

## Information about Switzerland

# ASYLUM in Switzerland

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*Switzerland is the depositary 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 was introduced in 2019. On this page, you find an overview.*

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On this page, you find an overview over asylum procedures in Switzerland. Additionally, the Swiss Refugee Council has published a more detailed overview of the Swiss Asylum system (only French) [here](#). Or for much more detail, consult the AIDA Country report on Switzerland, [link](#).

Since March 2019, for the first 140 days, you'll stay in an asylum centre where the asylum interview takes place. Also, every asylum seeker now has a free legal counsel. In or near many centres there are volunteers offering activities, they might be a good starting point – see a list of groups near all national centers [here](#).

**State Offices:** In Switzerland, asylum applications are processed and decided by the federal government through the [State Secretary for Migration](#) (SEM). In the first

140 days of your asylum procedure housing is organized by the SEM, however, afterwards, housing is organized by a [Cantonal Migration Office](#). If you receive a negative asylum decision, the deportation to your country of origin will be enforced by the **police**, which is also [organized regionally](#), in the so-called cantons. Negative decisions can be appealed at the [Federal Administrative Court](#) (FAC, BVGer) in St. Gallen.

Asylum procedures in Switzerland are divided into three phases: the preparatory phase, the national asylum procedural or Dublin procedural phase and the extended one.

## 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, policemen and border guards have the duty to take notice of your request and organize your transfer to one of [federal asylum centres](#) (for the asylum requests at the international airports in Geneva and Zurich – see further down). Your asylum claim will be processed directly in these camps and you will stay at the camp for a maximum of 140 days. You can also claim asylum directly at one of these centers.

The regime in these centres can be very strict – and varies from centre to centre. During the day, you can leave the centre and there is (sometimes) the possibility to do a bit of work. However, there is a curfew imposed during the nights and in many centres if you arrive too late, you have to sleep in a waiting room. You are not allowed to bring any (perishable) food inside and in some centres you are even obliged to bring a receipt for everything you buy (otherwise, they suspect that you stole it). Food is served centrally at strict times. Usually families are in separate rooms from single men. Many people compare the conditions in these centres to prison.

Pay attention: It is advised to very much insist to the police or border guards that you want to claim asylum. Otherwise, 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 at land borders also push back to neighbouring countries, in particular Italy, even if someone clearly states that they want to claim asylum. Should this happen to you, we advise you to seek legal help.

## **Preparatory Phase**

If you claim asylum in Switzerland, you will be allocated to a federal asylum centre (does not have to be the one where you claimed asylum). The whole of the preparatory phase takes place here. It takes a maximum of 21 days. The preparatory phase is meant to establish your identity, flight route as well as country of origin.

You will have to give your personal details, fingerprints and other biometric data. You will have to hand in evidence on your flight route as well as identity documents. You will also meet your free legal counsel who will inform you about the asylum procedure and discuss your case. In every center there is also further counselling service available where you can ask questions – however often this is not the case.

If the SEM suspect that you have arrived in Switzerland through another European country that is part of the Dublin-agreement, you will also have a Dublin interview. This will happen in the first 10 days after your asylum application. The Dublin interview will be presented to you not as an interview, but as a conversation on how you arrived in Switzerland. This ‘conversation’ is important and your first official interview with an asylum officer. In the conversation, they will ask you about how you arrived in Switzerland. By that they are searching for hints that you arrived in Switzerland through another European country. Your legal counsel will also be present during this conversation.

There is no written transcript of this conversation. However, the asylum officer is taking notes, which you are asked to sign in the end. It is advised to read the notes carefully and contest points you think are not true.

If they find further reason in the ‘Dublin-conversation’ to suspect that you have been in another country in Europe before coming to Switzerland, they will start the [Dublin procedure](#) (see “Dublin procedure” further down). Most often, they will start a Dublin procedure if you have been fingerprinted in or entered with a valid visa of another country. If not, they will look for any other evidence that indicates that have been to another Dublin country, including what you are saying in the interview. Only once they are sure you haven’t travelled through another Dublin country; your asylum procedure will be processed in Switzerland and you will proceed to the national asylum procedure phase.

## **The Dublin procedure**

If you are being put from the asylum procedure to the Dublin procedure you are also being transferred from the national asylum centre to a so-called “national asylum centre without procedural function”, commonly known as “waiting and departure centres”.

You are in this procedure because the SEM believes that another country is responsible for your asylum application. If you have travelled to Switzerland via another country that is also party to the Dublin-Convention, this other country is responsible for your asylum application. The SEM will ask this other country to take over the responsibility. If it agrees, the SEM will decide within 3 days on your asylum application stating that Switzerland isn’t responsible for processing your asylum procedure (so-called “Nicht-eintretensentscheid”/ “décision de non-entrée en matière”).

For example: if the SEM suspects that you entered Switzerland via Italy and were fingerprinted in Italy, they will ask Italy if you were fingerprinted there. If you have been, Italy will become responsible for your asylum application and Switzerland will try to deport you to Italy.

The Dublin-Agreement also knows some other rules. See the [German section on Dublin III](#) for more detail.

The SEM might also attempt to issue such a decision and deport you if you came through a so-called [safe third country \(e.g. all EU- and EFTA-member states\)](#), 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"). In this case, they will try to deport you to this other country.

You can appeal against a Dublin procedure. 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](#). Your free legal counsel will often write this appeal. However, they decide by themselves if they want to appeal or not. If your legal counsel decides not to appeal for you, but you want to do an appeal, you have the right to do so. For this it is crucial that you either write an appeal yourself as soon as possible or, if you have time, contact a lawyer. In the asylum regions of Berne, Basel and North-Western Switzerland as well as Zurich you can contact the [free independent Pikett Asyl](#) to get help. For the other regions you may consult our [Swiss contact list](#).

If you have received a Dublin decision by the SEM saying that you have to leave Switzerland and you do not follow it, you can be sent to prison. In prison you have the right that a judge checks if your detention is legal. However, you have to ask by yourself in written form. Prison guards should help you with this. In the region of Zurich you can also contact the independent [Pikett Administrativhaft](#) (+41 44 521 47 47). See also [Switzerland > detention](#).

If the country that was asked declines, Switzerland is responsible for your asylum application for good. In this case you return to the normal procedure and (in most cases) also transfer back to the national asylum center where you were in the beginning.

### **Accelerated Procedure**

The accelerated procedure is where your asylum claim is being processed first and takes place in the national asylum centre. Here you will have the main asylum interview and be asked to hand in all evidence you have for your asylum claim. Your legal counsel will be present as well. There will also be a translator. A transcript of this interview will be written down word by word. This transcript is very important as it is the basis for the decision on your asylum claim. After the interview, the transcript will be translated back to you and you have to sign the document. Read it carefully and correct any mistakes.

On the basis of this interview, the evidence you handed in and the evidence the SEM collected itself, the SEM will now decide on your asylum application. Before they decide, your legal

counsel will be invited to comment on the draft decision within 24 hours.

Once the decision has been taken, you will be informed about the outcome by your legal counsel. If the decision is negative, you have 7 working days to appeal it in front of the federal administrative court (due to Covid still 30 days until end of 2022). Your legal counsel has the duty to decide if an appeal would have a chance to succeed or not. If they decided there is a chance, they will write an appeal for you. If not, they will not do it. You have the right to know very fast if they will write an appeal or not. If they refuse to appeal, even though you want to, you have the right to contact your own lawyer. Note that you only have 7 working days to appeal the decision (weekends not included).

If you don't have time to find a lawyer or the 10 days are almost over, you can also write an appeal yourself (it needs the following basic content to be considered as appeal: title that says "Beschwerde" (appeal), a copy of the contested asylum decision, written reasons why you do not accept the decision, date, your signature (!) and the address: Bundesverwaltungsgericht, Postfach, 9023 St. Gallen). After you sent your appeal you should still quickly find a lawyer, in order for him/her to supplement and complete your appeal. In the asylum regions of Berne, Basel and North-Western Switzerland as well as Zurich you can contact the [free independent Pikett Asyl](#) to get help. For the other regions you may consult our [Swiss contact list](#).

### **Extended Procedure**

If the SEM considers your asylum procedure to be complicated and decides to do further enquiries (like in your country of origin) you will be assigned to the extended procedure. If you still have not received a decision after 140 days, no matter if you are in the Dublin or accelerated procedure, you will also be assigned to the extended procedure. In some rare cases the 140 days can be extended by another 140 days. Now, you will be transferred to a cantonal asylum centre. This also means that you receive a new legal counsel in this canton. Furthermore, the canton is now responsible to provide you with social help and housing. Every canton has a [migration office](#), which is responsible for this. Note: You cannot decide to which canton you will be transferred to except if you have already relatives living in Switzerland.

Once the SEM decides on your asylum procedure, you will be again informed of this via your legal counsel. You can ask for an appeal. Again, the legal counsel finally decides

by himself if he wants to do an appeal. However, you can insist to do an appeal with another lawyer. In the asylum regions of Berne, Basel and North-Western Switzerland as well as Zurich you can contact the [free independent Pikett Asyl](#) to get help. For the other regions you may consult our [Swiss contact list](#).

### **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. If you are not yet in a cantonal asylum center, you will now be transferred to one. You will also receive a refugee travel document which gives you the right to travel to other countries. However, you are not allowed to enter your country of origin (you will lose your refugee status if you 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.

### **Negative decision and temporary admission**

If the decision is negative, you (or your legal counsel) can appeal it at the Federal Administrative Court. Be aware that some deadlines are very short - you will find this information at the end of the decision! 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. If you do not find any lawyer, you can also submit an appeal by yourself. In the asylum regions of Berne, Basel and North-Western Switzerland as well as Zurich you can contact the [free independent Pikett Asyl](#) to get help. For the other regions you may consult our [Swiss contact list](#).

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 remain in Switzerland and receive an "F" permit. An "F" permit entitles you to work but only with the permission of the cantonal

Migration office. Please note that you need to ask for permission to move to another canton unless you have relatives in the Canton you want to move to being deciding. You cannot do family reunification from another country 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. If you want to travel, the Cantonal Migration Office can issue a travel permit in exceptional circumstances. Also, if you apply for asylum in another country, you can also lose your F-permit.

### **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 this is the case, we advise you to seek a lawyer or legal aid center.

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

### **Special centres**

If you "distract the running of the center" while you are in a federal asylum center, you can be sent to a so-called "special center" (also known as "centers for disruptive applicants"). It is very unclear what this means in practice and which behavior will be punished. But mostly, it will be if you severely breach a center's house rules. The house rules of the centers can be found at the reception or you can ask the staff to give you a printed version.

Being in one of those centers is like being in a prison. They have a very strict regime and are very remote. Also, in most cases you will receive a "containment order" and will not be allowed to leave the municipality. If you get sent to one of those centers it is advisable to contact a support group in their surrounding, like [Droit de Rester Neuchâtel](#) ([see further contacts also here](#)).