

Information about Switzerland

Asylum in Switzerland

Updated: November 29th, 2018

Switzerland is the depository state for the [Geneva Convention on Refugees](#) (and its first protocol) and member of the [European Convention on Human Rights](#). However, in the last 30 years the [Swiss Asylum Act](#), which contains national procedural and material provisions, was revised more than a dozen times, making it more and more restrictive. The [last revision](#) was accepted through public referendum in June 2016 and will come into effect in 2019.

On this page, you find an overview. Additionally, there is an [official flowchart of the asylum procedure in Switzerland](#), and an [info sheet in several languages](#), (update December 2015).

State Offices: In Switzerland, asylum applications are processed and decided by the central state through the State [Secretary for Migration](#) (SEM) in Berne. Negative decisions can be appealed at the national wide [Federal Administrative Court](#) (FAC, BVGer) in St. Gallen. In contrast, it is the duty of the individual cantons (regions) to provide housing and care as well as carry out deportations of applicants who have received a negative decision. In each canton (there are 26), there is a [Cantonal Migration Office](#).

Summary: Asylum Seekers ask for asylum in a reception centre. After a first interview, you are transferred to an asylum centre in one of the cantons. After a second longer interview, the SEM decides on whether you receive asylum or not. In case of a negative decision, it can be appealed at the FAC.

To check your individual chances and improve your rights we advice you to seek legal advice as soon as possible (especially in order to prepare your asylum interview).



You find a [list of free advisory centers here](#) and a list of [further contacts here](#).

Entry

The core principle of the Convention on Refugees is that every person has the right to seek protection from persecution and ask for asylum in all signatory states. Every request has to be considered on an individual basis. In Switzerland, every policeman and border guard has the duty to take notice of your request and organize your transfer to one of [seven open reception and procedure centres](#) (for the asylum requests at the international airports in Geneva and Zurich – see further down). You can also claim asylum directly at one of these centres (except in Zurich).

Pay attention: If you do not ask for asylum by at least saying „asylum“ to the police or borderguard, they can push you back to the country you are coming from following [bilateral agreements](#) Switzerland has with all its neighbouring and a lot of other countries! There are multiple reports that the police and border guards also push back even if someone clearly states that they want to claim asylum. Should this happen to you, we advise you to seek legal help. You can also refer to the push-back section of the web guide.

First phase

You cannot choose to which [reception](#) centre you will be allocated and you do not have total freedom of movement. However, you will be allowed to go in and out of the centre at least once a day. In the centre, you will first have to fill in a personal data form, your fingerprints will be scanned, a picture

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will be taken and you will have a medical check-up. Should you be an unaccompanied child (and the official has doubts about you being actually a child) you will also have an age assessment test (see section on "[minors](#)")

You will have a first interview where you will be asked about your identity, how you arrived in Switzerland and to state a brief summary of the reasons for your flight. Often, people find this interview stressful and feel like they are being rushed by the interviewer. Yet, it is crucial that you take your time to answer all questions in depth and detail. The same questions you are asked about your escape will be asked again later. There must not be any contradictions. It is therefore very important that you pay close attention to what you say and that you remember it for later. Contradictions between the first and second interview are often the cause for negative asylum decision. The interview will be made with translation into your language.

After this interview, the SEM might attempt to deport you to another country under the Dublin agreement (see the [German section on Dublin III](#) for more detail). This can happen if you indicated in the interview that you came to Switzerland through another country which is Party to the Dublin agreement or if your fingerprints have already been taken in another country in Europe and stored in the EURODAC database. In this case, they will issue you a "Nichteintretensentscheid"/ "décision de non-entrée en matière". The SEM might also attempt to issue such a decision and deport you if you came through a so-called safe third country (all [EU- and EFTA-member states](#)), if you already have a status (including a visa) in/for

another safe country, or if you stated in your interview that you came to Switzerland only for reasons that are not relevant in Asylum procedures (like purely economic reasons, for example: "I want to work").

However, the Dublin procedure takes some time, and you have the right to appeal against it. This is important, especially if you are under 18 years old, if you have close family in Switzerland with asylum status or in the asylum procedure, or if the situation you have to live under in the other Dublin country [violates your personal human rights](#). Please consider that you have only five working days to submit the appeal in these cases, so seek legal advice fast (see [contacts](#))! This short deadline applies also if you made your application at an airport or if you come from a so-called safe country of origin.

If you have received a Dublin decision by the SEM saying that you have to leave Switzerland and you don't follow it, you can be sent to prison. In prison you have the right that a judge to checks if your detention is legal. However, you have to ask by yourself in written form. [Here](#) you can download a file that you have to fill in and send to the cantonal "Zwangsmassnahmengericht" (court for coercive measures). Prison guards should help you with this.

In the first phase, you will be granted the N-permit which is given to asylum seekers and lasts until the decision on the application is made. The N-permit does not allow you to travel outside of Switzerland.

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Second phase

After a maximum of 90 days you should be sent to one of the 26 cantons (regions) of Switzerland. This time can be prolonged in extraordinary cases. [You cannot choose](#) the canton (exceptions are only granted if you have close family members in one canton). The differences between the cantons is are very big (from sleeping in a bunker underground to having your own room or, extraordinarily, living in a flat). You are not allowed to work for at least three months. However, in most cantons, you are not allowed to work at all and you do not have the right to participate in language courses or other so-called integration programs until your case is decided positively. If you are in canton where asylum seekers are allowed to work and want to work, you have to apply for a work permit. There are various requirements for this permit, hence, we advice you to seek legal aid before you submit a request (see [contacts](#)). To survive, you will get a daily allowance of around 30 francs (app. 27 Euros) per person (this can vary in each canton) for everything. Basic health insurance will also be provided. This seems a lot, but you have to consider that Switzerland is a very expensive country, one package of cigarette costing up to 8 francs (7.20 Euros), half a kilo of bread up to 4.50 francs (4 Euros). In some centres, you can earn some pocket money by doing work such as cleaning or helping neighbouring farmers etc.

At one point, the SEM will invite you for a second interview. This interview will be longer than the first one. It takes place in Bern and there will be a translator present. There usually will be a representative of an

organization of the [Swiss Refugee Council](#) present to observe that your rights are respected. You are entitled to an interview with a person of your own gender and if you want you can bring someone to accompany you (this person is not allowed to be in an asylum procedure herself). In the beginning the interviewer asks you if you understand your translator clearly. It is crucial that you state it clearly, if you do not understand them. At the end of the interview, the translator will translate the transcript of the interview back to you and you will have to sign it. Read the transcript of the interview very carefully and change any mistakes you can find. Try to remember what you said during the first interview in the reception centre and do not contradict it or, if you have said something different there, say that you want to add to the version you gave during the first interview and why you add it now.

Negative decision and temporary admission

After this second interview, the SEM will take a decision on your application. This can last long: We made the experience that the time it takes has no influence on your chances of receiving a positive answer. It can take from half a year up to multiple years for the SEM to reach a decision. However, if you have not heard anything for more than two years, we advise you to seek legal aid.

If the decision is negative, you should urgently seek legal advice: You will have 30 days to submit an appeal to the [FAC](#) (exceptions with shorter deadline see above). If you do not find any lawyer or [legal aid centre](#) to represent you, you can also submit

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an appeal by yourself. Find [here](#) a template. For an appeal to be effective, it has to clearly state the purpose (Appeal; “Beschwerde”). It has to be signed, dated and sent to the Federal Administrative Court (Bundesverwaltungsgericht, Postfach, 9023 St. Gallen) with two copies of the asylum decision you are contesting.

In Switzerland you are entitled to communicate with the national government in any of the four official languages (French, German, Italian and Rhaeto-Romanic). However, you need to communicate with the cantonal (regional) government in its respective language(s).

In a second step – after declining refugee status –, the SEM examines whether your “removal” is lawful, reasonable and possible. If it is not, you will be temporarily admitted to stay in Switzerland and receive a “F” permit. An “F” permit entitles you to work (with the permission of the cantonal Migration office). However, you need to ask for permission to move to another canton. You cannot do family reunification for the first 3 years, and you cannot profit from any integration help, language courses included. You have the right to work if your employer can prove that they did not find any Swiss national or other foreigner with a better permit to do that work. We made the experience that it is difficult to get a job with an F-permit. With an F-permit you are not allowed to travel to your country of origin, otherwise you would lose the permit. Only in exceptional cases can the Cantonal Migration Office issue a travel permit. Also, if you apply for asylum in another country, you will lose your F-permit in Switzerland.

Positive decision and refugee status

If you finally get a positive decision and are considered as a refugee you’ll get a “[B](#)” [permit \(residence permit\)](#), which will be renewed every year and a refugee travel document in accordance to the Geneva Convention on Refugees which gives you the right to travel to other countries, but not to your country of origin (you would lose your refugee status if you would do so). Within Switzerland, you have freedom of movement and your spouse and minor children are also granted asylum and are allowed to enter Switzerland. You will have the right to participate to integration courses, language courses included, and you can work. You will receive the normal social welfare if you are not working or your wage is less than the so-called existential minimum. Social welfare is approximately 20% higher than the average you get as an asylum seeker.

Second Asylum requests

You are only allowed to lodge a second asylum claim if your situation in Switzerland or in your country of origin changes in a way relevant for asylum. If you think you can do this, we advise you to seek a lawyer or legal aid centre.

Please take note that according to Swiss asylum law the SEM does not grant protection for so called refugees “sur place” (e.g. when the reason for persecution stems from activities in Switzerland and not in your country of origin). In this case, Switzerland will not grant you asylum. However, they

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will maybe grant you an “F” permit (see above).

New accelerated procedure in testing phase

Please note that since February 2014, Switzerland is testing an accelerated procedure at the Juch-Hof centre in Zurich which will be introduced in all of Switzerland with the newest revision of the Asylum law presumably in April 2019. Some people are - by chance - allocated to this test procedure and the whole procedure takes place in the same test centre. The centre is semi-open (you can leave the centre during the day but have to come back in the evening).

In the accelerated test procedure, asylum decisions are taken within a maximum of 140 days. Only in exceptionally complicated cases, it will take longer. In this case, you will be transferred to a cantonal centre. Should you receive a negative decision in the test procedure, you only have 10 days to appeal and only 5 working days in case of inadmissibility decisions or safe country of origin / Dublin decisions. From the beginning, you will have access to free legal advice on your asylum procedure. However, the legal councillor decides themselves whether an appeal will be done or not and can decide not to appeal against a negative decision even if you wanted to. If you are in the trial procedure and your legal representative does not want to make an appeal, but you do, contact the next free legal advice as fast as possible. Please check our [contact section](#) for further addresses.