship. People from Kosovo, Italy, Germany and Turkey in particular were naturalised.
- A total of 991 people left Switzerland under a federal RA programme
- 2,544 detention orders (for preventive detention or punitive detention) were issued to enforce expulsion or deportation orders. In 83% of cases, detention resulted in successful deportation.
- Swiss authorities ensured the expulsion or deportation by air of 4,928 people, 45.5% of these cases fell under the scope of the Asylum Act and the remaining 54.5% fell under the scope of the Foreign Nationals Act.
- In 2008, the FOM issued 6,135 entry bans.

# 1. Key figures

The figures speak for themselves:

- Since World War II, approximately two million people have immigrated to Switzerland or live here as the descendants of immigrants.
- At the end of 2008, there were over 1.6 million foreign nationals living in Switzerland.
- One in every four employed persons in Switzerland has a foreign passport.
- At over 21%, Switzerland has one of the highest foreigner-to-total population ratios in Europe.
- Migration makes a larger contribution to Switzerland's population growth than in the classic immigration countries USA, Canada and Australia.
- One in every ten Swiss citizens lives abroad.

# 2. Historical context

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

## Hugenotten



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

## Die Revolutionen von 1848/49



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

## Handwerker und Firmengründer



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

## Bourbaki-Armee



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

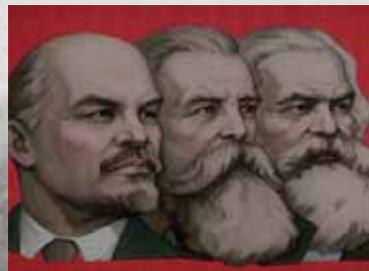
# Migration facts

Council was given authority to establish a policy on refugees, foreign nationals and the labour market to counter the "excessive influx of foreigners". This policy led to 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.

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 postwar policy on foreign nationals was essentially based on the principle of rotation whereby foreign workers would only be allowed to stay in Switzerland for a few years to fill cyclical gaps in our economy. 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

### Sozialisten, Anarchisten, Kommunisten



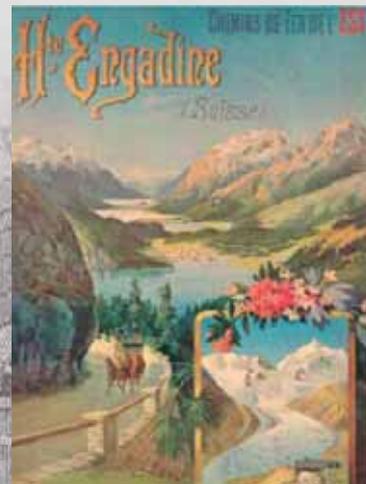
Gegen Ende des 19. Jahrhunderts landeten Flüchtlinge in der Schweiz ein, die die gesellschaftliche Ordnung und den Kapitalismus bekämpften. Es handelte sich um Sozialisten, Kommunisten und Anarchisten. Auch Karl Marx, Friedrich Engels und Michail Bakunin kämpften in der Schweiz für ihre Sache. Die Schweizer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

### Wirtschaftsaufschwung



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

### Touristen und Studentinnen



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

### Erster Weltkrieg



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

1895

1914

first time. Approval of the year 2000 popular vote approving the Swiss-EU bilateral agreement on the free movement of persons marked a milestone in Switzerland's relationship to its foreign labour force: skilled and unskilled workers could now be recruited from EU/EFTA countries. The admission of foreign workers from non-EU/EFTA countries, in contrast, was only possible for persons with high professional qualifications.

After World War II, parallel to the legal influx of labour, a large number of people also came to Switzerland as refugees. Until the early eighties Switzerland had special programmes to readily admit large numbers of people in need of protection: 14,000 Hungarians in 1956, 12,000 Czechs and Slovaks in 1968 and several thousand refugees from Tibet, China and Indochina. Since the early 1980s, the number of asylum applications, particularly from Turkey, Lebanon, Sri Lanka and the West Balkans, as well as from other countries of origin, has shown a marked increase, peaking at 46,000 applications in 1999. After the end of armed conflict in the Balkans, the number of asylum applications in Switzerland and in most European countries decreased significantly. In recent years, Switzerland has registered an average of approximately 16,000 applications

per year. Despite the comparatively low proportion of asylum seekers to the total number of legally resident foreigners in Switzerland (2.5%), the issue of asylum continues to fuel heated debates among Swiss inhabitants, politicians and the media.

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

### Antifaschisten



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

### Nationalsozialismus und Zweiter Weltkrieg



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

### Die Zeit der Hochkonjunktur



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

### Ungarn-Aufstand



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

### Tibeter



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

1922

1933

1950

1956

1960

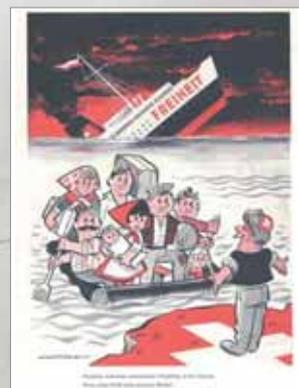
### 3. Conclusions

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

- In the past, Switzerland has demonstrated its ability to handle and assimilate a large influx of migrants. It is an immigration country surrounded by other immigration countries.
- Migration is a reality; it is a part of our human history. Globalisation facilitates mobility and accelerates migration.
- Migration flows are complex processes. Their causes and consequences have an effect on numerous other areas of Swiss domestic and foreign policy.
- National and international tools are needed to steer legal and illegal migration flows.
- It is impossible to clearly separate Switzerland's policies on asylum, foreign nationals and the labour market. People often leave their home countries for several reasons. Specific attempts should be made to classify migrant groups, their objectives and underlying interests.

- Migration patterns and reasons for fleeing may vary but a country's migration policy always needs to strike a balance between conflicting objectives: adhering to a "humanitarian tradition" while nevertheless avoiding an "excessive influx of foreigners".
- Migration and integration are two closely linked aspects of Swiss policy that must be continuously reconciled in order to safeguard the interests of both Swiss citizens and legally resident foreigners in Switzerland.
- Migration must be managed and the related security problems solved; the promotion of integration is a key concern.
- Migration and integration cannot be achieved without tensions or conflicts. Swiss citizens and migrants share the same burden.
- Migration and integration can work if a coherent concept reconciling the two can be found. Such a concept is needed if Switzerland is to continue to show a willingness to accept migrants. The opportunities and risks associated with migration and integration must be the subject of constant public debate.

**Prager Frühling - Tschechen und Slowaken**



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

**Chilenen**



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

**Boat-People**



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

**Asylsuchende aus aller Welt**



Seit Beginn der 1980er-Jahre nahm die Zahl der Asylsuchende in der Schweiz stark zu. Aufgrund der kriegerischen Ereignisse in Bosnien und Herzegowina sowie im Kosovo flohen sehr viele Menschen aus diesen Regionen in die Schweiz, wo sie vielfach Verwandte oder Freunde hatten. 1999 wurden rund 48 000 Asylsuchende registriert, wobei es sich mehrheitlich um Kosovo-Albaner handelte. Seither sank die Zahl der Asylsuchende markant.

**Drei Kreise – Zwei Kreise**



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

1968

1973

1979

1980

1990



# Migration in 2008

## 1. Immigration and legally resident foreigners

At the end of December 2008, there were 1,638,949 legally resident foreigners in Switzerland.<sup>1</sup> Considering a total usual resident population of 7,669,074 inhabitants, the foreigner-to-total population ratio stands at 21.4%.

Of these legally resident foreigners, 1,026,495 are EU-27/EFTA nationals and 612,454 are thirdstate nationals. The number of EU-27/EFTA nationals registered an increase of 65,710 or 6.8% compared to the previous year. The number of third-state nationals increased by 2,274 or 0.4%.

The largest group of foreigners are Italian nationals (290,020 persons, 17.7%), followed by German nationals (233,352 persons, 14.2%), Portuguese nationals (196,168 persons, 12.0%), Serbian nationals (179,996 persons, 11.0%), and French nationals (85,596 persons, 5.2%).

In 2008, German nationals accounted for the largest increase (31,463 persons), followed by Portuguese (13,844) and French nationals (8,163). Serbian nationals accounted for the largest decrease (-7,369), followed by nationals from Bosnia-Herzegovina (-1,793) and Croatia (-1,719).

## 2. Gainful employment

Switzerland has a dual system as far as the admission of foreign labour is concerned. Employees from EU/EFTA countries enjoy the benefits of the Swiss-EU bilateral agreement on the free movement of persons. All other foreign nationals (referred to as third-state nationals) have restricted access to the Swiss labour market. Restrictions take the form of quotas on the number of permits issued to executives, specialists, and other qualified workers. Third-state nationals may only be admitted if no qualified Swiss or EU/EFTA nationals can be recruited.

### EU/EFTA citizens on the Swiss labour market

In 2008, 113,235 persons immigrated to Switzerland from EU-27/EFTA countries.<sup>2</sup> Around 60% (67,904) of these immigrated to Switzerland for the purpose of taking up gainful employment.

Most EU-17 nationals found jobs in the services sector (72%). Around 26% took up employment in the industry and manual labour sector and 2% in the agricultural sector.

The picture is similar for legally resident foreigners from EU-8<sup>3</sup> countries. Around 65% found jobs in the services sector and 18% in the industry and manual labour sector. However, in comparison to immigration from EU-17/EFTA countries, significantly more EU-8 nationals found employment in the agricultural sector (around 17%).

<sup>1</sup> Not including the following categories: 27,637 international civil servants and their families; 53,100 persons on short stays of less than 12 months (holders of the L permit); and 40,794 asylum seekers.

<sup>2</sup> Legally resident foreigners.

<sup>3</sup> Poland, Czech Republic, Slovakia, Hungary, Estonia, Latvia, Lithuania and Slovenia.

## Third-state nationals on the Swiss labour market

In 2008, there was a major drain on the quotas of available residence and work permits for third-state nationals: 8,830 short-stay permits (+24% compared to the quota established for the 2006–2007 quota period) and 4,417 temporary residence permits (+2% compared to the 2006–2007 quota period). Of the 8,830 short-stay permits mentioned, over one-third (3,200 permits) were granted to service providers from EU/EFTA countries, whose stay is not subject to the provisions of the Swiss-EU bilateral agreement on the free movement of persons.<sup>4</sup>

As in the previous year, a very large number of requests for permits were received in the following sectors: IT services (2,407 permits), chemical and pharmaceutical industry (880 permits) and mechanical and electrical engineering sector (877 permits) where a significant shortage of workers exists on Swiss, EU and EFTA labour markets.

For the most part, IT professionals from third states coming to Switzerland are employees of IT companies based abroad, primarily in India. These IT professionals are responsible for developing IT systems or software which will then be installed in our country, particularly in multinational or international organisations. These IT professionals are sent to Switzerland for the purpose of installing the products developed abroad but remain employed by their IT company based abroad.

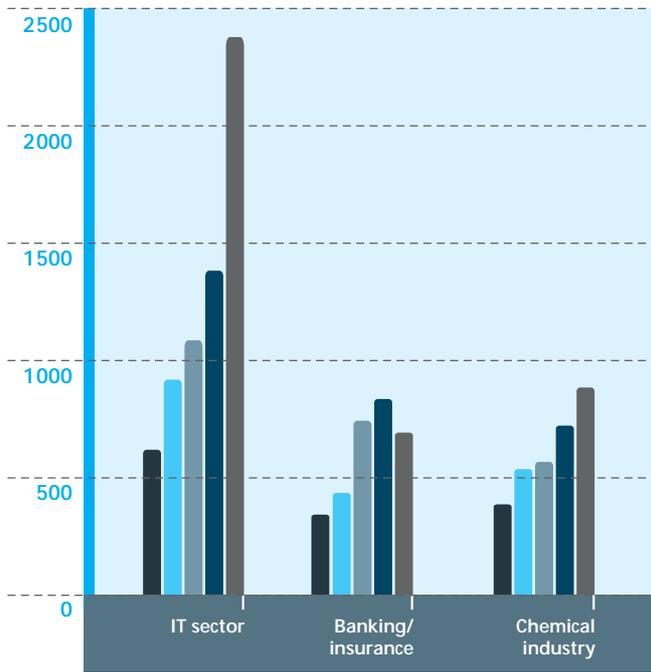
As far as the qualifications of third-state nationals are concerned, statistics show that four out of five third-state nationals admitted to Switzerland hold a university degree.

The number of third-state nationals admitted to Switzerland remained fairly stable compared to previous years. The largest group is comprised of Indian nationals (2,630 permits, mainly IT professionals), followed by US nationals (1,665 permits) and Canadian nationals (605 permits) employed by internationally active companies as well as Chinese nationals (528 permits) employed mainly by companies in the chemical, mechanical engineering and electrical engineering sectors or working as speciality chefs and doctors of traditional Chinese medicine.

The clear increase in the number of permit applications reflects the strong economic growth experienced over the past few years. This growth generally remained very solid in 2008 in the industry and service sectors. In contrast, growth seems to be slowing down in the financial services sector, export sector and investment sector.

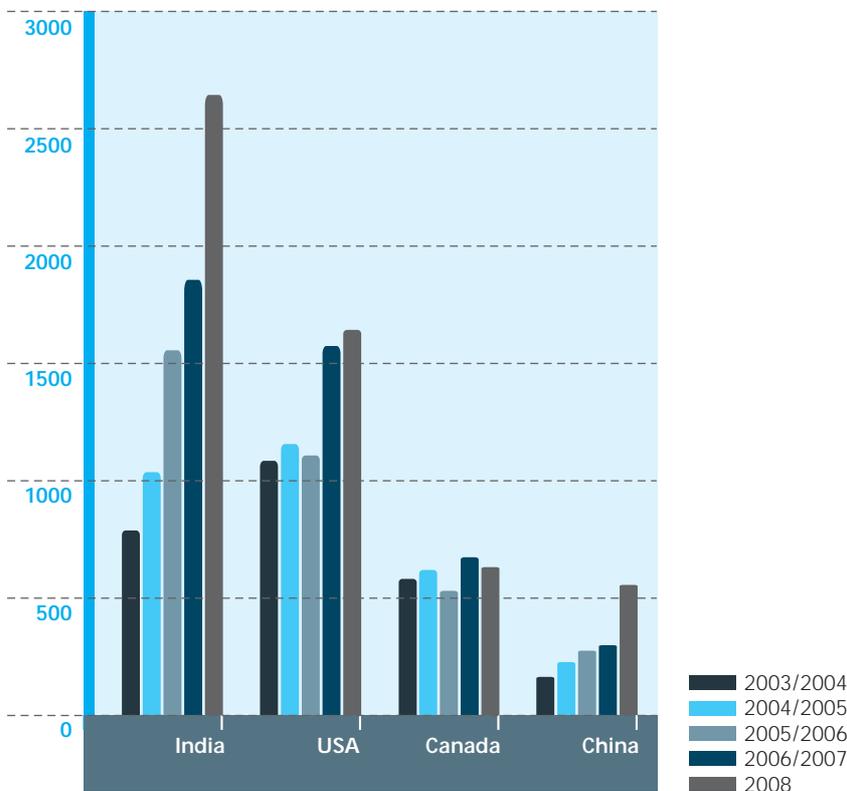
*4 Temporary stays by EU/EFTA nationals rendering services that are not covered by specific agreements. Lasting for more than 90 full days per calendar year, these stays are not subject to the provisions of the Swiss-EU bilateral agreement on the free movement of persons but rather the provisions of the Foreign Nationals Act.*





Most of the permits were issued to Indian nationals (2,630 permits), followed by US nationals (1,665 permits) and Canadian nationals (605 permits). Over 2,400 permits were issued to IT professionals, mainly from India. A large number of the permits issued related to the chemicals and pharmaceuticals branch (880 permits), the financial and insurance services branch (660 permits), the management consulting branch (840 permits; some of which related to IT).

Access of nationals from Third States to the labour market, by sector (Source: FOM/APA)



Access to the labour market by nationality (Source: FOM/APA)

### 3. Visas

Swiss consulates issued a total of 638,896 visas in 2008. Most of the visas were issued by Swiss consular missions in China (115,616 visas), Russia (94,870 visas) and India (92,134 visas).

Switzerland became an associate Schengen country and therefore part of the Schengen Area on 12 December 2008. With entry into force of the Schengen Association Agreement, changes needed to be made to the short-stay visa policy. Switzerland now only issues Schengen visas for stays of up to three months. In addition, Schengen visas issued by other countries are also valid for visa-free travel to Switzerland. Before issuing a Schengen visa, each Schengen country checks the Schengen Information System (SIS) and makes use of a fully automated consultation procedure. This has an overall effect of coordinating the issuance of Schengen Visas. Since the Schengen Association Agreement came into force at the end of 2008, Switzerland has issued around 10,000 Schengen visas.

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

#### Situation in 2008 in Switzerland

A total of 16,606 asylum applications were filed in 2008; this represents an increase of 53.1% (+5,762 applications) compared to the previous year. By the end of 2008, 40,794 asylum applications were still pending (i.e. applications still being examined, applications for which expulsion or deportation orders were issued but not yet executed and applications from individuals who were admitted to Switzerland on a temporary basis); this represents a 0.7% decrease (-268 applications) compared to the end of 2007.

In 2008, 11,062 asylum applications were handled in first instance; this represents an increase of 9.9% (+992 applications) compared to 2007. In 3,073 cases, a decision was made to deny entry to Switzerland; in 2,261 cases, asylum seekers were granted asylum; in 4,483 cases, the asylum applications were rejected; in 1,245 cases, the applications were withdrawn or written off.

In 2008, the asylum approval rate was 23.0%. The high approval rate shows that persons who are being persecuted or threatened under the meaning of the Asylum Act are granted protection in Switzerland. Furthermore, in 2008, 4,327 persons were admitted on a temporary basis. At the end of 2008, 23,276 asylum seekers were granted refugee status.

<sup>5</sup> As of 1 March 2008, the FOM no longer uses the AUPER 2 database to compile statistical data. It now uses the new ZEMIS database instead (cf. Section D10). The statistical analyses presented in this report are based on the new ZEMIS database. Because of these changes and entry into force of the new Asylum Act on 1 January 2008, the new asylum data gathered by the FOM are no longer entirely comparable with the data published in the FOM's Migration Report 2007.

In 2008, asylum seekers mainly came from the following countries of origin: Eritrea (2,849, +71.5%), Somalia (2,014, +3,34.1%), Iraq (1,440, +50.6%), Serbia (including Kosovo) (1,301, +26.3%), Sri Lanka (1,262, +98.4%), Nigeria (988, +202.1%), Turkey (519, -15.7%), Georgia (481, +117.6%), Afghanistan (405, +25.8%) and Iran (393, +70.1%).

The largest decline compared to 2007 was recorded in the number of asylum applications from Romanian nationals (-516, -95.7%), Turkish nationals (-97, -15.7%), Bulgarian nationals (-91, -90.1%), Cameroon nationals (-70, -50.0%) and Ethiopian nationals (-41, -15.1%).

The increase in the number of asylum applications in Switzerland is caused in particular by the following factors:

- The number of migrants coming from Africa via Libya to the Island of Lampedusa (Italy) rose from 11,700 in 2007 to 30,700 in 2008. Some of these people move on to Switzerland and other countries in Western and Northern Europe.

- Due to intensification of the conflict in Sri Lanka, the number of asylum applications from Sri Lankan nationals doubled to 1,262, compared to 2007.
- Switzerland was affected, albeit to a lesser extent than other countries, by the changes to Sweden's policy on admitting Iraqi nationals. The number of asylum applications submitted by Iraqi nationals rose from 956 in 2007 to 1,440 in 2008.



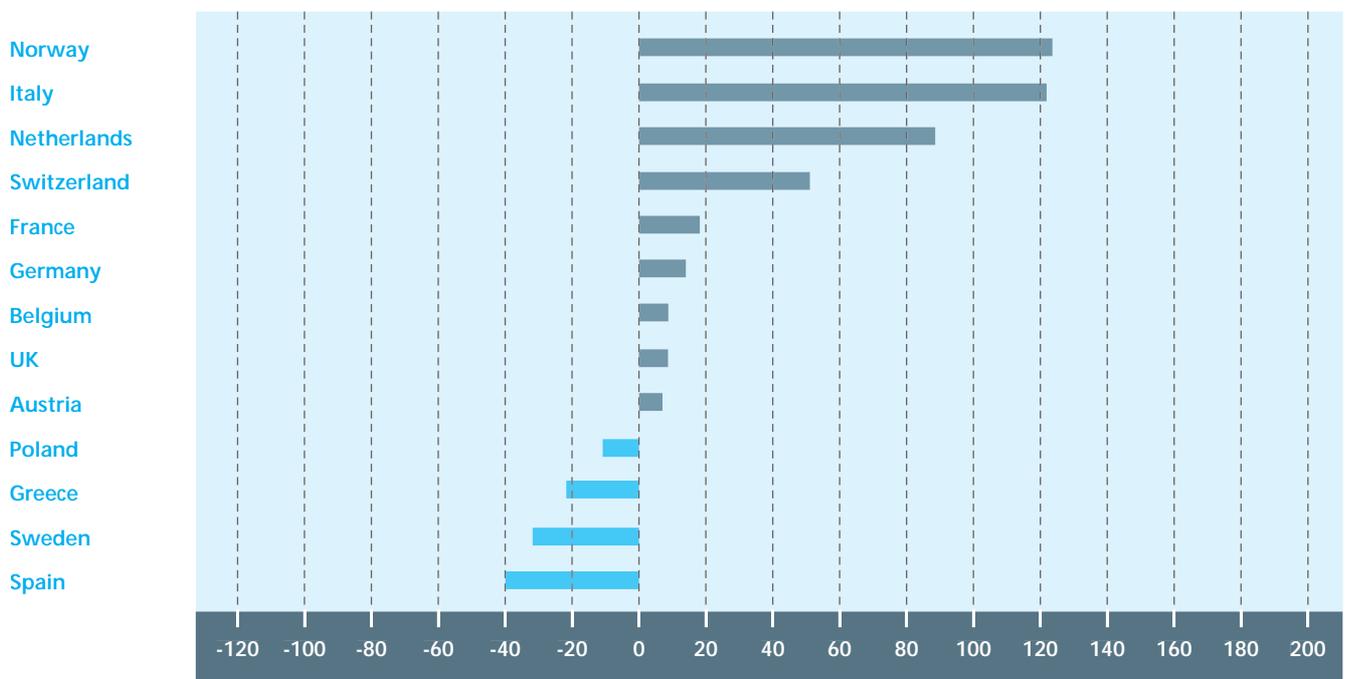
### European trends

In 2008, around 270,000 asylum applications were submitted to EU and EFTA member states (including Switzerland). This represents an increase of around 10% compared to 2007. For the second year in a row, the number of asylum applications increased slightly across Europe. Compared to 2001 and 2002, the number of asylum applications remains low. At that time, more than 450,000 persons were seeking asylum in Europe. Approximately 6.1% of the asylum applications filed in Europe in 2008 were received by Switzerland. This figure was 4.4% in 2007.

### European destination countries receiving a large number of asylum applications

In 2008, the destination countries receiving the largest number of asylum applications in Europe were France (41,500 applications), Italy (31,100), UK (30,500), Sweden (24,400), Germany (22,100), Greece (19,800), Switzerland (16,606), Norway (14,400), the Netherlands (13,400), Austria (12,800) and Belgium (12,100).

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



In the European destination countries that received the largest number of asylum applications, various rates of increase were observed. Norway experienced the largest increase in the number of asylum applications, which actually more than doubled from 6,500 in 2007 to 14,400 in 2008. Norway was particularly affected by Sweden's decision to adjust its previously liberal Iraqi refugee policy to bring it more in line with that of other European countries. This, in turn, made Sweden less attractive to asylum seekers and prompted some asylum seekers to file their applications in Norway.

The Netherlands also recorded a considerable increase in the number of asylum applications. The number of applications rose from 7,100 in 2007 to 13,400 in 2008. This increase is particularly due to the aforementioned changes made to Sweden's policy on admitting Iraqi asylum seekers and due to the fact that the number of asylum applications received from Somali nationals has doubled.

The largest decrease in the number of asylum applications was in Sweden (-32.7%). This can be explained by the aforementioned amendments to the procedure for admitting Iraqi asylum seekers. In addition, Sweden was able to conclude a readmission agreement with Iraq, which has been applied several times in practice. This caused the number of asylum applications made by Iraqi nationals to fall from 18,600 to 6,100.

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

In 2008, 32,200 asylum seekers were Iraqi nationals, which made Iraq far and away the main country of origin for asylum seekers in Europe. 1,440 Iraqi nationals (approx. 4.5% of all Iraqi asylum seekers in Europe) sought asylum in Switzerland. Migration pressure in the neighbouring countries of Iraq, in particular Syria, remains high and there is also a strong tendency to migrate further towards Europe.

Somalia comes in second with approx. 20,400 asylum applications. The situation in Somalia continued to worsen over the course of the year. Migration pressure remains high. 2,014 of these Somali nationals (approx. 9.9% of all Somali asylum seekers in Europe) sought asylum in Switzerland.

Russia comes in third with approx. 19,500 asylum applications. The majority of asylum seekers from Russia are persons of Chechen origin. 208 of these Russian nationals (1.1% of all Russian asylum seekers in Europe) sought asylum in Switzerland.

## 5. Hardship cases

In 2008, 845 asylum seekers (800 persons in 2007) received a residence permit from a canton, in accordance with Article 14, Paragraph 2 of the Asylum Act. This article states that asylum seekers may obtain a residence permit from a canton, subject to FOM approval, if they have lived in Switzerland for at least five years, and experience personal hardship following intensive efforts to integrate in Switzerland.

In 2008, 3,132 persons (3,395 persons in 2007) admitted on a temporary basis were granted a residence permit in accordance with Article 84, Paragraph 5 of the Foreign Nationals Act. This article stipulates that after five years' of residence in Switzerland, indepth evidence must be provided to determine whether or not hardship is present. The cantons are able to grant a residence permit to such persons, with the agreement of the FOM.

From September 2001 until the end of 2008, 1,262 illegal immigrants living in Switzerland were granted a residence permit in accordance with Article 30, Paragraph 1, letter b of the Foreign Nationals Act. This article enables a residence permit to be granted in the event of serious personal hardship.

## 6. Naturalisations

The number of applications for naturalisation has risen significantly over the past few years: In 1999, 19,887 applications were registered nationally. In 2004, this figure stood at over 30,000 applications (32,318) for the first time. In 2008, 34,965<sup>6</sup> applications were registered, setting a new record in the number of applications.

Last year, 45,305 persons were granted Swiss citizenship, 263 persons more than in 2007. 35,683 persons acquired Swiss citizenship through the standard naturalisation procedure; 9,425 persons acquired Swiss citizenship through the fast-track naturalisation procedure. 197 persons were renaturalised. As in the past few years, the applicants came predominantly from Kosovo, Italy, Germany and Turkey.

The strong increase in the number of incoming applications over the past few years may be explained by the following factors:

- More than 700,000 legally resident foreigners in Switzerland currently meet the residency requirements of 12 years for the standard naturalisation procedure and may therefore submit a corresponding application.

- The costs of the standard naturalisation procedure have been drastically reduced since 1 January 2006, when a measure was introduced to ensure that the fees charged could not exceed the actual cost of the naturalisation procedure itself.
- Since 28 August 2007, German nationals will no longer lose their German citizenship if they acquire citizenship from another EU member state or Switzerland. This has also resulted in an increasing number of German nationals filing for naturalisation in Switzerland.

On 1 June 2008, with 63.8% of votes, the popular initiative “for democratic naturalisations” was rejected by all cantons, with the exception of Schwyz. This popular initiative would have allowed municipal authorities to decide which body would be responsible for naturalisation. It would also have made naturalisation decisions final, i.e. no longer subject to appeal. Following rejection of this popular initiative, an indirect counter-proposal came into force on 1 January 2009. From now on, naturalisation applicants who have grounds to suspect that their applications were rejected in a discriminatory or arbitrary manner may submit their case for investigation by a cantonal court.

<sup>6</sup> An application may be made on behalf of several people (e.g. families). On average, for every 100 applications for naturalisation submitted, 150 persons are covered.



## 7. Emigration

Switzerland does not have any emigration or return migration statistics available. However, the FOM responds to around 10,000 enquiries each year regarding shorter or longer stays abroad. In addition, the information section of the [www.swissemigration.ch](http://www.swissemigration.ch) Web site receives around eight million hits a year. Statistics on the FOM's advisory activity are used to determine which countries people are most interested in:

- One-third are interested in North America, i.e. USA and Canada.
- One-third are interested in European countries, primarily neighbouring countries: Germany, France, Austria and Italy, but also the UK.
- One-third are interested in the rest of the world, with a large proportion being interested in Australia and New Zealand.

The days when Swiss emigrants used to pack up their belongings to settle permanently abroad are now a distant memory. Nowadays, the vast majority of Swiss nationals are interested in spending a limited period of time abroad, ranging from one to five years. The main objective of these "emigrants" is almost always to pursue continuing education and training opportunities in other countries and/or to learn a foreign language.

## 8. Return assistance and prevention of illegal migration

In 2008, a total of 991 people left Switzerland under one of three RA options offered by the Federal Administration:

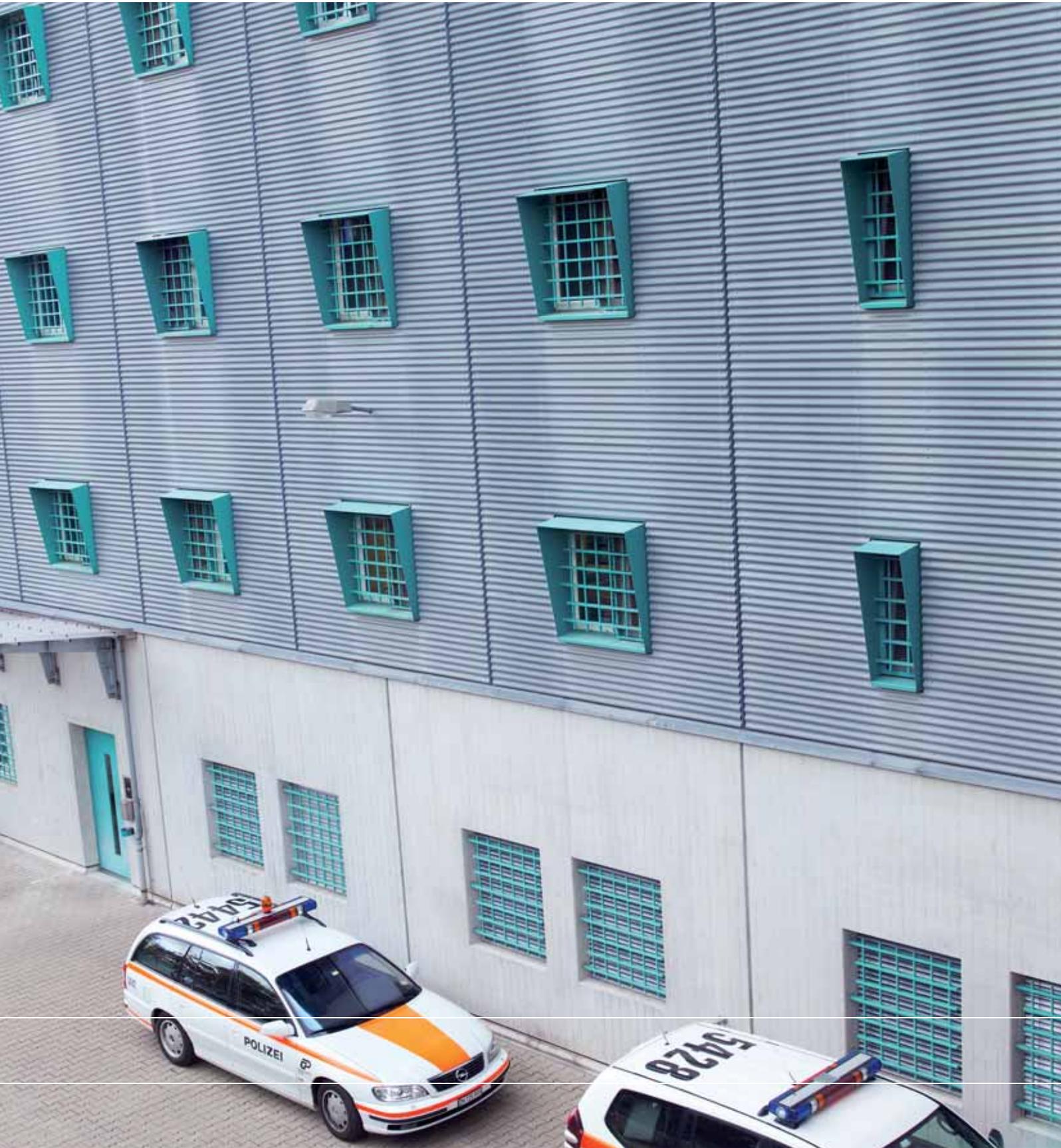
- 478 people left with the help of individual RA services (48%)
- 264 people left with the help of an RA programme for a specific country (27%)
- 249 people left with the help of RA services provided at an asylum centre (25%).

Each month in 2008, around 80 people were sent back to 25 different countries of origin, mainly Georgia, Iraq, Nigeria and the West Balkan states. Since 1997, there have been over 65,000 returnees. Initially, it was mostly Balkan nationals but nowadays most returnees come from West Africa. Various RA programmes have been established for individual countries in order to facilitate the return of five specific groups of nationals.

All asylum seekers and temporarily admitted persons may request RA services from a return counselling office in their canton, from an asylum centre or from a transit centre at the airport. RA services are federally funded and handled by the FOM and its partners. Since enactment of the Foreign Nationals Act, RA services have also been provided to foreign nationals who are not considered as asylum seekers but who are nevertheless in particular need of such services.

Working with the SDC, the FOM runs structural projects in countries where asylum seekers originate. These projects focus primarily on preventing illegal migration. In 2008, FOM had structural projects in: Afghanistan, Armenia, Bosnia-Herzegovina, Democratic Republic of Congo, Georgia, Guinea, Kosovo, Morocco, Nigeria, Serbia, Somalia, Syria and Mali.





## 9. Detention

In 2008, 2,544 detention orders were issued. In 93% of the cases, the individuals were placed in administrative detention as a preventive measure to enforce an expulsion order (on criminal grounds) or a deportation order (on non-criminal grounds). In 5% of the cases, the individuals were placed in punitive detention (introduced on 1 January 2008) to enforce an expulsion or deportation order after the individuals failed to leave the country by the established deadline. These coercive measures led to successful removal in 83% of cases. More than 90% of the individuals placed in detention were men and 55% were between the ages of 22 and 30.

Punitive detention as a coercive measure has been in force since 1 January 2008. With this measure, any individual who fails to leave Switzerland within the period indicated on the expulsion or deportation order may be held in punitive detention pending removal. Before this measure may be taken, however, it must be demonstrated that the individual, through his/her behaviour, has no intention of complying with the expulsion or deportation order and that no milder measure will lead to a positive outcome. Individuals may remain in punitive detention for a period of up to 18 months. The total duration of all types of detention combined (i.e. preliminary detention, administrative detention and punitive detention) may not exceed 24 months.

Since 1 January 2008, the cantonal authorities send detention order statistics to FOM, specifically: the number of detention orders, removals, releases from detention, nationality, gender and age of detainees, reason for detention. For the first time, it is now possible to gather statistics at the national level on the use of detention orders. The purpose of gathering these statistics is to determine the effectiveness of the various types of detention on enforcement.

At present, statistical data has not yet reached a critical mass for assessment. Reliable information on the usage and effectiveness of detention orders, particularly the 24-month cap on detention durations will only be available a year from now.

## 10. Voluntary departure or removal by air

The Swiss authorities ensured the departure by air of 4,928 people, 45.5% of these cases fell under the scope of the Asylum Act and the remaining 54.5% fell under the scope of the Foreign Nationals Act.

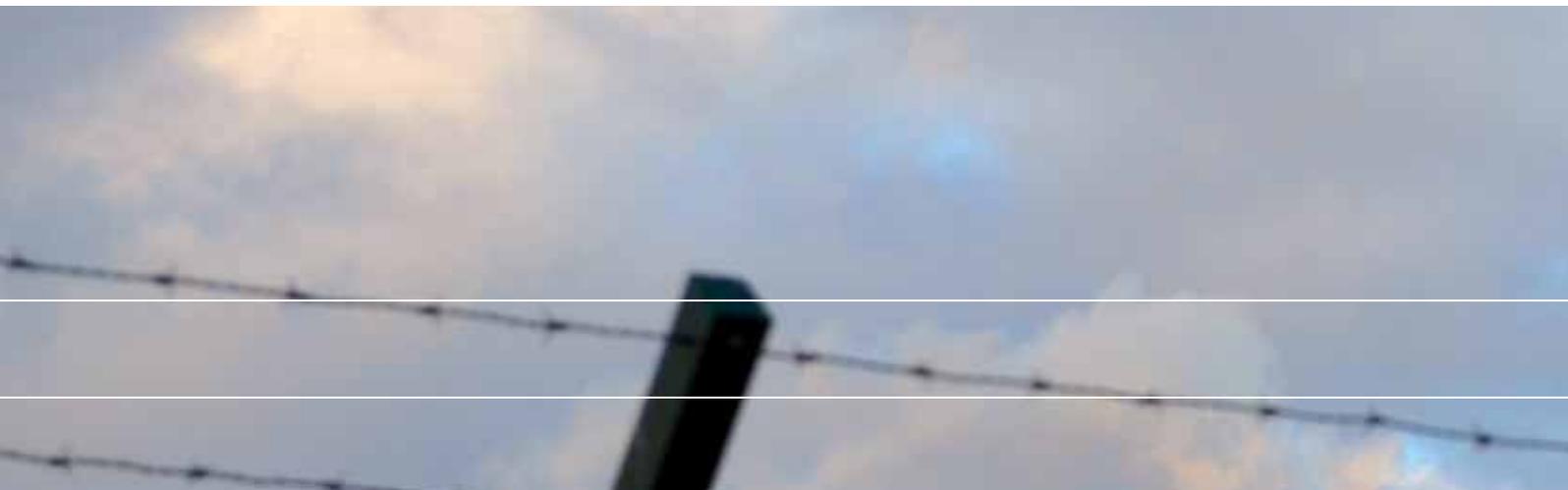
Of this total, 1,366 people (27.7%) left Switzerland voluntarily. The remaining 3,562 people (72.3%) were forcibly removed. In the latter case, a police officer escorted the individuals to the aircraft at the Swiss airport (3,274 people) or accompanied the individuals on a regular or charter flight to the destination country (288 people or 8.1%). Of the 288 people accompanied to the destination country, 228 fell under the scope of the Asylum Act and 60 under the scope of the Foreign Nationals Act.

## 11. Entry bans

In 2008, the FOM issued 6,135 entry bans.

The FOM generally issues limited or unlimited entry bans against foreign nationals at the request of specific cantons. The individuals in question pose a threat to public order or security either because of past violations or the likelihood that violations will be committed in the future. Entry bans may be used to prevent foreign nationals from entering the country when their presence on Swiss soil is not desired. Whilst the entry ban is in force, the persons concerned may not enter the country without the express authorisation of the FOM. Since the Schengen Association Agreement came into effect on 12 December 2008, all entry bans issued by Swiss authorities are recorded in the Schengen Information System (SIS). This is done to ensure that no other Schengen country will issue a Schengen visa to the barred individual (i.e. which would enable the individual to enter Switzerland).

Repeated violations of the law and/or court orders or failure to fulfil one's obligations under public or private law constitute sufficient grounds for presuming that an individual constitutes a threat to public order or security. Entry bans may also be issued when repeated attempts to change the individual's behaviour show a complete unwillingness on his/her part to rectify the situation. An entry ban may also be issued on preventive grounds to a person who has ties to Switzerland but has committed criminal offences abroad.



## 12. Readmission and visa facilitation agreements

In 2008, Switzerland signed readmission agreements with Romania, Bulgaria and Bosnia-Herzegovina and technical agreement was signed with the Democratic Republic of Congo, a readmission agreement was also initialled with Guinea-Conakry. Negotiations regarding readmission agreements are also underway with Serbia, Benin, Russia, Sri Lanka and Denmark.

In 2008, Switzerland began a number of negotiations with various countries concerning visa facilitation agreements. This new type of agreement is based on a similar agreement that the EU has already concluded with several countries. This initiative ensures that Switzerland will issue Schengen visas under the same conditions that other Schengen countries issue their visas. One such agreement has already been signed with Bosnia-Herzegovina. Agreements with Russia and Serbia have been initialled. Switzerland also intends to enter into visa facilitation agreements with Macedonia, Montenegro, Albania, Ukraine and Moldova. Initial overtures along this line have already begun.

Switzerland was forced to reintroduce visa requirements for some countries, particularly South Africa and a few small states, as of 12 December 2008, when Switzerland became an associate Schengen country. This measure was needed because nationals from these states require a visa in order to enter the Schengen Area and Switzerland therefore had to change its visa policy accordingly.

Switzerland is free, however, to establish its own visa policy as far as holders of a diplomatic, official or special passport are concerned. In 2008, Switzerland began negotiations with Armenia and Vietnam on an agreement to lift visa requirements for holders of diplomatic and/or official passports.





Hier fehlt ein passendes Bild

# Highlights

# 1. Action plan to streamline the asylum process

The strong rise in incoming asylum applications in the second half of 2008 prompted the FOM to devise an action plan to streamline the asylum process. Established in September 2008, this action plan seeks to enable the authorities to handle a greater number of asylum applications. Thanks to various coordinated measures, the number of asylum hearings and rulings has increased substantially. Success of the action plan hinges on all asylum proceeding stages being conducted correctly and effectively at all first instance locations.

In order to accelerate the processing of asylum applications, temporary staff and staff from other organisational units had to be brought in to lend a hand. At the same time, all non-core activities were suspended. Processing priorities were also adjusted: greater attention was given to handling asylum applications from nationals of countries with inadequate safeguards and – based on experience – high dismissal rates. Finally, asylum hearing procedures were optimised.

Thanks to consistent implementation, action plan measures had an initial impact in a very short time: the number of applications processed in first instance increased by around 30% and the length of proceedings became shorter. Action plan participants showed a tremendous level of commitment in a demanding work environment. Unfortunately, the number of incoming applications and pending cases remains high. Consequently, internal measures taken to reduce the backlog of incoming applications were only partly successful. For this reason, on 28 November 2008, the Federal Council authorised the FDJP to create an additional 20 positions on fixed-term contracts until the end of 2011. It also earmarked CHF 8.9 million per year for the purpose of conducting asylum hearings.

## 2. Revised Asylum Act and new Foreign Nationals Act

The revised Asylum Act (SR 142.31) and the new Foreign Nationals Act (SR 142.20) came into force on 1 January 2008. With these enactments, the power to enforce expulsion and deportation orders has been strengthened. Implementation has had very positive results. In the vast majority of cases, detention orders have led to successful deportation. The new regulations on asylum hardship cases have also helped remedy an unsatisfactory situation, particularly for individuals who have already been in Switzerland for a long time.

New challenges are constantly cropping up in the area of asylum. A credible and effective asylum policy needs to continuously take these new challenges into account and provide the corresponding legal bases needed to face them. Over the past few years, new problems have also emerged in relation to asylum proceedings.

Against this backdrop, the Federal Council stated its position on bills to amend the Asylum Act and the Foreign Nationals Act on 19 December 2008. Consultation proceedings will be held from 15 January 2009 until 15 April 2009.

The following aspects of the Asylum Act should be amended in particular:

- Persons who face serious consequences solely as a result of conscientious objection or desertion or have reason to fear that they will face such consequences, should not be granted refugee status or asylum in Switzerland. They should be deported from Switzerland. If it is determined, however, that deportation would expose the individual to inhumane treatment in his/her country of origin, the person should be admitted to Switzerland on a temporary basis.
- Improper political activities in Switzerland that only serve to justify refugee status should be punishable under criminal law. In particular, persons who aid asylum seekers in orchestrating such a violation, e.g. by planning or encouraging such activity, should also be subject to criminal penalties.
- The possibility of submitting an asylum application to an Embassy of Switzerland abroad should be eliminated.

- In order to prevent procedural delays caused by abuse of the asylum application system, a standard written procedure should be reintroduced to handle appeals and repeat applications.<sup>7</sup> At present, individuals submitting an appeal already receive emergency assistance. This should also be the case for individuals submitting repeat applications.

The following aspects of the Foreign Nationals Act should be amended in particular:

- Persons who are deported from Switzerland and who claim that deportation is not reasonable on personal grounds (e.g. no network of relations in the country of origin) should once again be required to provide evidence of this. The Federal Council should once again be able to name destination countries where deportation enforcement generally does not pose any particular problems.
- It should be possible once again to allocate housing and other accommodation in the canton to individuals who have been admitted to Switzerland on a temporary basis and granted welfare benefits. This would take the pressure off larger communes and would address a specific concern expressed by the cantons.
- The facts surrounding preparations for and enforcement of expulsion and deportation orders should be entered into the Dublin database. This would ensure that deportation is enforced in the relevant country that is a signatory of the Schengen/Dublin Agreement.

<sup>7</sup> *In the case of an appeal, the deciding authorities are asked to overrule the original decision and issue a new decision as a result of substantial new facts or evidence being produced. In the case of a repeat application, a new asylum application is submitted after a previous one has been legally rejected.*

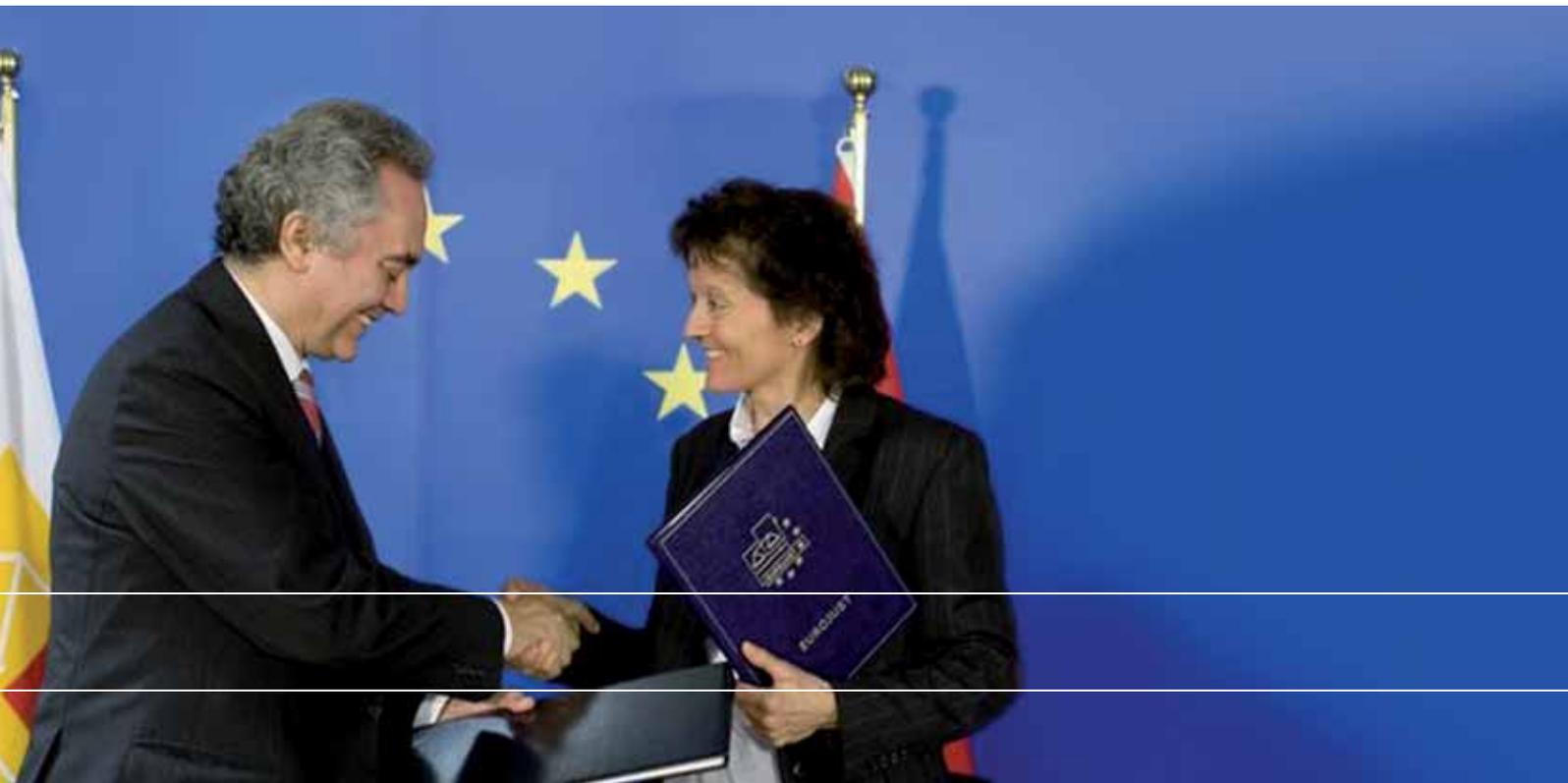
### 3. Implementation of the Schengen Association Agreement

The Schengen Association Agreement came into force on 12 December 2008. The FOM was heavily involved in its implementation, particularly the aspects relating to cracking down on illegal migration and promoting/facilitating legal migration. Extremely complex IT systems were set up for this purpose.

The introduction of the Schengen Association Agreement has made tourist travel easier since systematic security checks at internal borders of the Schengen Area have been abolished. Security checks at airports for flights within the Schengen Area will not be abolished until after the flight schedule has been changed on 29 March 2009.

In particular, the Schengen Association Agreement has made tourist and business travel in the Schengen Area easier for third-state nationals (i.e. non-EU or non-EFTA nationals) who are subject to visa requirements. Third-state nationals only require a Schengen visa, which is now valid for Switzerland. Since the Schengen Association Agreement came into force, Switzerland has only been issuing Schengen visas.

Travel in the Schengen Area has also been made easier for third-state nationals living in Switzerland: Since 12 December 2008, holders of a Swiss residence permit (type L: short-stay permit; type B: temporary residence permit; type C:



## 4. Implementation of the Dublin Association Agreement

settlement permit) no longer require a Schengen visa provided that they carry their Swiss residence permit and valid travel documents on their person.

Since the Schengen Association Agreement came into force, Switzerland has been issuing new L, B and C residence permits to third-state nationals in credit card format. EU/EFTA nationals will continue to receive the old-style residence permits. Residence permits issued to asylum seekers and persons admitted on a temporary basis will also remain the same for the time being.

When the Schengen Association Agreement came into force, Switzerland also undertook to adopt the further developments of the Schengen *acquis*.<sup>8</sup> By the end of 2008, Switzerland had been notified of 75 further developments, more than 30 of which concerned the FOM. The most important further developments related to adoption of the Schengen Borders Code, participation in the European External Borders Fund and setting up of a National Visa Information System (N-VIS).

Finally, when the Schengen Association Agreement came into force, Switzerland committed itself to bringing its visa policy in line with the Schengen visa policy.<sup>9</sup> This also implies, among other things, the conclusion of visa facilitation agreements (coupled with readmission agreements) with certain countries.<sup>10</sup>

The Dublin Association Agreement came into force on 12 December 2008 and applies, in principle, to all asylum applications submitted after this date. The initial results have been promising.

The aim of the Dublin system is not to standardise asylum and deportation processes in the Dublin Area, but rather to simply determine which Dublin country has jurisdiction over a given asylum application. Once jurisdiction has been determined, the asylum application is subject to the national law of that Dublin country. The Dublin Area is currently made up of 30 countries, namely the 27 EU member states and the EFTA member states (i.e. Norway, Iceland and Switzerland). The Principality of Liechtenstein is likely to join in autumn 2009.

Entry into force of the Dublin Association Agreement has no bearing on the right of asylum seekers to submit their application in one Dublin country and then forward their application to Switzerland. With the Dublin system, however, the Dublin country with jurisdiction over the asylum application will ultimately decide the outcome of the asylum application even if that application has been forwarded to another Dublin country. Moreover, once a Dublin country with jurisdiction over an asylum application decides not to grant refugee status to the applicant, asylum seekers will no longer be able to submit a new asylum application in another Dublin country. In a nutshell, the Dublin Agreement is intended to ensure that only one Dublin country has jurisdiction over a particular asylum application and should prevent asylum seekers from submitting multiple asylum applications in various countries.

The criteria for determining which Dublin country has jurisdiction depend on the facts surrounding each asylum application. For instance, a Dublin country is generally considered to have jurisdiction (and therefore responsibility for processing the asylum application and/or initiating deportation proceedings) if

<sup>8</sup> *Dynamic in nature, the Schengen acquis are adapted on an ongoing basis.*

<sup>9</sup> *With the exception of waived visa requirements for holders of diplomatic passports.*

<sup>10</sup> *Cf. Readmission and visa facilitation agreements, page 27.*

the asylum seeker submitted their first asylum application in that country. Furthermore, a Dublin country may be responsible for processing an asylum application and/or initiating deportation proceedings if a close relative of the asylum seeker has already submitted an asylum application on his/her behalf in that country, either because the close relative is a legal

resident there or because the close relative has refugee status within the meaning of the Geneva Convention. In addition, a Dublin country is deemed to have jurisdiction if it has granted the asylum seeker a visa or residence permit or if an asylum seeker has resided illegally in that Dublin country for a relatively long period of time.



## 5. Integration policy: an important federal endeavour

In order to strengthen integration policy at the federal level, the federal agencies – coordinated by the Inter-Agency Working Group on Migration (IAM) – implemented 45 measures, which the Federal Council assigned to fourteen federal agencies involved in August 2007 (2007 package of measures). The measures to promote integration relate to the areas of language, education, employment, social security as well as promotion of social integration in the residential environment. Other supplementary measures relate to areas such as sports, statistics, health and reducing racism.

At the end of 2008, the Federal Council was able for the first time to file an interim progress report on individual measures, most of which were implemented on schedule. For example, so-called “Urban Projects” are being set up in Rorschach, Pratteln and Montreux,<sup>12</sup> as well as in other partner communes. Furthermore, acting on FOM recommendations, several cantons have begun experimenting with integration agreements.

*12 The “Urban Projects” regional development programme is intended to drive comprehensive, long-term social integration approaches forward in residential areas where peaceful co-existence and living standards pose significant challenges.*

In an effort to address employment and education issues, these cantons are also working to ensure that the proportion of unemployed foreign nationals ceases to be significantly higher than that of Swiss nationals.

In the specific case of promoting integration, entry into force of the new Foreign Nationals Act has led to a paradigm shift. Operational competences have largely been transferred to the cantons, including implementation of the FDJP’s Integration Promotion programme (CHF 14 million in 2008; the main focus being placed on language and education) and the use of lumpsum payments for the integration of recognised refugees and persons admitted on a temporary basis (CHF 30–40 million per year). The cantons are key players in Switzerland’s integration policy as they are able to take direct action on the ground. In addition, many of the areas that are relevant to integration, such as education, health, caregiving, culture, religion and security fall under the responsibility of the cantons. The cantons are also able to make decisions regarding the issuance of temporary residence permits (type B) and settlement permits (type C) as well as regarding naturalisation. When making such decisions, they are required to consider the extent to which those applying for asylum are assimilated in Switzerland.



### Further development of the integration policy

A number of tasks submitted or assigned to the Federal Council in 2008 required that greater weight be given not only to integration in immigration law and civil law but also to integration funding. Determining precisely what is meant by integration and when it is considered successful remains an obstacle. Similar issues are being discussed in the cantons and towns.

The objectives of the integration policy - living together peacefully and offering equal opportunities to all – may only be successfully pursued as a cross-sectional task. The FOM is therefore committed to involving a broad range of govern-

mental and non-governmental partners in the both the development and implementation of new measures. The FOM actively supports the process to further develop Switzerland's integration policy, an initiative launched by the Tripartite Agglomeration Conference (TAC). A group of experts comprised of representatives of federal, cantonal, municipal and communal authorities, social partners, the immigrant population and other civil society organisations is currently working on a set of recommendations. Based on regional hearings, these recommendations are intended to help guide integration policy. This FOM-led project is being carried out in conjunction with the Conference of Cantonal Governments and the Swiss Cities on Social Policy Initiative.



## 6. Migration partnerships

Officially introduced when the Foreign Nationals Act came into force on 1 January 2008, the migration partnership concept represents one of the cornerstones of Swiss migration policy. It aims to comprehensively deal with migration issues by working with selected countries to reconcile respective interests and expectations. "Comprehensive" is understood as encompassing all of Switzerland's actions and commitments with regard to migration.

Current legislation is limited to defining various lines of action and establishing FOM's authority over migration issues. In 2008, FOM and FDFA decided to work together on a framework that would lend structure and substance to migration partnerships. The Inter-Agency Working Group on Migration (IAM) established a subgroup to be copresided over by the FOM and the FDFA's Political Affairs Division IV. This subgroup established a migration partnership concept based on the key aspects of Switzerland's approach to migration:

- Migration partnership must serve Swiss interests first and foremost
- The interests of the partner country must be identified and considered in order to develop longterm privileged relations
- The following preconditions must apply: major interests, mutual willingness, operational relations, preexisting useful contacts and relative stability of the partner country
- The form, content and legal nature of a Memorandum of Understanding must be adapted to suit the circumstances.

With a view to communicating our policy in an active and uniform manner, a booklet has been drafted summarising the basic principles, aims and lines of action of this new tool. This booklet has already been actively distributed at several international conferences on migration held at various venues in 2008.

The first initiatives have also been launched on the ground, under the aegis of the committee of the Interdepartmental Working Group on Migration: the Western Balkan states and Nigeria have been identified as target regions/countries for migration partnership. Memoranda of Understanding (MoU) have been developed in collaboration with the federal services directly concerned.<sup>12</sup> During an official visit to Bosnia-Herzegovina, Federal Councillor, Eveline Widmer-Schlumpf, suggested to her counterpart that a Memorandum of Understanding be established. At the end of February 2009, a similar proposal was put to Kosovo. Preparations are currently underway for Serbia, Kosovo and Montenegro. The possible lines of action as regards Nigeria are currently being considered.

Following a year of putting things in place, 2009 will see the concretisation of the measures taken in 2008. As an essential tool for current migration policy, migration partnerships will face certain hurdles that will need to be overcome: diverging interests of partners, gaps in funding, competition with other European countries, etc.

However, now that the framework has been clearly defined, these challenges will not be impossible to surmount.

*12 Main partners within the Federal Administration: FDJP (federal offices involved: Federal Office for Migration, Federal Office of Justice, Federal Office of Police), FDFA (organisational units involved: Directorate of Political Affairs, Directorate of Public International Law; federal office involved: Swiss Agency for Development and Cooperation), FDEA (federal office involved: State Secretariat for Economic Affairs).*

## 7. Protection in the Region programme

The FOM's Protection in the Region programme pursues the following aims: help persons in need of protection to find effective protection as quickly as possible in their region of origin; enable host countries to meet their international commitments to protect refugees; and promote bilateral dialogue with the host countries concerned. In addition, efforts are made to reduce the flow of illegal migrants from specific regions of origin in an attempt to reduce the number of incoming asylum applications in Switzerland. Specifically, the FOM carries out the following activities:

- Developing and improving national laws and policies on refugees and asylum in accordance with international refugee and human rights standards; seeking effective implementation by national authorities.
- Helping to introduce and establish a fair and effective asylum process.
- Ensuring the early registration and documentation of refugees and asylum seekers.
- Improving terms of admission and asylum centre facilities.
- Improving living conditions and helping refugees become more independent by providing them with access to employment, education and training as well as healthcare while nevertheless taking the needs of the local population into account. This approach is more long-term in scope.

- Developing effective strategies to increase security and prevent violence; providing support to victims of violence, particularly in refugee camps.

Since 2005, the FOM has contributed funding to a "Protection in the Region"-related project run by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Kenya. In addition to providing continued financial support to the UNHCR's project in Kenya, a pilot project to be jointly run by several federal agencies was launched in Yemen in 2008 to provide additional protective capacity. Preliminary work to implement this pilot project will start in 2009. Kenya and Yemen are the main host countries for Somali refugees who have little or no chance of returning to their home country in the foreseeable future. In 2008, Somalia was the second main country of origin of asylum seekers in Switzerland.

Implementation of the "Protection in the Region" programme is based on a highly diverse approach, which requires coordination and cooperation among the various federal agencies involved. Contacts in the area are primarily the governments in the respective target region and UNHCR.



## 8. Free movement of persons agreement: extension to Bulgaria and Romania

The FOM is responsible for the Swiss-EU bilateral agreement on the free movement of persons as well as for extension and further development thereof.

When Romania and Bulgaria joined the EU on 1 January 2007, the first series of Swiss-EU bilateral agreements (with the exception of the bilateral agreement on the free movement of persons) was automatically extended to these two countries. Since the EU and its member states share responsibility for the bilateral agreement on the free movement of persons, extension of that agreement to Bulgaria and Romania needed to be renegotiated. These negotiations were formally concluded on 29 February 2008 with the initialling of Protocol II. The new agreement was signed in Brussels on 17 March 2008.

The negotiations may be deemed successful because the transitional period where Switzerland may continue to impose labour market restrictions (i.e. priority granted to Swiss nationals, control of wages and working conditions, increasing quotas on the number of residence/work permits that may be issued each year) commences only after Protocol II comes into force. The specific safeguard clause will continue to apply for three more years, which incidentally corresponds to the regulations governing the 2004 accession countries (EU 8). Switzerland may continue to maintain labour market restrictions for short- and long-term stays by Bulgarian and Romanian nationals for a maximum of seven years following entry into force of Protocol II. The quotas in force during the seven-year transitional period were set out in Protocol II as follows:

Period	Quota on the number of temporary residence permits (type B EC/EFTA)*	Quota on the number of short-stay permits (type L EC/EFTA)**
Up until the end of year 1	362	3,620
Up until the end of year 2	523	4,987
Up until the end of year 3	684	6,355
Up until the end of year 4	885	7,722
Up until the end of year 5	1,046	9,090
Up until the end of year 6	1,126	10,457
Up until the end of year 7	1,207	11,664

\* Type B EC/EFTA temporary residence permits are valid for a period of five years; these permits are issued upon presentation of a work contract covering a limited term (at least 364 calendar days) or an unlimited term.

\*\* Type L EC/EFTA short-stay permits are valid for a period corresponding to the duration of the short-term work contract: at least three months but less than one year (up to 364 calendar days).

For the transitional period (i.e. between the date when Protocol II was signed and the date when it comes into force) Switzerland unilaterally introduced the following maximum quotas set forth in the Ordinance of 24 October 2007 on admission, residence and gainful employment:

- a. One-year residence permits (type B): 282
- a. Short-stay permits (type L): 1,006

However, little use was made of these transitional quotas by the end of December 2008. 35% of the one-year residence permits and only 8% of the short-stay permits were claimed.



## 9. FOM-commissioned studies in 2008

In order to fulfil its legal obligations, it is important that the FOM's core activities be based on scientifically grounded facts and research findings.

With a 2008 migration research budget of CHF 550,000, the FOM commissioned various studies from renowned institutions in Switzerland and abroad as part of an ongoing effort to develop and implement modern migration and integration policies.

Studies cover all of the FOM's core activities (labour market, integration, asylum, residence and return, emigration and civil law) and provide analysis of international refugee and migration flows. By providing partial funding for individual external studies, the FOM also promotes the development of national research on migration.

Among the studies commissioned in 2008, the following two studies were published:

### **Sri Lankan Diaspora in Switzerland**

This 150-page report presents an overview of the Sri Lankan Diaspora in Switzerland. It describes the history and situation of this Diaspora group depicted through literary research, statistical analyses and expert interviews. The report contains key facts and data, organisational structures and trends that might shed light on future action to be taken in relation to migration policy. The federal agencies concerned and experts from various professional fields were very pleased with the fundamental groundwork done.

The success of this study prompted the FOM to commission three additional studies regarding Portuguese, Turkish and Kosovar Diaspora in Switzerland. Commissioned to various re-search institutes at the end of 2008, the three studies are scheduled for completion and publication in the second half of 2009.

### **Labour Market Integration at Cantonal Level**

This report raises the question of whether (and if so, why) labour market integration of refugees and persons admitted on a temporary basis varies from canton to canton. Quantitative analysis of employment quotas in various cantons enabled researchers to determine that labour market integration of refugees or persons admitted on a temporary basis is determined more by factors such as gender, age and length of residence than anything else. There is very little correlation between the canton of residence and the person's employment status. Qualitative analysis in the form of interviews with experts enabled researchers to consider potential "soft" factors. The study concludes that the existing broad range of labour market integration measures for specific target groups should be maintained. The report states, however, that measures would be more transparent if they were coordinated at the intercantonal level. The existing situation where each canton manages its own labour market integration measures is overly complex, creates inefficiencies and leads to an unsatisfactory workload.

The two studies can be found at: [www.bfm.admin.ch](http://www.bfm.admin.ch).

## 10. New ZEMIS database

On 3 March 2008, the obsolete ZAR-3 (Central Register of Foreigners) and AUPER 2 (Automated Register of Persons) databases were successfully replaced by the new ZEMIS (Central Migration Information System) database.

ZAR-3 (up until then, the central database used to process regulations based on the Foreign Nationals Act) and AUPER 2 (formerly the central database used to enforce the Asylum Act) had already been obsolete for quite some time. The systems had reached their technological limitations and needed to be urgently replaced. With the introduction of the new ZEMIS database, migration practitioners working for the Confederation, the cantons, and to some extent the communes, were provided with a webbased tool. The ZEMIS database is continuously being adapted to match the needs of the Confederation and the cantons as well as to bring it in line with legislative amendments and new requirements. In 2008, the ZEMIS database was upgraded five times.

The details of foreign nationals are only entered into the ZEMIS database once and their data is kept up to date, irrespective of whether or not their residence status is governed by the Foreign Nationals Act or the Asylum Act. Prior to the changeover to the ZEMIS database, users had to collate this information from the ZAR-3 and AUPER 2 databases. The ZEMIS database provides the FOM and its cantonal and municipal partners with rapid and comprehensive information regarding individuals and their foreign national or asylum status.

On 13 December 2008, ZEMIS also became a core part of European migration policy in execution of Switzerland's IT obligations under the Schengen/Dublin Association Agreement. The ZEMIS database can now be used to issue Schengen visas to third-state nationals, retrieve information needed for visa processing and monitor the progress of an asylum application filed in another Dublin country.





# Appendix 1

# The Federal Office for Migration (FOM)

The Federal Office for Migration (FOM) was created on 1 January 2005 from the merger of the Federal Office for Refugees (FOR) and the Federal Office of Immigration, Integration and Emigration (IMES). The FOM establishes the conditions whereby a person may enter, live and work in Switzerland and it decides who receives protection from persecution in Switzerland. The FOM coordinates migration activities at the federal, cantonal, municipal and communal levels and is responsible for naturalisations at the federal level.

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

## Organisation



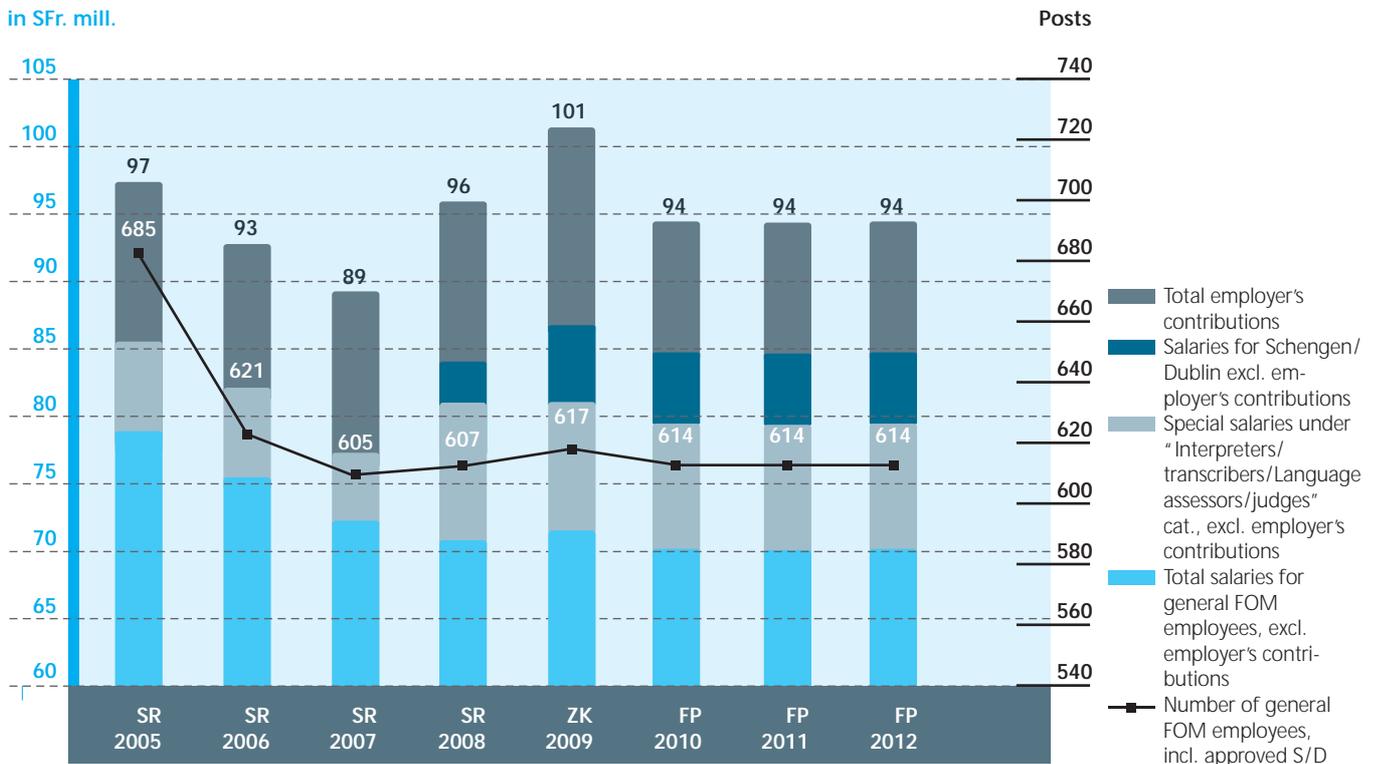
## FOM staff

Around 88% of the FOM's staff budget is used to pay the salaries (including social security contributions) of general FOM staff (see Organisation chart). The remaining 8% of the staff budget is used for hourly assignments: asylum hearing interpreters, transcribers, research experts and language assessors. From 2003 to 2007, the Federal Council's programme to streamline the Federal Administration took its toll on the FOM's staff budget as federal employees were gradually let go. The FOM's payroll costs increased in 2008 for several reasons: major flow of incoming asylum applications, the transfer of all asylum hearings from the cantons on 1 January 2008 (which increased staff costs for asylum hearings and interpretation) and greater workload generated by the need to implement the Schengen/Dublin Association Agreements.

### Change in personnel budget and number of employees, 2005–2012

Budget period 2010 – 2012: excl. salary measures 2009, excl. employer's contribution increases (around CHF 7 million per year)

Personnel costs in SFr. mill.



## Increased expenditure

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

- Transfer services: Approximately 80% of total expenditure relates to: support services for asylum seekers, persons admitted on a temporary basis and refugees; expulsion and deportation costs; costs associated with providing RA services; costs associated with integration measures for foreign nationals; and costs associated with international cooperation in the area of migration.
- Payroll: Approximately 10% of the total expenditure relates to: payroll (including social security contributions for all categories of staff); basic and continuing education and training.
- Operations: Approximately 8% of the total expenditure relates to: running asylum centres; maintaining and developing IT infrastructure; consultancy; and other operating costs.
- Development projects: Approximately 2% of the total expenditure relates to: developing and introducing specialised software applications.

Layoffs of federal employees in the asylum sector combined with a constant stream of incoming asylum applications (10,500 applications) led to a steady decline in available funding for transfer services from 2003 to 2007. The shift to the new system of FOM funding (introduced when the new Asylum Act came into force) and a surge in asylum applications in the latter half of 2008 led to increased expenditure. While the new Asylum Act should have a positive impact on FOM's financial situation in 2009, the aforementioned surge in asylum applications will soak up most of the cost savings.

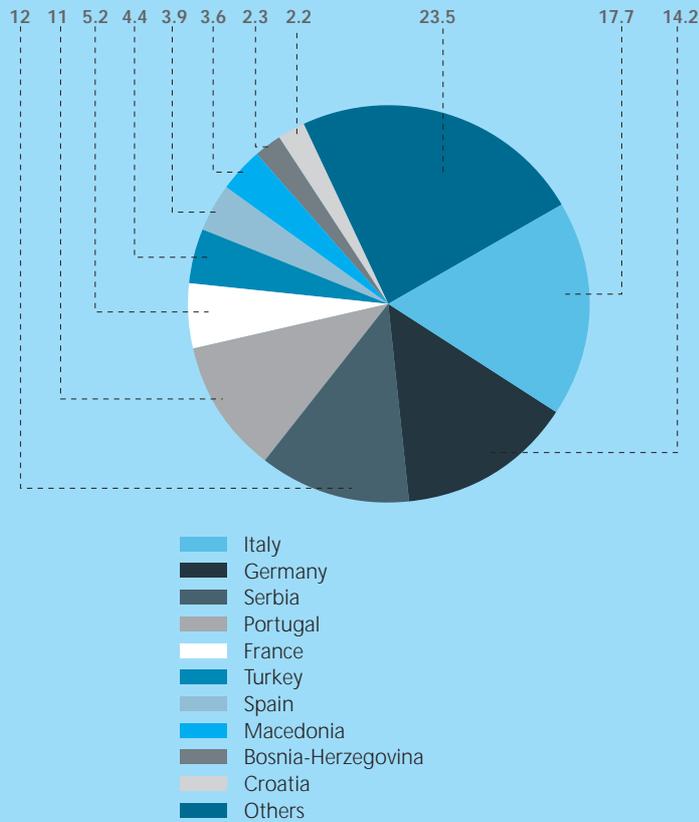
### New system of FOM funding

(2004–2008 Public Accounts, 2009 Budget, 2010–2012 Budget Period)

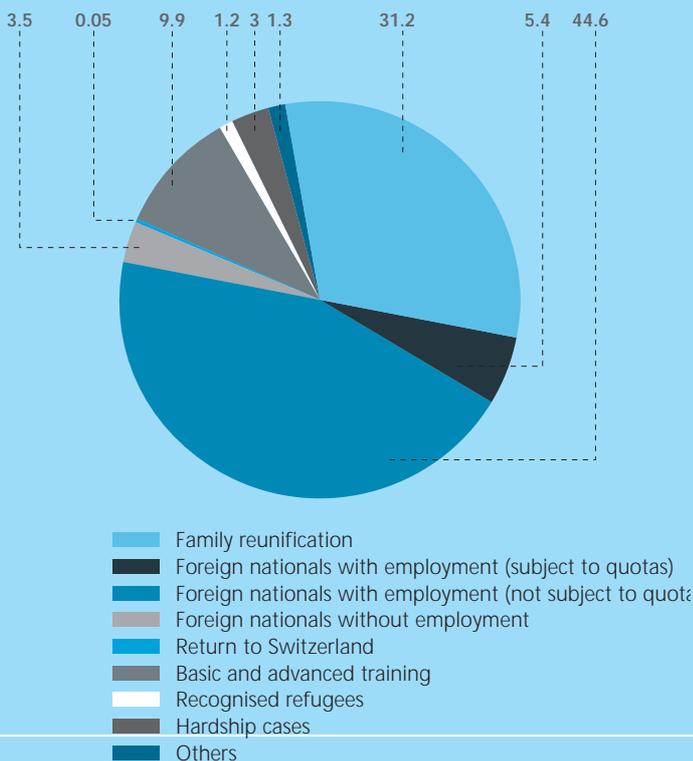


# Appendix 2

**Top Ten by nationality** (in %, figures as per 31 December 2008)

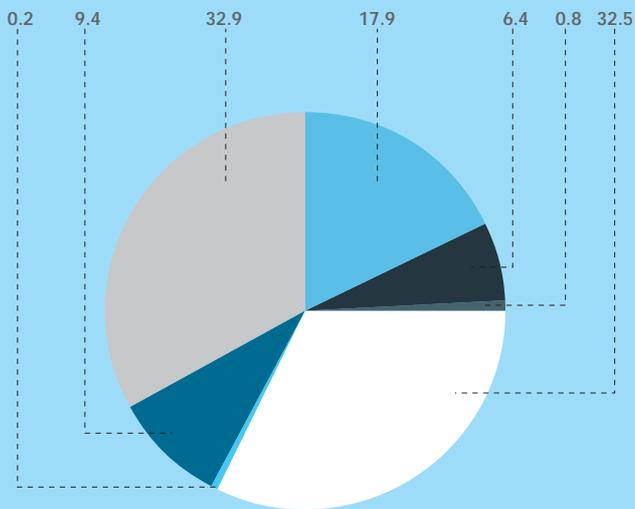


**Entry by immigration grounds**  
(in %, figures as per 31 December 2008)



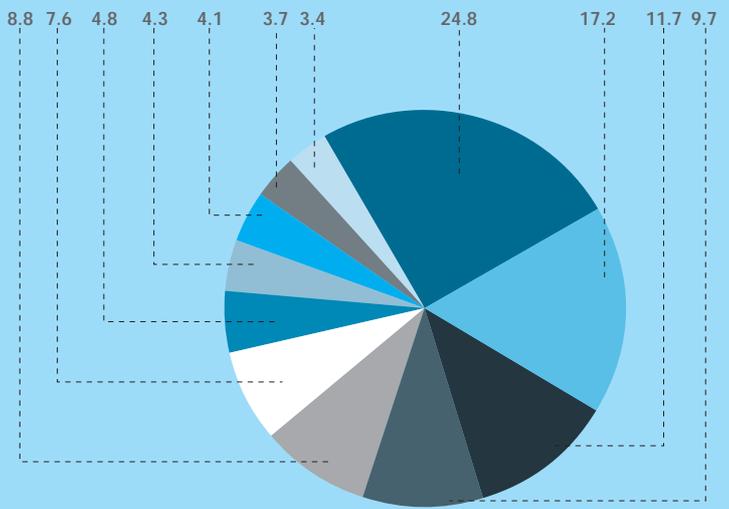
# Appendix 3

**Persons in the asylum sector – status**  
(in %, figures as per 31 December 2008)



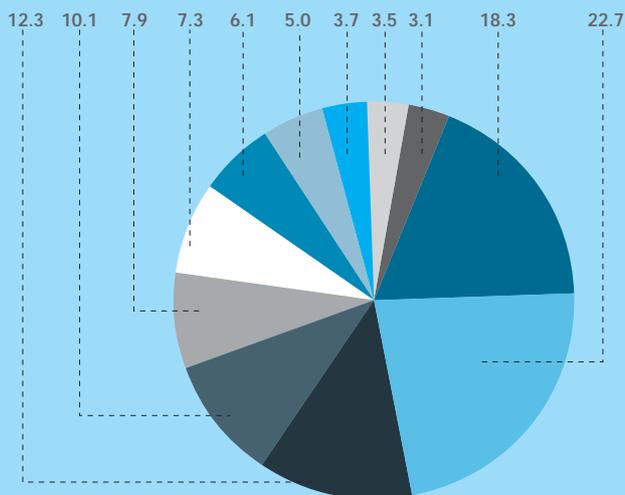
- Case awaiting first-instance hearing
- Case dismissed with prejudice
- Stay of proceedings issued
- Person admitted on a temporary basis
- Special statistical case
- Expulsion or deportation order enforced
- Refugee status granted

**Persons in the asylum process by country**  
(in %, figures as per 31 December 2008)



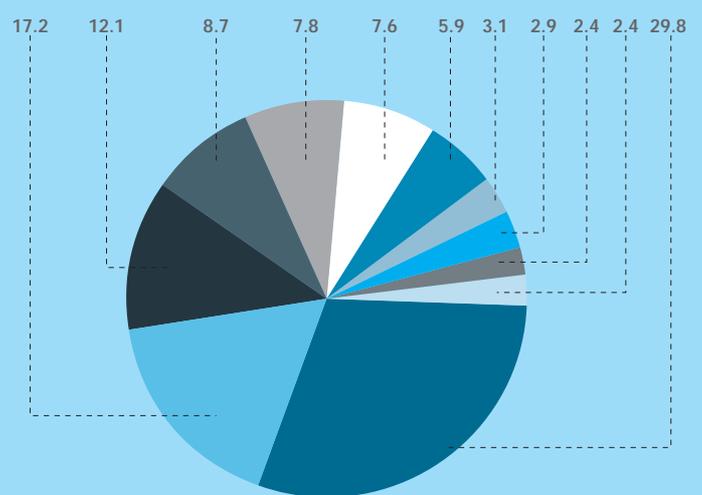
- Serbie (Kosovo incl.)
- Somalie
- Eritrea
- Iraq
- Sri Lanka
- Angola
- Turkey
- Bosnia + Herzegovina
- DR Congo
- Afghanistan
- Others

**Temporarily-admitted persons by country**  
(in %, figures as per 31 December 2008)



- Serbia (incl. Kosovo)
- Somalia
- Iraq
- Angola
- Sri Lanka
- Bosnia + Herzegovina
- DR Congo
- Turkey
- Afghanistan
- Eritrea
- Others

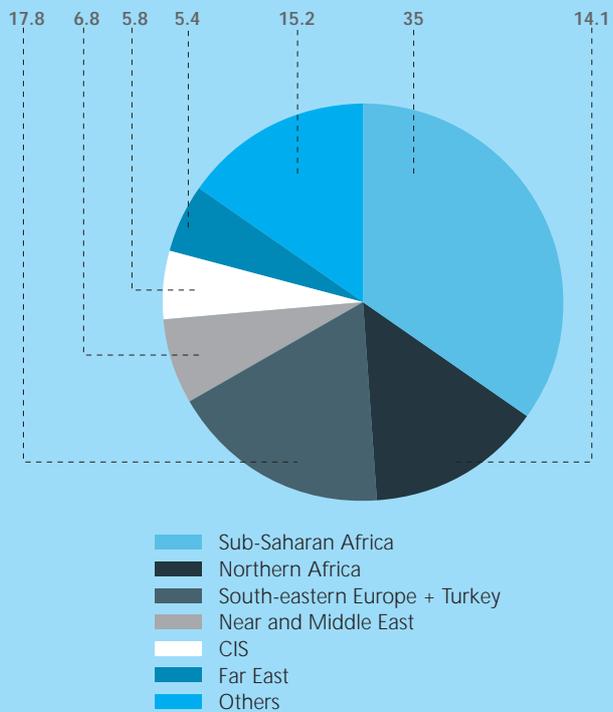
**Asylum applications by country**  
(in %, figures as per 31 December 2008)



- Eritrea
- Somalia
- Iraq
- Serbia (incl. Kosovo)
- Sri Lanka
- Nigeria
- Turkey
- Georgia
- Afghanistan
- Iran
- Others

### Applications processed by region (excl. temp. admitted)

(in %, figures as per 31 December 2008)



### Asylum applications per year

