

Legal Compass

Immigration Law

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Author



Renate Bigler
Legal Director

Residence and work permits

FAQ on the Ordinance on Measures to Combat the Coronavirus (COVID-19 Ordinance 2) and on refusal of entry, free movement of persons and suspension of visas

In connection with COVID-19, the Federal Council has decided to impose extensive entry restrictions. Entry for gainful employment in Switzerland is now only possible in exceptional cases. Applications for third-country nationals and service providers from EU/EFTA states cannot be submitted until further notice. It is still possible to submit requests for extensions from persons who already reside in Switzerland.

1. What does “refusal of entry” mean?

Any foreign nationals who wish to enter Switzerland and do not hold a valid residence or work permit will be refused entry. Persons who wish to submit an application for a residence and work permit in particular are affected by the entry ban.

2. How long do the measures apply?

The Federal Council will gradually relax the corona-based entry restrictions. However, it is not possible at this stage to give an exact date for the lifting of the individual measures. A first step towards relaxation in Switzerland will take place on 11 May 2020.

3. What relevant exceptions apply?

The border control authority will not allow foreign nationals to enter Switzerland unless one of the following requirements are met:

- They have Swiss citizenship;
- They hold a residence permit, i.e., a Swiss residence permit (permit L/B/C), a cross-border permit (permit G, for professional purposes only), a visa D issued by Switzerland or an assurance of residence permit;
- They have rights under the Agreement on Free Movement of Persons (AFMP) and have official documentation to confirm this (*Meldebestätigung*, for employment/services of up to 90 days per year).

4. What rights under the AFMP are restricted?

Nothing changes for persons holding an existing residence permit, a cross-border permit or official documentation confirming a reason for entry into Switzerland.

Persons who wish to enter Switzerland for the first time and do not have a permit are restricted in their AFMP rights. Furthermore, entry is no longer possible for a 90-day stay not subject to authorization. The cantonal authorities may suspend new applications and notifications.

5. What applies to the notification procedure?

Notifications concerning the cross-border provision of services and the commencement of employment with an employer in Switzerland can be suspended. A suspension does not trigger a confirmation or refusal. It is not possible to enter Switzerland without a confirmation of registration. Consequently,

all activities are subject to the obligation to register from the first day. Suspended notifications are deleted as soon as the end date of the assignment is in the past. Once the restrictions imposed by COVID-19 Ordinance 2 have ended, the declaration must be entered again if the need still exists at that time.

6. Can third-state nationals still enter the country?

Third-state nationals who already have an entry permit including visa or the assurance of a residence permit can still enter the country. Applications from third-state nationals who want to work in Switzerland for the first time are suspended until further notice.

7. How long does the suspension of visas apply?

Switzerland stopped issuing visas until 15 June 2020.

8. Restrictions on entry to be gradually relaxed from 11 May 2020

The following initial steps to ease the lockdown on movement of people will come into effect on 11 May:

- The cantons will process all applications for residence permits and cross-border commuter permits submitted by workers from an EU or EFTA member state before the introduction of entry restrictions (25 March 2020). The same applies for notification of commencement of work for short deployments with an employer in Switzerland and for cross-border services provided for a maximum of 90 days a year.
- New notifications for cross-border services will again be processed in accordance with the usual terms of the AFMP provided the service provision is based on a written contract signed before 25 March 2020.
- Workers from third countries who already have a permit to work in Switzerland, but who were not issued a visa because of the restrictions imposed on entry, are now permitted to enter the country.
- Applications to employ persons from third countries submitted before the restrictions on this category came into effect (19 March 2020) will now be processed. They will be approved provided the provisions of the Foreign Nationals and Integration Act (FNIA) are met and the person(s) in question can actually take up the position.
- Family reunification for family members of Swiss citizens is again possible. The same applies for family members of people from EU/EFTA states living in Switzerland.

Your contacts for Immigration Law



Renate Bigler
Legal Director

T: +41 44 204 90 90
renate.bigler@eversheds-sutherland.ch



Olivier Dunant
Partner

T: +41 22 818 45 00
olivier.dunant@eversheds-sutherland.ch

eversheds-sutherland.ch

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