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Asylum Information Database

SWISS REFUGEE COUNCIL

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European Council on Refugees and Exiles

UPDATE ON 2024

SWITZERLAND

COUNTRY REPORT

MAY 2025

Acknowledgements & Methodology

The 2024 update of this report was written by Adriana Romer and Esther Omlin (temporary protection annex), legal unit of the Swiss Refugee Council, and was edited by ECRE.

This report draws on jurisprudence of the Federal Administrative Court (FAC), publicly available statistics by the State Secretariat for Migration (SEM), media releases of the SEM and the Federal Council, information and statistics provided by the SEM upon request, newspaper articles, documents from the political process, and the experience of the Swiss Refugee Council (SRC) from its daily work in different functions, especially the coordination of the different legal advisory offices.

The Swiss Refugee Council would like to thank the organisations and authorities that provided us with information for the purpose of this report.

The 2024 update to the AIDA country report on Switzerland was shared with the State Secretariat for Migration to provide an opportunity for comments. Any feedback received was reviewed by the author and, where appropriate, incorporated into the final version of the report.

The information in this report is up-to-date as of 31 December 2024, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 24 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 5 non-EU countries (Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.

This report is part of the Asylum Information Database (AIDA), funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.

Table of Contents

Glossary & List of Abbreviations

AsylA	Asylum Act | Loi sur l'asile (LAsi) | Asylgesetz (AsylG) | Legge sull'asilo (LAsi)
AFIS	Automated Fingerprint Identification System
AOZ	Asyl-Organisation Zurich, running some of the federal asylum centres
AS	Official Journal of Swiss law (*Amtliche Sammlung*)
BIP	Beneficiaries of international protection
Cantons	Members states composing the Swiss Confederation (26 cantons)
CFA/BAZ	Federal asylum centre | Centre federal d'asile | Bundesasylzentrum (BAZ) | Centro federale d'asilo
CHF	Schweizer Franken | Swiss Francs
CoE	Council of Europe
DRMP	Dublin Returnees Monitoring Project
Eurodac	European fingerprint database
ECHR	European Convention on Human Rights
FAC	Federal Administrative Court | Tribunal administratif federal | Bundesverwaltungsgericht (BVGer) | Tribunale amministrativo federale
FDJP	Federal Department of Justice and Police | Département fédéral de justice et police (DFJP) | Eidgenössisches Justiz- und Polizeidepartment (EJPD)
FNIA	Foreign Nationals and Integration Act | Loi fédérale sur les étrangers et l'intégration (LEI) | Ausländer und Integrationsgesetz (AIG) | Legge federale sugli stranieri e la loro integrazione (LStrI)
GRETA	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
KSMM	Coordination Unit against the Trafficking and Smuggling of Migrants | Koordinationsstelle gegen Menschenhandel und Menschenschmuggel
NCPT	National Commission for the Prevention of Torture
NEE/NEM	Dismissal without entering on the merit (Nichteintretensentscheid NEE | Non entrée en matière NEM | Non entrata nel merito NEM)
ORS	ORS Service AG, running some of the federal asylum centres
SCSA	Swiss Conference for Social Assistance
SCHR	Swiss Centre of Expertise in Human Rights | Centre suisse de compétance pour les droits humains (CSDH) | Schweizerisches Kompetenzzentrum für Menschenrechte (SKMR)
SEM	State Secretariat for Migration | Secrétariat d'état aux migrations | Staatssekretariat für Migration | Segreteria di Stato della migrazione
SFM	Swiss Forum for Migration and Population Studies
SODK	Conference of Cantonal Directors of Social Services (CDSS) | Conférence des directrices et directeurs cantonaux des affaires sociales (CDAS) | Konferenz der kantonalen Sozialdirektor:innen | Conferenza delle direttrici e dei direttori cantonali delle opere sociali (CDOS)
SRC	Swiss Refugee Council | Organisation suisse d'aide aux réfugiés OSAR | Schweizerische Flüchtlingshilfe SFH | Organizzazione svizzera d'aiuto ai rifugiati

Temporary admission	Admission provisoire | Vorläufige Aufnahme | Ammissione provvisoria Protection granted to persons whose removal cannot be executed because deemed illicit (it would constitute a breach of international law), impossible or unreasonable (humanitarian reasons including medical). It exceeds the scope of subsidiary protection, which does not exist in Swiss law.
TF	Federal Supreme Court | Tribunal fédéral | Bundesgericht (BGer) | Tribunale federale
UN-CAT	United Nations Committee Against Torture
ZHAW	Zurich University of Applied Sciences

Statistics

Overview of statistical practice

The State Secretariat for Migration (SEM) publishes detailed statistics on the number of asylum applications and types of decisions on a monthly and a yearly basis. SEM statistics include figures on the application of the Dublin Regulation.[1]
Based on the yearly statistics provided by the SEM, the figures below, especially the asylum and temporary admission rates, are the result of a calculation methodology that differs from that used by the Swiss authorities. The Swiss Refugee Council (SRC) calculates recognition rates based only on the number of decisions on the merits rendered by the SEM at first instance, without considering the inadmissibility decisions or the "radiations" cases for the total of decisions, insofar as these do not include an examination on the merits of these asylum claims.[2]

Applications and granting of protection status at first instance: figures for 2024 regarding the ten countries of origin with the highest number of applicants

	Applicants in 2024	Pending at end of 2024	Total decisions in 2024	Asylum status[3]	Temporary admission[4]
Total	27,740	11,921	30,420	10,390	6,063
Afghanistan	8,627	1,242	11,158	5,679	3,625
Türkiye	4,107	3,953	5,828	1,953	152
Algeria	2,110	203	1,131	8	1
Eritrea	2,093	463	2,124	1,257	378
Syria	1,438	522	1,438	624	551
Morocco	1,289	114	747	1	6
Somalia	766	386	735	119	334
Tunesia	659	95	504	1	7
Iraq	559	346	469	63	79
Sri Lanka	455	294	427	87	27

1 SEM, asylum statistics, available here.
2 This calculation method is also used by the Organisation 'Vivre Ensemble', available here.
3 SEM, asylum statistics (7-20), available here.
4 SEM, asylum statistics (7-20), available here.

Applications and granting of protection status at first instance: rates for 2024

	Overall rejection rate	In merit rejection rate	Overall protection rate	In merit protection rate	Asylum status	Temporary admission rate
Total	46%	31%	54%	69%	47%	21%
Breakdown by the ten countries of origin with the highest number of applicants out of the total numbers						
Afghanistan	17%	1%	83%	99%	69%	30%
Türkiye	64%	59%	36%	41%	38%	3%
Algeria	99%	97%	1%	3%	2%	0%
Eritrea	23%	12%	77%	88%	69%	19%
Syria	18%	4%	82%	96%	53%	43%
Morocco	99%	97%	1%	3%	1%	3%
Somalia	38%	6%	62%	94%	26%	67%
Tunesia	98%	95%	2%	5%	1%	4%
Iraq	70%	52%	30%	48%	22%	26%
Sri Lanka	73%	66%	27%	34%	27%	8%

Gender/age breakdown of the total number of applicants: 2024

	Men	Women
Number	18,529	9,211
Percentage	67%	33%

	Adults	Children	
		Accompanied	Unaccompanied
Number	14,648	10,453	2,639
Percentage	53%	38%	10%

Source: SEM, asylum statistics (7-20), available here and data provided by the SEM, April 2025.

First instance and appeal decision rates: 2024

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Appeal	
	Number	**Percentage**	**Number**	**Percentage**
Total number of decisions	21,888 (30,420 incl. non-entry decisions)	100%	2,978	100%
Positive decisions	16,453	75%	147 (thereof 106 referrals back to the SEM)	5% (3.6%)
• *Asylum status*	10,390	47%		
• *Temporary admission*	6,063	28%		
Non-entry, abandonment			950	32%
Negative decisions	6,845 (13,967 incl. non-entry decisions)	31%	1,881	63%

Overview of the legal framework

Main legislative acts relevant to asylum procedures, reception conditions and detention

Title (EN)	Original Title (FR/DE/IT)	Abbreviation	Web Link
Asylum Act	Loi sur l'asile (LAsi) Asylgesetz (AsylG) Legge sull'asilo (LAsi)	AsylA	http://bit.ly/1GpuAId (FR) http://bit.ly/1FjUQQe (EN)
Federal Act on Foreign Nationals and Integration	Loi fédérale sur les étrangers et l'intégration (LEI) Ausländer und Integrationsgesetz (AIG) Legge federale sugli stranieri e la loro integrazione (LStrI)	FNIA	http://bit.ly/1Bfa0LT (FR) http://bit.ly/1Bfa26s (EN)
Federal Act on Administrative Procedure	Loi fédérale sur la procédure administrative (PA) Verwaltungsverfahrensgesetz (VwVG) Legge federale sulla procedura amministrativa (PA)	APA	http://bit.ly/1IhNNtx (FR) http://bit.ly/1BQdG52 (EN)
Federal Constitution of the Swiss Confederation	Constitution fédérale de la confédération suisse Bundesverfassung der Schweizerischen Eidgenossenschaft Costituzione federale della Confederazione svizzera	Constitution	http://bit.ly/1dHqBgj (FR) http://bit.ly/1HNtIPO (EN)

Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions and detention

Title (EN)	Original Title (FR)	Abbreviation	Web Link
Asylum Ordinance No. 1 on procedural aspects	Ordonnance 1 sur l'asile relative à la procédure	AO1	http://bit.ly/1ejpzYG (FR)
Asylum Ordinance No. 2 on Financial Matters	Ordonnance 2 sur l'asile relative au financement	AO2	http://bit.ly/1FjVey4 (FR)
Asylum Ordinance No. 3 on the processing of personal data	Ordonnance 3 sur l'asile relative au traitement de données personnelles	AO3	http://bit.ly/1GJx1ql (FR)
Ordinance on the Enforcement of the Refusal of Admission to and Deportation of Foreign Nationals	Ordonnance sur l'exécution du renvoi et de l'expulsion d'étrangers	OERE	http://bit.ly/1IGDUs6 (FR)

Ordinance on Admission, Period of Stay and Employment	Ordonnance relative à l'admission, au séjour et à l'exercice d'une activité lucrative	OASA	http://bit.ly/1GJzYaB (FR)
Ordinance of the FDJP on the on the management of federal reception centres in the field of asylum and accommodation at airports.	Ordonnance du DFJP relative à l'exploitation des centres de la Confédération et des logements dans les aéroports		https://bit.ly/3bIQoUl (FR)
Directive III on the Field of Asylum	Directive III sur le domaine de l'asile		Available here (FR)

Overview of the main changes since the previous report update

The report was last updated in July 2024.

International protection

- **Statistics**: In 2024, 27,740 persons asked for asylum in Switzerland, which is a decrease compared to 2023 (30,223). The countries of origin with the most applicants were Afghanistan, Türkiye, Algeria, Eritrea and Syria. About 10% of new asylum applicants were unaccompanied minors. The State Secretariat for Migration (SEM) dealt with 30,420 asylum applications in the first instance. The asylum rate was 47%, the protection rate of the applications dealt with in merit was 69%. The number of pending cases at first instance increased up to 11,921 (see Statistics). In addition, in 2024, 16,616 (amongst them 16,418 persons from Ukraine) applied for temporary protection (Status S) in Switzerland, and 9,272 persons were granted this status.

- **EU Pact on Asylum and Migration**: on 14 November 2024, the SRC participated[5] in the consultation process[6] on the implementation of the EU Pact on Migration and Asylum. In it, the SRC has called for example for Switzerland's binding participation in the solidarity mechanism for relocation, for a more generous practice with regard to the application of the sovereignty clause (including codification of the criteria in law) and for the adoption of the EU status of 'subsidiary protection'.

- **UN Pact on Migration**: on 12 December 2024, both chambers of the Swiss Parliament decided Switzerland would not sign the UN Pact on Migration,[7] a decision seen as incomprehensible by the SRC.[8]

- **New asylum strategy**: In 2024 - five years after the start of the new asylum procedure - a new Swiss asylum strategy process was launched with the participation of the federation, cantons, cities and communes.[9]

Asylum procedure

- **Access to the territory**: on 17 October 2024, the SRC participated in the consultation process on new rules for the introduction of border controls. It pointed out that internal border controls run counter to the idea of the Schengen area and should therefore only be carried out in justified exceptional cases and for a short period of time. Under no circumstances should access to the asylum procedure be restricted.[10]

  Schengen visa applications must be submitted in digital form on a European platform from 2028 onwards. As a Schengen state, Switzerland is participating in this modernisation and is adapting

5 SRC, Approbation et mise en œuvre des échanges de notes entre la Suisse et l'UE sur la reprise des règlements (UE) 2024/1351, (UE) 2024/1359, (UE) 2024/1349, (UE) 2024/1358 et (UE) 2024/1356 (pacte européen sur la migration et l'asile) (développements de l'acquis de Schengen et de l'acquis « Dublin/Eurodac») Réponse de l'Organisation suisse d'aide aux réfugiés (OSAR) à la procédure de consultation, 14 november 2024.

6 Federal Council, media release of 14 August 2024, Le Conseil fédéral ouvre la consultation sur la reprise du pacte européen sur la migration et l'asile (available in French and German).

7 Communication of the Parlament, 12 December 2024, Parlament ist gegen den Schweizer Beitritt zum UNO-Migrationspakt (in German).

8 SRC, news of 18 September 2024, Rejet du Pacte de l'ONU sur les migrations : une décision incompréhensible (available in French and German).

9 SEM, communication of 5 July 2024, Asile : Confédération, cantons, villes et communes élaborent une nouvelle stratégie.

10 SRC, Genehmigung und Umsetzung des Notenaustausches zwischen der Schweiz und der EU betreffend die Übernahme der Verordnung (EU) 2024/1717 zur Änderung der Verordnung (EU) 2016/399 über einen Unionskodex für das Überschreiten der Grenzen durch Personen (Weiterentwicklung des Schengen-Besitzstands) sowie weitere Änderungen des Ausländer- und Integrationsgesetzes (AIG) Vernehmlassungsantwort der Schweizerischen Flüchtlingshilfe (SFH), 17 October 2024.

its national law accordingly. During its meeting on 13 November 2024, the Federal Council adopted the dispatch on the digitalisation of Schengen visas.[11]

- **Resettlement**: End of April 2025, the government announced an extension of the resettlement program until the end of 2027. However, it committed to accepting only half of the originally planned 800 people per year.[12] For the second half of 2025, the SEM announced that it is planned to enable the entry for 45 individuals, after the program had been on pause since December 2022 (see Legal access to the territory).

- **Access to mobile data for identity, nationality or travel route verification**: On 15 September 2021, the Swiss Parliament allowed immigration officials to access people's mobile data if it is the only way to verify their identity, nationality or travel route.[13] In its meeting on 1 May 2024, the Federal Council decided on the amendments of the ordinance necessary for implementation, which came into force on 1 April 2025[14] (see Regular procedure).

- **New 24-hour procedure**: A 24-hour procedure for applicants from the Maghreb region (Morocco, Algeria, Tunisia, and Libya) was introduced in February 2024.[15] This presents significant challenges for the legal representatives assisting asylum seekers. The particularly short deadlines make it difficult for legal representatives to provide adequate assistance and support to the applicants. The SRC criticised the measure[16] (see Prioritised examination and fast-track processing).

- **Suspension of applications**: Considering the ongoing war in **Sudan**, the SEM decided in February 2024 to suspend the treatment of asylum applications from persons from Sudan to evaluate the situation.[17] In December 2024, the SEM ended the suspension. Due to the developments in **Syria** in December 2024, the SEM decided to suspend the treatment of asylum applications from persons from Syria until a new evaluation of the situation can be made. The SRC called for the continuation of the asylum procedures and for people concerned to be granted at least a temporary admission status[18] (see Differential treatment of specific nationalities in the procedure).

- **Dublin**: In 2024, the Swiss authorities issued **Dublin decisions to Greece** for men from Türkiye. The decisions were appealed, and a reference judgment from the Federal Administrative Court is expected in 2025 (see Dublin - Suspension of transfers).

- **Age assessment**: In May 2024, the CRC criticised[19] Switzerland with regard to the age assessment of asylum applicants. According to the CRC, the burden of proof should not lie exclusively with the asylum applicants. Furthermore, in the committee's view, if there is any doubt,

11 SEM, media release of 13 November 2024, Numérisation des demandes de visas Schengen (available in French and German)

12 SEM, Bundesrat beschliesst Verlängerung des Resettlement-Programms um zwei Jahre, media release of 30 April 2025, available in German, Italian and French; reaction of the SRC, Resettlement stärken und Kontingente ausschöpfen, media release of 30 April 2025, available in German and French.

13 The SRC and UNHCR criticised the measure as disproportionate and an assault on privacy rights: SRC, media release of 15 September 2021, Le Parlement restreint encore les droits fondamentaux des personnes en quête de protection, (available in French and German), see also the communication of ECRE of 8 October2024, available in English here.

14 Federal Council, media release of 1 May 2024 available in French, German and Italian.

15 In May 2024, the SEM announced that the 24-hour procedure would remain in effect.

16 SRC, media release of 21 February 2024, SFH lehnt geplante Verschärfungen kategorisch ab (available in German); SRC, news of 21 September 2024, L'OSAR demande l'abandon de la procédure en 24 heures (available in French and German).

17 The SRC criticised this decision and called for a temporary admission at least for persons from Sudan: SRC, news of 30 July 2024, Une guerre oubliée : l'OSAR appelle à protéger les personnes réfugiées du Soudan (available in German and French).

18 SRC, media release of 10 December 2024, Syrie: les procédures d'asile doivent se poursuivre (available in French and German).

19 CRC/C/96/D/80/2019; the SRC had argued for years that the procedures for determining the age of refugees in Switzerland are inadequate.

the decision should be in favour of the person concerned – in other words, they should be treated as children if there is a possibility that they may actually be minors (see Age assessment of unaccompanied children).

- **Asylum practices regarding LGBTQI+ applicants**: In November 2024, the ECtHR once again[20] ruled against Switzerland[21] for its asylum practices regarding LGBTQI+ persons. The judges in Strasbourg criticised the SEM and the FAC for not examining the willingness and ability of the Iranian authorities to protect LGBTQI+ individuals in the event of their return carefully enough. The SRC welcomed the ruling and hopes that it will finally lead to the lifting of the practice of 'discretion' for LGBTQI+ asylum applicants[22] (see Special procedural guarantees).

- **Change of practice regarding Afghanistan:** Although the SEM continues to assume that removal is generally unreasonable, returning non-vulnerable men to Afghanistan is considered reasonable in exceptional cases if the circumstances are favourable. The person concerned must be residing in Switzerland without family, be over the age of 18 and in good health. They must also have a stable and sustainable network of relationships in their home country that enables them to reintegrate socially and find work. Women, families, minors and people with health problems are not affected.[23] The change of practice came into force in mid-April 2025 (see Differential treatment of specific nationalities in the procedure).

- **Persecution in and removals to Türkiye**: In a reference judgment of March 2024,[24] the FAC addressed the question of whether it would be reasonable to enforce a removal order to the provinces in **Türkiye** that are particularly affected by the earthquake of February 2023, with regard to housing, food supply, infrastructure, health care, the school system, the economic situation and employment. Based on the information available, according to the court it is not possible to assume that it is generally unreasonable to enforce removal to the areas mentioned, including to the most severely affected province of Hatay. Rather, the individual circumstances of those affected should be assessed on a case-by-case basis. Due account should be taken of the situation of vulnerable persons – in particular, frail, disabled (or otherwise impaired) and chronically ill persons – especially in the case of persons who would have to return to the provinces of Hatay, Adiyaman, Kahramanmaras and Malatya. Otherwise, a reasonable alternative residence should be examined.

  In a coordination judgment[25] of November 2024, the FAC made two momentous decisions for asylum applicants from **Türkiye**: firstly, the court concluded that individuals who are the subject of **criminal proceedings** in Türkiye for 'insulting the president' and/or 'propaganda for a terrorist organisation' are not generally subject to persecution in their home country that would entitle to an asylum status. On the other hand, in the same decision, the FAC reversed the practice in place since 2013,[26] according to which returns to the Turkish **provinces of Hakkâri and Şırnak** were generally excluded. Following a reassessment of the security situation, the FAC no longer considers deportations to these provinces to be generally unreasonable and has ruled that they should be examined on a case-by-case basis (see Differential treatment of specific nationalities in the procedure).

20 ECtHR, B and C v. Switzerland, Application nos. 43987/16 and 889/19, 17 November 2020, available here.
21 ECtHR, M.I. v. Switzerland, 12 November 2024, available here.
22 SRC, news of 13 November 2024, Schweiz wird wegen ihrer LGBTQI+-Praxis erneut vom EGMR gerügt (available in German and French).
23 More information on this: SEM, media release of 20 March 2025, SEM alters asylum practice for Afghanistan (in English).
24 FAC, E-1308/2023 of 19 March 2024.
25 FAC, E-4103/2024 of 15 November 2024; SRC, media release of 15 November 2024, SFH kritisiert verschärfte Praxis zu Asylgesuchen aus der Türkei (available in German and French).
26 FAC, E–2560/2011 of 15 March 2013.

- **Removals to Afghanistan**: In 2024, for the first time since 2019, the deportation of two persons to Afghanistan took place. The two persons had been felons convicted of a crime.[27]

  In January 2024, the FAC examined the probative value of the Afghan identity document **Tazkira** and emphasised that relying on this document alone was not sufficient to assess the alleged minority or majority.[28]
  With regard to **reflex persecution** in Afghanistan, the court clarified in January 2024[29] that the risk of it could not be denied on the grounds that the person concerned had not suffered serious harm before leaving the country (see Differential treatment of specific nationalities in the procedure).

- **Readmission and returns – collaboration with Iraq:** In May 2024, Federal Councillor Beat Jans signed an agreement with the Iraqi Deputy Prime Minister and Foreign Minister to strengthen bilateral cooperation on migration. The aim is in particular to facilitate readmission and to promote the voluntary return and reintegration of rejected asylum applicants.[30]

- **Inappropriate practices during return procedures:** The Swiss National Commission for the Prevention of Torture (NCPT) criticised several practices in the returns of former applicants for international protection as not appropriate and inadequate.[31] The Commission especially highlighted the lack of consideration for the interests of children in the event of forced repatriation by air.[32]

Reception conditions

- **Living conditions in temporary asylum centres**: The NCPT criticised the living conditions in temporary asylum centres in its report of April 2024, particularly in civil defence shelters. The reports confirm the SRC's concerns about these facilities. Conditions in the shelters are challenging: limited space, no natural light, no clear separation of sleeping, eating, and communal areas, lack of privacy, and inadequate ventilation, among other issues. Such circumstances increase the risk of conflict, yet violence prevention measures are notably lacking.[33] Additionally, alleged cases of violence reported to the NCPT have been poorly documented and insufficiently investigated.[34]

  Amnesty International also documented new cases of alleged human rights violations in reception centres in a report published in October 2024[35] (see Conditions in reception facilities).

- **New and closed asylum centres**: The permanent asylum centre in the "Zona Pasture" opened its doors in June 2024, it offers accommodation for 350 persons.[36] In October 2024 the SEM announced that 9 temporary asylum centres would be closed at the end of the year 2024 as the numbers of asylum application were lower than expected[37] (see Housing).

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27 Swissinfo.ch, 13 October 2024, Schweiz schafft zwei straffällige Afghanen nach Afghanistan aus (available in German).
28 FAC E-2771/2023 of 19 January 2024.
29 FAC E-1749/2023 of 26 January 2024.
30 SEM, media release of 24 May 2024, Migration : renforcement de la collaboration entre la Suisse et l'Irak (available in French, German and Italian).
31 NCPT, Bericht an das Eidgenössische Justiz- und Polizeidepartement (EJPD) und die Kantonale Konferenz der Justiz- und Polizeidirektorinnen und -direktoren (KKJPD) betreffend das ausländerrechtliche Vollzugsmonitoring von Januar bis Dezember 2023, 22 April 2024 (in German).
32 NCPT, media release of 9 July 2024, Mangelnde Berücksichtigung der Kindesinteressen bei zwangsweisen Rückführungen auf dem Luftweg, (available in German and French).
33 The NCPT report of 10 April 2024 can be found here in German.
34 SRC, News of 12 January 2024, Temporäre Asylunterkünfte: oft unangemessene und schwierige Lebensbedingungen (available in German and French).
35 Amnesty International Switzerland, media release of 22 October 2024 (available in German).
36 SEM, media release of 24 May 2024, Apertura del Centro federale d'asilo definitivo in zona Pasture (available in Italian and German).
37 SEM, media release of 22 October 2024, Le SEM ferme neuf centres fédéraux temporaires pour requérants d'asile (available in French and German).

- **Living conditions of children:** In 2024, two publications from the Federal Commission on Migration (CFM) demonstrated that the living conditions in emergency accommodation for asylum seekers jeopardise the well-being and development of children and young people. This is incompatible with both the Swiss Federal Constitution and international conventions. One publication is a study by the Marie Meierhofer Institute for Child Research (MMI), which for the first time gathered data on the living conditions of minors in emergency shelters across Switzerland, and the other one is a legal opinion prepared by the University of Neuchâtel, which provides a legal analysis of the results[38] (see Special reception needs of vulnerable groups).

- **Living conditions of victims of human trafficking**: In June 2024, the third GRETA report on Switzerland was published.[39] According to the report, despite improvements, there is still a need for action in Switzerland to protect victims of human trafficking.[40] The report criticises that the accommodation for asylum applicants is often not suitable for victims of human trafficking. It must be ensured that they are provided with accommodation where they can find peace and rest and where their particular circumstances are taken into account. (see Special reception needs of vulnerable groups).

Content of international protection

- **Family reunification**: In 2022, the FAC adapted its case law regarding the family reunification for persons with F status (temporary admission) to a ruling of the ECtHR.[41] In May 2024, the Federal Council suggested to adapt the law accordingly, from 3 years waiting time to 2 years waiting time (see Family reunification).

- **Legal situation of victims of domestic violence**: The legal situation of victims of domestic violence with regard to immigration law is to be improved. With this aim in mind, the parliament passed an amendment to the Foreign Nationals and Integration Act (FNIA) during the 2024 summer session. The Federal Council enacted this amendment and the necessary ordinance adjustments at its meeting on 27 November 2024, bringing them into force on 1 January 2025. In addition, the Federal Council is withdrawing Switzerland's reservation on the application of the Istanbul Convention.[42]

- **Access to apprenticeships**: Rejected asylum applicants and young “sans-papiers” should be able to complete apprenticeships more easily. The Federal Council approved a corresponding amendment to the ordinance at its meeting on 1 May 2024. In the future, the persons concerned will only have to have attended compulsory school in Switzerland for two years instead of five in order to be able to submit a hardship application with a view to be admitted for an apprenticeship. The change came into force on 1 June 2024[43] (see Employment and education).

Temporary protection / Status S

The information given hereafter constitutes a short summary of the 2024 Annex on Status S.

38 CFM, media release of 30 September 2024, EKM fordert besseren Schutz für Kinder in der Nothilfe (available in German and French; SRC, news of 30 September 2024, Le maintien à long terme d’enfants dans l’aide d’urgence enfreint les droits de l’enfant (available in French and German).

39 GRETA, Evaluation Report Switzerland, third evaluation round, published on 20 June 2024, available in English.

40 SRC, News of 25 June 2024, Les victimes de traite des êtres humains ne sont toujours pas suffisamment protégées en Suisse (available in French and German).

41 ECtHR, Application no. 6697/18, M.A. v Denmark, 9 July 2021.

42 SEM media release of 27 November 2024, Droit des étrangers : améliorer la situation des victimes de violence domestique (available in French, Italian and German).

43 SEM, media realease of 1 May 2024, Le Conseil fédéral assouplit l’accès à la formation professionnelle initiale pour les cas de rigueur (available in French, Italian and German).

- **Prolongation of status S**: the Federal Council decided on 4 September 2024 that protection status S will be maintained at least until at least 4 March 2026. [44]

- **Restriction of the scope of status S**: On 2 December 2024, the Swiss parliament decided that in future only people from Ukraine who can prove that they come from a contested or Russian-occupied territory should be granted temporary protection.[45] It is not clear yet when this amendment will come into force.

- **Overall evaluation of status S**: The evaluation group of the temporary protection status continues to view the status in a positive light. However, the evaluation group advocates increased efforts in the area of labour market integration.[46] Measures on labour market integration have been introduced.[47]

44 Swiss government, media release of 4 September 2024, Schutzstatus S wird nicht aufgehoben (available in German, Italian and French).

45 Swiss parlament, media release of 2 December 2024, Räte wollen Status S nicht mehr für alle ukrainischen Geflüchteten, (available in German).

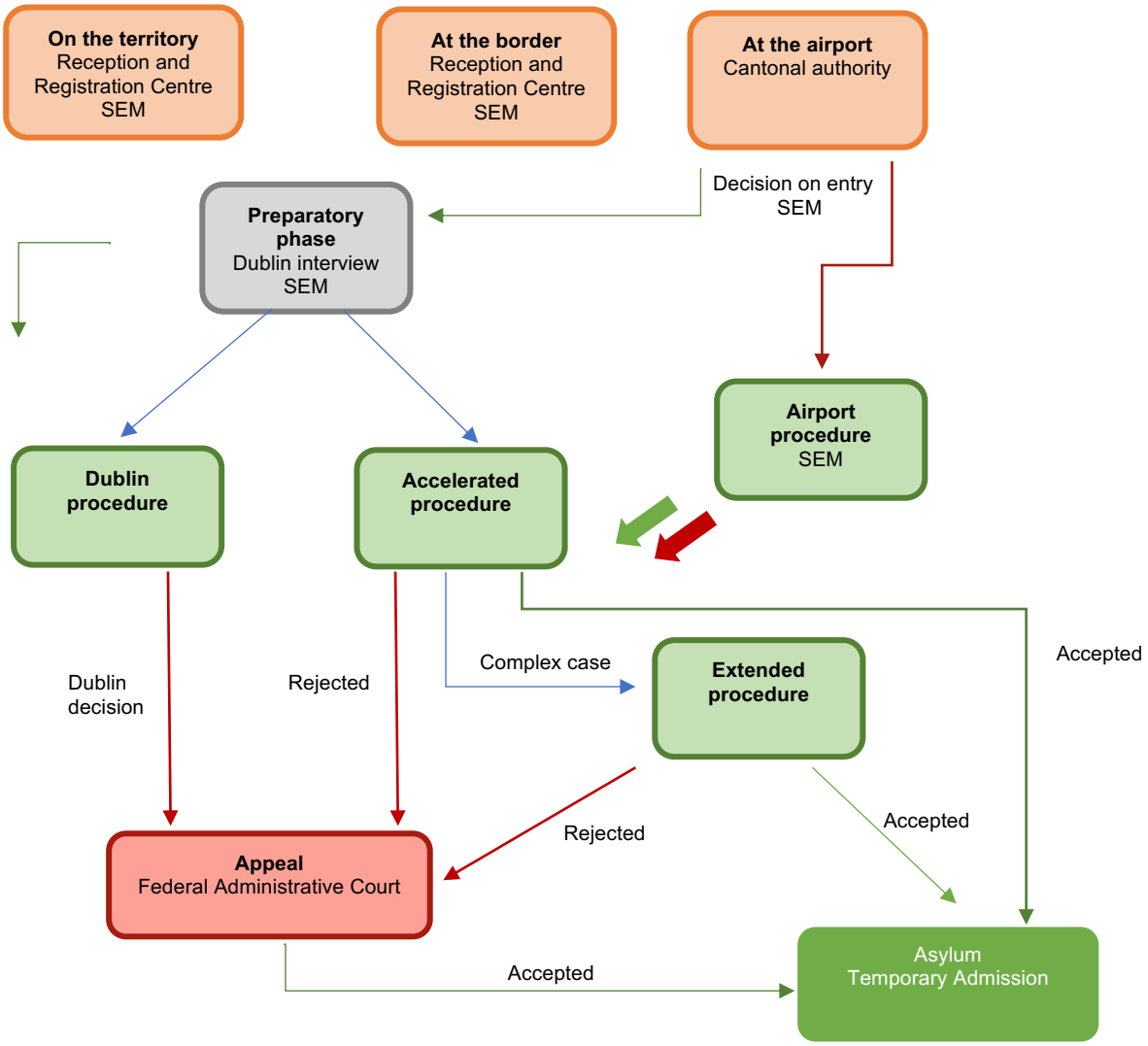
46 SEM, media release of 20 September 2024, Le statut de protection S, une mesure efficace selon le groupe d'évaluation (available in French, German and Italian).

47 SEM, media release of 8 May 2024, Le Conseil fédéral renforce les mesures d'intégration professionnelle des bénéficiaires du statut S (available in French, Italian and German) and SEM, media release of 21 June 2024, Intégration professionnelle des réfugiés : les autorités veulent collaborer plus étroitement (available in French, Italian and German).

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

❖ Regular procedure:	☒ Yes	☐ No
▪ Prioritised examination:[48]	☒ Yes	☐ No
▪ Fast-track processing:[49]	☒ Yes	☐ No
❖ Dublin procedure:	☒ Yes	☐ No
❖ Admissibility procedure:	☒ Yes	☐ No
❖ Border procedure:	☒ Yes	☐ No
❖ Accelerated procedure:[50]	☒ Yes	☐ No
❖ Other:	☐ Yes	☒ No

Are any of the procedures that are foreseen in the law, not being applied in practice? ☐ Yes ☒ No

The majority of the procedures have to be concluded in the **accelerated procedure** within 140 days (including appeal and removal procedure) while asylum applicants are accommodated in federal asylum centres. If the case is a complex one requiring further clarifications and cannot be decided within 8 days after the interview on the grounds for asylum, the SEM must order that the case be assigned to the **extended procedure**. These procedures shall last a maximum of one year in total (including appeal procedure and enforcement of removal in case of a negative decision).
In order to compensate for the acceleration of the procedure, asylum applicants receive free counselling and free, state-independent legal representation right after their asylum application.

3. List of authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (FR)
Decision on / denial of entry ❖ At the border ❖ At the airport ❖ After lodging asylum claim at the airport	Border police Airport police State Secretariat for Migration SEM	Police des frontières Police aéroportuaire Secrétariat d'État aux migrations SEM
Application	State Secretariat for Migration SEM	Secrétariat d'État aux migrations SEM
Dublin (responsibility assessment)	State Secretariat for Migration SEM	Secrétariat d'État aux migrations SEM
Refugee status determination	State Secretariat for Migration SEM	Secrétariat d'État aux migrations SEM
Airport procedure	State Secretariat for Migration SEM	Secrétariat d'État aux migrations SEM
Appeal procedure	Federal Administrative Court FAC	Tribunal administratif fédéral
Subsequent application	State Secretariat for Migration SEM	Secrétariat d'État aux migrations SEM
Revocation / withdrawal	State Secretariat for Migration SEM	Secrétariat d'État aux migrations SEM

48 For applications likely to be well-founded or made by vulnerable applicants.
49 Accelerating the processing of specific caseloads as part of the regular procedure.
50 Labelled as "accelerated procedure" in national law.

4. Number of staff and nature of the first instance authorities

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
State Secretariat for Migration (Asylum Department)	900	Federal Department of Justice and Police	☐ Yes ☒ No

The SEM is responsible for examining applications for international protection and competent to take decisions at first instance. It falls under the responsibility of the Federal Department of Justice and Police. The guidelines and circulars of the SEM relating to the asylum procedure are publicly accessible and can be consulted online.[51]

The SEM employs 1,610 officials, who work not only on asylum but also other areas in the field of migration such as immigration or integration. Out of them, 900 officials worked in the Asylum Department as of December 2024. 25 officials work in the COI department, 10 officials in the LINGUA department. The number of caseworkers examining applications for international protection in the six asylum regions is 320. In the headquarters in Bern, 76 officials work in the field of asylum procedures, 21 officials in the field of the Dublin regulation. Every single asylum decision is double checked by the head of unit or their deputy. There is also a Quality Management team at the main offices in Bern, but they only check a representative selection of decisions in order to improve the processes and contents of decisions, and the results of such monitoring are not public.[52]

Where?	SEM	Asylum Department
Bern (Headquarter)	1,008	338
Federal Asylum Centre Bern	79	76
Federal Asylum Centre Altstätten	81	78
Federal Asylum Centre Basel	92	87
Federal Asylum Centre Boudry	151	145
Federal Asylum Centre Chiasso	81	76
Federal Asylum Centre Zurich	106	100
Airport Zurich	9	0
Airport Geneva	3	0

Source: Data provided by the SEM, March 2025

51 SEM, *Guidelines and circulars*, available in French (and German and Italian) here. A Handbook on Asylum and Return for SEM employees providing useful information on Swiss law and practice is also available online in French (and German) here.

52 Data provided by the SEM, March 2025.

5. Short overview of the asylum procedure[53]

Asylum procedures are carried out in federal centres located in **six asylum regions** in Switzerland. There are three procedures (accelerated, extended, Dublin) strictly limited in time. In order to ensure fair procedures according to the rule of law, asylum applicants are entitled to free counselling, as well as free and state-independent legal representation from the very beginning of the procedure (see Regular Procedure).

Application for asylum: A person can apply for asylum in a federal asylum centre with processing facilities, at a Swiss border or during the border control at an international airport in Switzerland.[54]

In most cases, asylum applications are lodged in one of the six asylum centres with processing facilities run by the SEM (for an overview on the centres, see Reception Conditions - Housing). If this is not the case, the concerned asylum applicants are directed to one of those centres within 72 hours of filing the application for asylum (see below, same section for the proceeding at international airports). Even if they apply in one of the federal centres, asylum applicants can be transferred to one of the five other centres. As a result, they cannot choose in which region their application will be examined.

Preparatory phase: The preparatory phase starts after the lodging of the application and lasts a maximum of 10 days in the case of a Dublin procedure and a maximum of 21 days for other procedures. The purpose of the preparatory phase is to carry out the preliminary clarifications necessary to complete the procedure, in particular to determine the State competent to examine the asylum application under the Dublin Regulation, conduct the age assessment – in case there is doubt as to the age of the applicant – and collect and record the personal data of the asylum applicant, and examine the evidence and establish the medical situation.[55]

During the preparatory phase, a first interview is held mainly to determine whether Switzerland is competent to examine the merits of the asylum application (see Dublin interview).[56] The interview is conducted in the presence of the applicant's legal representative and is usually translated over the phone by an interpreter. It collects information on the identity, the origin and the living conditions of the applicant and covers the essential information about the journey to Switzerland. The applicant is granted the right to be heard regarding possible reasons against a transfer to a Dublin member state[57] but the grounds for the asylum application are not discussed.

Cancellation and inadmissibility decision: On this basis, the SEM decides whether an application should be examined and whether it should be examined in substance. If the application is not sufficiently justifiable and the asylum applicant withdraws their application, the latter is cancelled without a formal decision.[58] Similarly, the application of asylum applicants will be cancelled without a formal decision if they fail to cooperate without valid reason or if they fail to make themselves available to the authorities for more than 20 days – or more than 5 days if the asylum applicant is accommodated in a federal centre. In such circumstances, the persons concerned cannot lodge a new application within 3 years, unless this restriction would amount to a violation of the Refugee Convention.[59]

In certain cases, the SEM will take an inadmissibility decision,[60] which means that it decides to dismiss the application without examining the merits of the case. Such a decision is for example taken if the asylum application is made exclusively for economic or medical reasons. In practice, the most frequent reason for such a decision is the possibility of the applicant to return to a so-called safe third country or if

53 Information provided by the SEM in several languages regarding the asylum procedure is available here.
54 Article 19 AsylA.
55 Article 26 AsylA.
56 Article 26 AsylA.
57 Article 36(1) AsylA.
58 Article 26(3) AsylA.
59 Article 8-bis AsylA. This reservation indicates that the prohibition to file an asylum application within 3 years cannot be applied if it would constitute a violation of the Convention, in particular of the right to seek protection.
60 So-called NEM (French) or NEE (German).

according to the Dublin III Regulation another State is responsible for conducting the asylum and removal procedures.[61]

Dublin procedure: If preliminary investigations indicate that another Member State might be responsible for processing the asylum application according to the Dublin III Regulation, a request to take charge or take back is submitted to the relevant State. Under the Asylum Act, a Dublin procedure formally begins with the submission of the request to take charge or take back and lasts until the effective transfer to the competent Dublin State or the decision of SEM to examine the application on the merits in a national procedure.[62] In case of a Dublin procedure, the SEM has to examine whether grounds exist to make use of the sovereignty clause. If so, Switzerland takes over the responsibility for examining the application even if another Member State would be responsible according to the Dublin Regulation. In all the other cases where a decision to dismiss the application without examining the substance of the case has been taken, the SEM examines if the transfer to the receiving State is lawful, reasonable and possible.[63]

Accelerated procedure: Unless a Dublin procedure is initiated, the accelerated procedure begins right after the preparatory phase.[64] It lasts a maximum of eight working days,[65] and includes the following stages:[66]

- Preparation of a second interview regarding the grounds of asylum;
- Conduct of the second interview and/or granting the right to be heard;
- Assessment of the complexity of the case and decision to continue the examination of the asylum application under the accelerated procedure or proceed to the extended procedure;
- Preparation of the draft decision;
- If negative, legal representative's statement[67] on the negative draft decision within 24 hours;
- Notification of the decision;

After the second interview, the SEM carries out a substantive examination of the application. It starts by examining whether the applicants can prove or credibly demonstrate that they fulfil the legal criteria of a refugee. As laid down in law, a person able to demonstrate that they meet these criteria is granted asylum (B permit) in Switzerland.[68]

If the SEM considers that an applicant is not eligible for the refugee status or that there are reasons for their exclusion from asylum,[69] it will reject the asylum application. In this case, the SEM has to examine whether the removal of the applicant is lawful, reasonable and possible in practice.[70] The result of this examination is communicated in the same decision as the negative asylum decision.[71] If the removal is either unlawful, unreasonable or impossible, the applicant will be admitted to temporarily reside in Switzerland (F permit). A temporary admission constitutes a substitute measure for a removal that cannot be executed. It can be granted either to persons with refugee status that are excluded from asylum or to persons who have not been recognised as a refugee but where the removal order cannot be executed. The scope of the temporary admission as foreseen in national law exceeds the scope of the subsidiary protection foreseen by the EU recast Qualification Directive, as it covers both persons whose removal

61 Article 31a AsylA.
62 Article 26*b* AsylA.
63 Article 44 AsylA; Article 83 FNIA.
64 Article 26*c* AsylA.
65 Article 37 (2) AsylA.
66 Article 20*c* AO1.
67 In consideration of this statement, the SEM can adjust its decision. The idea of the statement is that the facts are properly established and that the decision will be correct and comprehensible in terms of formality and in the merits.
68 Article 49 AsylA.
69 Asylum is not granted if a person with refugee status is unworthy of it due to serious misconduct or if they have violated or endangered Switzerland's internal or external security (Article 53 AsylA). Further, asylum is not granted if the grounds for asylum are only due to the flight from the applicant's native country or country of origin or if they are only due to the applicant's conduct after their departure, so-called subjective post-flight grounds (Article 54 AsylA).
70 Article 44 AsylA; Article 83 FNIA.
71 This fact may lead to confusion for the persons concerned as the decision reads "*1. Your asylum application is rejected, you have to leave Switzerland; 2. The return to your country of origin is considered unlawful, therefore you are granted a temporary admission*".

would constitute a breach of international law, as well as persons who cannot be removed for humanitarian reasons (for example medical reasons).

Extended procedure: If it appears from the interview on the grounds for asylum that a decision cannot be taken under an accelerated procedure, the application is processed under an extended procedure and the asylum applicant is allocated to a canton. This occurs when a procedure cannot be concluded within eight working days because additional investigative measures are necessary.[72] In addition to a possible additional interview, other investigative measures can relate to the identity and origin of the person, medical examinations, documents submitted, or credibility of the allegations.

Appeal: If an applicant has not been granted asylum, they can submit an appeal against the decision of the SEM to the Federal Administrative Court (FAC).[73] The latter is the first and last court of appeal in asylum matters in Switzerland. An applicant has thus only one possibility[74] to appeal against a negative decision in the asylum procedure. An appeal can be made against inadmissibility and negative in-merit decisions.

Time limits for depend on the type of the contested decision and proceedings in which the decision was issued. The time limit is five working days in the case of an inadmissibility decision, a decision in the airport procedure, or if the applicant comes from a so-called safe country of origin[75] and is evidently not eligible for refugee status and their removal is lawful, reasonable and possible. In an accelerated procedure, the time limit for appeal is of seven working days. In an extended procedure, the deadline for appeal is 30 days for in-merit decisions. Regarding incidental decisions (e.g. attribution to a canton), the deadline for appeal is five days in the accelerated and ten days in the extended procedure.[76] The deadline starts one day after the decision is issued.[77]

Removal: The cantonal authorities oversee the execution of the removal of an applicant, regardless of whether the measure concerns a Dublin transfer or a removal to a country of origin.[78]

Airport procedure: If the asylum application is lodged at the border in the transit area of an international airport, special rules apply.[79] As a first step, the SEM decides whether entry into the territory should be allowed. In practice, the SEM automatically issues a decision on allocation to the transit zone. In the following days, it carries out a quick triage without a prior hearing. Applications for which the recognition rate is low, or which the SEM considers unlikely to succeed, remain at the airport. Otherwise, the person concerned will receive an entry permit.[80] In case entry is provisionally refused to an applicant, the whole asylum procedure is generally carried out in the transit area of the airport. The two hearings are scheduled in one day: the summary interview and the hearing on the grounds for asylum.[81] The denial of entry may be contested until notification of the asylum decision.[82] The SEM must then issue the asylum decision within a maximum of 20 days after the asylum application has been lodged. If that time limit is not met, the SEM allocates the applicant to one of the six federal asylum centres with processing facilities to undergo the regular procedure. The time for lodging an appeal against a negative asylum decision within the airport procedure is five working days.[83] In practice, this procedure is only applied at the airport of **Geneva**. In Zurich, the persons are sent to the federal asylum centre of Zurich after a short security check and without a previous legal hearing.[84]

72 Article 26*d* AsylA.
73 Article 105 AsylA.
74 Except for extraordinary proceedings such as application for reconsideration or revision and proceedings under international instances.
75 According to the list of the Federal Council, see Safe countries of origin.
76 Article 108 AsylA.
77 Article 20 APA.
78 Article 46 AsylA.
79 Articles 22 and 23 AsylA.
80 Information provided by Caritas Suisse, 24 April 2024.
81 Information provided by Caritas Suisse, 24 April 2024.
82 Article 108(4) AsylA.
83 Article 108(4) AsylA.
84 Information provided by Berner Rechtsberatungsstelle für Menschen in Not, 29 December 2022 and 15 April 2024.

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No
2. Is there a border monitoring system in place? ☐ Yes ☒ No
3. Who is responsible for border monitoring? ☐ National authorities ☐ NGOs ☐ Other
4. How often is border monitoring carried out? ☐ Frequently ☐ Rarely ☐ Never

The SRC is not aware of any report of pushbacks in 2024.

1.1. Border monitoring

There is no border monitoring system in place in Switzerland.

1.2. Legal access to the territory

Third country nationals can apply for a **humanitarian visa**. The procedure for humanitarian visas is not directly linked to the asylum procedure. People who apply for a humanitarian visa are therefore not automatically asylum applicants. However, they usually apply for asylum after entering the country. The practice is very restrictive: in 2024, out of 1,624 applications, only 86 were accepted. The most relevant countries in terms of applications were Afghanistan, Syria, Iran and Pakistan.[85]

The Swiss government offers around 800 places for **resettlement** per year. In view of improving planning, the Federal Council intends to adopt a resettlement programme every two years within the range of 1,500 to 2,000 refugees. On 16 June 2023, the Federal Council approved the admission of up to 1,600 particularly vulnerable refugees for 2024/2025.[86] As of December 2022, the Swiss government has announced a temporary halt to the resettlement program. The government claimed that there was insufficient capacity to accept more persons under this scheme.[87] Thus, the program will only be activated after consultation with the cantons and municipalities and on the condition that the situation regarding the accommodation and care of persons from the asylum sector has eased significantly, according to the SEM. In 2024, no resettlement took place.[88] At the end of April 2025, the government announced an extension of the resettlement program until the end of 2027. However, it committed to accepting only half of the originally planned 800 people per year. In the second half of 2025, entry should be granted to 45 individuals.[89]

85 Information and data provided by the SEM, April 2025.
86 Communication of the SEM in English available here.
87 See Infomigrants, *Switzerland freezes admission of resettlement refugees*, 20 December 2022, here.
88 SEM, asylum statistics (7-20), available here.
89 SEM, Bundesrat beschliesst Verlängerung des Resettlement-Programms um zwei Jahre, media release of 30 April 2025, available in German, Italian and French; reaction of the SRC, Resettlement stärken und Kontingente ausschöpfen, media release of 30 April 2025, available in German and French.

2. Preliminary checks of third country nationals upon arrival

Indicators: Preliminary checks at the arrival point

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory? ☒ Yes ☐ No
2. Is the person considered under law to have entered the territory during these checks? ☒ Yes ☐ No

In Switzerland, preliminary checks for third country nationals can happen at the point of entry, regardless of whether they apply for asylum. The number of irregular arrivals at an external air border in 2024 was 1,695.

These checks are particularly applicable to individuals who have entered irregularly or do not meet the requirements of the Schengen Border Code (SBC). The preliminary checks consist of several components: identity checks, health and vulnerability assessments, and security checks. Identity checks involve the verification of personal details and documents. Health and vulnerability assessments evaluate the health status of individuals and identify those who are particularly vulnerable. Security checks assess any potential security risks and criminal activities.

Preliminary checks are typically conducted at the border. Third country nationals can apply for asylum during the preliminary checks. Expressing the wish to apply for asylum leads to the continuation of preliminary checks and additional obligations for the authorities to initiate the asylum process.

3. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for making an application? ☐ Yes ☒ No
   - ❖ If so, what is the time limit for lodging an application?
2. Are specific time limits laid down in law for lodging an application? ☐ Yes ☒ No
   - ❖ If so, what is the time limit for lodging an application?
3. Are registration and lodging distinct stages in the law or in practice? ☐ Yes ☒ No
   - ❖ Is the authority with which the application is lodged also the authority responsible for its examination?
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☒ Yes ☐ No
5. Can an application for international protection be lodged at embassies, consulates or other external representations? ☐ Yes ☒ No

According to Swiss law, an asylum application can be lodged at a federal asylum centre with processing facilities,[90] an open border crossing, or a border control point at an international airport in Switzerland. An application must be lodged either at the Swiss border or on Swiss territory.[91] Any statement from a person indicating that they are seeking protection from persecution is considered as an application for asylum.[92] If the asylum application is made in front of an authority which is not responsible, the person must be referred to the authority responsible in bona fides. If a person requests asylum at the border or following detention for illegal entry in the vicinity of the border or within Switzerland, the competent authorities shall normally assign them to a federal asylum centre. The competent authority establishes their personal data,

90 The centres with processing facilities are located in Zurich, Bern, Basel, Boudry, Chiasso and Altstätten. They are run by the SEM. A list of the federal asylum centres with their address and contact data is available here.

91 Article 19 AsylA. The Swiss Parliament abolished the possibility to lodge asylum applications at Swiss representations abroad from 29 September 2012 onwards (see Parliament, Objets parlementaires, 10.052 Loi sur l'asile: Modification, available (in French, German and Italian) here.

92 Article 18 AsylA.

informs the closest federal asylum centre and issues a transit permit. The person has to present themself at that centre during the following working day.[93]

No specific time limits are laid down in law for asylum applicants to lodge their application, and persons are not excluded from the asylum procedure because they did not apply for asylum immediately or within a certain time limit after entering Switzerland. However, if the application is not lodged soon after the entry, authorities may demand a reasonable justification for the delay. If there is no justification and the person has no legal right to stay, a procedure regarding the illegal stay might be opened.

In February 2024, Federal Council Beat Jans announced that it would only be possible to submit asylum applications during the week.[94] The stated reason for this measure was to prevent individuals from being accommodated in asylum centres over the weekend and then leaving before their fingerprints could be taken on Monday. However, vulnerable asylum applicants, such as women traveling alone, families, unaccompanied minors, the ill, and the elderly, are still admitted on weekends. The measure was ultimately not implemented.[95]

Children under 14 years joining their parents in Switzerland do not have to lodge an application in a federal asylum centre. The cantonal authority (of the canton where the parents live) directly issues them an "N permit" (which certifies that an asylum application has been lodged and allows the applicant to remain in Switzerland until the end of the asylum procedure), after having confiscated the travel and identity papers. The cantonal authority then informs the SEM about the asylum application.[96]

If a person is **in detention (criminal or administrative)**, it is also the cantonal authority (from the canton that has ordered the detention or the execution of a sentence) which accepts the asylum application (the same procedure applies to status S applicants). The cantonal authority establishes the personal data of the person concerned, takes pictures, confiscates the travel and identity papers and takes the fingerprints if necessary. The cantonal authority then informs the SEM about the asylum application. In case the applicant is released, they are issued an N permit by the cantonal authority.[97] Asylum applicants in detention also have a right to free legal aid which covers counselling and representation in connection with the Dublin, asylum and readmission procedures.[98]

The legal advice centre of the canton who ordered the detention of the asylum applicant, and that is mandated by the SEM, must be involved in all decision-relevant steps in the first instance proceedings (in particular, conducting hearings on the grounds for asylum, granting the right to be heard and submitting submissions that contribute significantly to establishing the facts of the case). This also applies to Dublin proceedings and readmission proceedings. The organisation of counselling interviews and interpretation costs fall under the responsibility of the legal advice centres. Such counselling sessions must take place outside the hearing of the asylum applicant organised by the SEM.
The deadlines for the accelerated procedure do not apply. When scheduling hearings, the SEM considers the availability of the legal advice centres "as far as possible", meaning that hearings may also take place even if the legal council is not able to attend, which is criticised by the legal advice centres and the SRC. The SEM does not submit a draft decision in the case of asylum procedures in detention. The opening of the decision and the possible preparation of an appeal are not considered as decision-relevant steps, which is highly criticised by the legal advice centres and the SRC. If the SEM does not receive a signed power of attorney granting a representation mandate to the legal advice centre, the decision is opened to the asylum applicant.

93 Articles 19 and 21 AsylA; Article 8(1)-(2) AO1.
94 Media release of the 20 February 2024, available in French, German and Italian. The SRC criticised the measure: SRC, media release of 21 February 2024, SFH lehnt geplante Verschärfungen kategorisch ab, available in German.
95 See here.
96 Article 8(4) AO1; Directive III Field of Asylum, *Das Asylverfahren*, para 1.1.1.3.
97 Article 8(3) AO1; Directive III Field of Asylum, *Das Asylverfahren*, para 1.1.1.4.
98 According to SEM, this shall also apply to persons seeking temporary protection («status S»). Further, this procedure only applies to first asylum applications, not to subsequent applications or re-examination requests.

Asylum applications from detention are given priority by the SEM. As far as possible, the decision shall be taken before the release from detention (Dublin procedure or national procedure). As soon as the SEM receives an asylum application from detention, it sends the applicant a letter informing them of their entitlement to free legal protection. The letter also states that legal protection is guaranteed by the legal advice centre of the canton that ordered the detention. In addition, the asylum-seeking person is informed of the possibility of waiving legal protection. If they do not receive a message from the asylum applicant within five days, the SEM assumes that they wish to make use of the legal protection. If the asylum applicant expressly waives the right to free legal protection by signing the declaration attached to the above-mentioned letter, the SEM will notify the legal advice centre concerned in writing that their legal protection mandate is ending. The signed declaration of waiver is attached to this letter. In the event of a short period of detention (less than one month), the SEM shall request the asylum applicant to return to the competent federal asylum centre after their release from detention. There they are entitled to assistance from the free legal protection in the centres (pursuant to Article 102*f* et seq. AsylA). Once informed, it is up to the asylum applicant and the legal advice centre to get in contact with each other and to sign a power of attorney.

84 asylum applications were lodged from people in detention in 2024.[99]

If an application is lodged at a **border control point** at an international airport, the competent cantonal authority establishes the personal data of the concerned person and takes a picture, as well as fingerprints to check possible matches in the automatic fingerprint identification system (AFIS) or Eurodac. The SEM is immediately informed about the application. The applicant will be channelled through the airport procedure (see section on Border Procedure),[100] which also provides access to free counselling and legal representation.[101]

C. Procedures

1. Regular procedure

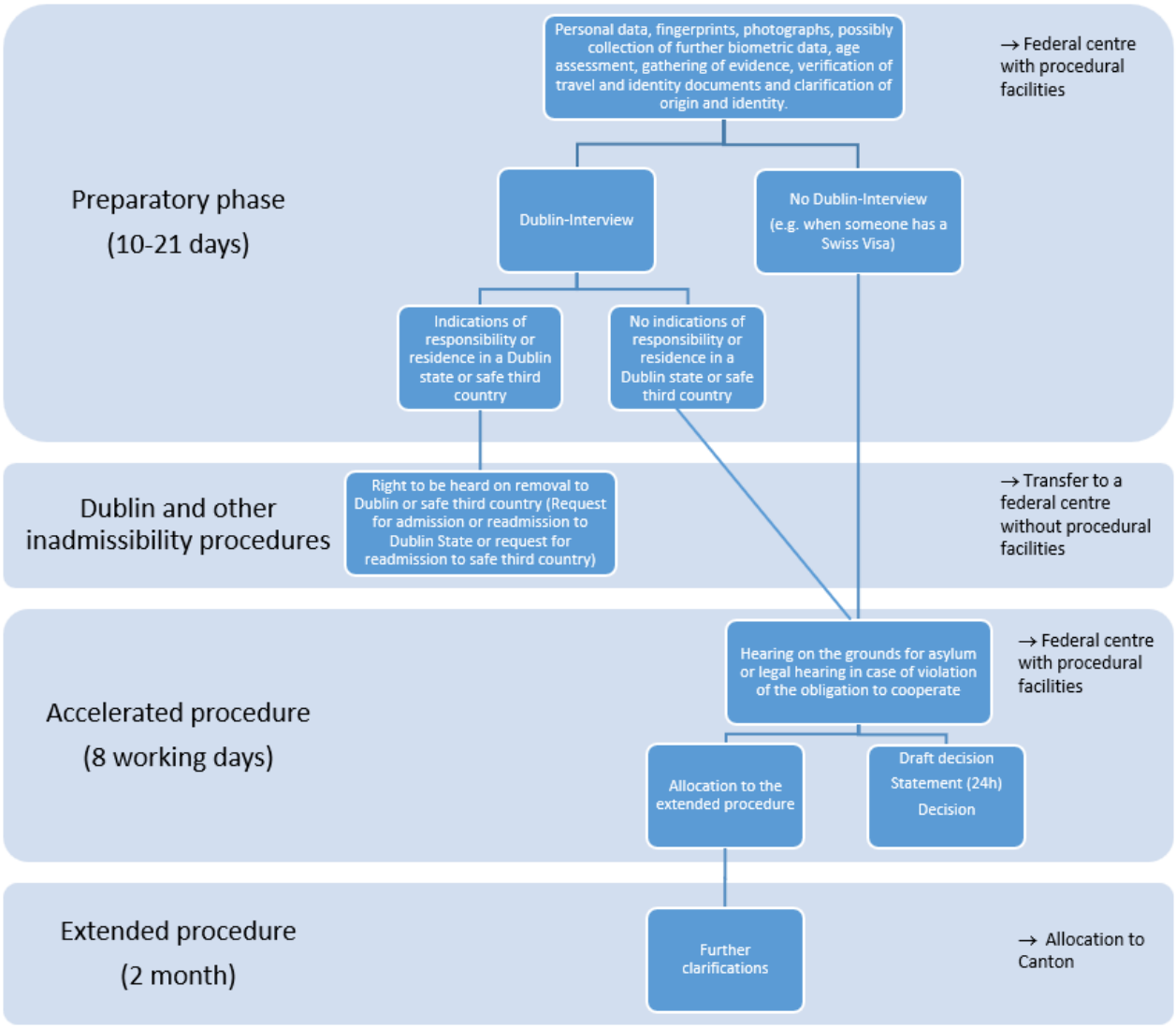
1.1. General (scope, time limits)

Indicators: Regular Procedure: General

1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: Depends on type of procedure
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? ☒ Yes ☐ No
3. Backlog of pending cases at first instance as of 31 December 2024: 11,921
4. Average length of the first instance procedure in 2024: 176 days

99 Information provided by the SEM, May 2025.
100 Article 22 following AsylA.
101 Article 22(3bis) AsylA.

Overview of the regular asylum procedure



Preparatory phase: The preparatory phase starts with the lodging of the application and lasts a maximum of 10 days in the case of a Dublin procedure, 21 days for other procedures. The purpose of the preparatory phase is to carry out the preliminary clarifications necessary to complete the procedure, in particular to determine the State competent to examine the asylum application under the Dublin III Regulation, conduct the age assessment – where the applicant's age is doubted –, collect and record the personal data of the asylum applicants, examine the evidences and establish the medical situation.[102] During the preparatory phase, a first interview is held mainly to determine whether Switzerland is competent to examine the merits of the asylum application (see Personal interview).[103]

On 15 September 2021, the Swiss Parliament allowed immigration officials to access people's **mobile data** if it is the only way to verify their identity. The SRC and UNHCR criticised the measure as disproportionate and an assault on privacy rights.[104] In its meeting on 1 May 2024, the Federal Council decided on the amendments of the ordinance necessary for implementation, which came into force on 1 April 2025.[105]

102 Article 26 AsylA.
103 Article 26 AsylA.
104 SRC, Le Parlement restreint encore les droits fondamentaux des personnes en quête de protection, media release of 15 September 2021, available in French (and German) here, see also the communication of ECRE available in English here. The input from the SRC during the consultation procedure of 19 June 2023 is available in German and French.
105 Federal Council, media release of 1 May 2024 available in French, German and Italian.

Cancellation and inadmissibility decision: On the basis of the findings in the preparatory phase, the SEM decides whether an application should be examined and whether it should be examined on the merits. For inadmissibility grounds see sections on Admissibility procedure and in particular Dublin.

Dublin procedure: If the preliminary investigations indicate that another Member State might be responsible for processing the asylum application according to the Dublin III Regulation, the Dublin procedure will be activated, for further information see Dublin: General.[106]

Accelerated procedure: Unless a Dublin procedure is initiated, the accelerated procedure itself starts as soon as the preparatory phase is completed.[107] It lasts a maximum of eight working days[108] and includes mainly the following stages:[109]

- Preparation of a second interview regarding the grounds of asylum;
- Conduct of the second interview and/or granting the right to be heard;
- Assessment of the complexity of the case and decision to continue the examination of the asylum application under the accelerated procedure or proceed to the extended procedure;
- Preparation of the draft decision;
- If negative, legal representative's opinion on the negative draft decision[110] within 24 hours;
- Notification of the decision.

After the interview on the grounds for asylum, the SEM carries out a substantive examination of the application. It starts by examining whether the applicant can prove or credibly demonstrate that they fit the legal criteria of a refugee. As laid down in law, a person able to demonstrate that they meet these criteria is granted asylum in Switzerland.[111] If this is the case, a positive asylum decision is issued.

If the SEM considers however that an applicant is not eligible for refugee status or that there are reasons for their exclusion from asylum,[112] it will issue a negative asylum decision. In this case, the SEM has to examine whether the removal of the applicant is lawful, reasonable and possible.[113] If the removal is either unlawful, unreasonable or impossible, the applicant will be temporarily admitted (F permit) in Switzerland. A temporary admission constitutes a substitute measure for a removal that cannot be executed. It can be granted either to persons with refugee status who are excluded from asylum or foreigners (without refugee status). The scope of temporary admission as foreseen in national law exceeds the scope of the subsidiary protection foreseen by the EU recast Qualification Directive, as it covers both persons whose removal would constitute a breach of international law, as well as persons who cannot be removed for humanitarian reasons (for example medical reasons).

Currently, the duration of the accelerated procedure exceeds the one foreseen in the law. The average time between the asylum application and decision-taking under the accelerated procedure in 2024 was 103 days,[114] while per law it should not be more than 29 days.

In 2024, out of 14,808 (without withdrawals and dismissals) decisions on the merits issued within the accelerated procedure, 4,271 (29%) resulted in the granting of asylum and 4,060 (27%) of a temporary admission, while a total of 2,993 (20%) rejections were issued with a removal order.[115] This suggests that

106 Article 44 AsylA; Article 83 FNIA.
107 Article 26*c* AsylA.
108 Article 37 (2) AsylA.
109 Article 20*c* AO1.
110 In consideration of this statement, the SEM can adjust its decision. The idea of the statement is that the facts are properly established and that the decision will be correct and comprehensible in terms of formality and in the merits.
111 Article 49 AsylA.
112 Asylum is not granted if a person with refugee status is unworthy of it due to serious misconduct or if they have violated or endangered Switzerland's internal or external security (Article 53 AsylA). Further, asylum is not granted if the grounds for asylum are only due to the flight from the applicant's native country or country of origin or if they are only due to the applicant's conduct after their departure, so-called subjective post-flight grounds (Article 54 AsylA).
113 Article 44 AsylA; Article 83 FNIA.
114 Data provided by the SEM, February 2025.
115 Data provided by the SEM, February 2025.

accelerated procedures do not necessarily result in the issuance of negative decisions, as was initially feared by critical observers before the asylum reform entered in force.

Extended procedure: If it appears from the interview on the grounds for asylum that a decision cannot be taken under an accelerated procedure, the application is channelled into an extended procedure and the asylum applicant is allocated to a canton. The switch to an extended procedure occurs in particular when a procedure cannot be concluded within eight working days because additional investigative measures prove necessary[116] or if the maximum length of stay of 140 days in a federal centre is reached.[117] Besides a possible additional interview, other investigative measures with regard to the identity and origin of the person, the alleged medical problems, the documents submitted or the credibility of the allegations may be taken.

The decision to proceed with the extended procedure is an "incidental decision",[118] that cannot be appealed before the final decision is issued to avoid lengthy procedures.

In a landmark decision of June 2020, the FAC ruled that, in light of the different applicable appeal deadlines, a wrong assessment as to whether a case is to be considered as complex or not - and based on which it will therefore be channelled into the extended procedure or not - may constitute a violation of the right to an effective remedy.[119] The Court clarified that a case should be considered as complex and must be channelled into an extended procedure if a complementary interview on the grounds for asylum is necessary,[120] if the applicant has submitted a large amount of evidence or if further clarifications need to be mandated in the country of origin.[121] The extended procedure also needs to be ordered when the deadlines cannot be met, for example when the medical situation of the applicant could not be sufficiently assessed, and especially if the asylum applicant is still residing in a federal asylum centre after 140 days.[122]

In 2024, the SEM took 22% of the decisions under the restructured procedure within an extended procedure, 43% within an accelerated procedure and 18% within a Dublin procedure.[123]

Length of the procedure: The Asylum Act sets time limits for deciding on the asylum application at first instance. In an accelerated procedure, the decision should be notified within 8 days following the end of the preparatory phase whereas this period is extended to 2 months under the extended procedure.[124] However, the procedural deadlines set in Swiss law are not binding but rather give a general temporal scope. There are thus no legal consequences arising from not respecting them and no legal action can be taken.

In 2024, the average duration of the procedures (excluding those conducted under the old procedure) from the application to the first instance decision was 60 days for Dublin procedures, 103 days for accelerated procedures and 431 days for extended procedures. These lengths are significantly higher than those foreseen in the law (namely a maximum of 29 days for accelerated procedures and approx. 80 days in the extended procedure). The average duration of procedures that were concluded in 2024 under the old procedure was very high - 825 days.[125]

116 Article 26*d* AsylA.
117 Article 24(4) AsylA.
118 *"Zwischenverfügung"* in German or *"décision incidente"* in French.
119 FAC, Decision E-6713/2019, 9 June 2020 = ATAF 2020 VI/5. On this jurisprudence see also: Lucia Della Torre and Seraina Nufer, *Between Efficiency and Fairness: The (new) Swiss Asylum Procedure*, in: Journal of Immigration, Asylum & Nationality Law, Vol. 34 No. 4 2020, 317.
120 Administrative Court, Decision E-4534/2019, 25 September 2019, para 7.5.1; E-4367/2019, 9 October 2019 para 7; E-4329/2019,7 November 2019, para 7; E-5624/2019, 13 November 2019, para 5.3.2.
121 FAC, Decisions E-3447/2019, 13 November 2019, para 5.3.2; E-244/2020, 31 January 2020, para 3.7; E-5850/2019, 21 January 2020, para 8.4; 9; D-6508/2019, 18 December 2019, para 5.6.
122 See for example FAC, Decision E-3447/2019, 13 November 2019 or E-5490/2019, 5 November 2019.
123 Data provided by the SEM, February 2025.
124 Article 37 AsylA.
125 Data provided by the SEM, February 2025.

11,921 applications[126] were pending at first instance on 31 December 2024, of which 34 were still from the old procedure (referring to the asylum system in Switzerland before March 2019).[127]

The decision-making at first instance should be consistent. Therefore, the SEM coordinates between the six asylum regions. Possible differences could be corrected on court-level, as there is only one national instance for asylum cases in Switzerland. However, in practice the jurisprudence of the Court is not always consistent according to the observations of the SRC.

1.2. Prioritised examination and fast-track processing

In October 2022, the fast-track procedures were re-introduced[128] for certain countries of origin: Morocco, Tunisia, Algeria.[129] These procedures are specifically about merging the normally separate procedures of the Dublin-interview and the interviews according to Article 26 and Article 29 AsylA in the national asylum procedure for these selected countries. According to the SEM, this should enable the asylum procedure to be completed more quickly.[130]

In the meantime, the asylum authority tested a further fast-track procedure, called 24h-procedure, for adult male asylum applicants from Algeria, Morocco, Tunisia and Libya without any vulnerabilities. After a test phase, it was decided to implement this procedure in all asylum regions.[131] The aim of these procedure is to process asylum applications that are clearly doomed to failure in the shortest possible time. To achieve this, the essential stages of the procedure ought to be completed within 24 hours. In 2024, the applications of 2,433 persons were processed under the 24h-procedure.[132]

Under the Asylum Act, asylum applications lodged by unaccompanied minors are examined as a matter of priority.[133] The strategy of the SEM for processing asylum applications takes several elements into account, namely (i) the situation in the country of origin, (ii) the credibility of the asylum request and (iii) the asylum applicant's personal behaviour.[134] Applications that can be processed under the Dublin procedure or under an accelerated procedure are given priority treatment,[135] as well as those lodged by nationals originating from countries with a low recognition rate. The list of countries considered as having a low chance of success is available online and was last updated in October 2019 (and is still relevant at the time of publication).[136]

126 SEM, asylum statistics (6-10), available here.
127 Data provided by the SEM, March 2025.
128 Following the entry into force of the restructured asylum procedure in 2019, the previous accelerated procedures (i.e. fast-track and 48-hour procedures) were not used anymore.
129 Aargauer Zeitung, *«Die Asyllage ist sehr angespannt»: Bundesrätin Keller-Sutter interveniert bei der EU-Kommission – mit erstaunlichem Erfolg*, 15 October 2022, available in German here.
130 Information provided by the SEM, October 2022.
131 SEM, media release of 20 February 2024: *Beat Jans annonce au Tessin des mesures pour soulager le système de l'asile*, available in French, Geman and Italian here and media release of 10 May 2024 in French, German and Italian. The SRC criticssed this measure. In its view, if significant misuse of federal asylum centres is indeed an issue, alternative measures should be considered rather than restricting the right to asylum for all, see media release of 21 February 2024 in German. By September 2024, the SRC called for an end to the 24-hour procedures. It argued that the measure had not resulted in fewer asylum applications from the Maghreb countries. The SRC expressed ongoing concerns about the unequal treatment of asylum applicants and the risk that asylum claims cannot be adequately examined under such a rapid process. From the Swiss Refugee Council's perspective, the 24-hour procedure is failing to achieve its stated objectives and should be discontinued, see media release of 21 September 2024 in French and German.
132 Data provided by the SEM, March 2025.
133 Article 18 (2bis) AsylA.
134 SEM, *Demandes d'asile priorité aux procédures Dublin et aux procédures accélérées,* 9 May 2019, available in French (and German and Italian) here.
135 SEM, *Strategy for processing asylum requests: Fast-tracking of unjustified applications,* 17 July 2019, available in English (and German, French and Italian) here.
136 The list of countries with a low recognition rate is available in English here.

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
   - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never
4. Can the asylum applicant request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
   - ❖ If so, is this applied in practice for interviews? ☒ Yes ☐ No

The SEM carries out the whole first instance procedure. It is therefore also responsible for conducting the interviews with the applicants during the asylum procedure in both accelerated and extended procedures.

During the preparatory phase, the applicants undergo a short preliminary interview during which they are accompanied by their legal representative. This interview is mainly held to determine whether Switzerland is competent to examine the merits of the asylum application and is called Dublin interview (see section on Dublin: Personal interview).

In case the SEM intends to take an inadmissibility decision (see section on Admissibility Procedure), the applicant is granted the right to be heard, be it orally during the interview or later in writing. The same applies if the person deceives the authorities regarding their identity and this deception is confirmed by the results of the identification procedure or other evidence, if the person bases their application primarily on forged or falsified evidence, or if they seriously and culpably fail to cooperate in some other way.[137] In those cases, there is no second interview.

Unaccompanied minors do not undergo a Dublin interview but are subject to a first interview for unaccompanied minors, during which they are accompanied by their person of trust who is as well their legal representative. The interview serves to gather information about their person, family and journey in order to prepare the next steps of the procedure, which sometimes include an age assessment (see Age assessment of unaccompanied children).

According to the SEM, data on the duration of the interviews is not collected.[138]

Interview on the grounds for asylum: If the SEM declares the application admissible, the accelerated procedure begins and the applicant undergoes a second interview (so-called interview on the grounds for asylum).[139] On this occasion, the applicant has the possibility to describe their asylum grounds and, if available, to submit evidence. In addition to the person in charge of conducting the interview and the person who draws up the minutes, asylum applicants are accompanied by their legal representative and, if necessary, a translator. The applicant may also be accompanied by a person of their choice and an interpreter.[140] In 2024, the SEM conducted 12,615 interviews on the grounds for asylum (and 2,299 additional interviews, see below). The SEM also conducted 5 interviews on the grounds for asylum under the old procedure and 12 complementary interviews under the old procedure.[141]

During the interview on the grounds for asylum, the following main topics are discussed:

- ❖ Educational background, training and career paths
- ❖ Places of residence in the country of origin and possible stays in other countries

137 Article 36 AsylA.
138 Information provided by the SEM, 31 May 2023.
139 Article 29 AsylA.
140 Article 29 AsylA.
141 Data provided by the SEM, March 2025.

- Family and social environment
- Identity documents
- Itinerary before arrival in Switzerland
- Grounds for claiming asylum
- Pieces of evidence
- Health conditions[142]

The SEM may then subsequently decide to carry out a complementary asylum interview and assign the applicant to the extended procedure if additional investigative measures are necessary. In 2024, the SEM conducted in total 2,311 such complementary asylum interviews.[143] This decision is only up to the SEM, however the legal representative can suggest its suitability, for example if not all the relevant topics have been discussed or if they have more questions to add. Interviews conducted by SEM under the extended procedure satisfy the same conditions and requirements as those carried out under the accelerated procedure. In principle, the applicant is invited to an interview, at which they are accompanied by their legal representative. The interview takes place in the federal asylum centre where the first stages of the person's asylum procedure are carried out.

According to Article 17(2) AsylA in relation to Article 6 AO1, if there are concrete indications of gender-related persecution or if the situation in the State of origin allows the inference that such persecution exists, the asylum applicant shall be heard by a person of the same sex. This rule also applies to the other participants of the interview such as the interviewer, the interpreter and the legal representative and represents a right for the asylum applicant. Non-compliance with this provision constitutes a violation of the right to be heard. The applicant is, however, free to renounce this right. In this case, a formal right to be heard must be granted. Interviews are also generally adapted for LGBTQI+ applicants, however this is done out of goodwill, it is not a right of the applicant.[144]

In practice, the official in charge of the case may of their own initiative decide to conduct an interview with persons of the same sex as the applicant, or the legal representative may so request. However, it may also happen that this obligation is not complied with in practice. When this happens, the legal representative can intervene to require the cancellation of the interview and its conduct with an appropriate interview team composition. In case of male applicants victims of gender related persecution, this provision is implemented in a more open and pragmatic way, asking the asylum applicant which team composition he prefers.[145]

Interviews are generally conducted individually, i.e., adult women and men from the same family are not interviewed together. Children should not be present during the interview of their parents. Interviewers who conduct interviews with vulnerable persons, including children, are required to be specially trained. A guideline concerning vulnerable persons was announced to be developed by SEM but has not been published so far. In a landmark case from 2014, the FAC set guidelines on precautions to be taken during interviews with children.[146]

1.3.1. Interpretation

According to Swiss asylum law, the presence of an interpreter during the personal interviews is not an absolute requirement, as an interpreter should be called in "if necessary".[147] Generally, it is only in exceptional cases that no interpreter participates in the interview. According to the SEM, the interview always takes place with an interpreter, unless the knowledge of an official Swiss language by the applicant

142 Further information about the interview on the grounds for asylum and the quality criteria to be followed by SEM employees in charge of the interviews is available in French in the Handbook of the SEM on Asylum and Return, chapter C6.2, here – the chapter was updated as of 21 December 2023, here.
143 Data provided by the SEM, March 2025.
144 Information by the SRC, January 2023.
145 SEM, Handbook on Asylum and Return, chapter D2, 18. Available in French here.
146 ATAF 2014/30.
147 Article 29(1bis) AsylA.

is considered sufficient.[148] The SEM issued a code of conduct applicable for its interpreters, specifying their role, the expected impartial and neutral conduct and emotional detachment during translation.[149] The code of conduct has a binding character and is handed over to the interpreters together with the contract. In case of misconduct, various measures may apply, also the ending of the contract. Interpreters are usually recruited by the SEM. The principles of confidentiality are described in detail in the documents «General Terms and Conditions of the SEM Fee Contract» and «Declaration of Confidentiality». These two documents are attached to the fee contract for interpreters and are signed by the interpreters.[150] Since 1 January 2024, Article 29a AsylA allows the SEM to have interpreters and translators assessed with regard to their trustworthiness.

Even if, in general, an interpreter is present during the interviews, some problems have been identified with regard to simultaneous translation. Internal, unpublished surveys on procedural problems regularly highlighted difficulties relating to simultaneous translation, such as partially incorrect translations, difficulties in comprehension considering the cultural context and the corresponding references. In this respect, the systematic presence, in principle, of an interpreter and a legal representative during the interview should reinforce the right of asylum applicants to be able to express themselves in a language of which they have a sufficient command. If significant communication problems arise between the interpreter and the asylum applicant, the interview must be cancelled. In any case, issues related to translation should be mentioned in the minutes to be considered by the Court in case of appeal. The surveys also pointed out that several interpreters are not impartial, sometimes even have close ties to the regime in the country of origin, or that they lack professionalism (i.e. imprecise, no literal translation but a summary, lacking linguistic competence).[151] Problems have also been identified in relation to the difference in accent or dialect between the interpreter and the applicant, especially in cases where the applicant's mother tongue was Tibetan, Kurdish of Syria or Dari.

1.3.2. Recording and report

Neither audio nor video recording of the personal interview is required under Swiss legislation. The recording of interviews with asylum applicants is a long-standing demand of charitable organisations, which has so far not been implemented by the federal authorities.[152]

However, written minutes are taken of the interview and signed by the persons participating in the interview at the end, after a translation back into the language of the applicant (carried out by the same interpreter who had already translated during the interview).[153] Before signing the minutes, the applicant and legal representative have the possibility to make further comments or corrections to the minutes.

148 SEM, Handbook on Asylum and Return chapter C6.2, available in French here, 8; Asylum Appeals Commission, Decision EMARK 1999/2 of 27 October 1998, para 5.

149 SEM, *Role of the interpreter in the asylum procedure*, January 2016, available in English here; see also SEM, *Requirements for interpreters and translators* (no date), available in English here.

150 Information provided by the SEM, May 2023.

151 On the issue of interpretation see in particular: SRC, *L'interprétariat dans le domaine de l'asile n'est pas une question mineure,* 5 July 2017, available in French here and Le Temps des réfugiés, *Asile: les superpouvoirs des interprètes;* 16 May 2019, available in French here.

152 Le Temps des réfugiés, *Plusieurs Etats européens procèdent déjà à l'enregistrement audio des auditions d'asile. Pourquoi pas la Suisse?,* 4 October 2019, available in French here ; Jasmin Caye, *Auditions : une mauvaise traduction et la vie d'un demandeur d'asile peut basculer*, Vivre Ensemble 177, May 2020, available in French here.

153 Article 29(3) AsylA.

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive ☐ Yes ☒ Some grounds ☐ No

2. Average processing time for the appeal body to make a decision in 2024:
   In the extended procedure: 214 days
   In the accelerated procedure: 101 days
   In Dublin procedures: 51 days[154]

Swiss law provides for an appeal mechanism in the regular asylum procedure. The sole competent authority for examining an appeal against inadmissibility and in-merit decisions of the SEM is the FAC.[155] A further appeal to the Federal Supreme Court is not possible (except if it concerns an extradition request or detention, including in Dublin cases).[156] If there are to welcome the appeal, the FAC can either deliberate on the merits of a case and issue a new, final decision or cancel the decision and send the case back to the SEM for reassessment. Appeals are usually decided upon by three judges, while manifestly founded or unfounded cases are decided upon by one judge (with the approval of a second judge). Leading decisions (or coordination judgements) are taken by five judges.

An appeal to the FAC can be made on two different grounds: the violation of federal law, including the abuse and exceeding of discretionary powers; and incorrect and incomplete determination of the legally relevant circumstances.[157]

It is important to note in this respect that the FAC cannot fully verify asylum decisions of the SEM.[158] The Court can examine the SEM's decisions on asylum only regarding the violation of federal law, including the abuse and exceeding as well as undercutting (but not the inappropriate) use of discretionary powers or incorrect and incomplete determination of the legally relevant circumstances.[159] Even if the Court can still verify the appropriateness of the enforcement of removal (as this part of the decision falls under the Foreign Nationals and Integration Act, as opposed to the decision on asylum, which falls under the Asylum Act and is therefore subject to the limitation of the Court's competence),[160] it is questionable whether the legal remedy in asylum law is effective. The limitation of the Court's competence in asylum decisions seems problematic and unjustified in view of the rights to life, liberty and physical integrity that are at stake. It can also lead to incongruities between the areas of asylum and foreigners' law.[161]

The appeal must meet a certain number of formal criteria (such as written form, official language, mention of the complaining party, signature and date, pieces of evidence if available). The proceedings in front of the Court should be conducted in one of the 4 official languages,[162] which are German, French, Italian and Romansh. Writing an appeal can be an obstacle for an asylum applicant who does not speak any of these languages. In practice, the Court sometimes translates appeals or treats them even though they are written in English. The Court can also set a new time limit to translate the appeal, but there is no legal basis for this procedure; it depends on the goodwill of the responsible judge. As a service to persons who

154 Data provided by the FAC, March 2025.
155 Article 105 AsylA. Most decisions of the FAC can be found here.
156 Article 83(c)-(d) Federal Supreme Court Act.
157 Article 106 AsylA.
158 Article 106(1) AsylA. Appropriateness of a decision means situations in which the determining authority has a certain margin of appreciation in which it can manoeuvre. Within this margin of appreciation, there can be decisions that are "inappropriate" but not illegal because they still fall within the margin of appreciation and they respect the purpose of the legal provision, but the discretionary power was used in an inappropriate way.
159 For a more detailed analysis of the discretionary power of the determining authority and the competence of the FAC, see FAC, Decision E-641/2014, 13 March 2015.
160 S. the according landmark case ATAF 2014/26 E. 5.
161 For a more thorough analysis of the changed provision in the Asylum Act, see Thomas Segessenmann, *Wegfall der Angemessenheitskontrolle im Asylbereich (Article 106 Abs. 1 lit. c AsylG)*, ASYL 2/13, p. 11.
162 Article 33*a* APA.

want to write an appeal themselves, the SRC offers a template for an appeal with explanations in different languages on its website.[163]

In addition, it must be clear that it is an appeal and what the intention of the appeal is. If an appeal does not meet the criteria, but the appeal has been properly filed, the Court should grant an appellant a suitable additional period to complete the appeal.[164]

The time limit for lodging an appeal against negative decisions on the merits is 7 working days if the decision was issued under the accelerated procedure and 30 days under the extended procedure. No such extension was foreseen for inadmissibility decisions taken without entering on the merit (NEE/NEM), for which the appeal needs to be filed within five working days. The Court normally has to take decisions on appeals against decisions of the SEM within 20 days in case of accelerated procedure and within 30 days under the extended one.[165] During the 2024, the 20-day deadline was met in 28% of cases (286 procedures). It exceeded by a few days in 27% of cases, by 10 to 30 days in 27% of cases, and by more than 30 days in 46% of cases.[166] Nevertheless, the average procedural duration in front of the Court was 101 days in the accelerated procedure, while the average duration of the appeal procedure in the extended procedure was 214 days. For Dublin procedures it was 51 days, in this procedure, the 5-day deadline was met in 50% of the cases, in 43% of the cases, the deadline exceeded by a few days, in 37% it exceeded by more than 30 days.[167]

In general, an appeal has automatic suspensive effect in Switzerland.[168]

Different obstacles in appeals have been identified. One important obstacle is the fact that the Court may demand an advance payment (presumed costs of the appeal proceedings, usually amounting to 750 Swiss francs (around 799 Euros as of January 2025), under the threat of an inadmissibility decision in case of non-payment. Only for special reasons can the full or part of the advance payment be waived.[169] Appeals filed by legal representatives working for the organisations mandated by the SEM are usually not subject to such advance payment. An advance payment is mostly requested when the appeal is considered as *prima facie* without merit, which may be fatal to destitute applicants in cases of a wrong assessment. Such wrong assessments have been noted by the European Court of Human Rights (ECtHR).[170] The Federal Supreme Court issued a judgment in 2017 in response to a supervisory complaint that no advance payment can be demanded for unaccompanied asylum-seeking children in appeal procedures.[171]

Finally, the fact that the appeal procedure is exclusively carried out in writing can represent an obstacle since the appellant has no direct contact with the judges and can only express themselves in written form. The Court has the possibility to order a hearing if the facts are not elucidated in a sufficient manner,[172] however in practice, it does not make use of this possibility.

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163 SRC, *Instructions for filing and appeal* and *Appeal template*, available (in several languages) here.
164 Article 33a and 52 APA.
165 Article 109 AsylA.
166 Data provided by the FAC, March 2025.
167 Information provided by the FAC, March 2025.
168 Article 55(1) APA.
169 Article 63(4) APA.
170 For example ECtHR, *MA v Switzerland*, Application No 52589/13, 18 November 2014, available here. In this case, the FAC delivered an interim decision in which it declined the applicant's request for legal aid, reasoning that his application lacked any prospects of success. In its preliminary assessment of the case, The Court noted that the applicant was deprived of additional opportunities to prove the authenticity of the second summons and the Iranian conviction before the national authorities because the FAC ignored the applicant's suggestion of having the credibility of the documents further assessed. It did not follow up on the applicant's proposal to submit the copies to the Migration Board for further comments but instead decided directly on the basis of the applicant's file and his appeal.
171 Federal Supreme Court, Decision 12T_2016, 16 October 2017. The Federal Supreme Court is the supervisory authority of the FAC. Supervisory complaints are aimed at the cancellation or adjustment of an existing general practice of the FAC regarding specific matters. In this respect, judgements of the Federal Supreme Court have the effect of landmark decisions. In the present case, the FAC had therefore abided to change its previous practice of charging an advance on costs for appeals by unaccompanied minors.
172 Article 14 APA.

Criticism from UN-CAT: In the views adopted in 2022 by the Committee[173] against Switzerland, the UN-CAT considered that the asylum procedure before the SEM/FAC suffered from significant shortcomings. It stated that the judgment of the Court, given by a single judge, with only an anticipated and summary assessment of the complainant's arguments, based on a questioning of the authenticity of the documents submitted, but without taking measures to verify them, constituted a breach of the procedural obligation to ensure an effective, independent and impartial examination required by Article 3 of the Convention. Regarding the effectiveness of the remedies available to the person concerned - the appeal to the Court and the request for reconsideration - the UN-CAT noted that the Swiss instances had not applied the suspensive effect to these steps and that the demand for the costs of the proceedings, while the complainant was in a precarious financial situation, deprived him of the possibility of turning to the judiciary to have his complaint examined by the judges of the FAC.[174] As of January 2025, there were no relevant changes in practice following this complaint.

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum applicants have access to free legal assistance at first instance in practice?
   ☒ Yes ☐ With difficulty ☐ No
   - ❖ Does free legal assistance cover: ☒ Representation in interview ☒ Legal advice

2. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice?
   ☒ Yes ☒ With difficulty ☐ No
   - ❖ Does free legal assistance cover ☒ Representation in courts ☒ Legal advice

Asylum applicants have the right to receive free counselling and legal representation at first instance, regardless of the applicable procedure (accelerated, extended, Dublin).[175] This accompanying measure aims to compensate the overall objective to speed-up the decision-making process. To ensure this legal protection, SEM contracted service providers from recognised charitable organisations to carry out these tasks in the federal asylum centres and at the airports of Geneva as well as, theoretically,[176] in Zurich. They are paid based on the number of signed powers of attorney. These organisations are selected through a public call for tenders and all of them have solid experience in providing legal support and representation to applicants. They currently comprise 4 organisations which are present in the 6 federal asylum centres, and their mandate was extended until 28 February 2025. The organisations are as follows:

173 CAT, CAT/C/75/D/972/2019, B.T.M., 9 December 2022, available in French here.
174 Ibid., § 8.7.
175 Article 102f AsylA.
176 In practice, in Zurich, the persons are still sent to the federal asylum centre of Zurich after a short security check (information provided by Berner Rechtsberatungsstelle für Menschen in Not, 29 December 2022 and additionally on 15 April 2024).

Organisations providing legal assistance at first instance	
Federal centre	Name of organisation
Altstätten SG	HEKS-Rechtsschutz
Bern BE	Rechtsschutz für Asylsuchende (Berner Rechtsberatungsstelle für Menschen in Not)
Basel BS	HEKS-Rechtsschutz From March 2025: Rechtsschutz für Asylsuchende (Berner Rechtsberatungsstelle für Menschen in Not)
Boudry (+ airport Geneva) NE	Protection juridique Caritas Suisse & VSJF
Chiasso TI	SOS-Ticino & Caritas Protezione giuridica
Zurich (+ airport Zurich) ZH	Rechtsschutz für Asylsuchende (Berner Rechtsberatungsstelle für Menschen in Not)

Source: SRC, addresses and contacts available here.

From March 2025 onwards, these organisations will remain the same, except for Basel BS the HEKS-Rechtsschutz which will be replaced by Rechtsschutz für Asylsuchende (Berner Rechtsberatungsstelle für Menschen in Not). Although mandated by the federal migration authority SEM, independence and confidentiality in the work of legal representation must be guaranteed.[177] UNHCR published a series of recommendations addressed to legal counsellors and representatives as well as managers to ensure a legal protection of good quality.[178]

Each asylum applicant is assigned a legal representative from the start of the preparatory phase and for the rest of the asylum procedure, unless the asylum applicant expressly declines this. The legal representative assigned should inform the asylum applicant as quickly as possible about the asylum applicant's chances in the asylum procedure. The so-called legal protection in the federal asylum centres, consisting in principle of an advice office and legal representation, mainly carries out the following tasks:[179]

- Informing and advising asylum applicants;
- Informing asylum applicants about their chances of success in the asylum procedure;
- Ensuring the preparation of – and participating in – the interview;
- Representing the interests of unaccompanied minor asylum applicants as a person of trust in federal centres and at the airport;
- Drafting an opinion on the negative draft decision in the accelerated procedure;
- Communicating the end of the representation mandate to the asylum applicant when the representative is not willing to lodge an appeal because it would be doomed to failure (so-called 'merits test');[180]
- Ensuring legal representation during the appeal procedure, in particular by preparing and writing an appeal;

177 SEM, *Asile : attribution des mandats pour le conseil et la représentation juridique dans les centres fédéraux,* 17 October 2018, available in French here.

178 UNHCR, *Recommandations du HCR relatives au conseil et à la représentation juridique dans la nouvelle procédure d'asile en Suisse*, March 2019, available in French here. Available also in German and Italian; The quality of the legal protection was evaluated in an external evaluation mandated by SEM. The results were published in August 2021. The evaluation is in German/French available here, a comment of the SRC is available in German (and French) here. The Coalition of Independent Jurists for the right of asylum, gathering several lawyers and NGOs working on asylum cases, published an independent evaluation of the first year of implementation of the asylum reform: Coalition des juristes indépendant-e-s pour le droit d'asile, *Restructuration du domaine de l'asile: Bilan de la première année de mise en œuvre*, September 2020, available in French here, and in German here, 13, ch. 4.2.8.FAC

179 Article 52 OA1 and seq.

180 Depending on the organisation in charge of legal assistance, several steps may have been taken to provide a framework for this sensitive assessment. For example, the principle of double-checking each negative decision received: a manager or more experienced legal representative will systematically evaluate the decision and discuss it with the legal representative in charge of the case. In addition, internal recommendations or guidelines relating to the practice of the authorities make it possible to guide and give clear information to the lawyers in charge of making this merits test.

- ❖ Informing the asylum applicant of the other possibilities for legal advice and representation for lodging an appeal.

In cases where the application is being channelled into the extended procedure, legal representatives must conduct an "exit interview" with the applicant to inform them of the further course of the asylum procedure and of the possibilities for legal advice and representation in the extended procedure (see below).

The legal representation lasts, under the accelerated and the Dublin procedure, until a legally binding decision is taken, or until an incidental decision on the allocation to the extended procedure is issued by the SEM. It also extends to a possible appeal procedure in front of the FAC. It ends when the assigned legal representative informs the asylum applicant that they do not wish to submit an appeal because it would have no prospect of success (so called "merits-test"). This can be seen as problematic since the merits-test would be a task for the Court but also, since the estimation of the prospect of success is depending on jurisprudence, the development of the jurisprudence is slowed down. If the legal representative decides to lay down their mandate, this should take place as quickly as possible after notification of the decision to reject asylum to allow for the asylum applicant to find another legal representative if wished.[181] The mandated legal representative should give the contact of other legal advice offices.

Revocation of mandates are particularly problematic given the geographic isolation of some federal centres and the short deadlines for introducing an appeal, which can make it practically impossible to find a legal representation and hence prevent the asylum applicant from accessing an effective remedy. This problem may be accentuated depending on the region the asylum applicant was allocated to, as discussed above, which also creates unequal treatment. Also, for legal advice offices or lawyers who take over and appeal in those cases, there is only very little time for gathering all documents and writing the appeal.

No statistical data are available on the number of asylum applicants having renounced to legal representation during their asylum procedure nor on the number of asylum applicants having appointed an external independent lawyer. According to the SEM, it is rare that asylum applicants renounce their right to legal representation.[182]

The extended procedure (allocation to a canton)

Following allocation to a canton, asylum applicants may contact a legal advice agency, or the legal representative allocated free of charge at relevant steps of the first instance procedure before the decision, particularly if an additional interview is held on the grounds for asylum.[183] In fact, usually there is a change of legal representation after the triage in the extended procedure. However, the legal representative assigned at the federal asylum centre can continue to represent the asylum applicant in exceptional cases if a relation of trust has developed.[184]

Following a public call for tenders, the SEM appointed several organisations active in the cantons to provide legal protection after the asylum applicant's attribution to the extended procedure.[185] An updated list of all organisations providing legal representation for asylum applicants in the different regions of Switzerland (both those appointed by the SEM as well as other organisations) is available on the website of the SRC.[186]

181 Article 102*h* AsylA.
182 Information provided by the SEM, May 2023.
183 Article 102*l* AsylA.
184 Article 52*f*(3) OA1.
185 SEM, *Loi sur l'asile révisée : le SEM désigne les bureaux de conseil juridique habilités,* 26 February 2019, available in French (and German and Italian) here.
186 The list is available here.

The system of legal representation in the extended procedure implemented by the SEM covers solely the decisive steps of the asylum procedure. It does not include the submission of an appeal to the FAC, a task for which they could be reimbursed afterwards by the Court if the appeal is not considered as doomed to fail. Furthermore, several activities traditionally carried out by the legal advice offices active in the cantons do not fall within the scope of application under the new Asylum Act and the related ordinances, for instance family reunification procedures, contacts and reaching out to health professionals or questions relating to accommodation.[187] When asylum applicants are attributed to a canton where another language is spoken than in the one spoken where the federal centre was located, this can represent an obstacle for the legal representative. Complementary interviews will be conducted in the initial federal asylum centre in the language of that centre, and the decision will also be written in that language. A further obstacle for legal representatives in the extended procedure is that the SEM does not allow access to the minutes of the interview on the asylum grounds, except if there is a complementary interview. In this case they only have access two hours before the interview or – in case the legal representative has to travel a long way to the federal centre where the interview will take place – the evening (after 17h) before the day of the interview. This time is insufficient to prepare for the interview, especially if it is written in a language that the legal representative does not completely master. This also does not allow for adequate exchange with the asylum applicant, especially when a translator is needed.

The procedural steps that the legal advisory offices receive remuneration from the SEM for are significantly reduced compared to the accelerated procedure, which means a much lower compensation for legal protection in the extended procedure. To be compensated for the costs of the appeal, the legal representative must apply to the court to be granted free legal representation, which if granted is only paid after the judgment. The only partial remuneration of legal assistance means that in practice, there are steps that are not or insufficiently covered by the compensation received from the state (e.g. the study of files, obtention of means of proof, interpreters, expenses for journeys to see the client etc.). This is especially problematic if asylum applicants are in prison or lodged far away from the legal advisory office (see chapter Detention: Legal Assistance).

Access to legal representation for asylum applications lodged in detention:

See: Registration of the asylum application.

2. Dublin

2.1. General

If the preliminary investigations in the preparatory phase indicate that another Member State might be responsible for processing the asylum application according to the Dublin III Regulation, a request for taking charge or taking back is submitted to the relevant State. Under the Asylum Act, a Dublin procedure formally begins with the submission of the request to take charge or take back and lasts until the transfer to the competent Dublin State or the decision of SEM to examine the application on the merits in a national procedure.[188] In case of a Dublin procedure, the SEM has to examine whether grounds exist to make use of the sovereignty clause. If such grounds exist, Switzerland takes over the responsibility for examining the application even if another Member State would be responsible according to the Dublin Regulation. In all the other cases where a decision to dismiss the application without examining the substance of the case has been taken, the SEM examines if the transfer of the applicant to the receiving State is lawful, reasonable and possible.

Dublin statistics: 2024

In 2024,[189] the SEM reported to have sent 9,947 outgoing requests, mainly to Italy, Germany, Croatia and France, and to have implemented 2,491 outgoing transfers to Germany, Croatia, France, Spain,

187 SRC, *Conseil et représentation juridique,* available in French (and German) here.
188 Article 26*b* AsylA.
189 SEM, asylum statistics, (7-50).

Netherlands and Austria. The SEM reported 4,734 incoming requests, mainly from Germany and, and 869 implemented incoming transfers.

The data concerning 2024 presented in the table below uses data[190] from SEM regarding the countries with the highest numbers for each procedure. However, particularly in the case of Switzerland, these numbers should be used with caution as there have been in previous years major discrepancies between data reported at the national level by SEM and data presented by Eurostat.

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
Total	9,947	2,491	**Total**	4,727	869
Italy	2,231	23	Germany	1,689	335
Germany	2,117	841	France	1,304	178
Croatia	1,275	354	Belgium	621	48
France	979	286	Netherlands	429	87
Netherlands	729	267	Italy	105	5

Source: SEM, asylum statistics (7-50)

The Dublin III Regulation is applied directly since 1 January 2014.

2.1.1. Application of the Dublin criteria

According to the SEM, in 2024 Switzerland issued a total of 9,947 take charge or take back requests to other Member States, compared to 12,933 in 2023; 8,008 in 2022 and 4,904 in 2021. They were based on the following criteria:

Outgoing Dublin requests by criterion: 2020-2024					
Dublin III Regulation criterion	2020	2021	2022	2023	2024
Family provisions: Articles 8-11	18	13	46	78	60
Documentation and entry: Articles 12-15	1,037	1,122	2,427	3,471	2,560
Dependency and humanitarian clause: Articles 16 and 17(2)	4	16	22	33	12
"Take back": Article 18(1)(b)	2,166	2,775	4,652	8,492	6,195
"Take back": Article 18(1)(c)	43	34	25	42	49
"Take back": Article 18(1)(d)	779	933	805	735	1,015
"Take back": Article 20(5)	10	11	15	16	12
Total outgoing requests	**4,057**	**4,904**	**8,008**[191]	**12,933**[192]	**9,947**[193]

Source: Information provided by the SEM, March 2025.

190 SEM, asylum statistics, (7-50).
191 16 outgoing requests were not categorised.
192 66 outgoing requests were not categorised.
193 SEM, asylum statistics, (7-50), 44 outgoing requests were not categorised.

The FAC clarified in 2015 that the presence of a family member or sibling in a pending asylum procedure in Switzerland qualifies as "legally present" for the purposes of Article 8(1) of the Dublin III Regulation.[194] It also confirmed that Article 9 and 10 of the Dublin III Regulation are directly applicable, and that there is a reduced standard of proof to establish the competence of a Member State in the Dublin procedure.[195]

The family criteria in particular are generally applied narrowly. The SEM's practice regarding the effective relationship and the definition of family members in the Dublin III Regulation is strict.[196]

In a leading judgment of January 2021, the Court ruled for the first time regarding the established right of residence as a prerequisite for relying on Article 8 ECHR. It stated that a family can, in principle, request that its rights be considered in light of Article 8 ECHR, regardless of the residence status of the family member living in Switzerland. Additionally, it stated that Article 8 para 1 ECHR is only violated if a balancing of interests leads to the result that the private interests of the persons concerned in the continuation of family life in Switzerland outweigh public interests in the transfer of a family member to the family member to the member state originally found responsible.[197]

2.1.2. The dependent persons and discretionary clauses

Article 16 of the Dublin III Regulation must be used if such a constellation is the case, if an actual dependency is given, Article 16 counts as further criteria to determine the member state responsible.[198]

According to the jurisprudence of the FAC, the sovereignty clause in Article 17 of the Dublin Regulation is not self-executing, which means that that applicants can only rely on the clause in connection with another provision of national law.[199] The clause must be applied though if the transfer to the responsible Dublin State would violate one of Switzerland's international obligations, Article 29a(3) AO1 provides the possibility to apply the sovereignty clause on humanitarian grounds. There are no general criteria publicly available in Switzerland on when the humanitarian clause or the sovereignty clause are implemented. According to the FAC, the criteria must be transparent, objective, and comprehensible.[200] The SEM is very reluctant to show in a transparent manner which criteria are decisive for the application of the sovereignty clause. The FAC competence to examine the SEM's decision regarding humanitarian reasons is very limited, which leads to less jurisprudence and transparency on the issue. However, the Court has sent some cases back to the SEM, notably because it had failed to consider whether to apply a discretionary clause (see section on Dublin: Appeal).[201]

According to Swiss case law,[202] the interpretation of humanitarian reasons should be similar to the interpretation of the humanitarian clause of the Dublin Regulation.[203] Therefore, a sharp distinction cannot be made between the grounds mostly accepted by Swiss authorities to use the sovereignty clause and grounds mostly accepted to use the humanitarian clause. In most cases in which Switzerland decides to examine an application even if another state is responsible, the cases concern EU Member States with problematic conditions. Another category are particularly vulnerable persons, for example families (especially single mothers with children) or persons with severe medical problems that run a high risk of not receiving the essential care because of the deficiencies of the reception conditions or of the asylum

194 FAC, Decision D-5785/2015, 10 March 2016.
195 FAC, Decision E-6513/2014, 3 December 2015.
196 See for example: FAC, Decision ATAF 2017/VI/1, 10 February 2017.
197 FAC, Decision ATAF 2021 VI/1, 25 January 2021. See here.
198 FAC, Decision ATAF 2017 VI/5, 11 May 2017.
199 FAC, Decision E-5644/2009, 31 August 2010.
200 FAC, Decision E-7896/2015, 23 June 2016.
201 See for example: FAC, Decision D-3566/2018, 28 June 2018: Case of a woman whose parents were recognised as refugees in Switzerland and who herself was in a very bad state of health, the FAC recognised a mutual dependency between the daughter and her parents to such an extent that non-application of Article 16 of the Dublin Regulation could not be justified; the SEM was ordered to proceed with the material assessment of the applicant's asylum claim under the national procedure.
202 FAC, Decision E-7221/2009, 10 May 2011.
203 Articles 16 and 17(2) Dublin III Regulation.

system in the responsible Member State.[204] However, the threshold for the application of the humanitarian clause is high. A high risk of detention in case of a transfer back to the responsible state has also been stated as a reason (for further information see section on Dublin: Appeal).[205]

In a leading judgment from 2021, the FAC confirmed that asylum applicants in Dublin procedures can invoke Article 8 ECHR if they have family members with a temporary admission in Switzerland. The temporary admission status will then be taken into account as one of the factors when deciding on the balance of interests in the sense of Article 8(2) ECHR.[206] This is a new development for Dublin, as Swiss practice in other areas generally considers a "stable residence status" in Switzerland as a prerequisite for invoking Article 8 ECHR and thus for examining Article 8 (2) ECHR, and a temporary admission usually not being considered stable enough (except in special individual circumstances).

In 2024, the SEM applied the sovereignty clause in 1,058 cases, compared to 373 cases in 2023, 484 cases in 2022, 672 cases in 2021, 546 cases in 2020 and 859 cases in 2019. In 2024, 681 cases concerned applications for which Italy[207] would have been competent according to the Regulation, 284 Greece, 40 Croatia, 12 France, and 11 Hungary.[208]

These figures show that, like the family criteria, the humanitarian clause and the sovereignty clause are only rarely applied by Switzerland.[209]

2.2. Procedure

Indicators: Dublin: Procedure

1. On average, how long does a transfer take after the responsible Member State has accepted responsibility?[210]
   - ❖ Answer to negative Dublin decision 18 days
   - ❖ Negative Dublin decision to transfer 195 days[211]

The SEM has to transmit the fingerprints of applicants to the Central Unit of the Eurodac System.[212] The Federal Council has the possibility to provide exceptions for children under the age of 14.[213] In practice, all applicants over 14 years of age are systematically fingerprinted and checked in Eurodac after the registration of their application in Switzerland. This applies to all asylum procedures carried out in Switzerland, regardless of where an application is filed. The Dublin procedure is systematically applied in all cases where the data check or other indications suggest that another Dublin Member State is responsible for examining an asylum application.[214]

The FAC ruled that if a person fails to cooperate with fingerprinting, this can be considered as a severe violation of the duty to cooperate according to the Asylum Act. This is also the case if the asylum applicant wilfully destroys the skin of their fingertips. However, the SEM must clarify with an expert whether or not the modification of the fingertips was wilful or due to external influences.[215] Article 8(3-bis) of the Asylum

204 For example: In Decision D-5221/2016, 31 October 2018 and Decision D-5407/2018, 31 October 2018, the FAC referred the cases back to the SEM to do a proper examination of a possible use of the sovereignty clause. The cases concerned families with a Dublin decision to Bulgaria, where they had been ill-treated and detained by the authorities.

205 Jurisprudence and examples as well as historical explanations are provided in smaller size to facilitate the reading.

206 FAC, Decision E-7092/2017, 25 January 2021.

207 In 2024 Italy continued to refuse incoming Dublin transfers. The SEM nevertheless continued to issue Dublin decisions with return to Italy, but had to start the national procedure after the foreseen six months for a transfer in the Dublin-III-Regulation had passed.

208 Data provided by the SEM, February 2025.

209 In November 2017, the SRC and a broad coalition of NGOs submitted to the Federal Council the "Dublin call" (*Appel de Dublin*). This call urges the authorities to handle the asylum applications lodged by vulnerable persons. For further information, see the website of the coalition available (in French) here.

210 Data provided by the SEM, February 2025.

211 Data provided by the SEM, March 2025.

212 Article 102*a*[bis] AsylA.

213 Article 99 AsylA.

214 Article 21(2) AsylA.

215 FAC, Decision ATAF 2011/27, 30 September 2011.

Act states that persons who fail to cooperate without valid reason lose their right to have the proceedings continued. Their applications are cancelled without a formal decision being taken and no new application may be filed within three years; the foregoing is subject to compliance with the UN-Refugee Convention.

If another Dublin State is presumed responsible for the examination of the asylum application, the applicant is granted the right to be heard.[216] This hearing can take place either orally or in writing[217] and provides the opportunity for the applicant to make a statement and to present reasons against a transfer to the responsible state. Therefore, it must take place before the take charge or take back request is sent to the respective country. In practice, the right to be heard is mostly only granted once and is carried out orally. If a Eurodac hit is found or other evidence is available, the right to be heard is already granted during the first interview conducted by the SEM.

In principle, the applicant is entitled to access to the files relevant for the decision-making.[218] Access can only be refused if this would be contrary to essential public interest, essential private interests, or interests of non-completed official investigations.[219] In general, access to the files is not granted automatically, only upon explicit request. However, in case of an inadmissibility decision (all Dublin transfer decisions are inadmissibility decisions), copies of the files are annexed to the decision if enforcement of the removal has been ordered.[220] The files should include information about the evidence on which the take back request was made and the reply of the concerned Member State. In case of Dublin transfer decisions, the SEM notifies the decision to the service provider tasked with providing legal representation, who shall inform the legal representative on the same day,[221] who will inform the person concerned.

According to Article 37 AsylA, the notification of a Dublin decision should occur within three working days after the requested state has agreed to take charge or take back the applicant. In 2024 this deadline was not respected, notifications took place on average 18 days after the answer of the requested state.[222]

2.2.1. Individualised guarantees

Italy

Regarding the development and jurisprudence following the Tarakhel judgment[223] of the ECtHR, please consult older versions of this report.[224]

As Italy announced in December 2022 to the other Dublin Units that it will no longer accept incoming Dublin transfers and this is still the case in December 2024, Italy has not been a relevant Dublin state for Switzerland in 2024 and there is no relevant jurisprudence.

Bulgaria

On 11 February 2020, the FAC issued a reference judgement on the question of systemic deficiencies in Bulgaria.[225] Although the Court itself explained in a very detailed manner the problems in the Bulgarian asylum system, it concluded that there are no systemic flaws in the asylum procedure and reception conditions in Bulgaria which would justify a complete suspension of transfers to that country. A case-by-

216 Article 36(1) AsylA.
217 Article 29(2) Constitution.
218 Article 26 APA.
219 Article 27 APA.
220 Article 17(5) AsylA.
221 Article 12a(2) AsylA.
222 Information provided by the SEM, February 2025.
223 ECtHR, *Tarakhel v. Switzerland*, Application no. 29217/12, 4 November 2014, available here. The ECtHR found a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights if the Swiss authorities were to send an Afghan couple and their six children back to Italy under the Dublin Regulation without having first obtained individual guarantees from the Italian authorities that the applicants would be taken charge of in a manner adapted to the age of the children and that the family would be kept together.
224 AIDA, *Country Report: Switzerland*, available here.
225 FAC, Decision F-7195/2018, 11 February 2020.

case examination will be required to determine whether or not the transfer to that country of a particular asylum applicant should be suspended. The Court also mentioned the possibility to request individual guarantees from the Bulgarian authorities. In April 2020, the Court ruled, in a case concerning a family, that the SEM had not sufficiently examined the reception conditions in Bulgaria and would need to require individual guarantees of adequate accommodation for the family.[226]

Others

Romania: A case against a Dublin transfer of an asylum applicant from Afghanistan from Switzerland to Romania was decided on by the UN-CAT in May 2024.[227] The CAT took note of the applicant's claim of ill-treatment in Romania and referred to reports documenting pushback operations in Romania. However, it recalled that the occurrence of human rights violations alone is not sufficient to conclude that the applicant personally faces a real risk of being tortured if returned to Romania. The CAT also noted that there was a lack of evidence to support the applicant's allegations of torture and ill-treatment at the hands of the Romanian police, as although he had submitted a photograph of his broken fingernails, there was no evidence to link the photograph to the applicant, the police or the time of the incident, and no complaint had been made to the Romanian authorities about the incident. Regarding the applicant's claim that he would not have access to a fair and equitable asylum procedure in Romania and would face the risk of chain refoulement to Afghanistan, the CAT found that while there were reports of deficiencies in the Romanian asylum procedure, there was no concrete evidence that the applicant himself would not benefit from a fair asylum procedure. The CAT also found that there was no evidence that the applicant had sought medical care in Romania and that he had been denied such care. The CAT concluded that the evidence presented was insufficient to establish that the applicant's removal to Romania would expose him to a real, foreseeable, personal and present danger of being subjected to treatment contrary to Article 3 of the Convention against Torture. Nevertheless, the committee called on Switzerland to inform Romania of the applicant's medical needs and to ensure that the applicant is not detained upon arrival.

Greece: In August 2024, the SEM issued several Dublin decisions to Greece. To the knowledge of the SRC, all concerned healthy men who were nationals from Türkiye. Appeals are pending at the FAC, a reference judgment is expected in 2025. The Greek authorities agreed to the transfer and issued so-called guarantees which basically assured the country’s intention to comply with their international obligations.

The Court has also, in past decisions, asked for individual guarantees regarding reception conditions and access to medical treatment for mentally ill persons (not families) and regarding **Hungary** and **Slovenia**.[228] The Court further issued a decision in a Dublin case regarding **Greece** (as of 2020 only applying to persons with a Greek visa): in cases of seriously ill applicants, the SEM must obtain individual guarantees from Greek authorities concerning the immediate access to medical care after transfer.[229] The Court has also required from SEM obtaining individual guarantees in a case concerning a Dublin transfer to **Spain**.[230]

2.2.2. Transfers

According to the SEM, in 2024 it took on average 18 days to issue a Dublin decision after the receipt of a positive answer from the requested Member State.[231] Furthermore, on average 195 days passed between the Dublin transfer decision and the actual transfer. One reason for this long delay could be the prolongation of the transfer deadline in case of a suspension of the execution because of an appeal, suspension which must be requested. The transfer could then be further delayed if the FAC sent the case back to the SEM for additional clarifications and a new decision, which in turn can be appealed again. In

226 FAC, Decision D-5126/2018, 15 April 2020.
227 CAT, communication no. 1096/2021, *N.A. v. Switzerland*, 9 May 2024.
228 FAC, Decision D-2677/2015, 25 August 2015 regarding **Slovenia** and a mentally ill person who needs special trauma treatment. *Tarakhel* was not directly mentioned in the decision, but the Court states the need for guarantees. Regarding Hungary and a traumatised man: FAC, Decision D-6089/2014, 10 November 2014.
229 FAC, Decision F-1850/2020, 6 March 2020, para 4.2.
230 FAC, Decision E-3259/2019, 8 October 2019, para 6.7.
231 Information provided by the SEM, May 2023.

2024, of a total of 9,947 Dublin-out procedures, in 7,926 cases the requested member state answered positively, of those, 2,491 transfers took place.[232]

According to the Foreign Nationals and Integration Act, an applicant may already be detained during the preparation of the decision on residence status under certain circumstances. Applicants within a Dublin procedure may be detained if there are specific indications that the person intends to evade removal. The FAC as well as the Federal Supreme Court have defined some important basic rules for detention in Dublin cases (see section on Grounds for Detention: Dublin Procedure). The use of detention differs between cantons. In 2024, a total of 1,010 persons were placed in detention for the purpose of the Dublin III Regulation. 759 Dublin transfers took place from detention.[233]

As the Dublin III Regulation is directly applied in Switzerland, voluntary transfers should in principle be possible,[234] however they always take place under control of the authorities. The SEM does not gather information on the nature of the transfer.[235] Since the leading decision of the FAC in 2010, the transfer can no longer be enforced immediately after the notification of the decision, even if appeals against Dublin transfer decisions have no suspensive effect. A time limit of five days must be granted, allowing the applicant concerned to leave Switzerland or to make an appeal and to ask for suspensive effect.[236] This case law has since been codified in the Asylum Act.[237] As a result, there are at least ten working days between the date of the opening of the Dublin decision and the enforcement of the removal.

In a decision to strike out the application from the list of cases, the ECtHR considered the access to an effective remedy in Dublin cases in Switzerland sufficient.[238] This decision was problematic because the ECtHR based it on a wrong interpretation of Swiss law: it cited the provision in the Asylum Act that relates to non-Dublin-cases, in which the asylum applicant can stay on Swiss territory until the end of the proceedings. On the contrary, in Dublin cases this is precisely not the case, as there is no automatic suspensive effect.

The cantons are responsible for carrying out the Dublin-transfers ordered by the SEM. Article 89b AsylA provides that if a canton does not fulfil or only partially fulfils its obligations with regard to the execution of removal, without objective reasons, the Confederation may claim the reimbursement of fixed compensation already paid. Similarly, if this breach leads to an extension of the duration of the stay of the person concerned in Switzerland, the Confederation may waive the payment of these subsidies.[239]

232 SEM statistics 2024 (7-50), available here. The numbers have to be read taking into account that they are not in direct relation as transfers can take place months after the acceptance of the take charge or take back request.
233 Information provided by the SEM, May 2023.
234 Article 29 Dublin III Regulation.
235 Information provided by the SEM, 7 April 2022.
236 FAC, ATAF 2010/1 = Decision E-5841/2009, 2 February 2010.
237 Article 107a AsylA.
238 ECtHR, *M.G. and E.T. v. Switzerland*, Application No 26456/14, 17 November 2016, available here.
239 The Canton of Neuchatel appealed against this provision, arguing that the cantons should be given room for manoeuvre and not be required to carry out the transfers ordered by the SEM. Neuchâtel claimed before the FAC that the SEM violated the principle of the separation of powers, its right to be heard, and also that it made an inaccurate and incomplete finding of the relevant facts. The appeal was dismissed: FAC, Decision F-1724/2019, 27 June 2022 and F-1752/2019, 29 June 2022. See also the summaries realised by the EUAA here and here. The Federal Supreme Court, in the meantime, overturned one decision of the FAC (F-1724/2019): Federal Supreme Court, Decision 2C_694/2022, 21 December 2023, while it confirmed the other one (F-1752/2019): Federal Supreme Court, Decision 2C_692/2022, 22 February 2024.

2.3. Personal interview

Indicators: Dublin: Personal Interview
☐ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the Dublin procedure? ☒ Yes ☐ No
   - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No

2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

The SEM carries out the whole first instance procedure and is also responsible for conducting the interviews with the applicants during the asylum procedure, including the Dublin procedure.

During the preparatory phase, all applicants undergo a short preliminary interview (see section on Personal interview) focusing mainly on their identity and journey to Switzerland. The SEM is allowed to ask summarily the reasons for seeking asylum but it rarely does so during this so-called Dublin interview.[240] The interview is usually conducted in the presence of the applicant's legal representative and is usually translated over the phone by an interpreter if necessary.[241] The interview is recorded in writing in the form of a summary indicating the duration of the interview and is retranslated before being signed by the applicant and their legal representative. In 2024, the SEM conducted 5,538 Dublin interviews.[242]

If the SEM intends to take a Dublin transfer decision (inadmissibility decision), the applicant is granted the right to be heard at the end of the personal interview,[243] and they do not get a second interview regarding the grounds for asylum. The omission of the second interview in cases of Dublin and other inadmissibility decisions constitutes the fundamental difference between the personal interview within the Dublin procedure and the additional personal interviews within the regular asylum procedure (accelerated and expanded) where the application is examined in substance (see Regular Procedure: Personal Interview).

2.4. Appeal

Indicators: Dublin: Appeal
☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive ☐ Yes ☒ No

In case of a Dublin transfer decision (inadmissibility decision), an appeal can be submitted – as in all the other cases – to the FAC. The time limit to lodge an appeal against a Dublin transfer decision is five working days.[244]

Contrary to other asylum appeals, appeals against Dublin transfer decisions (inadmissibility decisions) do not have automatic suspensive effect. However, as mentioned in Dublin: Procedure, transfers cannot be enforced immediately after the notification of the decision. A delay of five working days must be granted.[245] This allows the concerned applicant to make an appeal and to request that the execution of the appealed decision be suspended. The Court has to decide on the suspensive effect within another five working days.[246] In practice, this is granted in almost all cases that cannot be decided upon immediately.[247]

240 Article 26(3) AsylA.
241 Article 19(2) AO1.
242 Data provided by the SEM, February 2025.
243 Article 36 AsylA.
244 Article 108(3) AsylA.
245 Article 107a(2) AsylA; FAC, ATAF 2010/1 = Decision E-5841/2009, 2 February 2010.
246 Article 107a AsylA.
247 Practice-based information by the SRC.

In the appeal procedure (applies also to the Dublin procedure), the FAC has the possibility to order a hearing if the facts are not clear enough.[248] In practice, it does not make use of this possibility.[249]

To a certain extent, the Court considers the reception conditions and the procedural guarantees in the responsible Member States. This is reflected in different leading cases, notably concerning Dublin Member States such as **Greece**, **Hungary**, **Italy**, **Croatia** or **Bulgaria** (see Dublin: Suspension of Transfers).

However, the Court can only examine errors of law, not whether or not the decision of the determining authority was "appropriate" (see section on Regular Procedure: Appeal). This limitation has particularly impact on the Dublin procedure. Many Dublin cases do not fall under the compulsory criteria of the Dublin III Regulation or under Articles 3 or 8 ECHR. Therefore, especially in cases regarding family ties that fall outside those strict definitions, the interpretation of humanitarian reasons for which Switzerland can apply the sovereignty clause becomes crucial. The Court stated that it is a question of "appropriateness" where the SEM has a margin of appreciation, whether there are humanitarian reasons for applying the sovereignty clause. The SEM must examine and motivate its reasoning for using or not using the sovereignty clause. As long as SEM decides within this margin, the Court cannot examine whether the decision was appropriate.

The FAC confirmed in a leading decision of 21 December 2017 that asylum applicants can rely on the correct application of the Dublin responsibility criteria, as an individual right, in line with the CJEU jurisprudence in *Ghezelbash* and *Mengesteab*.[250]

2.5. Legal assistance

Indicators: Dublin: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?[251]
   ☒ Yes ☐ With difficulty ☐ No
   - ❖ Does free legal assistance cover: ☒ Representation in interview ☒ Legal advice

2. Do asylum applicants have access to free legal assistance on appeal against a Dublin decision in practice?
   ☒ Yes ☒ With difficulty ☐ No
   - ❖ Does free legal assistance cover ☒ Representation in courts ☒ Legal advice

Free legal assistance is ensured at first instance.[252] Therefore, in the Dublin procedure just as in the regular procedure, state-funded (but independent) free legal assistance is guaranteed to all applicants (see also Regular Procedure, Legal assistance). Access to legal assistance is also available for persons who ask for asylum in **detention or prison**. For further information, see the general chapter on Registration of the asylum application.

The relatively short time limit of five working days for lodging an appeal against a Dublin transfer decision constitutes a real obstacle to appealing. This is even more problematic in cases where the mandated legal assistance decides not to appeal as it considers that lodging an appeal would be doomed to fail. In those cases, applicants could theoretically approach a non-state-funded entity for legal advice to ask for support. However, this is very difficult due to the remote locations of federal centres, given that most independent legal advisory offices are situated in urban areas. Additionally, if a lawyer of one of those offices decides to appeal, the time to gather all information needed is extremely short.

248 Article 14 APA.
249 Practice-based observation by the SRC.
250 FAC, Decision E-1998/2016, 21 December 2017.
251 Since the start of the reformed Swiss asylum procedure on 1 March 2019, free and independent legal assistance is provided at first instance for every asylum seeker.
252 Article 102f AsylA.

2.6. Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries? ☐ Yes ☒ No
   - ❖ If yes, to which country or countries?

In general, if transfers to other Dublin Member States are suspended, it is because of the application of the sovereignty or the humanitarian clause. The asylum application of the person concerned is then materially examined in Switzerland.

Greece: In November 2017, the SEM announced the reinstatement of Dublin procedures for cases in which the person was in possession of a Greek visa. This does not apply to vulnerable persons.[253] This means that in most of the cases Switzerland still relinquishes transfers to Greece and applies the sovereignty clause. This practice changed in August 2024, when the SEM issued several Dublin decisions regarding men that were nationals from Türkiye. The decisions were appealed, a reference judgement of the FAC is expected in 2025.

On the other hand, if the person already has a protection status in Greece (and therefore does not fall under the Dublin Regulation, but under the safe third country clause), the Swiss authorities are generally of the opinion that the person can be transferred there. For this purpose, a bilateral readmission agreement is used. For families with children, the Court considers the execution of the removal order only to be reasonable if favourable conditions or circumstances exist. The legal presumption of the reasonableness of enforcing removal was no longer upheld by the Court in the case of persons who, due to their particularly high vulnerability, run the risk of being permanently placed in severe distress if they return to Greece, because they are not able to claim the rights to which they are entitled on the spot by their own efforts. The Court therefore considers the removal of extremely vulnerable persons entitled to protection, such as unaccompanied minors or persons whose mental or physical health is impaired in a particularly serious manner, to be unreasonable in principle, unless there are particularly favourable circumstances on which it can exceptionally be assumed that the removal is reasonable.[254]

According to SEM statistics, there was one transfer to Greece under Dublin and 82 persons were transferred under the readmission agreement in 2024,[255] compared to 0 persons transferred under Dublin and 30 under the readmission agreement in 2023.[256] The agreement applies to persons having received international protection in Greece. The SEM applied the sovereignty clause in 284 cases in 2024, compared to 152 in 2023.[257]

Hungary: In May 2017 the FAC issued a reference judgment in which it summarised the latest developments in the Hungarian asylum system and the effects on Dublin returnees.[258] The Court highlighted the responsibility of the SEM to gather all elements necessary for the assessment, not the responsibility of the appeal authority to carry out complex supplementary investigations. Otherwise, the FAC would overstep its jurisdiction with a decision on the merits of the matter and deprive the party concerned of the legal right of appeal. Therefore, the Court annulled the contested decision and referred it back to the SEM for a full determination of the facts and a new decision, which resulted in the initiation of the national procedure in all cases known to the SRC.

According to SEM statistics, there were no transfers to Hungary under Dublin in 2024 just as in the previous years. On the other hand, in 2024 there were 15 transfers under the bilateral readmission agreement between Switzerland and Hungary which applies to persons having received international

253 FAC, Decision F-1850/2020, 6 May 2020, para 4.2.
254 FAC, Decision E-3427/2021, E-3431/2021, 28 March 2022.
255 SEM, asylum statistics (7-50 and 7-55), available here.
256 SEM, asylum statistics (7-50 and 7-55), available here.
257 Data provided by the SEM, March 2025.
258 FAC, Decision D-7853/2015, 31 May 2017.

protection in Hungary, compared to 11 in 2022.[259] The SEM applied the sovereignty clause 11 times in 2024.[260]

Italy:[261] Swiss practice regarding Italy remains very strict and the Court still states that there are no systemic deficiencies. The sovereignty clause is only applied in cases of very vulnerable persons, or in case of a combination of different special circumstances. Guarantees have to be obtained from the Italian authorities in family cases,[262] as well as in take-back procedures for persons with serious health issues.[263] Since December 2022, no Dublin transfers to Italy could take place, following a communication from the Italian authorities to all Dublin Units claiming a lack of reception capacity. Nevertheless, Dublin decisions were issued and after six months the national procedure was started. In 2024, this was most likely the reason for the majority of the 681 applications of the sovereignty clause.

Bulgaria:[264] Dublin decisions are generally issued in cases concerning Bulgaria**,** even in the case of families and vulnerable persons.[265] In a decision from September 2017,[266] the Court implied doubts about the procedure leading up to the rejection of the applicant's claim in Bulgaria.

On 11 February 2020 the Court issued a reference judgement on the question of systemic deficiencies in Bulgaria.[267] Although the Court itself explained in a very detailed manner the problems in the Bulgarian asylum system, it concluded that there were no systemic flaws in the asylum procedure and reception conditions in Bulgaria which would justify a complete suspension of transfers to that country. A case-by-case examination will be required to determine whether the transfer to that country of a particular asylum applicant should be suspended. The Court also mentioned the possibility to request individual guarantees from the Bulgarian authorities (for further information see also the section on Individual guarantees above under Procedure).

In October 2022, the Court dealt[268] with a Dublin Bulgaria case, the Afghan complainant was suffering from health problems and drug addiction. He had been detained and mistreated in Bulgaria. The application for readmission to Bulgaria did not contain any information on the man's health condition and remained unanswered. The SEM used text modules to state that there were no indications of systemic deficiencies in Bulgaria and that the country had sufficient infrastructure. On the one hand, the Court considered the legally relevant medical facts to be incomplete. It also states that it cannot be assumed without further ado that the conditions in Bulgaria meet the requirements of international law. Furthermore, in view of the protection quotas for Afghans in Bulgaria, the Court considered it questionable whether the Bulgarian authorities take sufficient account of the non-refoulement requirement. Furthermore, the SEM had failed to deal with the effects of the war in Ukraine. Next, the SEM was asked to comment on the admissibility and reasonableness of a transfer to Bulgaria against the background of the SRC report on police violence in Bulgaria and Croatia.[269]

In 2024, 23 Dublin transfers to Bulgaria took place, compared to 37 in 2023. In 3 cases, Switzerland applied the sovereignty clause.

259 SEM, asylum statistics, (7-50 and 7-55), available here.
260 Information provided by the SEM, February 2025.
261 Regarding reception conditions in Italy for Dublin Returnees and persons with international protection status please see: SRC, *Reception conditions in Italy – Updated report on the situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, in Italy*, January 2020, available here.
262 FAC, Reference Decision F-6330/2020, 18 October 2021.
263 FAC, Reference Decision D-4235/2021, 19 April 2022.
264 For further details and case law, see previous updates of the AIDA Switzerland Country Report, available here.
265 For example, in the case of a man who claimed to have been detained and mistreated in Bulgaria, with diabetes and psychological problems: FAC, Decision E-521/2016, 13 June 2016.
266 FAC, Decision E-305/2017, 5 September 2017. For further details, see previous updates of the AIDA Switzerland Country Report, available here.
267 FAC, Decision F-7195/2018, 11 February 2020.
268 FAC, Decision F-2707/2022, 12 October 2022.
269 SRC, *Violences policières en Bulgarie et en Croatie : conséquences pour les transferts Dublin*, 13 September 2022, available in French (and German and Italian) here.

Malta: According to its own manual,[270] the SEM does not transfer vulnerable asylum applicants to Malta if they are facing detention. 2 transfers took place to Malta under the Dublin Regulation in 2024, 4 took place in 2023.[271]

Croatia: In a leading judgment[272] of March 2023, the FAC assumed that persons will have access to the asylum procedure in Croatia, regardless of whether they are transferred to Croatia by means of a take back or take-charge procedure. The court denied the existence of systemic deficiencies in the Croatian asylum system and clarified that a transfer should only be dispensed with in exceptional cases if it can be shown that the general assumption does not apply in the individual case.

354 persons were transferred to Croatia under Dublin in 2024, compared to 211 transfers in 2023.[273] In 40 cases, the sovereignty clause was applied.

2.7. The situation of Dublin returnees

Dublin transfers to Switzerland are mainly enforced by air to the airports of Zurich, Geneva and Basel, but they can also take place by land from neighbouring countries.

Dublin returnees are received by the police at the airport or the border post. If the person has been transferred according to a 'take back' request, meaning that they have already applied for asylum in Switzerland in the past, they will have to report to the migration authorities of the canton to which they had been attributed (if such attribution had already taken place), regardless of the state of the procedure. The procedure will then be resumed, if there has not yet been a negative decision on the merits. If the person is transferred according to a 'take charge' request, meaning that they have not applied for asylum in Switzerland before, they must report to the federal asylum centre the police points them to. The police give the person a public transport ticket to facilitate the journey to the cantonal migration office or the federal asylum centre. If the person has health problems that require the organisation of a transfer, either the canton or the federal asylum centre will organise the transfer from the airport or border post.[274]

No obstacles for applicants transferred back to Switzerland under Dublin have been observed, including in 2024.

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

In Switzerland, all asylum applicants have to undergo the admissibility procedure. This procedure should take place in the first 3 weeks after the application for asylum has been filed and is called the "preparatory phase".[275] Within this time, the SEM records the asylum applicants' personal details and normally takes their fingerprints and photographs. It may collect additional biometric data, prepare reports on a person's age, verify evidence and travel and identity documents, and make enquiries specific to origin and identity. At this time, the asylum applicants will normally be interviewed by the SEM about their identity and their itinerary, and summarily about the reasons for leaving their country. Based on the gathered information, the SEM reaches the decision on admissibility, which aims to determine whether the decision should be examined on the merits or deemed inadmissible. If the application is cancelled without a formal decision if asylum applicants fail to cooperate without valid reason or if they fail to make themselves available to the authorities for more than 20 days or more than 5 days if the asylum applicant is accommodated in a federal centre (see Registration of the asylum application).

270 Manuel Asile et retour, C3 Procédure Dublin, available in French here.
271 SEM, asylum statistics (7-50), available here.
272 FAC, Reference Decision E-1488/2020, 22 March 2023, available in German here; FAC, media release of 31 March 2023, available in English (and German, French, Italian); SRC, media release of 31 March, available in French (and German) here.
273 SEM, asylum statistics (7-50), available here.
274 Information on the procedure for Dublin returnees has been provided by the SEM on 27 April 2021.
275 Article 26 AsylA.

The reasons for rejecting an asylum application as inadmissible are similar, but not identical to the ones mentioned in Article 33 of the recast Asylum Procedures Directive, and can be found in Article 31a (1)-(3) AsylA.

An application is inadmissible where the asylum applicant (Article 31a (1) AsylA:

(a) Can return to a Safe Third Country in which they have previously resided;
(b) Can be transferred to the responsible country [under the Dublin Association Agreement];
(c) Can return to a third country in which they have previously resided;
(d) Can travel to a third country for which they have a visa and where they may seek protection;
(e) Can travel to a third country where they have family or persons with whom they have close links; or
(f) Has applied solely for economic or medical reasons. In this case, normally a second interview will take place before the SEM takes the decision to dismiss the application.[276]

The grounds relating to countries not listed as "safe third countries" in the Swiss list (see Safe Third Country) do not apply if there are indications that there is no effective protection against *refoulement* in the individual case.[277]

Decisions to dismiss an application based of the Dublin Regulation must normally be made within three working days of the application being filed or after the Dublin state concerned has agreed to the transfer request.[278] In practice, these time limits are rarely respected.

An application may also be dismissed if it cannot be considered an asylum application (Article 18 AsylA), namely if it is made exclusively for economic or medical reasons.[279]

The SEM delivered the following inadmissibility decisions from 2020 to 2024:

Inadmissibility decisions: 2020-2024					
Ground for inadmissibility	2020	2021	2022	2023	2024
Safe third country: Article 31a(1)(a) AsylA	248	479	903	968	2,652
Responsibility of another Dublin State: Article 31a(1)(b) AsylA	2,103	2,678	3,925	6,675	5,411
Country where the applicant has previously resided: Article 31a(1)(c) AsylA	4	9	6	8	18
Country where the applicant has family or persons with close links: Article 31a(1)(e) AsylA	7	1	Not available	1	0
Application made exclusively for economic or medical reasons: Article 31a(3) AsylA	156	156	187	265	381
Subsequent application: Article 111c(1) AsylA	6	12	Not available	8	0
Total[280]	**2,622**	**3,409**	**7,982**	**Not available**	**8,531**

Source: Data provided by the SEM.

276 Article 36(2) AsylA.
277 Article 31a(2) AsylA.
278 Article 37 AsylA.
279 Article 31a(3) AsylA.
280 As there are more grounds for inadmissibility decisions than the ones stated in the table, the total does not correspond to the sum of the categories listed.

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview
☒ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the admissibility procedure? ☒ Yes ☐ No
   - ❖ If so, are questions limited to identity, nationality, travel route? ☒ Yes ☐ No
   - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No

2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

Every asylum applicant will be granted a first personal interview (which is in fact called Dublin Interview – see Personal interview) with questions about their identity and the itinerary.[281] According to the SEM, they systematically interview accompanied minors aged 14 or over, whereas younger children are only interviewed directly if this is necessary to establish the facts.[282] Since spring 2021, a right to be heard is systematically granted to parents of children below the age of 14 concerning the specific situation of these children. This right is granted in both Dublin and national procedures to consider all elements relating to the situation of these young children and to determine whether a personal hearing of the latter is necessary. In this context, the providers of legal protection services have been informed of the new measures taken by the SEM. They were asked to discuss the particular situation of children under 14 years of age during the first interview with the family members and then to promptly inform the SEM of any specificities (obstacles to removal, specific grounds for asylum, conflict of interest with the parents, etc.) so as to enable the planning of a possible hearing of the minor under 14 years of age if this should prove necessary.[283]

In the case of unaccompanied minors, there is no so-called Dublin Interview but a "first interview for unaccompanied minors".

If the SEM decides to dismiss an application according to Article 31a (1) AsylA, there is no second interview, but the asylum applicant is granted the right to be heard. This allows the person concerned to provide a statement in response to the intention of the SEM to dismiss the application.

The first short interview is the same as in the regular procedure (see section on Regular Procedure: Personal Interview). The right to be heard regarding the inadmissibility decision is usually granted at the end of the first interview or subsequently in writing.

3.3. Appeal

Indicators: Admissibility Procedure: Appeal
☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive ☐ Yes ☐ Some grounds ☒ No

An appeal against a decision to dismiss an application must be filed before the FAC within 5 working days.[284] The short time limit of 5 working days for lodging an appeal against an inadmissibility decision constitutes an obstacle where the free legal assistance renounces to appeal as the chances of success

281 Information provided by the SEM, 12 January 2018.
282 No personal interview was conducted with accompanied children under 12 years of age until 2021. A decision of the UN Committee on the Rights of the Child (Committee for the Rights of the Child, *V.A. v. Switzerland,* 28 September 2020, available here) concerning Switzerland stated in 2020 that even children of young age must be heard in asylum procedures (see section on minors in Adequate support during the interview and credibility assessment).
283 Information provided by the SEM, 1 April 2022.
284 Article 108 AsylA.

are considered very low. In those cases, applicants could theoretically approach a non-state-funded office for legal advice to ask for support. However, significant obstacles arise in practice, especially when asylum applicants are accommodated in federal centres in remote locations which are far away from independent legal advisory offices that are usually situated in urban areas.

In general, an appeal has automatic suspensive effect in Switzerland.[285] Appeals against inadmissibility decisions have automatic suspensive effect, except for Dublin decisions (see section on Dublin: Appeal).

In principle, the FAC should decide upon appeals against inadmissibility decisions within 5 working days,[286] which is not observed in practice as the average duration for Dublin appeals is 20 days.[287] Although this would be possible in principle, there are no personal hearings in front of the Court for inadmissibility cases.

The other modalities of the appeal are the same as in the regular procedure.

3.4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance during admissibility procedures in practice? ☒ Yes ☐ With difficulty ☐ No
   - ❖ Does free legal assistance cover: ☒ Representation in interview ☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against an inadmissibility decision in practice? ☒ Yes ☒ With difficulty ☐ No
   - ❖ Does free legal assistance cover ☒ Representation in courts ☒ Legal advice

The same rules as regards legal assistance under the regular procedure apply. See chapter on Legal assistance above.

4. Border procedure (border and transit zones)

4.1. General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum applicants to the competent authorities? ☒ Yes ☐ No
2. Where is the border procedure mostly carried out? ☒ Air border ☐ Land border ☐ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☒ Yes ☐ No
4. Is there a maximum time limit for a first instance decision laid down in the law? ☒ Yes ☐ No
   - ❖ If yes, what is the maximum time limit? 20 days[288]
5. Is the asylum applicant considered to have entered the national territory during the border procedure? ☐ Yes ☒ No

Switzerland has no land border with third countries other than Schengen and Dublin Member States. There is therefore no special procedure at land borders; persons who request asylum at the border or following their detention for illegal entry in the vicinity of the border shall normally be assigned by the

285 Article 55(1) APA.
286 Article 109 AsylA.
287 Information provided by the FAC, 31 January 2023.
288 Article 23 AsylA.

competent authorities to a federal asylum centre, where they enter the same procedure as any other asylum applicant.[289]

There is a special procedure for people who ask for asylum at the airport. Persons who lodge their asylum application at the airport often do so after having been arrested by the airport police because they were found in possession of fake travel documents. In Geneva, in some cases they are prosecuted for illegal entry and brought to the police post in the city, where they spend one night before going back to the airport to start the asylum procedure. It should be further noted that, during the airport procedure, applicants are not considered as having entered the national territory.

If a person arrives at the international airport of **Geneva** and claims asylum, the airport police records the personal details, takes their fingerprints and photographs and immediately informs the SEM of the asylum application.[290] The asylum seeker receives a flyer with information on the airport procedure. The SEM decides whether to authorise entry into Swiss territory. If it temporarily denies entry, asylum seekers are allocated a place of stay in the transit zone of the airport where they can be held for a maximum of 60 days, which constitutes de facto detention (see Detention of Asylum Seekers).[291] In 2024, there were 18 asylum applications (compared to 36 in 2023 and 77 in 2022).[292]

At the Airport of **Zurich**, the first meeting with the immigration officer, including a discussion of the legal hearing on the refusal of entry, takes place within the first two days after arrival, so that the asylum applicants know in detail about the legal representation and the contact options by then at the latest.[293] In 2024, 205 asylum applications were submitted at Zurich Airport compared to 189 in 2023.[294]

The SEM examines if Switzerland is responsible to carry out the procedure according to the Dublin Regulation. If so, they shall authorise entry into the territory, and if the asylum applicant appears to be at risk under any of the grounds stated in the refugee definition at Article 3 (1) AsylA or under threat of inhumane treatment in the country from which they directly arrived; or if the asylum applicant establishes that the country from which they have directly arrived would force them to return to a country in which they appear to be at risk, in violation of the *non-refoulement* principle. If it cannot immediately be verified if the mentioned conditions are fulfilled, entry into the territory is temporarily denied.[295]

The airport procedure can result in a decision granting access to the territory (in which case the applicant is channelled into the regular procedure), a negative in-merit decision or an inadmissibility decision (e.g. Dublin or safe third country).[296] The decision has to be taken within 20 days after the application was made. If the procedure takes more time, the SEM has to authorise entry, in which case the applicant is usually attributed to the extended procedure and allocated to a canton, but they can also be allocated to a federal asylum centre for an accelerated procedure.[297] If the procedure ends with a removal decision, the applicant can be held in the transit zone for a maximum of 60 days (since the application). If the removal has not been enforced after 60 days, the persons concerned can be transferred to an immigration administrative detention centre, in practice, they are led to the competent cantonal authorities who decide whether to detain them or provide them with emergency aid.[298]

If a person requests asylum at **another airport in Switzerland,** the person will be transferred to a Federal Asylum Centre and will enter the regular procedure.[299]

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289 Article 21(1) AsylA.
290 Article 22 AsylA and Article 12 AO1.
291 Article 22(5) AsylA.
292 Data provided by the SEM, February 2025.
293 Information provided by Berner Rechtsberatungsstelle für Menschen in Not, 15 April 2024.
294 Data provided by the SEM, February 2025.
295 Article 22(1-bis), (1-ter) and (2) AsylA.
296 Article 23(1) AsylA. See also SEM, Manuel Asile et Retour, chapter C2, p. 6-7.
297 Article 23(2) AsylA.
298 SEM, Handbook on Asylum and Return, chapter C2, available in French here, 9.
299 SEM, Manuel Asile et Retour, chapter C2, p. 4, available in French here. Due to the emerging pandemic, air traffic collapsed worldwide at the beginning of 2020, including at **Zurich** Airport, therefore no asylum applications were registered there until June 2023.

4.2. Personal interview

Indicators: Border Procedure: Personal Interview
☐ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the border procedure? ☒ Yes ☐ No
   - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
   - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

In the airport procedure in Geneva, there are two SEM employees responsible for hearings at the airport. They work mainly in the federal asylum centre in Boudry but are seconded to Geneva to conduct the hearings. If necessary, the SEM can deploy other staff from Boudry. A legal representative is present during the interview and there is always an interpreter present in the interview. At Zurich airport, there is an SEM focal point. Only one SEM officer is responsible for the airport procedure. Responsibility rotates between these designated officers. The one who is present is operationally responsible for the airport procedure and usually also conducts the hearing at the airport.[300]

At Geneva and Zurich airports, more entry is granted from the outset without a hearing, and entry is no longer refused per se in every case. In fact, triage is mainly carried out based on nationality (likelihood of success in obtaining asylum, according to the SEM). Nationalities for which the recognition rate is low and for which the SEM considers that there is no chance of success remain at the airport. Otherwise, the person is granted an entry permit.[301]

4.3. Appeal

Indicators: Border Procedure: Appeal
☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive ☒ Yes ☐ Some grounds ☐ No

The decision to deny entry in Switzerland and be placed in the transit zone can be appealed in so far that the SEM has not yet notified the negative or dismissal decision.[302]

The applicant or their legal representative can also appeal against a decision taken within the airport procedure, be it a decision on the merit or a decision to dismiss an application. Such appeal must be introduced within 5 working days.[303] The FAC is the competent appeal authority, similarly to the regular procedure. As in the regular procedure, appeals have automatic suspensive effect,[304] except for Dublin decisions, in which case the person has to ask for suspensive effect (for further information, see sections on Regular Procedure: Appeal and Dublin: Appeal).[305]

If the FAC accepts an asylum applicant's appeal against a decision to deny entry, a negative or dismissal decision, the SEM must authorise entry and directly allocate the person concerned either to a federal asylum centre or to a canton.[306]

300 Information provided by Berner Rechtsberatungsstelle für Menschen in Not, 7 May 2024
301 Information provided by Cartitas Switzerland, 24 April 2024.
302 Article 108(3) and (4) AsylA.
303 Article 108(3) AsylA and Article 23(1) AsylA.
304 Article 55(1) APA.
305 Article 107a AsylA.
306 Article 23 AsylA; SEM, Handbook on Asylum and Return, chapter C2, available in French here, 8.

4.4. Legal assistance

Indicators: Border Procedure: Legal Assistance
☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?
   ☒ Yes ☐ With difficulty ☐ No
   - ❖ Does free legal assistance cover: ☒ Representation in interview
     ☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice?
   ☒ Yes ☒ With difficulty ☐ No
   - ❖ Does free legal assistance cover ☒ Representation in courts
     ☒ Legal advice

Similar to ordinary asylum procedures, the airport procedure foresees that applicants are assigned a legal representative since the beginning of the procedure for free, unless the asylum applicant explicitly renounces it.

Upon registration of the asylum application, the SEM informs the legal representation, which will contact the applicant within two days to conduct a first counselling interview.[307] Upon arrival, a 30-minute meeting is arranged with the legal representative to establish initial contact. From there, personal meetings are scheduled with the legal representative for the following reasons: preparation for the hearing, the hearing itself, the announcement of the draft decision, etc.[308] The legal representative will also attend the interviews carried out in the context of the airport procedure and meet the applicants in advance to prepare them for the interview. There is no difference regarding legal assistance in the regular procedure and the airport procedure (see section on Regular Procedure: Legal Assistance). The fast pace of the airport procedure poses some challenges to the provider of legal representation at the organisational level.

Caritas Switzerland is responsible for the legal representation at **Geneva** airport. The organisation providing legal assistance has their own offices situated in the detention centre. Differently from the ordinary procedure, the legal representative will also take on the task of legal counsellors. According to Caritas, asylum applicants in Geneva have access to their legal representation through the phone. The legal representatives are also able to talk to their clients on the phone when needed and the private company running the centre, ORS, facilitates the contact.

At **Zurich** airport, legal representation is provided by the Berner Rechtsberatungsstelle für Menschen in Not. Asylum applicants are informed of their right to legal representation in writing by the airport police when they submit their asylum application. Owing to the local conditions and the small number of cases, they are not present regularly but only when needed. However, the asylum applicant contact the Legal Representation Centre at any time during office hours using a mobile phone provided or via video. In addition, the Legal Advice Centre is informed by the support team at the airport if a asylum applicant has a concern. The interviews with the legal representation take place in a separate room in the airport accommodation. If the preparation with the legal representation take place directly before the interview with the SEM, it is conducted in the interview rooms of the airport police or the SEM on the land side, i.e. on Swiss soil, where the asylum applicants are brought by the airport police.[309]

5. Accelerated procedure

"Accelerated procedures" in the generic sense, non-specific to the Swiss asylum procedure, whereby certain procedural steps have shorter time-limits and thus applicants are faced with a less protective procedural regime, are discussed as fast-track procedures under Prioritised examination and fast-track processing.

307 Article 7(2) AO 1 and Article 102h AsylA.
308 Information provided by Cartitas Switzerland, 24 April 2024.
309 Information provided by Berner Rechtsberatungsstelle für Menschen in Not, 7 May 2024.

6. National protection statuses and return procedure

6.1. National forms of protection

In Switzerland, there is a national status called temporary admission (F permit). If the removal is either unlawful, unreasonable or impossible, the applicant will be admitted to temporarily reside in Switzerland. A temporary admission constitutes a substitute measure for a removal that cannot be executed and will be granted automatically with the negative asylum decision.

Recognised refugees (temporary admission as a refugee) (F permit)
If a person who qualifies as a refugee under international law has no grounds to be considered a refugee under the Swiss Asylum Act, the SEM will reject the asylum application and it will issue a formal order for expulsion from Switzerland. Under international law, however, expulsion in this case is inadmissible since Article 33 (1) of the Geneva Refugee Convention establishes the «non-refoulement principle» (no expulsion if there is a risk of persecution). Therefore, the expulsion will be postponed and the person may temporarily be admitted into Switzerland as a refugee. This person will receive an F permit noting their refugee status, the permit is valid one year. Temporary admitted refugees have all the rights foreseen in the Geneva Refugee Convention, additionally to their rights as temporary admitted person. Additionally to the F permit, temporary admitted refugees are provided with a passport for refugees which allows them to travel.

Temporarily admitted foreigners (F permit)
The SEM will reject the asylum application if the asylum seeker's persecution in their country makes them ineligible for asylum and does not meet the status of a refugee under the Geneva Refugee Convention. However, the SEM will issue an order for temporary admission if it subsequently concludes that a return to the country of origin is unlawful, unreasonable or impossible, e.g. due to an ongoing conflict. The asylum seeker will receive an F permit as a foreigner. The F permit for foreigners is valid one year and serves as identification within Switzerland but does not allow to travel abroad.

The scope of the temporary admission as foreseen in national law exceeds the scope of the subsidiary protection foreseen by the EU recast Qualification Directive, as it covers both persons whose removal would constitute a breach of international law, as well as persons who cannot be removed for humanitarian reasons (for example medical reasons). The term "international protection" includes the temporary admission status in cases in which the status is granted on the ground that the removal is either contrary to international law or not reasonable because of a situation of war or generalised violence (but not a temporary admission based on medical grounds).[310]

An overview of the rights attached to each F permit can be found on the website of the SRC in French and German as well as in the specific section in the chapter Content of international protection in this report.

6.2. Return procedure

In case of a negative asylum decision without granting a temporary admission, the asylum decision is also a return decision. A possible appeal can be made on the point of asylum and on the point of the lawfulness, reasonability or impossibility of the return.

310 FAC, ATAF 2015/18.

D. Guarantees for vulnerable groups

1. Identification

Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum applicants? ☐ Yes ☐ For certain categories ☒ No
   - ❖ If for certain categories, specify which:

2. Does the law provide for an identification mechanism for unaccompanied children? ☐ Yes ☒ No

The law does not specifically provide for the screening of vulnerabilities and there is no standard procedure in practice to assess and identify them. Furthermore, all but very complex asylum claims should be assessed and decided within 140 days. The fast-paced procedure puts administrative authorities and legal representatives under increased pressure, which, coupled with the lack of standard identification tools, may result in overlooking potential vulnerabilities. A report published by UNHCR in 2020 details the protection gaps existing in the Swiss asylum system in this regard and advances concrete suggestions to overcome them.[311] According to UNHCR, there remain wide margins for improvement in the screening and identification of vulnerable applicants. Similar concerns were also raised by the NCPT in a report on federal reception published in 2023.[312] So far, as of January 2025, none of these recommendations have been implemented. As indicated in the previous AIDA report of 2023, the SEM's guidelines for identifying and protecting particularly vulnerable asylum applicants have been in development for a long time. However, to date, no information is available regarding when and how they will actually be published.

1.1. Screening of vulnerability: Victims of human trafficking

The obligation to identify victims of human trafficking has been introduced in the Swiss legislation,[313] to respond to European requirements.[314] Most of the efforts of the SEM are focused on trafficking for purposes of sexual exploitation. In its second report on Switzerland, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) strongly encouraged Swiss authorities to step up efforts to detect and prevent trafficking for the purpose of labour exploitation and trafficking in children.[315] GRETA visited Switzerland in the summer of 2023, for its third Evaluation Round. In June 2024, the third report on Switzerland was published.[316] According to the report, despite improvements, there is still a need for action in Switzerland to protect victims of human trafficking.[317] The report criticises that the accommodation for asylum applicants is often not suitable for victims of human trafficking. it must be ensured that they are provided with accommodation where they can find peace and rest and where their particular circumstances are taken into account.

Furthermore, GRETA expresses its concern about the disappearance of minors from the federal asylum centres. GRETA also recommends that the Swiss authorities should check more carefully in the context of Dublin procedures whether victims of human trafficking have access to adequate protection and support

311 UNHCR, written by Angela Stettler, *Neustrukturierung des Asylbereichs – Asylsuchende mit besonderen Bedürfnissen im neuen schweizerischen Asylverfahren. Problemaufriss und erste Empfehlungen,* August 2020, available in German here.

312 NCPT, *Report on federal asylum centres 2021-2022*, December 2022, available in German here p. 13-16; the summary in French is available here.

313 Articles 35 and 36 of the Ordinance on Admission, Period of Stay and Employment.

314 Article 10 Council of Europe Convention on action against Trafficking in Human beings, Warsaw, 16 May 2005.

315 GRETA, Report, 9 October 2019, available in English here § 85 and 95-96.

316 GRETA, *Evaluation report: Switzerland – Third evaluation round: Access to justice and effective remedies for victimes of trafficking in human beings*, GRETA(2024)09, 20 June 2024, avaialble in English.

317 Communication of the SRC in French and German.

measures in the responsible Dublin state. Victims of human trafficking are otherwise at risk of falling into the hands of human traffickers again in the relevant Dublin country.[318]

In 2016, of the FAC highlighted the identification of victims of trafficking as the state's obligation and the importance of their identification within the asylum procedure,[319] but did not explicitly state that a failure to fulfil this obligation represents a violation of Article 10 of the Council of Europe Convention.

Despite this, it remains very difficult to identify victims of human trafficking in the context of the asylum procedure, as the interview conditions and the limited time are not favourable to building the necessary trust between the applicant and the authorities. The Asylum and Human Trafficking working group[320] was established in 2002 to implement action 19 of the National Action Plan against trafficking (NAP). The working group published a report in May 2021,[321] setting out a list of recommendations, which aim to better detect potential victims of human trafficking and to ensure that their rights are respected in asylum procedures. In particular, the SEM introduced a specific interview in case of indications of trafficking in human beings, and a 30-day recovery and reflection period for potential victims is now granted upon detection. SEM also vowed to reinforce staff training and develop practical tools dedicated to this issue.[322] While welcoming the report as a first step in the right direction, the NGOs involved in the consultation process pointed out that some highly relevant recommendations – for example, regarding accommodation and protection from transfer for victims of human trafficking – were not accepted by SEM and are not being implemented. The group is no longer officially active. A yearly meeting between SEM and the NGO active in the field is organised informally once per year.

1.2. Age assessment of unaccompanied children

In 2024, 1,304 age assessments were conducted (out of a total of 2,639 applications made by unaccompanied minors); in 719 cases (55%), the SEM concluded that the asylum applicant was not a minor.[323]

The UN Convention on the Rights of the Child (CRC) is in force in Switzerland since 1997. The Committee on the Rights of the Child has issued multiple statements on age assessment and the way it should be implemented by State parties,[324] but the Swiss practice falls short of the international standards at different levels.[325]

For instance, even though, in principle, minority of age should always be presumed, in practice not all applicants claiming to be under the age of 18 are treated as children and granted the child-specific protections throughout the assessment process, including the right to not be accommodated with adults (see section on Special reception needs of vulnerable groups). If an asylum seeker refuses to undergo an age assessment, their refusal may be regarded as affecting the credibility of their statements. Therefore, even though applicants are not formally obliged to submit to such an assessment, their refusal to do so can have significant negative consequences — for example, they may be considered to be adults.[326] Additionally, there is no effective remedy to challenge the decision on age assessment. The asylum applicants can only challenge it when they lodge an appeal against the asylum decision itself.[327] Finally, Swiss authorities mainly rely on forensic examinations to assess the asylum applicant's age. In May 2024, the CRC criticised[328] Switzerland with regard to the age assessment of asylum applicants. According to the CRC, the burden of proof should not lie exclusively with the asylum applicants. Furthermore, in the committee's view, if there is any doubt, the decision should be in favour of the person concerned – in other words, they should be treated as children if there is a possibility that they may actually be minors.

Unaccompanied asylum-applicants children in Switzerland: 2020-2024					
Year	2020	2021	2022	2023	2024[329]
Number of applications by unaccompanied minors[330]	535	989	2,450	3,723	2,639
Number of age assessments conducted	305	528	664[331]	1,828	1,304

Percentage of age assessments compared to applications	57%	53.3%	27%	49%	49%
Found to be adults	Unknown	245	330[332]	901	719
Percentage found to be adults compared to applications	N/A	24.7%	13%	24%	55%

The FAC had already ruled in the past that age assessments (by way of forensic examinations) could be ordered when the proof of the identity (e.g. date of birth) of the asylum applicant was not sufficient,[333] and the previous legislation already foresaw the use of scientific methods to assess the age. The law now provides for a combination of methods to be used,[334] In a 2018 judgment, the FAC clarified how the outcome of the forensic examinations should be assessed, in case of discrepancies among the different results.[335]

318 This concern was also expressed by the Swiss Platform against Human Trafficking. According to a 2023 study published by the ZHAW, the risk for minors who disappear from centres to fall pray to trafficking networks is very high. What is disconcerting is that no clear action has been taken so far by the Swiss authorities to counter this problem. The study is available in German here.

319 FAC, Decision D-6806/2013, 18 July 2016. See also: E-1499/2016, 25 January 2017, para 4.3.1.; E-4184/2019, 6 September 2019, para 9.2; F-4436/2019, 1 February 2021, para 4.3.1,

320 Working under the lead of SEM, it is made up of SEM officials and representatives of the main NGOs active in the asylum field, including the SRC. It is coordinated by the Coordination Unit against the Trafficking and Smuggling of Migrants - *Koordinationsstelle gegen Menschenhandel und Menschenschmuggel*, KSMM. Its task is to optimise identification processes regarding human trafficking victims, provide victim assistance during the asylum (including Dublin) procedure, outline these processes in an open publication (e.g. handbook, brochure, etc.), and determine what further action is needed.

321 The report is available in German and French here.

322 According to information provided by the SEM in April 2021 trafficking in persons is the topic of one basic training (1 hour) and one specialisation training (3 hours) offered to caseworkers. The content of the training or the number of caseworkers having followed such course are not known.

323 Data provided by the SEM, February 2025.

324 CRC, General Comment No.4 (2017), available in English here, §II.4; SCEP, Statement of Good Practice (2009), available in English here, §D5.1; CRC, General Comment No. 12 (2009), available in English here, §22; CRC, General Comment No. 6 (2005), available in English here, §21 and section V.b.

325 In its concluding observations about Switzerland, published in October 2021, the CRC recommended that Switzerland "establish age assessment procedures that respect the privacy and integrity of the child, include multidisciplinary assessments of the child's maturity and level of development and respect the legal principle of the benefit of the doubt": Committee for the Rights of the Child, Concluding observations – Switzerland, October 2021. The report is available here, 14; The SRC has developed guidelines with the aim of supporting legal representatives dealing with age assessment, available in French here.

326 Article 8 AsylA.

327 In order to allow judicial scrutiny on age assessment, *before* a final decision on the asylum application is reached, legal representatives have started to challenge the legal age established by SEM through the use of the Federal Act on Data Protection (FADP). In short, procedure is as follows: once the SEM has reached a decision on the applicant's age, their (presumed) D.O.B is registered in the Central Migration Information System (SIMIC). Since the administration has the obligation to make sure that all personal data recorded in the SIMIC is correct, legal representatives can appeal the SEM inscription of the presumed D.O.B. on the basis of the FADP, arguing that the D.O.B. declared by their applicant is more likely to be the correct one than the one chosen by SEM. This way, they force the FAC to go through the age assessment and decide which of the two dates, whether the one indicated by SEM or the one indicated by the applicant, is more likely to be the correct one, It is to be reminded, though, that this procedure represents an additional burden for the legal representatives, as it is lengthy and expensive in terms of time and resources. The procedure is thus only used in a limited amount of cases.

328 The SRC had argued for years that the procedures for determining the age of refugees in Switzerland are inadequate.

329 Date provided by the SEM, April 2025.

330 SEM statistics are available here.

331 Data provided by the SEM, May 2023.

332 Data provided by the SEM, May 2023.

333 FAC, Decision E-1552/2013, 2 April 2013, available in German here, para 4.2.

334 Article 7 AO1 provides for a combination of methods, which include skeletal age (e.g. X-ray of the hand, possibly CT scan of the sternum-clavicular joint) as well as dental age and physiognomy (e.g. sexual maturity and physical constitution).

335 FAC, Decision E-891/2017, 8 August 2018. The FAC does sometimes step in to correct the SEM's practice, when the latter is too strict or detached from international guidelines. See for instance: FAC, Decisions D-4824/2019, 27 September 2019, available in Italian here, E-7333/2018, 4 March 2019, available in French

In June 2022, the Swiss Society of Forensic Medicine published a report,[336] which attempts to bring some uniformity and clarity to the way forensic examinations are conducted. The report underlined that some examinations (especially dental examinations) can be influenced by ethnicity: the lack of reference studies can be highlighted if necessary, depending on the applicant's origins. The FAC admitted for instance the lack of baseline studies on tooth maturation for the Afghan population.[337] According to a paper published in November 2024, due to their complexity, the results of the medical analysis for age assessment are often not interpreted correctly. Moreover, the current forensic medical practice does not fully exploit their informational potential.[338]

In January 2024, the FAC examined the probative value of the Afghan identity document **Tazkira** and emphasised that relying on this document alone was not sufficient to assess the alleged minority or majority.[339]

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?
   ☐ Yes ☒ For certain categories ☐ No
   - ❖ If for certain categories, specify which: Unaccompanied children; gender-based claimants; victims of trafficking

There is no specific unit to carry out the procedures for vulnerable persons, but there are experts for specific topics within the SEM ("thematic specialists") who can be asked for advice or support in difficult cases (for example regarding unaccompanied minors, gender-specific violence or victims of trafficking). These collaborators also treat asylum applications themselves and are responsible for the development of practice trends and decision-making on their topic. Following a parliamentary request known as the "Marti Postulate," a report was drafted to examine whether and how the best interests of the child are taken into account in asylum and migration law procedures. [340] The SCR is part of the advisory group, coordinated by the SEM, and monitors the discussions related to this report, alongside other organisations active in the field. The content of the report is kept confidential as of January 2025.

2.1. Adequate support during the interview and credibility assessment

People with serious illnesses or mental disorders, and survivors of torture, rape or other forms of serious violence, including female genital mutilation (FGM)

The UN Human Rights Committee regretted, in its recommendations on the fourth periodic report of Switzerland in 2017[341] that expert evaluations drawn up pursuant to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (so called Istanbul Protocol)[342] were not fully recognised and taken into account by the Swiss authorities in implementing the principle of *non-refoulement*.[343] According to the same recommendations,

here; E-4959/2018, 4 February 2019 (Dublin case), available in German here; D-1589/2019, 15 May 2019, available in German here; E-2999/2018, 14 February 2018, available in German here.

336 SSML, *Forensische Altersdiagnostik*, June 2022, available in German here.

337 FAC, Decision D-1874/2022, 31 August 2022, available here.

338 E. Sironi, F. Taroni, Expertises médico-legales pour l'estimation de l'âge : fondament scientifique, limites et perspectives futures, Jusletter, 25 novembre 2024

339 FAC E-2771/2023, 19 January 2024, available here.

340 The text of the request known as 'Marti postulate' is available here in French. The institution which carried out the research for the Report is the ZHAW.

341 UN Human Rights Committee, *Concluding observations on the fourth periodic report of Switzerland*, 22 August 2017, available in several languages here.

342 Available here.

343 The UN General Assembly adopted the Manual on Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, known as the Istanbul Protocol, almost 20 years ago, available in several languages here. The Istanbul Protocol contains internationally recognised standards

Switzerland should ensure that all personnel concerned receive systematic and practical training on the Istanbul Protocol and apply it. In its Concluding observations, published in July 2023, the UN Committee against torture (CAT) reiterated that consistent and full use of the Istanbul Protocol in asylum evaluations should be ensured as a matter of course.[344] Per the experience of the SRC, no changes were observed on this in 2024.

National NGOs report cases in which the SEM failed to carry out further investigations and, in particular, have expert reports drawn up in accordance with the standards of the Istanbul Protocol if asylum applicants assert - in the hearings or via medical reports - that they are victims of torture or inhuman/degrading treatment.[345] Even when asylum applicants succeed in producing such reports in individual cases, the Swiss authorities often fail to take them into account adequately, especially when it comes to the (physical/psychological) consequences of the ill-treatment endured. This in turn can have a very meaningful impact on the asylum claim, as it makes it very hard for the asylum applicants to make their claims credible.[346]

LGBTQI+

SEM addresses the credibility issues linked to SOGI claims in the same part of its Handbook[347] that is devoted to gender-based persecution (for more information, see the section on Victims of gender-based violence).[348] It does though specifically mention that LGBTQI+ individuals often come from countries where they did not have the possibility of expressing their sexual orientation/gender identity. Therefore, they might find it particularly difficult to disclose it or talk about it, because of feelings of stigma, and shame. The use of the DSSH model is thus recommended to carry out interviews with them. Despite the information and guidelines provided in the Handbook, the conduct of the hearings continues to pose many problems. For instance, late disclosure is often weighted against the applicant, despite abundant evidence that trauma or fear can prevent LGBTQI* asylum applicants to disclose their past experiences in a timely manner.[349] Moreover, the jurisprudence regarding LGBTQI* does not seem to be uniform according to the observation of the SRC. Together with NGOs active on the field, the SRC has developed guidelines with the aim of supporting legal representatives dealing with LGBTQI cases.[350]

The Observatory for Asylum and Foreigners Law in French-speaking Switzerland published in November 2022, a report that details the challenges LGBTQI+ applicants meet while navigating the Swiss asylum system.[351]

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and procedures on how to recognise and document symptoms of torture, so that the documentation may be used as evidence in Court. Although non-binding as such, it does have a *quasi-binding* legal nature, because every State signatory to the Convention against Torture and other cruel, inhuman or degrading treatment or punishment must adhere to the standards set out there, if it wants to fulfil the obligation to carefully and effectively examine evidence of torture. As a result, the Istanbul Protocol has established itself internationally as the instrument for documenting torture and inhumane treatment.

344 UN Committee against torture, *Concluding observations on the eighth periodic report of Switzerland*, July 2023, available here p.5. According to the same report, Switzerland should also increase its efforts to provide systematic training and practice in applying the Istanbul Protocol.

345 An NGO 'working group' is dedicated to the implementation of the Istanbul Protocol into the Swiss practice, information available in German (and French) here.

346 See for instance: FAC, Decision D-4802/2020, 30 December 2020, para 4.1 – 4.3 available in German here and D-2112/2022 10 November 2023, available in German here

347 SEM, Handbook on asylum and return, ch. D2.1 – Gender based persecution. Available in French and German only, here.

348 SEM, Handbook on Asylum and Return, chapter D2, available in French here.

349 FAC, Decisions E-4306/2018, 21 September 2018; E-4422/2017, 2 April 2019; E-3422/2018, 27 June 2018; E-1490/2015, 13 March 2018. On these challenges, please also refer to Anis Keiser, Requérant.e.x.s d'asile LGBTIQ+ *: Les enjeux principaux des demandes d'asile pour motifs d'OSIEGCS*, ASYL 4/2020, available in French here, 16.

350 The Guidelines of the SRC are available in French (and German) here. Also, the SRC developed a detailed report on the decision-making and jurisprudence related to LGBTQI* asylum seekers.

351 ODAE, *Asile LGBTQI+ - La situation des personnes LGBTQI+ dans le domaine de l'asile*, 15 November 2022, available in French here.

In November 2024, the ECtHR ruled against Switzerland[352] for its asylum practices regarding **LGBTQI+ persons**. The SEM and the FAC have not carefully enough examined the willingness and ability of the Iranian authorities to protect LGBTQI+ individuals in the event of their return, the judges in Strasbourg criticised. The SRC welcomed the ruling and hopes that it will finally lead to the practice of 'discretion' for LGBTQI+ asylum applicants being lifted.[353]

Victims of gender-based violence

According to the Asylum Act, gender-specific asylum claims must be given specific consideration.[354] Furthermore, when spouses, registered partners or a family apply for asylum, each person seeking asylum has the right, as far as they are capable of discernment, to have their own reasons for asylum examined.[355]

If there are indications of or if the situation in the country of origin indicates gender-specific violence and persecution, the asylum applicant will be interviewed by a person of same gender according to the law.[356] The SEM Handbook on Asylum and Return specifies that men who are victims of gender-specific violence and persecution should be able to choose the gender of the interviewing official, but that in this case the provision will be applied with some "pragmatism".[357] The rule also applies to the interpreter and the person taking minutes. Despite this rather clear legal framework, the SEM does not always comply with these obligations.[358]

When it comes to the assessment of credibility, settled case law accepts that a traumatised woman may try to protect herself from difficult memories by frequently using "stereotypes" or in some cases by changing the subject of phrases.[359] Yet, the SEM is often very strict in assessing credibility, especially of late and somewhat inconsistent narratives, even when they come from highly traumatised women.[360] The same is true for late declarations, which are often dismissed as non-credible, regardless of the SEM Handbook clearly stating that the claimant's credibility must not be dismissed on the sole ground of the belated allegations.[361]

Victims/possible victims of human trafficking

The guarantees which are in place for victims of gender-based violence (see section above) can also be applied to potential victims of human trafficking (PVOT) or victims of human trafficking (VOT). Nevertheless, no specific provision is in place to ensure that. NGOs working in the field remark that the hearing seems often more geared towards receiving information for the federal/cantonal police and not gaining an insight into the personal situation and needs of the potential victim. The practice of only granting access to a specialised victim organisation only after an in-depth audition is questionable and a thorough hearing on the topic of human trafficking will only be organised under certain conditions (depending on the circumstances and the location of the exploitation).

352 Case of *M.I. v. Switzerland*, 12 November 2024, case No. 56390/21, available here.
353 Available here.
354 Article 3, para 2 AsylA.
355 Article 5 AO1.
356 Article 6 AO1.
357 SEM, *Handbook on Asylum and Return*, chapter D2, available in French here, 18.
358 FAC, D-2566/2024, 17 June 2024; D-7431/2018, 22 January 2019; E-1805/2017, 26 September 2019; D-2849/2017, 18 October 2019. In all these decisions, the FAC sent the case back to the SEM for a new assessment.
359 Commission suisse de recours en matière d'asile (CRA), 16/1996, available in German here.
360 FAC, Decisions E- 5954/2016, 12 June 2018; E-3953/2016, 22 August 2019, available in German here; D-6998/2017, 8 July 2019, available in German here, E-6865/2017, 17 April 2019, available in French here. E-3506/2021, 19 February 2024, available in French here, D-5095/2020, 17 May 2024, available in Italian here. This judgement concerns a male applicant, but the reasoning concerning his credibility is applicable to all victims of sexual violence. In all these cases the SEM decisions were quashed by the FAC. In other cases, though, while the sexual violence was uncontested, the claimant was not able to prove that it was in connection with the flight, and the FAC dismissed the claim. See for example E-5299/2019, 5 March 2020.
361 SEM, *Handbook on Asylum and Return*, chapter D2, available in French here, 21. See, for instance FAC, E-2245/2017, 26 November 2019.

In a judgement on the credibility assessment of victims of trafficking in the asylum procedure and the positive obligations of the authorities to identify victims of trafficking, the FAC noted that untrue statements in earlier proceedings constitute a typical testimony of victims of human trafficking, and therefore should not automatically lead to the assumption that the subsequent human trafficking allegations were unreliable.[362]

Minors/unaccompanied minors

Regarding the personal interview of children, especially unaccompanied children, Swiss law provides that the interviewer has to take into account the vulnerabilities of children by virtue of the fact that they are children.[363] According to case law specific guarantees should be in place.[364] Namely, the atmosphere should be welcoming and benevolent, the adults in the room must have an open and empathetic attitude, each of the participants should introduce themselves to the child and the aims and objectives of the interview should be clarified in a child friendly manner. The Court also provided some details on how the interview should take place: the pace should be slower than the one followed in an interview with an adult, breaks should be granted every 30 minutes, 'open' questions should be preferred, at least at the beginning, conversation topic should be changed only after announcing it to the minor, the listeners' attitude should remain neutral. The practice does not always live up to these standards.[365]

In other cases, the administrative authorities fail to consider that the minor's age could have an impact on the internal consistency of their accounts and apply the same credibility standards as adults. This is also in contrast with international guidelines on child-friendly justice and on the child's right to be heard.[366]

In September 2023 UNICEF Switzerland and Lichtenstein published their guidelines on the participation of children and young people in the asylum procedure. The guidelines are oriented to legal representatives and staff of the SEM, which decides on asylum applications.[367] However, per the experience of the SRC, these have not had a significant impact on practice.

According to the SEM, they systematically interview accompanied minors aged 14 or over, whereas younger children are only interviewed directly if this is necessary to establish the facts. Since spring 2021, a right to be heard is systematically granted to parents of children under the age of 14 concerning the specific situation of these children. This right is granted in both Dublin and substantive procedures to consider all elements relating to the particular situation of these children and determine whether a personal hearing of the latter is necessary.

362 FAC, Decision D-6806/2013, 18 July 2016, available in German here.

363 Article 7(5) AO1.

364 FAC, Decision E-1928/2014, 24 July 2014, available in French (main parts also in German and Italian) here.

365 See for example FAC, E-4410/2022, 3 August 2023: In this ruling, concerning a Somali child, the TAF criticized the SEM for not using language that was sufficiently clear for the applicant, for prolonging the hearing excessively and at too fast a pace (less than one minute per answer), for not taking into account his obviously distressed state (frequent crying, headaches, chest pains), and above all for questioning his answers, thus compromising the neutral and benevolent attitude that should characterize all hearings (c. 7.2). See also: FAC, E-7447/2015, 5 November 2018, (available in German here); D-6508/2019, 18 December 2019, D-6229/2017, 7 February 2020.

366 FAC, Decisions D-6508/2019, 18 December 2019, available in German here; E-573/2016, 12 December 2018, available in German here; E-6636/2017, 21 June 2018, available here; D-1520/2017, 5 April 2017, available in French here.

367 UNICEF, *Neuer Leitfaden zur Partizipation von Kindern und Jugendlichen im Asylverfahren*, September 2023, available here (in German).

2.2. Decision-making process

People with serious illnesses or mental disorders, and survivors of torture, rape or other forms of serious violence, including female genital mutilation (FGM)

The practice is not always correct when it comes to victims of FGM (or at risk thereof): while the type[368] of FGM suffered does not seem to have (rightfully so) any bearing in the decision-making process, sometimes the SEM refuses asylum on the basis that FGM is a one-off act that cannot be repeated on the same girl or woman and that asylum law cannot make up for wrongful acts committed in the past. This is in sharp contrast with the UNHCR guidance on FGM.[369] The FAC generally takes a more careful approach.[370]

LGBTQI+

When it comes to decision-making, the SEM and FAC do not consider criminalisation of "non-compliant" sexual identity/gender orientation in the country of origin as sufficient ground for an asylum request.[371] There must be past persecution, 'simple' harassment will not be regarded as sufficient. Furthermore, both bodies attach a lot of weight to the "discretion requirement", often claiming that the asylum applicant could avoid persecution by concealing their sexual orientation upon return to the country of origin. This positioning is however in contrast with CJEU jurisprudence.[372]

In November 2024, the ECtHR once again[373] ruled against Switzerland[374] for its asylum practices regarding **LGBTQI+ persons**. The SEM and the FAC did not carefully enough examined the willingness and ability of the Iranian authorities to protect LGBTQI+ individuals in the event of their return, the judges in Strasbourg criticised. The SRC welcomed the ruling and hopes that it will finally lead to the practice of 'discretion' for LGBTQI+ asylum applicants being lifted.[375]

Victims of gender-based violence

The legal situation of **victims of domestic violence** with regard to immigration law is to be improved. With this aim in mind, the parliament passed an amendment to the Foreign Nationals and Integration Act (FNIA) during the summer session. The Federal Council enacted this amendment and the necessary ordinance adjustments at its meeting on 27 November 2024, bringing them into force on 1 January 2025. In addition, the Federal Council is withdrawing Switzerland's reservation on the application of the Istanbul Convention.[376]

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368 According to the WHO, there are 4 different types of FGM, all of them being equally painful, dangerous for a girl/woman's health and diminishing of her independence and self-worth. More information available here.

369 UNHCR, *Guidance Note on Refugee Claims relating to Female Genital Mutilation*, May 2009, available in English here.

370 See for example FAC, Decision E-6456/2015, 29 June 2018 and Decision E- 3512/2019, 27 July 2020. See, recently, D-1011/2022, 21 November 2024

371 FAC, Decision D-2314/2018, on Congo, para 5.2.2; E-2497/2016 19 April 2018, on Azerbaïdjan, available in German here, para 5.3.1; D-4923/2009, 1 May 2012 on Algeria, available in German here, para 4.2.3; D-7041/2013, 14 May 2014 on Morocco, available in German here, para 5.2; E-7217/2014, 18 December 2014 on Tunisia, available in German here, para 5.2.4; On the specific situation of bisexual persons in Morocco, D-5585/2017, 12 September 2019, available in German here. On the situation in Ethiopia, see: E-2109/2019, 28 August 2020, available in German here. On the one in Syria, see: D-6722/2017, 12 August 2020. On the one in Uganda see: E-4133/2020, 20 November 2020. For a different approach, on Iraq, see D-6539/2018, 2 April 2019, available in German here para 7.5. See D-3978/2019, para 3.4.4.4, 25 June 2021, available in German here.

372 The CJEU case in point is *X, Y and Z v. Minister voor Immigratie en Asiel* (consid. 70 et 71). The SEM in its Handbook on Asylum and Return states officially that the discretion requirement is no longer applied in LGBTQI cases.

373 EctHR, *B and C v. Switzerland*, Application nos. 43987/16 and 889/19, 17 November 2020, available here.

374 ECtHR, *M.I. v. Switzerland*, 12 November 2024, case No. 56390/21, available here.

375 Available here.

376 SEM, available here.

Although SEM specifically recognises in its Handbook that domestic violence, forced marriage and sexual violence are forms of gender-based persecution that may be relevant to an asylum application, there are very few concrete cases where applications based on this type of violence have actually been accepted. The biggest problem is always the credibility of the applicants, but both the SEM and the FAC also have great difficulty in recognising that women victims of these types of violence could also qualify as members of a particular social group.[377] Assessment of the availability of State protection in case of persecution coming from third parties can also be quite problematic.

In recent years, asylum has often been granted to applicants coming from the Middle East (e.g. Afghanistan, Iraq, Syria) when falling under the listed categories above.[378] Much more controversial is the assessment of claims of 'honour' killings, domestic violence, or forced marriage, lodged by 'western' women, especially the ones coming from the Balkan area and Türkiye. Most of these applications are rejected, on the basis that these States have been designated as 'safe countries of origin' (or, in the case of Türkiye, on the basis of settled case-law),[379] and that State authorities would be willing and able to offer adequate protection to those targeted by these types of gender-based persecution.[380]

Practice concerning victims of sexual violence changed in 2020, when SEM devoted a new paragraph its Handbook to "Women in Conflict Situations".[381] In this new section, the SEM explicitly admits that 'it cannot be ignored that women, solely because of their sex, are particularly and specifically affected by sexual violence in the context of conflicts', that 'the examination of asylum applications from persons coming from countries facing war or conflict will therefore have to determine whether the person concerned has been personally targeted because of his or her characteristics, including his or her sex'. These are certainly positive changes, which incorporate the case law of the FAC as well as international recommendations on the subject.[382]

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) entered into force in Switzerland in April 2018. A group of NGOs, the Network Istanbul Convention, has been created to monitor the implementation of the Convention in the Swiss practice. The country report on Switzerland of the Istanbul Convention monitoring body, the GREVIO, was published in November 2022. For what specifically concerns the asylum field[383] the Committee regretted the absence of a procedure for screening vulnerabilities and early detection of women victims of gender-based violence and is concerned about the persistent lack of sensitivity and understanding of gender-based violence issues among SEM staff. [384] GREVIO furthermore noted that the protection offered to women nationals of 'safe' countries is not always sufficient: this is because allegations of violence are rejected on the grounds that the third State in question would have the capacity to protect the victim, inter alia because that State has ratified the Istanbul Convention.

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377 FAC, D-2566/2024, 23 May 2024 regarding violence from police officers is violence from the State; E-3506/2021, 19 February 2024 regarding credibility and rape; FAC, E-2883/2019, 28 June 2019, D-3064/2019, 11 July 2019. See also, more positive, D-3501/2019, 21 August 2019, and E-2461-2462/2019, 12 November 2019.

378 FAC, Decision E-4962/2019, 2 December 2019. For Afghanistan, see FAC, Decisions D-3501/2019, 21 August 2019 and E-2245/2017, 26 November 2019. SRC notices with some concern, though, that for some countries, such as Iran or Kurdistan, the practice is getting stricter: women need to prove they sought relief at a national level before being able to claim a risk of persecution based on gender. This is questionable, given that the legal framework concerning the status of women in both countries hasn't undergone significant changes over the past years. See for instance: FAC, E-6031/2020, 11 April 2023 available in German here and E-6061/2020, 10 November 2023, available in German here and D-2840/2021, 10 March 2022, available in Italian here.

379 FAC, Decisions E-1948/2018, 12 June 2018; E-6626/2019, 23 December 2019; E-1175/2020, 16 March 2020; E-5920/2019, 21 November 2019.

380 For Albania, see FAC, Decision D-1960/2019, 7 May 2019; for Macedonia, see FAC, Decision E-2883/2019, 28 June 2019; for Kosovo, see FAC, Decisions E-4677/2018, 27 May 2020 and E-3437/2020, 13 July 2020.

381 *SEM Handbook on Asylum and Return*, chapter D2, available in French here, 13, para 2.3.6.

382 See for instance: FAC, Decisions D-2290/2017, 8 February 2019; D-6021/2017, 15 April 2019 and E-2657/2015, 4 April 2017.

383 The Istanbul Convention is very comprehensive, and only 2 Articles, namely Articles 60 and 61, specifically refer to asylum seekers and refugees.

384 GREVIO, *Baseline Evaluation Report – Switzerland*, November 2022, para 268. The report is available in English here.

The SEM does not produce disaggregated statistics on the asylum grounds and therefore also not on gender-specific persecution, which would be necessary to better grasp the problem and the protection rate for asylum applications based on gender-specific persecution.

Victims/possible victims of human trafficking

Contrary to practice in other European countries, the SEM and the FAC deny that victims of trafficking can be considered as 'members of a defined social group.'[385]

In a very controversial judgement passed in early 2024, the Federal Administrative Court recognised that the forced recruitment of women for prostitution can, in principle, constitute a form of gender-based violence. However, it did not conclude that human trafficking constitutes grounds for asylum. After an assessment of the measures taken by Nigerian authorities to combat human trafficking and protect victims, the Federal Administrative Court acknowledged, among other things, that the situation in Nigeria is still far from ideal. Nevertheless, it concluded that victims can seek protection from Nigerian authorities in the event of their return.[386]

While decisions and judgments on the merits are rare, there are more cases concerning victims of trafficking in the Dublin procedure, with, in some cases at least, positive decisions.[387] In a case concerning France, the Court reminded the administrative authorities that in possible cases of trafficking they need to initiate investigations *ex officio* without the need for the victim to report it.[388] Furthermore, the Court found that the general presumption of safety in human trafficking cases is not justified in the case of France, given that there are concrete indications that the vulnerability of potential victims of human trafficking in France cannot always be adequately taken into account".

In general, it remains difficult for victims of trafficking to access asylum procedures in Switzerland, because of the very strict way the country applies the Dublin regulation.

The Committee on the Elimination of Discrimination against Women (CEDAW) published its Concluding observations on the sixth periodic report of Switzerland in October 2022. Amongst the 70 recommendations addressed to Switzerland, one concerns the need to "increase capacity building for law enforcement officials, social workers, and medical personnel on the early identification and referral of victims of trafficking and women and girls at risk, in particular migrant women and unaccompanied girls, to appropriate services".[389] Per the experience of the SRC, these had yet to be applied in 2024.

2.3. Exemption from special procedures

It is possible, on an individual basis, to exempt an applicant from the airport procedure if stay in the transit zone is deemed not to be appropriate based on medical reports and/or vulnerability of the individual. At **Zurich** Airport, no unaccompanied minors are assigned to the airport accommodation centre. As a rule, the SEM authorises entry. At **Geneva** Airport, the same applies to unaccompanied minors under 14 years

385 It is, unfortunately, constant practice. See: FAC, Decision D-2759/2018, 2 July 2018; D-2341/2019, 22 October 2019; D-2759/2018, 2 July 2018; E-4273/2018, 4 February 2020; D-1547/2017, 4 December 2019, mostly focuses on the availability of State protection for VOT in Benin and concludes that the State is willing and able to assist them. Further judgements: E-4710/2020, 9 February 2021; D-4826/2021, 5 January 2022; E-6566/2020, 7 June 2022.

386 See para 9.4 of the judgment: D-3116/2021, 29 February 2024, available in French here. For 'Plateforme traite', an alliance amongst different NGOs working against trafficking in Switzerland, this lack of protection does not align with the recommendations of the United Nations High Commissioner for Refugees (UNHCR) or Switzerland's commitments as a signatory to the Convention against Trafficking and the Istanbul Convention. The Trafficking Platform openly expresses its concern about the tightening of asylum policies and the impact on all other victims. Their chances of obtaining a secure status in Switzerland are virtually non-existent. The lack of protection makes them even more vulnerable to further situations of exploitation and abuse upon return. See also the *SCR Fluchtpunkt of July 2024*, available here, 12.

387 FAC, Decision D-3471/2019, 23 July 2019.

388 FAC, Decision D-3292/2019, 1 October 2019.

389 Committee on the Elimination of Discrimination against Women (CEDAW) *Concluding observations on the sixth periodic report of Switzerland**, 31 October 2022, available here, 9.

old.[390] As far as people with health problems, there is no specialist doctor at Geneva airport, so it may not be a suitable place for a vulnerable person. In this airport, there is only a general practitioner who comes on request. If a specialist is needed, there are two options: either the asylum applicant is taken to the specialist in Geneva and then back to the airport, or the SEM issues a decision authorising entry into Switzerland.[391]

3. Use of medical reports

Indicators: Use of Medical Reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm? ☒ Yes ☐ In some cases ☐ No

2. Are medical reports taken into account when assessing the credibility of the applicant's statements? ☒ Yes ☐ No

Every asylum applicant must sign an agreement at the beginning of the asylum procedure giving SEM the right to have access to their medical reports. The asylum applicant is not by law forced to sign, but if they do not, the SEM will claim that the asylum applicant has not complied with the duty to cooperate and therefore loses their right to have the proceeding continued.

According to the law, when filling out the application for asylum, asylum applicants must state any serious health problems of which they are aware and of relevance to the asylum and removal procedures.[392] In practice, this is problematic as traumatised people are often not aware of their trauma, it is symptomatic that a trauma can show up only after some time, which speaks for the credibility of the disease.[393] Medical problems that are claimed at a later stage or established by another medical specialist may be taken into account in the asylum and removal procedures if they are proven. The provision of *prima facie* evidence suffices by way of exception if there are excusable grounds for the delay or proof cannot be provided in the case in question for medical reasons. That should be the case for all psychological diseases which can hardly be proven.

Medical care and the establishment of medical facts in the examination of asylum applications remain one of the main issues induced by the acceleration of procedures. They crystallise the tension between, on the one hand, the tight procedural deadlines provided for in the Asylum Act and the processes put in place in federal structures and, on the other hand, an examination of asylum applications based on adequate medical care enabling the medical professionals to make clear and detailed medical diagnoses.

In this respect, case law of the FAC highlights several shortcomings concerning medical care and measures of instruction taken by the authority of first instance on the medical aspects before issuing a decision on removal or transfer to another Dublin State. Critical points are the following: decisions issued in the absence of a medical diagnosis, the difficulty for asylum applicants in accessing a doctor, the transfers from one federal centre to another during the procedure which result in the interruption of medical follow-up or treatment, the lack of adequate translation during interviews with doctors or medical staff of the centres and finally the difficulty for legal representatives to obtain information or medical reports.[394]

The health concept implemented by the SEM in French-speaking Switzerland prohibits direct contacts between legal representation and health professionals, both inside and outside the federal centres. In 2020, only email contacts were allowed between the infirmary of the centres. This situation has gotten

390 Information provided by Berner Rechtsberatungsstelle für Menschen in Not, 15 April 2024.
391 Information provided by Caritas Switzerland, 2024, 24 April 2024.
392 Article 26-bis AsylA.
393 On the obligation of the SEM to always assess the applicant's medical situation when there are concrete signs that they may suffer from serious diseases such as PTSD that, even though the applicant does not specifically mention any kind of health issues, see e.g. FAC, Decision D-6057/2017, 15 May 2018, para 5.4.
394 See for instance : SRC, *L'accélération ne doit pas prétériter l'équité et la qualité,* 4 February 2020, available (in French) here; Vivre Ensemble, *Procédures accélérées et accès aux soins. L'équation impossible ?* | *Prise en considération de l'état de santé : des procédures bâclées,* June 2019, available (in French) here.

even worse in 2021 – and did not improve since – as the legal representatives were forbidden to contact the infirmary, except for organisational requests such as an appointment date. Otherwise, they can only communicate through the SEM.[395] In an important judgment of 2019, the FAC stated that the unjustified lack of transmission of medical information represents a violation of the right to a lawful hearing.[396]

From the perspective of organisations such as the SRC, direct and effective communication between medical staff and legal representation is necessary to ensure adequate care and a complete establishment of the relevant facts, especially in the context of an accelerated procedure.

In principle, asylum applicants do not have to pay for the medical examination. Moreover, medical treatment – if necessary – will be paid for by the basic health insurance every asylum applicant is provided with. However, medical examinations for the purpose of a detailed medical report to be used in the asylum procedure are rarely requested by the authorities. In most federal centres, the SEM has concluded partnerships with doctors or medical centres to which asylum applicants are redirected in case of need. In the eventuality that an asylum applicant consults a doctor who is not included in the SEM concept, the costs incurred are not covered by the basic health insurance. In light of the current breaches as reflected in the FAC's case law as described above, there is in some cases a real difficulty in asserting health problems in time in the first instance procedure.

The medical reports are unfortunately infrequently based on the methodology laid down in the Istanbul Protocol. In the view of NGOs, there is need for improvement in this regard.[397]

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?
   ☒ Yes ☐ No

In Switzerland, unaccompanied children are entitled to asylum interviews if they are deemed capable of judgment. The assessment of this capability depends on the maturity and the development of the child in question.[398] Usually, a person is considered as able to make a judgment at the age of 14. The FAC has stressed the importance of the right of the child to properly take part in all the decisions that concern them and clarified in a detailed manner how this should be put into practice during the personal interview.[399]

A representative, a so-called person of trust, is immediately to be appointed for each unaccompanied asylum-seeking child. The latter assists the unaccompanied child during the asylum procedure.[400] The Asylum Ordinance 1 (AO1) specifies that the duty of the representative starts with the first interview.[401] This means that in all the procedures, the representative should be present in the first as well as the second interview. Also, when a hearing takes place because the SEM does not believe that the person is

395 FAC, Decision D-2044/2022,3 August 2022 (available here) confirms that this worrying practice is still ongoing. In this case, the FAC had already rejected the applicant's first appeal (which concerned the execution of a Dublin transfer to Greece). At the basis of the Tribunal's reasoning was the fact that, according to the information available at the time, there was no medical indication that the applicant was suffering from any acute illness, and that, despite his diagnosed depression, he was overall in good shape. A revision request was later lodged against this first judgment, because the legal representatives was able to show that he had been denied access to the applicant's medical files at the SEM's request. Therefore, the fact that the applicant was actually under psychiatric treatment and at high medical risk hadn't been properly disclosed to the Court at the time of the first decision. Decision D-2044/2022 accepts the applicant's request to revise the case, and sends the file back to SEM for new assessment of the facts. See also, broadly on the assessment of medical issues during the asylum procedure: E-1413/2021, 8 April 2021; D-1008/2020, 26 July 2021; D-6591/2020, 13 January 2021.

396 For a more detailed description of the medical concept see in particular: FAC, Decision D-1954/2019, 13 May 2019; E-3262/2019, 4 July 2019.

397 For more information, see the *alternative Report* submitted in June 2023 by the Swiss NGOs, available here in English. The Report was submitted previous to the visit of the CAT committee to Switzerland, which took place in July 2023.

398 Asylum Appeals Commission, Decision EMARK 1996/4, 9 March 1995.

399 FAC, Decision E-1928/2014, 24 July 2014.

400 Article 17(3) AsylA.

401 Article 7(2-bis) AO1.

a minor and is about to treat the person as an adult, a representative should be attending because the change of the asserted birth date should be considered as a decisive procedural step.

The child may then be transferred to a Canton if they are moved to the so-called extended procedure, or their asylum application is accepted, and temporary admission granted. In these cases, the legal duties of the person of trust are passed on to other representatives, mostly social workers that operate within the different Cantons as well as a legal representative if the asylum procedure is not yet completed. The discrepancies and different quality level of the care and support provided by the different cantonal offices has been highlighted in a report by the Conference of the Cantonal Directors of Social affairs committees.[402] The division of responsibilities between the persons of trust working in the Federal centres and the cantonal representatives is another sensitive issue. Moreover, the person of trust is foreseen as an interim measure until child protection measures under the Civil Code (such as appointing a guardian) are implemented. The appointment of a guardian usually occurs after attribution to a Canton.

According to the AO1, the mandate of the person of trust working inside the Federal centre or at the airport begins after the submission of the asylum application and lasts if the unaccompanied stays in said centre or at the airport or until they turn 18. If a Dublin procedure is pending, then the activity of the person of trust lasts until the unaccompanied minor is transferred to the competent Dublin State, or until they become an adult.[403] Even if the unaccompanied minor renounces of the appointed legal representative, the person of trust remains responsible for defending their interests. Neither the authorities nor the unaccompanied minor can waive the appointment of a person of trust.[404] This means that there is no need for the unaccompanied minor to agree with such designation.

In the context of Dublin transfers, the practice of the FAC regarding Dublin appeals combined with the challenge of the result of the age assessment seems problematic, as the court does not wait for the decision regarding the age assessment when treating the appeal against the Dublin decision. This is in spite of the fact that the age is a relevant factor in the application of the Dublin III Regulation.[405]

In 2024, 2,639 applications were lodged by self-declared unaccompanied children. Children from Afghanistan made up the most numerous group, with 1,295 applications (49%), followed by children from Guinea and Somalia.[406]

Profile and tasks

The duties of the person of trust (who also acts as legal representative in federal asylum centres) are not precisely defined by law and are therefore not always clear in practice.[407] The AO1 specifies that the representative must have knowledge of asylum law and the Dublin procedure. They accompany and support the minor in the asylum or Dublin procedure. The AO1 lists a few examples of tasks that the representative must fulfil: advice before and during interviews; support in naming and obtaining elements of proof; support especially in the contact with authorities and medical institutions.[408] The idea is that the person of trust should support the asylum applicant in the asylum procedure, as well as in other legal/administrative tasks related to the asylum claim and to the minor's situation in Switzerland (accommodation in the centre, attendance to school, health issues etc). In practice, if the minor stays in the federal asylum centre (maximum 140 days), the representative mostly accompanies them to the asylum interview or hearing. The child and the representative often only meet shortly before the interview and, in some cases, persons of trust cannot have direct access to the federal reception centres where

402 Recommandations de la Conférence des directrices et directeurs cantonaux des affaires sociales (CDAS), 20 May 2016, available here.
403 The person of trust also represents the child in the procedures referred to in Articles 76a and 80a FNIA.
404 FAC, Decision D-5672/2014, 6 January 2014.
405 For example, FAC, F-3517/2024, 7 June 2024; E-3953/2024, 11 July 2024.
406 SEM statistics are available here.
407 Asylum Appeals Commission, Decision EMARK 2006/14, 16 March 2006. As anticipated in the previous paragraph, it is to be hoped that the new Handbook published by SEM in November 2023 will bring along some clarity as to the roles and responsibilities of the actors involved.
408 Article 7(3) AO1.

minors are accommodated. Often the translator of the SEM is asked for help with the explanation of the representative's role. Under these circumstances there is hardly any time to build trust.

A lot still needs to be done to ensure that legal representatives acting as persons of trust have the necessary support and resources to carry out their tasks in the best possible way.[409] Exchanges fostered by the SRC confirm that the exchange and dialogue between the persons of trusts and other actors responsible for the children's well-being and care inside the centres (social workers, educators, teachers, etc) is often made difficult or hindered by cumbersome bureaucratic requirements. Furthermore, the need remains to better clarify the responsibilities and tasks of the persons of trust working inside the centres and the social workers that are active at a cantonal level. Shortcomings in the care and support of unaccompanied minors are unfortunately the consequence. As an example, while an increasing number of unaccompanied children continue to disappear from asylum centres, there are no standard protocols in place to ascertain how to approach the issue and to better protect them from the risk of falling prey of trafficking networks.[410]

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No

2. Is a removal order suspended during the examination of a first subsequent application?
   - ❖ At first instance ☐ Yes ☒ No
   - ❖ At the appeal stage ☐ Yes ☒ No

3. Is a removal order suspended during the examination of a second, third, subsequent application?
   - ❖ At first instance ☐ Yes ☒ No
   - ❖ At the appeal stage ☐ Yes ☒ No

The Asylum Act provides a specific procedure for subsequent applications. The procedure is described in Articles 111c AsylA and 111d AsylA (regarding the costs) and in Article 7c AO1 (procedural aspects). Every application submitted within 5 years of the asylum decision or removal order becoming legally binding is considered subsequent application. As such it must be submitted in writing by post and include a statement of the grounds. The responsible authority is the SEM, as in cases of first applications in the regular procedure.

The subsequent application should not be confused with a request for re-examination. An application is to be treated as a subsequent asylum application if there are significant reasons which have an impact considering the examination of refugee status. On the other hand, if the new application is not based on grounds regarding refugee status, but only regarding obstacles to return (for example medical reasons), it is treated as a request for re-examination.[411] The distinction is difficult in practice, even for persons specialised in the field of asylum.

409 CRC, Concluding observations – Switzerland, October 2021, p. 14. Report is available here.

410 This issue had already been tackled by GRETA in its second report on Switzerland (available here), see para 95: "GRETA urges the Swiss authorities to strengthen efforts to prevent trafficking of unaccompanied or separated children by addressing the problem of such children going missing, in particular by providing suitable safe accommodation and adequate supervision, as well as systematically carrying out police investigations into disappearances of unaccompanied and separated children and strengthening follow up and alert systems on reports of missing children". See also the CRC, Concluding observations - Switzerland, October 2021, which urges the State to "investigate reports of alleged disappearance of children during the asylum procedure, establish their whereabouts and prosecute those responsible for crimes involved in such disappearances", page 14. Report is available here. On this very pressing yet unknown problem, see a couple of publications from the ZHAW, Zürcher Hochschule für Angewandte Wissenschaften: Hartmann et al., Kindesschutz von unbegleiteten gefluchteten Kindern und Jugendlichen (MNA): Ergebnisse einer Befragung mit dem Fokus auf die Verschwinden-Thematik, septembre 2023 and A. Hartmann et al, Das Phänomen der verschwundenen Flüchtlingskinder, septembre 2021.

411 Asylum Appeals Commission, Decision EMARK 1998/1, 4 March 1998.

There is no obligation for the SEM to provide a personal interview, and in most cases, no interview takes place. Nevertheless, it has the duty to examine all arguments carefully and individually.[412]

Unlike in the regular procedure, during the examination time of the application, the asylum applicant is not granted a place to stay in federal asylum centres. Subsequent applicants will be most of the time accommodated in cantonal emergency shelters (see section on Access and forms of reception conditions). The application does also not have suspensive effect, but the SEM would grant this effect if it starts examining the application in detail. In practice, the deportation will be suspended pending the first opinion of the SEM on the subsequent application.

The procedure remains the same even with more than one subsequent application during the 5-year period after the asylum decision or removal order has become legally binding, except for unmotivated or repeated subsequent applications with the same motivation. The latter will be dismissed without a formal decision. The FAC has clarified that, normally, there is no legal remedy to appeal this dismissal decision.[413] However, if the SEM has applied this provision incorrectly, there is the right to an effective remedy for denial of justice.[414]

The legal advisory offices in the cantons can be asked for help in the procedure of a subsequent application. Their legal assistance will depend on their capacities and their estimation of the prospects of success. A list of such offices is available on the website of the SRC.[415]

The number of persons lodging subsequent applications in 2024 was as follows:

Subsequent applications in Switzerland: 2024 (five nationalities with the highest numbers)		
Main countries of origin	Number of applicants	Accepted
Türkiye	341	13
Afghanistan	130	18
Georgia	71	0
Irak	63	3
Burundi	58	3
Total	**1,184**	**98**

Source: SEM statistics 2024 (7-10).

412 Martina Caroni et al., *Migrationsrecht*, 3rd edition, Berne 2014, 342 et seq.
413 FAC, Decision E-3979/2014, 3 November 2015.
414 FAC, Decision E-5007/2014, 6 October 2016.
415 Available here.

F. The safe country concepts

Indicators: Safe Country Concepts		
1. Does national legislation allow for the use of "safe country of origin" concept?	☒ Yes	☐ No
❖ Is there a national list of safe countries of origin?	☒ Yes	☐ No
❖ Is the safe country of origin concept used in practice?	☒ Yes	☐ No
2. Does national legislation allow for the use of "safe third country" concept?	☒ Yes	☐ No
❖ Is the safe third country concept used in practice?	☒ Yes	☐ No
3. Does national legislation allow for the use of "first country of asylum" concept?	☒ Yes	☐ No

Civil society organisations expressed concern about the implementation of the safe third country concept in the absence of an adequate assessment on the human rights situation in the countries and in the absence of clarification about the possible risks to which a person returning there would be exposed.[416]

1. Safe country of origin

The Federal Council is responsible for designating states in which, based on its findings, there is protection against persecution,[417] as safe countries of origin.[418] In such a case, SEM usually issues a decision of inadmissibility without further investigations. The time limit for an appeal in these cases is 5 working days.[419] The common list of safe countries of origin and safe third countries is published in the Annex 2 of Asylum Ordinance 1 on procedural aspects (AO1).[420] It currently includes:

- EU and EEA Member States (all together 84 asylum applications);
- Albania[421] (62 asylum applications);
- Benin (15 asylum applications);
- Bosnia-Herzegovina (31 asylum applications);
- Burkina Faso (29 asylum applications);
- Georgia (425 asylum applications);
- Ghana (15 asylum applications);
- India (24 asylum applications);
- Kosovo (111 asylum applications);
- Moldova, excluding Transnistria (22 asylum applications);
- Mongolia (57 asylum applications);
- Montenegro (9 asylum applications);
- North Macedonia (79 asylum applications);
- Senegal (61 asylum applications);
- Serbia (36 asylum applications);
- UK (7 asylum applications).[422]

2. Safe third country

The Federal Council is also responsible for the designation of states where there is effective protection against *refoulement*[423] as safe third countries.[424] They should periodically review these decisions.[425]

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416 See humanrights.ch, *Renvois : la pratique des autorités migratoires suisses menace les droits humains*, 18 March 2021, available in French (and German) here.

417 With regard to the determination of a home country or country of origin as certain of persecution, the factors taken into account are: the political stability; the political stability; the observance of human rights; the assessment of other EU and EFTA Member States and the UNHCR and other country-specific peculiarities (Article 2 AO1).

418 Article 6a(2)(a) AsylA.

419 Article 108(3) AsylA.

420 Annex 2 AO1, available in French (and German and Italian) here.

421 Regarding Albania as safe country of origin, see also: ECtHR, Case of Y and others v. Switzerland, no. 9577/21, 22 October 2024.

422 SEM, asylum statistics (7-20), available here.

423 As defined in Article 5(1) AsylA.

424 Article 6a(2)(b) AsylA.

425 Article 6a(3) AsylA.

2.1. Safety criteria

The following requirements must be met:[426]

- Ratification of and compliance with the ECHR, the Refugee Convention, the UN Convention against Torture and the UN Covenant on Civil and Political Rights.
- Political stability which guarantees the compliance with the mentioned legal standards.
- Compliance with the principle of a state governed by the rule of law.

According to the Asylum Appeals Commission (predecessor of the FAC), what is relevant is the possibility to find actual protection in the third country. This is not the case if there is no access to the asylum procedure or if the third country only applies the Refugee Convention to European refugees.[427] According to the materials of the Federal Council in preparation of the mentioned provision, it is also necessary that the third country accepts the readmission of the person in question.[428]

This list so far includes all EU and EFTA member states.[429] For further details on case law related to EU countries as safe third countries, see Suspension of transfers.

2.2. Connection criteria

According to the law, the SEM shall normally dismiss an application for asylum if the asylum applicant can return to a safe third country as described above in which they were previously a resident. In practice, these are normally cases in which the asylum applicant already has international protection (or another type of residence permit) in an EU/EFTA-member state. In these cases, bilateral readmission agreements[430] define the process of the person's return. If the person was there as an asylum applicant or merely passed through, the Dublin Regulation applies, rather than the safe third country rule (all countries on the safe third country list are Dublin member states as well).

3. First country of asylum

There is no first country of asylum concept in place in Switzerland.

G. Information for asylum seekers and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☒ Yes ☐ With difficulty ☐ No

   - Is tailored information provided to unaccompanied children? ☐ Yes ☒ No

In 2019, the SEM published a video on Youtube with some simplified explications regarding the new restructured procedure in several languages.[431] The SEM even has a dedicated YouTube channel where it advertises a variety of videos for asylum applicants as well as a website (www.asylum-info.ch) with useful information in different languages. Asylum applicants also receive a leaflet with those links and the most important information regarding the asylum procedure from SEM. A specific leaflet is provided to persons applying for asylum at airports which explains the airport procedure.

426 Federal Council, Bundesblatt (Federal Gazette) 2002, available in German here, 6877 et seq.
427 Asylum Appeals Commission, Decisions EMARK 2000/10 and 2001/14.
428 Federal Council, Bundesblatt (Federal Gazette) 2002, 6884.
429 SEM, *Bezeichnung aller EU- und EFTA-Staaten als sichere Drittstaaten*, 14 December 2007, available in German here.
430 Available here.
431 See the English version here (also available in German, French, Italian, Arab, Farsi, Somali, Tigrinya, Russian, Tamil, Georgian, Turkish).

Every asylum applicant assigned to the federal centres, following the lodging of the asylum application, obtains initial information from the NGO in charge of legal protection in the form of an individual consultation meeting to present the work of the legal protection service, inform of the rights and obligations of asylum applicants during the procedure and to gather initial information. A leaflet available in the main languages spoken by the applicants is provided by the NGOs and a short film explaining the procedure and questions regarding accommodation, health insurance, allowance and access to the labour market is also broadcasted in the offices of the legal representation. In addition, asylum applicants have the possibility to visit the legal protection offices spontaneously or by appointment during their stay in the federal centre to obtain information or submit any evidence. However, access to legal protection offices is highly dependent on the location of federal centres and legal aid offices.

Additionally, UNHCR also provides information videos via Youtube, for example the explanation video for family reunification in several different languages.[432]

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum applicants located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No
2. Do asylum applicants in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum applicants accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No

Asylum applicants at the border (airports) have effective access to the NGOs mandated to provide legal representation at first instance (namely Caritas and Berner Rechtsberatungsstelle für Menschen in Not, see Border procedure: Legal assistance). The right for asylum applicants to access the UNHCR is not specifically regulated in Swiss national law. Access to legal assistance can be difficult for persons in detention, as their means to contact and find a legal representative within the short time limits for appeal (especially in case of inadmissibility decisions) are limited. However, free legal assistance was introduced at first instance to counter the introduction of tight deadlines with the restructured procedure (see Regular procedure: Legal assistance).

One serious difficulty in Switzerland is the access to NGOs and legal advice for persons located in remote federal accommodation centres.[433] Since the procedure in principle takes place exclusively in the federal asylum centre with processing facilities, the presence of NGOs responsible for ensuring the legal protection of asylum applicants is considerably reduced in remote federal accommodation centres. Concrete opportunities for access to other civil society organisations vary strongly depending on the location of both centres with and without processing facilities.

In cases where mandated legal representation decides not to appeal a negative decision because it would be doomed to fail (so-called “merits-test”), there are very few possibilities to seek assistance from another organisation or private lawyer. Firstly, the time limit is very short, especially in the Dublin and accelerated procedure. Secondly, a ticket for transportation to a legal advisory office must be organised and finally, some legal advisory offices are only open one day per week. As a result, persons located in the countryside face clear disadvantages especially regarding the access to legal advice and therefore also access to some information and support.[434] Additionally, it is not guaranteed that another organisation will have the capacities to support the appeal, while private lawyers require payment.

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432 Available here.
433 See below in the chapter on remote centres.
434 For further information on this topic, see Thomas Segessenmann, *Rechtsschutz in den Aussenstellen der Empfangs- und Verfahrenszentren des Bundes*, ASYL 1/15, 14.

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
   - ❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?[435] ☒ Yes ☐ No
   - ❖ If yes, specify which: Albania, Algeria, Bosnia-Herzegovina, North Macedonia, Gambia, Georgia, Ghana, India, Kosovo, Moldova, Mongolia, Montenegro, Morocco, Nigeria, Senegal, Serbia, UK, EU/EFTA Member States

1. Afghanistan

The largest group of asylum applicants in 2024 were Afghans, with a total of 8,627 applicants. 69% of Afghans that received a decision in 2024 were granted asylum at first instance, while 30% received temporary admission.[436]

On 15 February 2022, the SEM released a report on the potential risk profiles for being targeted by the Taliban.[437] Anyone who is persecuted in a way that is relevant under refugee law is granted asylum. Those who do not meet these requirements are usually granted temporary admission. If there is an application for re-examination or if the case is pending before the FAC, the SEM generally orders temporary admission.

In November 2022, the FAC issued a detailed judgment that assesses the current situation of **women and girls** in Afghanistan, concluding that they face heavy and pervasive discrimination based on their gender.[438] In mid-July 2023, the SEM adapted its practice regarding female asylum applicants from Afghanistan. Since then, they are entitled to asylum after a case-by-case examination of their request. Previously, Afghan women and girls generally received a negative asylum decision with temporary admission, as the execution of deportation was considered impracticable. This is a reason for the shift in status, in 2023 overall only 24% of Afghan asylum seekers were granted asylum status, compared to 69% in 2024. While the temporary admission rate was 75% in 2023 and at 30% in 2024. In 2024, 3,100 Afghan women and girls got asylum status. Most of them were already living in Switzerland before with a temporary admission or some other permit.[439]
Despite this change, the practice and jurisprudence on Afghani asylum applications remains quite restrictive. For instance, according to the administration and the FAC, there's no risk of forced recruitment of underage soldiers by the Taliban, throughout the country.

Regarding **reflex persecution** in Afghanistan (i.e., a term used in Switzerland to designate the situation when a person is persecuted because of the persecution of another target, such as the husband or wife), the court clarified in January 2024[440] that the risk of it could not be denied simply because the person concerned had not suffered serious harm before leaving the country.

In January 2024, the FAC examined the probative value of the Afghan identity document Tazkira, and emphasised that relying on this document alone was not sufficient to assess the alleged minority or majority.[441]

While the 'safety net' of temporary admission allows the authorities to provide some protection to most of the Afghanis coming to Switzerland, this status is not as comprehensive and solid as the refugee status.[442]

435 Whether under the "safe country of origin" concept or otherwise.
436 SEM, asylum statistics (7-20), available here.
437 Available in German here.
438 FAC, D-4386/2022, 22 November 2023.
439 Data and information provided by the SEM, April 2025.
440 FAC E-1749/2023, 26 January 2024, available here.
441 FAC E-2771/2023, 19 January 2024, available here.
442 For an overview of the current practice, we refer to the website of the SRC, here.

In 2024, for the first time since 2019, the deportation of two persons to Afghanistan took place. The two persons had been convicted for criminal offences.[443]

In March 2025, the SEM announced it would alter its practice regarding men from Afghanistan from mid-April 2025 onwards: Although it continues to assume that removal is generally unreasonable, returning non-vulnerable men to Afghanistan is considered reasonable in exceptional cases if the circumstances are favourable. The person concerned must be residing in Switzerland without family, be over the age of 18 and in good health. They must also have a stable and sustainable network of relationships in their home country that enables them to reintegrate socially and find work. Women, families, minors and people with health problems are not affected by this change in the SEM's practice.[444] The SRC has strongly criticised this change in practice.[445]

2. Türkiye

In 2024, with 4,107 applications lodged by Turkish nationals, they were the second largest group of asylum applicants in Switzerland. The recognition rate at first instance (asylum status) reached 38% (compared to 82% in 2023) of all the decisions rendered on the merits while 3% (compared to 6% in 2023) were given a temporary admission status. [446]

In a principle judgment regarding exclusion from asylum released on 25 September 2018,[447] the FAC excluded a Kurdish refugee from asylum status for supposed proximity to Komalen Ciwan, an organisation considered as affiliated to PKK. The presumption of proximity to that organisation was considered as sufficient by the FAC to suspect that the applicant endangered Switzerland's internal or external security. The decision raises many questions notably concerning freedom of expression as well the standard of proof and the burden of proof in cases of suspected links to terrorist organisations or violent extremism. It calls into question the notion of refugee protection as such insofar as the latter aims precisely to protect persons persecuted for their political opinion.[448]

In a reference judgment[449] of March 2024, the FAC addressed the question of whether it would be reasonable to enforce a removal order to the provinces in Türkiye that are particularly affected by the earthquake of February 2023, with regard to housing, food supply, infrastructure, health care, the school system, the economic situation and employment. Based on the information available, according to the court it is not possible to assume that it is generally unreasonable to enforce removal to the areas mentioned, including to the most severely affected province of Hatay. Rather, the individual circumstances of those affected should be assessed on a case-by-case basis. Due account should be taken of the situation of vulnerable persons – in particular, frail, disabled (or otherwise impaired) and chronically ill persons – especially in the case of persons who would have to return to the provinces of Hatay, Adiyaman, Kahramanmaras and Malatya. Otherwise, a reasonable alternative residence should be examined.

In a coordination judgment[450] dated 15 November 2024, the FAC made two momentous decisions for asylum applicants from Türkiye: firstly, the court concluded that individuals who are the subject of **criminal proceedings** in Türkiye for 'insulting the president' and/or 'propaganda for a terrorist organisation' are not generally subject to persecution in their home country that would entitle them to an asylum status. On the other hand, the FAC reversed the practice in place since 2013, according to which returns to the Turkish provinces of Hakkâri and Şırnak were generally excluded (BVGE 2013/2). Following a reassessment of the security situation, the FAC no longer considers deportations to these provinces to

443 Swissinfo.ch, 'Schweiz schafft zwei straffällige Afghanen nach Afghanistan aus', 13 October 2024, available in German.
444 More information on this can be found here (English).
445 SRC, media release of 2 April 2025 in German and French.
446 SEM, asylum statistics (7-20), available here.
447 FAC, Decision E-2412/2014, 25 September 2018.
448 For further information, see SRC, *L'arrêt sur les Kurdes ébranle les fondements du droit d'asil*', 5 October 2018, available (in French) here.
449 FAC, E-1308/2023, 19 March 2024.
450 FAC, E-4103/2024, 15 November 2024.

be generally unreasonable and has ruled that they should be examined on a case-by-case basis. The SRC criticised[451] the FAC for using this far-reaching coordination ruling to confirm the SEM's increasingly restrictive practice regarding asylum applications from Turkish nationals. The SRC notes that the human rights situation in practice in place since 2013has remained poor for years and that the Turkish judiciary is under massive pressure, meaning that fair and independent criminal proceedings are not guaranteed, as confirmed by current analyses of the situation on the ground. From the point of view of the SRC, the fundamental change in practice regarding the expulsion of Turkish asylum applicants to the provinces of Hakkâri and Şırnak is incomprehensible. In view of the continuing insecurity in these border provinces with Iraq, the situation should be monitored continuously.

3. Algeria

The third largest group of asylum applicants in Switzerland in 2024 were persons from Algeria. There were 2,110 asylum applications, but only 8 persons were granted asylum, 1 person received a temporary admission. The rejection rate stayed very high at 97% (in-merit decisions).

4. Eritrea

In 2024, Eritrea was the fourth largest group of asylum applicants in Switzerland with 2,093 applications lodged. The recognition rate at first instance (asylum status) reached 69% of all the decisions rendered on the merits while 19% were granted a temporary admission status.[452]

Applications lodged by Eritreans: 2019-2024[453]							
	Total new asylum applications	Primary applications	Secondary applications				Relocation
			Total	Births	Family reunification	Multiple applications	
2019	2,899	297	2,601	1,434	1,057	110	1
2020	1,917	211	1,706	1,173	366	167	0
2021	2,029	386	1,642	1,310	216	116	1
2022	1,830	426	1,404	1,201	117	86	0
2023	2,019	705	1,403	1,207	126	70	1
2024	2.093	923	1,169	1,050	60	59	1

Primary applications refer to applications lodged directly by Eritrean applicants in Switzerland, while secondary applications refer to applications lodged following family reunification procedure, subsequent applications as well as children born in Switzerland to refugee or asylum applicants' parents. The above figures demonstrate that the number of new applications lodged by Eritreans is rather low, representing 11% of asylum applications in 2019, 10% in 2020, 19% in 2021, 7% in 2022, 35% in 2023 and 44% in 2024. The high proportion of such secondary applications clearly increases the protection rate in a way that is misleading. In fact, according to the statistics, the protection rate (asylum status) was 69% and the temporary admission rate was 19% in 2021 (see the statistical table at the beginning of this report), but few people have been granted protection upon a primary application (no detailed data available).

In June 2016, the SEM changed its policy regarding Eritrea. It stated that persons who left Eritrea illegally and had previously never been called to the military service, exempted from military service, or released from military service, would no longer be recognised as refugees. In January 2017, the FAC also changed its practice and ruled that the illegal exit of Eritrea could no longer, in itself, justify recognition of refugee

451 SRC, media release, 15 November 2024, L'OSAR critique le tour de vis à l'égard des demandes d'asile de personnes turques.
452 SEM, asylum statistics (7-20), available here.
453 SEM, asylum statistics (7-21), available here.

status and that additional individual elements were required.[454] Confirming this more restrictive approach, the Court subsequently found in August 2017 that the return of Eritrean nationals could not be generally considered unreasonable. Stating that the situation in Eritrea had improved significantly since 2005, the Court considered that persons whose asylum request was rejected and who had already done their military service as well as those who had "settled" their situation with the Eritrean State or benefited from the status of so-called "diaspora member" were not under the threat of being convicted or recruited to the national service and that there was no obstacle to the execution of removal under national law (Article 83 al. 3 FNIA) and international law (Article 3 ECHR).[455]

In a third leading decision, the FAC stated that there was no issue with *non-refoulement* (under Article 3 and/or 4 ECHR) nor any obstacle to the execution of removals in national law[456] for persons who have to serve in national service.[457] However, if the applicant succeeds in demonstrating that it is highly probable that they would personally be subjected to ill-treatment (contrary to Article 3 ECHR) or poor living conditions (contrary to Article 4 ECHR), during military service, then their removal would be unlawful.[458] Also, all this does not preclude the need to examine whether the asylum applicant left Eritrea illegally and if so, whether they have additional factors that could put them at risk of persecution if returned (as mentioned above).[459] Finally, according to the reference decision[460] of the Court, the enforcement of a removal to Eritrea is generally considered reasonable, except in the presence of particularly unfavourable individual circumstances in which an existential threat (or state of necessity) must be recognised. This has to be verified in each individual case and concerns in particular: single men who left Eritrea a long time ago and without a solid family network[461] and single or unmarried women with an illegitimate child, without school education and work experience and without a solid family network.[462]

The UN-CAT has criticised Switzerland regarding removals procedures concerning Eritreans in several decisions.[463]

5. Syria

Syrians were the fifth largest group of asylum applicants in Switzerland in 2024, with a total of 1,438 applications for international protection lodged. The recognition rate at first instance (asylum status) was 53% and the temporary admission rate was 43% in 2024.

In February 2015, the FAC issued two leading cases regarding Syria. They are still valid today, in light of current jurisprudence and practice. In the first judgment, the Court stated that considering the current circumstances in Syria, army deserters and conscientious objectors can risk persecution, provided they have made themselves known as opponents to the regime. The Court also denied an internal flight alternative for the applicant (of Kurdish origin) in the Kurdish-controlled area, due to the instability of the region.[464] In a second judgment, the Court stated that even ordinary participants in demonstrations in Syria against the regime risk persecution if they have been identified by Syrian state security forces.[465] It must be added, though, that jurisprudence is very strict when it comes down to assessing whether the

454 FAC, Decision D-7898/2015, 30 January 2017.
455 FAC, Decision D-2311/2016, 29 August 2017.
456 FAC, Decision D-2311/2016, 29 August 2017.
457 FAC, Decision E-5022/2017, 10 July 2018. This practice change has been criticised by the SRC and others, as it does not seem justified by the current country of origin information (COI) or the difficulty to obtain reliable COI. For further information, see SRC, *Décision du Tribunal administratif concernant le renvoi d'une Erythréenne – Le jugement est incomprehensible,* 31 August 2017, available in French here 'La Confédération mise sur l'intimidation plutôt que sur des solutions', 3 September 2018, available (in French) here.
458 ATAF 2018 VI/4.
459 This is still in force, FAC, Decision D-7898/2015, 30 January 2017.
460 FAC, Reference Decision D-2311/2016, 17 August 2017.
461 FAC, D-8182/2015, 13 December 2019.
462 FAC, Decisions E-686/2018, 18 March 2022 and E-2117/2017, 17 December 2019.
463 UN Committee against Torture, CAT/C/76/D/983/2020, 9 May 2023, available here; CAT/C/74/D/887/2018, 22 July 2022, available here. CAT/C/73/D/914/2019, 28 April 2022, available here. CAT/C/73/D/872/2018, 28 April 2022, available here; CAT/C/72/D/916/2019, 12 November 2021, available here; CAT/C/71/D/900/2018, 22 July 2021, available here; CAT/C/65/D/811/2017, 7 December 2018, available here.
464 FAC, Decision D-5553/2013, 18 February 2015.
465 FAC, Decision D-5779/2013, 25 February 2015.

applicant could have really been identified by the security services. Regarding the forced recruiting of persons by the Kurdish group YPG, the Court stated that this did not amount to a justified fear of persecution.[466] The FAC does not consider removals to Syria always unlawful. In a case published in 2021, for instance, the judges considered that the applicant, who had been sentenced to a long term of imprisonment for serious crimes, could return to Aleppo, given that the situation was 'stable' since 2016.[467]

In July 2022[468] the FAC reviewed its practice on the consequences of an illegal departure due to increasing documentation of the experiences of Syrian returnees. It considered that a re-entry into Syria requires a status settlement in a formal procedure to obtain a "security clearance", which could be refused for various reasons (e.g. because of detained family members, oppositional statements on social media or a stay in an "unpopular" country). The Court explains that the status settlement is particularly necessary for persons who had left the country illegally, had refused military service or had applied for asylum abroad. If the Syrian state agreed to the status settlement, the persons concerned would be removed from the list of wanted persons. However, in individual cases, persons who had settled their status could also be arrested. Overall, however, the Court saw no justification for changing the current case law on illegal departure: Although the return after an illegal departure could prove problematic in individual cases despite status settlement and result in disadvantages, it did not conclude it to be a systematic, nationwide action against returnees from European countries. The requirement of "overwhelming probability" of future persecution was therefore lacking. Illegal departure alone would therefore still not lead to the assumption of refugee status.

In December 2024, the SEM announced that until further notice no decisions will be taken regarding asylum applications from individuals from Syria. This is due to the volatile situation in Syria following the overthrow of the Assad regime, which currently does not allow for a thorough examination of the reasons given for seeking asylum. However, people from Syria can still apply for asylum. The SRC criticised this decision, which places Syrian applicants in a limbo to no fault of their own.[469]

6. Other nationalities

Iraq (559 asylum applications in 2024): Since the Court's position of December 2015 according to which there is no situation of generalised violence in the northern Kurdish provinces, persons can be returned there if they have a sustainable social or family network there.[470] Persons from central and southern Iraq usually receive a form of protection. As of 2024, the practice concerning Kurdish provinces remained the same.

In a reference judgment,[471] the FAC addressed the current security situation in the Kurdistan Region of Iraq (KRI). According to its landmark judgment ATAF 2008/4, the security authorities in northern Iraq are generally able and willing to protect the inhabitants of the three Northern provinces from possible persecution. Regarding the current situation, the court stated that the relationship between the Iranian-backed federal government in Baghdad and the Kurdish forces in the north remains very fragile. The Kurdish parties have lost influence as they can no longer count on full US support, and external actors such as Türkiye and Iran are increasingly gaining traction. Northern Iraq is predominantly ruled by two parties, the Partiya Demokrata Kurdistanê (Kurdistan Democratic Party, KDP) and Yekêtiy Nîştimaniy Kurdistan (Patriotic Union of Kurdistan, PUK). The region's existence and stability mainly depend on the relationship between these two parties. The population's trust in the police is low. In principle, the KRI has a comprehensive judicial system, but the number of judges does not appear to be sufficient. Tribal justice continues to be practiced. The court addressed the ongoing human rights crisis in northern Iraq.

466 FAC, Decision D-5329/2014, 23 June 2016.
467 FAC, Decision E-1876/2019, 8 March 2021. See also: E-6023/2017, 26 June 2019; D-1105/2017, 31 May 2017; and E-3152/2018, 22 June 2018.
468 FAC, Decision E-2943/2019, 6 July 2022
469 See the website of the SRC, available in German here, and in French here.
470 FAC, Decision E-3737/2015, 14 December 2015, confirmed in Decision E-86/2017, 7 November 2018.
471 FAC, D-913/2021, 19 March 2024, available here.

Based on this analysis of the situation, the FAC concluded that the KRI still provides a sufficient level of protection. Reservations would still have to be made if the alleged assaults were carried out by the two majority parties, their organs or members. Furthermore, a lack of willingness to protect could not be ruled out in the case of media professionals, dissidents or in the prosecution of honour crimes. Gender-based violence is on the rise.

With regard to the execution of the expulsion order, the court stated that there was no situation of generalised violence. With regard to Turkish military operations, individuals from rural mountain regions near the border should have their cases examined on an individual basis regarding an alternative residence. The FAC also took a closer look at the socio-economic situation in the KRI. It found that although the situation could be described as tense in certain areas, access to electricity, water, education and basic medical care could generally be assumed to be sufficient. The removal order therefore appears to be reasonable in general for single and healthy Kurdish men or couples who have been living in the KRI for a long time. However, a detailed examination is required for families with children, elderly or single women, in view of the tense economic situation and the various social and political tensions. It is necessary to examine whether certain favourable factors, such as previous professional integration, good education or a stable relationship network, enable reintegration and the securing of economic livelihood. For persons with serious health problems, particularly if there is a need for specialised knowledge or special medication, it must be examined whether necessary treatment is guaranteed, and livelihood security can be achieved.

Iran (389 asylum applications in 2024): The FAC recognised in its jurisprudence that people who express themselves critically of the regime, especially in social media, are increasingly subject to mass reprisals. Nevertheless, Swiss practice grants asylum only to those whose engagement goes beyond typical mass activities and who are therefore perceived by the regime as serious and dangerous opponents. With regard to conversion to Christianity, Swiss practice considers that only those who are active in their church or who engage in proselytism face an increased risk of persecution. In October 2022, the Court confirmed its jurisprudence that the Bahai in Iran are subject to collective persecution: The faith is not recognised as a religion and its followers are systematically persecuted.[472] In other cases, it is accepted that Iranian nationals may exercise their Christian faith privately.[473] Regarding domestic violence, case law has significantly improved since 2021, when the FAC recognised that state authorities are not willing to provide effective protection for women who are victims of violence.[474] Upon request regarding the current situation in Iran since September 2022, the SEM stated that they are collecting information from various sources in order to examine whether the practice needs to be adjusted.[475]

Morocco: in 2024 the FAC confirmed its case law on the eligibility and willingness of the state to provide protection in the event of persecution by third parties, in particular in the case of violence against women.[476]

Nigeria: In the appeal proceedings of a Nigerian woman, the court confirmed the Nigerian authorities' ability and willingness to protect victims of human trafficking.[477]

Georgia: Regarding a married couple from Georgia who applied for asylum in Switzerland stating that the husband had cancer and needed medical treatment that was not sufficiently available in Georgia, the FAC ruled[478] that, despite lower standards than in Switzerland, medical care in Georgia was adequate and that the chemotherapy drugs they needed were also available in Georgia. The husband could continue the chemotherapy in his home country, as it had already been started in Georgia. There was also state support for people with limited financial means.

472 FAC, D-1197/2020, 25 October 2022.
473 See for example FAC, D-2344/2020, 9 February 2022, para 6.3.3.
474 FAC, E-2470/2020, 26 January 2021, para 6.7.1.
475 Information provided by the SEM, January 2023.
476 FAC D-2382/2021, 22 January 2024, available here.
477 FAC, D-3116/2021, 29 February 2024, available here.
478 FAC, D-5768/2024, 3 October 2024, available here.

Further worth mentioning is a research report from the University of Basel that concludes, after extensive interviews, that **Uyghur and Tibetan** minorities in Switzerland are being spied on, monitored, and pressured. The Swiss authorities have so far remained passive in addressing these issues.[479]

[479] See Tibetans and Uyghurs in Switzerland fear long arm of China, 17 February 2025.

Reception Conditions

Short overview of the reception system

The reception system is organised in two phases, the first being under federal and the second under cantonal responsibility. During the first phase – which should not exceed 140 days – asylum applicants are accommodated in federal asylum centres under the responsibility of the SEM, while upon allocation to a canton, their accommodation is managed at cantonal level.

Asylum applications can be submitted in one of the six federal asylum centres with processing facilities, located in **Zurich**, **Bern**, **Basel**, **Pasture**, **Boudry** and **Altstätten**. Once the application for international protection has been lodged, the applicant can be transferred to one of the other centres within the same category. All applicants (except those under the airport procedure) spend the first weeks after their application and up to 140 days in such centres, where they are accommodated, and the first steps of the procedure are carried out.

If their application is dismissed or rejected, asylum applicants are transferred to a federal asylum centre without processing facilities (so-called "departure centres"), from which their Dublin transfer or removal to their country of origin is organised. In cases where the removal has not taken place within 140 days from the lodging of the asylum application – *inter alia* due to difficulties in organising the travel documents, awaiting of a Court decision or any other reason – the persons will be allocated to a canton.

The second phase of reception is managed at the cantonal level. A transfer in cantonal facilities occurs; a) when a person receives a positive decision or a temporary admission within an accelerated procedure; b) when the extended procedure is ordered; c) when a person has been accommodated in a federal asylum centre for more than 140 days, even if their application has been dismissed or rejected.

Cantons oversee their own reception centres. Usually, asylum applicants and beneficiaries of protection will be first accommodated in collective centres, and in a second stage in shared apartments or private apartments in case of larger families. For those rejected asylum applicants who have lost their right to social assistance, the cantons provide for emergency aid shelters (see Forms and levels of material reception conditions).

Persons who have been recognised as refugees and temporarily admitted persons have the right to social assistance, including accommodation, without time limit.

A. Access and forms of reception conditions

Both the Confederation and the cantons are responsible for providing material reception conditions to asylum applicants, depending on whether the person is in a federal or a cantonal reception centre. The first phase of the asylum procedure takes place in one of the 6 federal asylum centres with procedural facilities, and can be followed by transfer to a federal asylum centre without procedural facilities.[480] Asylum applicants stay in federal centres for up to 140 days, and are then allocated to a canton (see section on Freedom of Movement).[481]

480 The setup of federal reception and processing centres is foreseen by Article 26 AsylA; the Ordinance of the FDJP on the management of federal reception centres in the field of asylum (the Ordinance of the FDJP) provides operating rules for all federal centres; further internal rules are applied in each centre.

481 Article 24(4) AsylA.

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law make available material reception conditions to asylum applicants in the following stages of the asylum procedure?

❖ Regular procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Dublin procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Admissibility procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Border procedure	☐ Yes	☒ Reduced material conditions	☐ No
❖ First appeal	☒ Yes	☐ Reduced material conditions	☐ No
❖ Onward appeal	☐ Yes	☐ Reduced material conditions	☒ No
❖ Subsequent application	☐ Yes	☒ Reduced material conditions	☐ No

2. Is there a requirement in the law that only asylum applicants who lack resources are entitled to material reception conditions?

❖ Social assistance and emergency aid	☒ Yes	☐ No
❖ Accommodation	☐ Yes	☒ No

Material reception conditions primarily consist of accommodation, food, health care and a limited financial allowance according to the applicant's specific entitlement to social assistance. Assistance benefits are granted only when a person is unable to maintain themselves from their own resources, and under the condition that no third party is required to support them based on a statutory or contractual obligation.[482]

On the federal level, asylum applicants must declare their valuables and money when entering the asylum procedure. Usually the border guard, the police or the State Secretary of Migration will search the people for valuables and /or cash which they may have on themselves. If they have assets at their disposal, they are liable to pay the special charge ("Sonderabgabe", Article 86 AsylA). The charge serves to secure a claim for reimbursement of social assistance, emergency assistance, departure, and enforcement costs as well as the costs of the appeal proceedings (Article 85 AsylA). It is levied by confiscating assets and money which exceed the amount of CHF 100 (EUR 107 as of 01/2025). If their legal origin is proven, only the amount exceeding CHF 1,000 (EUR 1,070 as of 01/2025) will be definitively confiscated (Article 16 para 4 AsylV2).

After transfer to the cantonal structures, the asylum applicants' need for assistance is reassessed. During the asylum procedure the above-mentioned rules continue to be applied. The obligation to declare and dispose of assets ends when the asylum-applicant is granted asylum or is provisionally admitted as a refugee, when they are granted another residence permit or when the amount of CHF 15,000 (EUR 16,043 as of 01/2025) is reached, but in any case, no later than ten years after entry into Switzerland.

For organisational reasons, accommodation in asylum centres is available for all asylum applicants, regardless of their financial resources, and even obligatory in most cases.[483]

Social assistance, departure, and enforcement costs as well as the costs of the appeal procedure must be reimbursed subsequently if the person has the necessary means at a later point in time.[484]

Regular procedure

Asylum applicants in a regular procedure are entitled to full material reception conditions from the lodging of the application until granting of a legal status or rejection of their application. Material or financial assistance continues either under the emergency aid scheme in case the person is to leave the country, or according to the usual legislation on social assistance if the person receives a protection status.

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482 Article 81 AsylA.

483 Article 28(2) AsylA states that the SEM and the cantonal authorities may allocate asylum seekers to accommodation, and in particular accommodate them as a group. This provision is separate from the ones on social assistance and emergency aid in Article 80 et seq. AsylA. On the side of financial organisation, accommodation is however counted in within the social assistance budget.

484 Article 85(1) AsylA, Brief information from the SEM regarding the levy of the special charge on assets in English: here Information available in several languages, here.

In the federal centres, reception conditions are similar for all asylum applicants regardless of the type of procedure they will go through, except for the daily CHF 3 (EUR 3,20 as of 01/2025) pocket money, to which persons from EU/EFTA countries or countries exempt from the visa requirement are not entitled.[485] After cantonal attribution, reception conditions may change significantly. General legal entitlement to reception conditions is governed by national law and should therefore be similar in all cantons, but the implementation of those national provisions is largely dependent on cantonal regulation and varies in practice.

Admissibility procedure (including Dublin)

According to national law, asylum applicants whose application may be dismissed without proceeding to an in-merit examination are entitled to the same reception conditions as persons in a regular procedure, until formal dismissal of their application.[486]

Swiss legislation is based on the idea that dismissal of an application will occur within the 140 days of the stay in the federal centre.[487] Quickly rejected or dismissed asylum applicants should in principle not be allocated to a canton, unless their appeal has not been decided upon within a reasonable time or they are prosecuted or convicted for a felony or misdemeanour committed in Switzerland.[488] Persons in the Dublin procedure are not allocated to a canton, unless their removal cannot be completed within 140 days. They are transferred to a federal asylum centre without processing facilities.[489] In 2024, the average length of stay in the federal centres was between 15 and 31 days, depending on the region.[490]

Asylum applicants are entitled to social benefits until the decision of rejection or dismissal becomes enforceable. This happens when the deadline for appeal expires without any appeal being made, or at the moment the appeal authority rejects the appeal. The person must leave the country and the material reception conditions become dramatically reduced as the person is excluded from social assistance and falls into the emergency aid scheme (see section on Forms and levels of material reception conditions).[491]

Airport procedure (border procedure)

When an asylum applicant applies for asylum at the airport of **Geneva**, Swiss authorities must decide whether to permit entry into Switzerland within 20 days.[492] For further information on the procedure, see Asylum Procedure, Border procedures). The centre in the transit zone of **Geneva** has a capacity of 30 places. Given the closed nature of these centres, the holding of asylum applicants during the airport procedure is considered as detention within the meaning of this report (see Chapter on Detention starting with General). Asylum applicants may be held at the airport or exceptionally at another location for a maximum of 60 days. After this period, the SEM allocates the person either to a canton or a federal asylum centre.[493] Upon issuing a legally binding removal order, asylum applicants may be transferred to an immigration detention facility.[494]

485 SEM, *Stratégie de traitement du SEM dans le domaine de l'asile*, available in English (as well as in French, German and Italian) here. In the Decision F-3150/2018 of 20 July 2020, the FAC has observed that an automatic application of this rule could lead to a violation of the constitutional principle of equality before the law in the case of a person claiming a legitimate need for protection (para 7.6).
486 See sections on Dublin and Admissibility Procedure.
487 See sections on Dublin and Admissibility Procedure.
488 Article 27(4) AsylA.
489 Information on this is available here.
490 Information provided by the SEM, February 2025.
491 See section on Forms and levels of material reception conditions.
492 For details on the airport procedure see section Border Procedure.
493 Article 22(6) AsylA.
494 Article 22(5) AsylA.

Appeal procedure

The appeal procedure is part of the overall procedure and does not affect entitlement to material reception conditions. Restrictions occur when the decision becomes enforceable, which means either at the moment the appeal authority rejects the appeal, or when the deadline for appeal expires if no appeal has been lodged. There should therefore be no change of reception conditions during the appeal procedure, neither regarding accommodation, nor social assistance benefits.

Subsequent applications: application for re-examination, revision, or subsequent applications

Swiss law provides for the restriction of reception conditions for subsequent applicants or those whose application is under revision or re-examination. Therefore, persons in such procedures do not receive social assistance (as they are subject to a legally binding removal decision for which a departure deadline has been fixed) and receive only emergency aid for the duration of a procedure.[495] For the reception conditions under the emergency aid scheme, see Forms and Levels of Material Reception Conditions. This restriction on reception conditions also applies when the removal procedure is suspended by the competent authority. Regarding accommodation, subsequent asylum applicants do not return to a federal centre but remain, in most cases, assigned to the same canton. In these cases, the level of reception conditions depends on the practice of each canton. For more information on subsequent applications, see Subsequent Applications. If five years have passed since the entry into force of the last asylum decision,[496] the application will be considered as a new one, and the asylum applicant will normally be accommodated in a federal asylum centre.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum applicants and temporarily admitted persons on average, as of (in original currency and in €):
   CHF 1,124 / 1,202 € for a family of three persons[497]

Social assistance for asylum applicants includes basic needs such as food, clothes, transportation, and general living costs, in the form of allowance or non-cash benefits, accommodation, health care and other benefits related to specific needs of the person. National law specifically provides for accommodation in a federal or cantonal centre,[498] social benefits in the form of non-cash benefits whenever possible, or vouchers or cash.[499] Limited health insurance also ensures access to medical care according to Article 82a AsylA (see section on Health Care).

Accommodation

The provision of accommodation facilities is governed by Article 28 AsylA, according to which the authorities (SEM or the cantonal authorities) may allocate asylum applicants to a place of stay and provide them with accommodation. The Confederation and the cantons each have their own accommodation facilities, which vary (see Types of Accommodation).

Food and clothing are not specifically mentioned in the law, even though they may be provided in the reception centres. In the federal centres, meals are served 3 times a day, on a regular schedule. Asylum applicants who do not show up at mealtime will have to wait for the next service. Cantonal centres have their own systems, depending on the type of accommodation centres and the nature of social benefits (cash or non-cash benefits). The amount of daily financial allowance (including vouchers) varies according

495 The legal basis for the restriction is Article 82(2) AsylA.
496 Article 111c AsylA.
497 Sonntagszeitung, 10 April 2022 with referral to the SODK/cantons. For further information regarding social aid and emergency aid see also the website of the SODK, here.
498 Article 28 AsylA.
499 Articles 81 and 82(3) AsylA. National provisions on social assistance and emergency aid for asylum seekers are in Chapter 5 AsylA. The AO2 on Financial Matters provides important precisions on the financing of welfare benefits.

to the internal organisation of each centre and to the possibility to receive daily meals in kind. Clothing distribution is also regulated at a local level, in collaboration with NGOs. This support is part of the non-cash benefits of the social assistance.

Asylum applicants are provided with accommodation during the entire procedure. Accommodation is included in the right to social benefits. Asylum applicants do not have a choice regarding the allocated place of stay and will usually be moved from one centre to another during the procedure (first after the cantonal allocation, then within the canton according to their individual situation). In most cantons, rejected or dismissed asylum applicants are regrouped in special centres regulated under the emergency aid scheme.

Social benefits

Persons who are staying in Switzerland on the basis of the Asylum Act and who are unable to support themselves with their own resources shall receive social benefits unless third parties are required to support them on the basis of a statutory or contractual obligation, or may request emergency aid.[500] The provision of social benefits is under the responsibility of the Confederation as long as the person is staying in a federal asylum centre. After allocation to a canton, the canton provides social assistance or emergency aid on the basis of Article 80 AsylA. Fixing of the amount, granting, and limiting welfare benefits are regulated by cantonal law when it falls under cantonal responsibility.[501] This results in large differences in treatment among cantons. Living costs in Switzerland are high in general, but there are differences depending on the place. In general, it can be stated that the financial support is scarce, especially for persons with a temporary protection as foreigner, their social benefits are lower than the minimum standard living costs recommended by the SKOS.

Asylum applicants are also entitled to child allowances for children living abroad. These are however withheld during asylum procedures and should be paid only when the asylum applicant is recognised as a refugee or temporarily admitted in accordance with Article 83(3)-(4) FNIA.[502]

Emergency aid

Persons subject to a legally binding removal decision for which a departure deadline has been fixed are excluded from social assistance.[503] In fact, this concerns all persons whose asylum application has been rejected (and the appeals deadline expired) as all negative decisions from the SEM include a departure deadline. This exclusion from social assistance also extends to persons in a subsequent procedure (application for re-examination, revision, or subsequent application).[504] These persons receive emergency aid on request in case they find themselves in a situation of distress according to Article 12 of the Federal Constitution.[505]

Emergency aid consists of minimal cantonal benefits for persons in need and unable to provide for themselves. The Federal Supreme Court has set out basic guidance regarding what emergency aid must entail to respect human dignity.[506] But the concrete fixing and granting of the emergency aid is regulated by cantonal law, which results in large differences in treatment between asylum applicants. In some

500 Article 81 AsylA.
501 Article 3(2) AO2.
502 Article 84 AsylA.
503 Article 82(1) AsylA.
504 Article 82(2) AsylA.
505 Reports can be found here in French (and German and Italian), here.
506 See Muriel Trummer, *Bundesgerichtliche Rechtsprechung zur Auslegung der Nothilfe für abgewiesene Asylsuchende*, in: ASYL 4/12, p. 24.

cantons this task is delegated to municipalities or relief organisations.[507] The Confederation compensates cantons for the costs of emergency aid.[508]

Like social benefits, emergency aid is provided in the form of non-cash benefits wherever possible. Persons under emergency aid are housed in specific shelters (often underground bunkers or containers, with access sometimes restricted to night time), where living conditions are reduced to a minimum and are known to be quite rough.[509] Under emergency aid, people may have to live with around CHF 8 (EUR 8.5 as of 01/2025) a day, which must cover the expenses for food, transportation, household items and any other needs. This amount is extremely low in comparison to the high living costs in Switzerland.

This restriction of reception conditions raises serious problems for asylum applicants whose (subsequent) procedure is still on-going. Long-term stay under emergency aid is known to be disastrous for the integration and health of asylum applicants, despite the chance of being granted legal status at the end of the procedure.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions? ☒ Yes ☐ No
2. Does the legislation provide for the possibility to withdraw material reception conditions? ☒ Yes ☐ No

National law provides for the possibility to refuse (completely or partially), reduce or withdraw social benefits under explicit and exhaustively listed conditions. General restriction conditions of social benefits are foreseen in Article 83(1) AsylA, which provides for partial or total withdrawal of material reception conditions where the asylum applicant:

(a) Has obtained them or attempted to obtain them by providing false or incomplete information;
(b) Refuses to give the competent office information about their financial circumstances, or fails to authorise the office to obtain this information;
(c) Does not report important changes in their circumstances;
(d) Obviously neglects to improve their situation, in particular by refusing to accept reasonable work or accommodation allocated to them;
(e) Without consulting the competent office, terminates an employment contract or lease or is responsible for its termination and thereby exacerbates their situation;
(f) Uses social benefits improperly;
(g) Fails to comply with the instructions of the competent office despite the threat of the withdrawal of social benefits;
(h) Endangers public security or order;
(i) Has been prosecuted or convicted of a crime;
(j) Seriously and culpably fails to cooperate, in particular by refusing to disclose their identity; or
(k) Fails to comply with the instructions from staff responsible for the proceedings or from the accommodation facilities, thereby endangering order and security.

Restriction patterns are related to the obligation of the asylum applicant to collaborate with the authorities for the establishment of the facts (identity, financial situation, etc.), to reduce reliance on social benefits

507 Contact details of cantonal coordination offices for asylum issues are available here. See also practice in the Canton of Vaud: *Guide d'assistance 2013 : recueil du Règlement du 3 décembre 2008 sur l'assistance et l'aide d'urgence octroyées en application de la loi sur l'aide aux requérants d'asile et à certaines catégories d'étrangers et des directives du Département de l'intérieur en la matière / EVAM Etablissement vaudois d'accueil aux migrants*, available in French here.

508 The compensation scheme has changed for the applications filed after the 1st March 2019. For details see the 2019 SEM monitoring report on the suppression of social assistance available here.

509 For more information on this subject, see Christian Bolliger, Marius Féraud, Büro Vatter AG (Politikforschung & -beratung), *La problématique des requérants d'asile déboutés qui perçoivent l'aide d'urgence sur une longue période*, Bern, 26 May 2010, available in French here.

by being ready to participate in the economic life, to reduce living expenditures, and to conform with Swiss law generally.

Emergency aid is however an unconditional right for everyone present on Swiss territory and unable to provide for themselves. The exclusion from social assistance has no impact on the entitlement to emergency aid. This means that every asylum applicant (even dismissed or rejected) should find an accommodation place during their stay in Switzerland and be able to provide for their own (basic) needs. However, reception conditions are very critical under the emergency aid scheme, with several cantons making use of underground civil protection centres (so-called *bunkers*) originally conceived for the protection of civil population in case of armed conflict or other types of emergencies but are used as emergency aid shelters.

The Asylum Act also provides for the possibility to exclude persons from a federal asylum centre as a disciplinary sanction, when an asylum applicant has endangered others in the centre, disturbed the peace or refused to obey staff orders. The exclusion cannot exceed 24 hours and is subject to a written decision made by SEM. Other sorts of disciplinary sanctions exist in the federal centres, such as denial of exit permits, elimination of pocket money or a ban on entering specific spaces.[510]

Before any reduction or withdrawal is ordered, an assessment of proportionality is made, and the subsistence minimum has to be considered. The basic need is defined as "enforcement legal subsistence minimum" (*betreibungsrechtliches Existenzminimum*) and differs in each canton.

Special centres for uncooperative asylum applicants

Article 24a AsylA is the legal basis for the creation of special centres for uncooperative asylum applicants. It states that asylum applicants who endanger public security and order or whom, through their behaviour, seriously disrupt the normal operation of the federal asylum centres may be accommodated by the SEM in special centres that are set up and run by the SEM or by cantonal authorities. Although applications cannot be lodged in those centres, procedures are carried out according to the same rules than in the usual federal asylum centres. The only centre of this type ever opened is situated in **Les Verrières**, Canton of Neuchâtel and has a capacity of 20 places. On average, 6 persons were accommodated in this centre in 2024.[511] In total, 157 persons were accommodated in Les Verrières in 2024, the average duration was 15 days.[512]

Grounds for assignment to a special centre are defined in Article 15 AO1. According to this provision, a person can be assigned to a special centre if they are in a federal asylum centre and endanger public security and order or who by their behaviour seriously disrupt the normal operation of the federal asylum centre. A danger to public security and order is assumed if there are concrete indications that the behaviour of the asylum applicant will with great probability lead to a breach of public security and order.

A serious disruption of the normal operation of the federal asylum centre is assumed in the following two situations:

- First, if the asylum applicant seriously violates the house rules of the centre, especially if they have weapons or drugs, or if they repeatedly disregard a ban to leave the centre.
- Second, if the person defies the instructions for behaviour by the head of the centre or their deputy and by this behaviour namely repeatedly disturbs, threatens, or endangers the staff or other asylum applicants.

According to the law, the decision on the allocation of asylum seekers to a special centre is made either by federal or cantonal authorities. In its statement, the SEM indicated that only men would be placed in such centres.[513] The decision to place a person in a special centre must respect the principle of

510 Article 25(1) Ordinance of the FDJP on the management of federal centres and accommodation at airports.
511 Data provided by the SEM, February 2025.
512 Data provided by the SEM, February 2025.
513 SEM, *'Asile: ouverture du centre spécifique de la Confédération aux Verrières'*, 3 December 2018, available in French (and German and Italian) here.

proportionality. According to SEM practice, the placement in a special centre is ordered for a period of 14 days and can be prolonged to a maximum of 30 days.[514] Although the law did not foresee a separate remedy against such decision, the FAC has ruled that it must be possible to contest such decision within 30 days.[515] In the same judgment, the Court stated that placement in a special centre constitutes a significant restriction of liberty but not deprivation of liberty.

4. Freedom of movement

Indicators: Freedom of Movement		
1. Is there a mechanism for the dispersal of applicants across the territory of the country?	☒ Yes	☐ No
2. Does the law provide for restrictions on freedom of movement?	☒ Yes	☐ No

4.1. Dispersal across cantons

Asylum applicants who have not received a final decision on their application after 140 days as well as asylum applicants assigned to the extended procedure are allocated to one of the 26 Swiss cantons according to a distribution key. The distribution key is laid down in Article 21(1) AO1 and allocates a certain percentage of asylum applicants to each canton according to its population (for example Zurich: 17.8%, Uri 0.4%).

Article 22 AO1 states that the SEM distributes the asylum applicants as equitably as possible among the cantons, considering family members already living in Switzerland, nationalities and cases requiring particular care. In accordance with Article 27(3) AsylA, when allocating an asylum applicant to a canton, the SEM shall consider the legitimate interests of the cantons and the asylum applicants. However, this provision also states that asylum applicants may only contest the decision on allocation to the FAC if it violates the principle of family unity. In practice, the interests of the asylum applicants are hardly considered (except for family unity regarding core family members). This system is problematic, as it fails to seize opportunities that would facilitate integration, such as language or further family ties. For example, the allocation strictly according to the distribution key often leads to French speaking asylum applicants being allocated to a German language canton, which makes integration much more difficult.[516] The experience of the SRC, including in 2024, indicates that applications to change one's canton based on other than (core) family unity grounds are rarely successful.

Following allocation to the canton, cantonal authorities become responsible for the provision of material reception conditions. They provide for accommodation in a cantonal centre as well as for social or emergency assistance to all persons present on their territory, whether legally or illegally. They may delegate implementation competences to municipalities.

Cantonal reception conditions are regulated by cantonal legislation and differ significantly from one canton to another. Therefore, the allocation to a canton may result in large inequality in terms of material reception conditions. The type of accommodation facilities, as well as the amount of financial allowance, is specific to each canton. Some cantons are known to be restrictive in terms of reception conditions, or even lacking adapted structures for the needs of vulnerable persons.[517]

514 SEM, Manuel Asile et Retour, chapter C1; 2.2.2.3; see also PLEX (Plan d'exploitation Hébergement), Annex 2, cited in a Decision of the FAC (F-1389/2019, 20 April 2020, para 7.10).

515 FAC, Decision F-1389/2019, 20 April 2020.

516 On this topic see Daniel Auer, *Language Roulette? Refugee Placement and its Effect on Labor Market Integration*, in a nutshell #4, January 2017, nccr – on the move, available in English here.

517 These large differences in treatment occur despite a fixed compensation system from the Confederation to the cantons. For details on the costs sharing system, see AO2.

4.2. Restrictions on freedom of movement

Federal asylum centres

As long as asylum applicants remain in a federal centre,[518] they are subject to the semi-closed regime of all federal asylum centres. Exits are only possible with a written authorisation delivered by the SEM once fingerprints and a photograph of the asylum applicant have been taken.[519] Exit hours are strictly regulated in the ordinance and the general rule allows asylum applicants to go out from 9am to 5pm during the week (from Monday to Friday) and to spend the weekend away, from Friday 9am until Sunday 5pm. SEM may define more extended exit hours in agreement with the commune hosting the federal asylum centre,[520] which is for instance the case in the centre of **Boudry** where asylum applicants are allowed to return to the asylum centre until 7pm, in **Pasture** until 6pm, in **Altstätten** until 5.30pm and in **Basel, Zurich and Bern** until 8pm.[521]

Asylum applicants are supposed to stay in the centre on days on which they have an appointment regarding their asylum application (with the authorities, the lawyer or the counselling) or regarding their departure. This further applies where they have an appointment with a dentist or doctor, if they are required to participate in maintenance work of the premises, if a transfer to another centre is planned or on the day in which the enforcement of the removal is foreseen.[522]

In case of late arrival or unjustified absence, asylum applicants may be subject to a disciplinary sanction such as being deprived of the possibility to go out on the next day or to access certain areas of the centre. Their pocket money or issuing of public transport tickets can also be cut. Other measures can be the exclusion of the centre for a maximum of 24 hours (during which entry in the centre is not allowed)[523] or placement in a special centre (Les Verrières).[524] The disciplinary measures are communicated orally, only the exclusion from the centre for more than eight hours as well as the allocation to a special centre need to be notified in writing. If the refusal of exiting the centre is ordered for more than 24 hours or more than once, a written decision (which can be appealed) is required. A separate room should be provided to asylum applicants excluded from the centre for more than eight hours or in cases the centre is closed at the time the measure ends.[525]

Some federal centres have a so called “reflection container” or “reflection room”, installed within the entry area of the centre or within a short distance from it. These spaces are intended for emergencies (pending the arrival of the police) to receive recalcitrant asylum applicants for them to calm down and to protect them and others from injures. They are mostly equipped with a surveillance camera.[526] Since 15 January 2023, the short-term restraint of asylum applicants in security rooms for the purpose of danger prevention has been regulated in the Ordinance of the FDJP on the management of federal reception centres: the person can be restrained only until the arrival of the police and for a maximum of two hours. The restraint of minors under 15 is forbidden.[527] The regulation of this specific kind of restraint is also a subject of the current amendment of Asylum Law.[528]

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518 General rules for the federal centres are set up in the Ordinance of the FDJP on the management of federal reception centres in the field of asylum.
519 Article 17 (1) Ordinance of the FDJP.
520 Article 17(5) Ordinance of the FDJP.
521 House rules of the individual centres accessed in 2021, not publicly available.
522 Article 23 Ordinance of the FDJP.
523 Usually a place to sleep is provided in containers placed outside the centre.
524 Article 25 Ordinance of the FDJP.
525 Article 26 Ordinance of the FDJP.
526 During their visits, the delegations of the NCPT found that the use and purpose of these containers are not defined in any law or directive and thus required that those containers are not used for disciplinary reasons: NCPT, Report 2014, 11, para 39, available in German here; Report 2018, p. 33, para 122, available in German here.
527 Article 29a Ordinance of the FDJP.
528 The amendments will probably entry into force in 2025. The SRC has submitted its opinion on the project of law on 3rd May 2023, during the process of consultation. It is available, in French, here. See also the media release, available here. In January 2025, the amendments are still in discussion in the parliament, the state of play can be found here.

Restriction vs. deprivation of liberty

A report to the Federal Commission against Racism of 2017 concluded that the current regulation of exit hours was too far-reaching in terms of personnel and time (social exchange and employment opportunities are severely restricted; even more so due to the remote location of the centres) and was therefore disproportionate.[529] It would on the contrary be possible to use milder means (obligation to notify when leaving and returning or general initial authorisations), in order to monitor the movements of asylum applicants without impinging on their personal freedom. The Federal Supreme Court has not yet commented on the proportionality of these regulations. A report published in August 2017 by the Swiss Centre of Expertise in Human Rights (SCHR) deals in detail with the question of when certain restrictions on the freedom of movement of asylum applicants associated with accommodation should be classified as detention.[530] The study concluded that accommodation in the reception and processing centres does not reach the intensity level of a deprivation of liberty if the daily possibility to leave the centre is guaranteed and if there are no further restrictions. Thus, although there is no clear definition, we would suggest not to qualify the stay in the ordinary federal asylum centres as de facto detention. In 2020, the FAC ruled that the placement in a special centre does not constitute deprivation of liberty, despite entailing significant restrictions of personal freedom and freedom of movement.[531]

The centres are operated by private providers, which means that there are great management differences in practice. The same legal requirements apply, but the operating rules are different. Based on the legal report, the Federal Commission against Racism stated that interventions by the providers are attributable to the State, which is thus responsible for protecting the fundamental rights of asylum applicants.

Visiting hours in the federal asylum centres are daily from 2 pm to 8 pm, but visitors are only allowed to enter the centres if they have a relationship to an asylum applicant and with the approval of the personnel.[532] Despite this rule, in practice most federal asylum centres are not provided with a visitors' room.[533] In the information leaflet of the SEM, the possibility of visits as provided by law is not even mentioned: "Access for asylum applicants only: Federal asylum centres are not open to the public. This is primarily to ensure the privacy of the asylum applicants in our care. Therefore, in addition to the asylum applicants, only employees of our partner organisations have access to the centres: counsellors, security personnel, teachers and medical professionals, pastoral counsellors, and the employees of the legal representation of asylum applicants."[534]

Remote locations

The location of some centres is very remote. The **Boudry** and Giffers/**Chevrilles** federal centres as well as the centre of **Les Verrières** are, for example, characterised by their isolation. The Boudry centre is located in a complex that includes the asylum processing centre and a psychiatric hospital. It is several kilometres away from the surrounding village and about 15km from the town of Neuchâtel. The waiting and departure centre of Chevrilles is even more isolated. In order to get there by public transport, it is necessary to take a 20-minute bus ride from the city of Fribourg, which costs CHF 7.80. Once arrived in the village of Chevrilles, it still takes a 20-minute walk to reach the centre. There are two buses per hour driving to both centres, and asylum applicants receive every week a single ticket to go to Neuchâtel or Fribourg and 3 CHF of pocket money per day, except persons from EU/EFTA countries or countries exempt from the visa requirement who do not receive any pocket money.

529 Regina Kiener and Gabriela Medici, 'Asylsuchende im öffentlichen Raum', Rechtsgutachten im Auftrag der Eidgenössischen Kommission gegen Rassismus EKR, February 2017.

530 Swiss Centre of Expertise in Human Rights (SCHR), '*Freiheitsentzug und Freiheitsbeschränkung bei ausländischen Staatsangehörigen - Dargestellt am Beispiel der Unterbringung von Asylsuchenden in der Schweiz*', written by Jörg Künzli, Nula Frei and David Krummen, 21 August 2017.

531 FAC, Decision F-1389/2019, 20 April 2020. See also News of the SRC, *L'assignation à un centre spécifique ne comporte pas une privation de liberté selon le TAF*, 1 Mai 2020, available in French (and German) here.

532 Article 16 Ordinance of the FDJP.

533 NCPT, Report on federal asylum centres 2019-2020, available in German here, 37. This shortage is even more evident when taking into account the temporary federal asylum centres that are operating in the framework of the emergency plan since 2022.

534 Information leaflet available in French (also available in German and Italian) here.

It is more difficult to distinguish between deprivation of liberty and restriction of liberty in the case of isolated centres, given the lack of possibilities of social contacts with people outside the centre. The location of the centre is decisive for the question of whether restrictions amount to *de facto* deprivation of liberty. Accommodation on a mountain pass, for example, from where the nearest town can only be reached by means of transport that asylum applicants cannot afford, is generally to be considered a deprivation of liberty in accordance with the case-law of the ECtHR.[535] In individual cases, the characteristics of a specific accommodation can lead to difficulties even in the case of less remote centres. Such is the case if, for example, a person's physical condition makes it more difficult to establish social contacts: this could happen to vulnerable persons such as children, the elderly, or people with physical disabilities. Not only social contacts, but also access to legal assistance can be rendered difficult by the location of the centre, leading to significant obstacles in terms of access to an effective legal remedy. According to the Coalition of independent lawyers for the right to asylum, such isolation leads to restrictions on freedom of movement and thus the impossibility of a dignified daily life for those seeking asylum, who are practically denied contact with the outside world, leading to social exclusion. This problem is exacerbated by the precarious financial situation of the people concerned.[536]

In conclusion, even though there is no clear definition, for the purpose of this report the accommodation in some centred with remote locations could be qualified as *de facto* detention (see Detention of Asylum Applicants).

Restriction and exclusion orders

In addition to the mentioned restrictions on freedom of movement for asylum applicants in general, Article 74 FNIA allows for restriction or exclusion orders. According to this provision, the competent cantonal authority may require a person not to leave the area they were allocated to or not to enter a specific area:

- In case of threat to public security and order. This measure is intended to serve in particular to combat illegal drug trafficking;
- If they have a final negative decision and specific indications lead to the belief that the person concerned will not leave before the departure deadline or has failed to observe the departure deadline. This provision could also apply to asylum applicants in the Dublin procedure, as from a perspective of national law they are dismissed asylum applicants;
- If the removal has been postponed due to specific circumstances such as medical reasons. This could also apply to asylum applicants with a Dublin transfer decision.

Restriction orders can have different radius, forbidding to leave the area of a canton, a district/region, or a commune. The measure must be proportional to their aim, especially with regard to the length and rayon (restriction to a commune is usually only admitted for criminal offenders).

According to Article 74 para 1bis FNIA, the competent cantonal authority shall require a person who is accommodated in a special centre under Article 24a AsylA not to leave the area they were allocated to or not to enter a specific area.

Appeals may be lodged with a cantonal judicial authority against the ordering of these measures. The appeal has no suspensive effect.[537]

535 ECtHR, *Stanev v. Bulgaria*, Application No 36760/06, 17 January 2012, available here.
536 Coalition des juristes indépendant-e-s pour le droit d'asile, *Restructuration du domaine de l'asile: Bilan de la première année de mise en œuvre*. Available in French here and in German here, p. 8, ch. 4.1.5.
537 Article 74(3) FNIA.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of federal reception centres: 47[538]
2. Total number of places in the federal reception centres: 9,275[539]
3. Total number of places in private accommodation: Not available

4. Type of accommodation most frequently used in a regular procedure:
   ☒ Reception centre ☐ Hotel or hostel ☒ Emergency shelter ☐ Private housing ☐ Other

5. Type of accommodation most frequently used in an accelerated procedure:
   ☒ Reception centre ☐ Hotel or hostel ☒ Emergency shelter ☐ Private housing ☐ Other

The reception system is organised in two phases: during the first phase – which should not exceed 140 days – asylum applicants are accommodated in federal asylum centres; while upon allocation to a canton, their accommodation is managed at the cantonal or communal level.

Federal asylum centres are of two sorts: each one of the six asylum regions has one centre with processing facilities where the first stages of the procedure are carried out, and one or more centres without processing facilities (so-called “departure centres”) that are mainly used for those persons whose application has been dismissed or rejected and for whom the authorities are organising a Dublin transfer or removal.

A transfer to cantonal facilities occurs: a) when a person gets a positive decision or a temporary admission within an accelerated procedure; b) when the extended procedure is ordered; c) when a person is accommodated in a federal asylum centre for more than 140 days, even if their application has been dismissed or rejected.

Cantons oversee their own reception centres. Usually, asylum applicants and beneficiaries of protection will be first accommodated in collective centres, and at a second stage in shared apartments or private apartments for families. The management of reception centres at cantonal level is very often entrusted to NGOs or private companies.[540] For those rejected asylum applicants who have lost their right to social assistance, the cantons provide for emergency aid shelters (see Forms and levels of material reception conditions).

Below is an overview of the different types of centres, principally at the federal level, as cantons all have their own specificities.

538 See Migration report Switzerland 2024.
539 Average capacities in 2024, see Migration report on Switzerland 2024.
540 See Camilla Alberti, Privatisation: Les enjeux autour de la délégation de l’asile. Qui profite de qui?, Vivre Ensemble no 167, available in French here.

1.1. Federal asylum centres[541]

Overview of the federal asylum centres in 2024				
Centre	Function	Region	Capacity	Occupancy at end 2024
Airport Geneva	Airport processing centre	Romandie	30	Not available
Airport Zurich	Airport processing centre	Zurich	60	
Allschwil	Federal centre without processing facilities	Northwest	150	
Alstätten	Federal centre with processing facilities	East	340	
Basel	Federal centre with processing facilities	Northwest	350 & 80	
Bern	Federal centre with processing facilities	Bern	350	
Boudry	Federal centre with processing facilities	Romandie	480	
Chiasso	Federal centre with processing facilities	Ticino & Central	130	
Zona Pasture	Federal centre without processing facilities	Ticino & Central	350 & 220	
Zurich	Federal centre with processing facilities	Zurich	360	
Embrach	Federal centre without processing facilities	Zurich	360	
Flumenthal	Federal centre without processing facilities	Northwest	250	
Giffers	Federal centre without processing facilities	Romandie	250	
Vallorbe	Federal centre without processing facilities	Romandie	250	
Kappelen	Federal centre without processing facilities	Bern	270	
Kreuzlingen	Federal centre without processing facilities	East	310	
Glaubenberg	Federal centre without processing facilities	Ticino & Central	340	
Les Rochat		Romandie	240	
Les Verrières	Special centre	Romandie	60	

Source: SEM, Asylregionen und Bundesasylzentren, 1 April 2025 and Weiterführende Adressen.

Federal asylum centres are divided into two categories: those with processing facilities and those without. Each of the six asylum regions are provided with one federal centre with processing facilities and at least one without. Persons in need of protection should lodge their asylum application in one of the six federal centres with processing facilities. Following the application, the SEM can decide to allocate them to one

541 Legal provisions related to the management of the federal asylum centres are in the Asylum Act, the Ordinance of the FDJP on the management of federal reception centres in the field of asylum and internal house rules of the registration centres. Further information is available on the website of the SEM, here.

of the other five centres. In principle, asylum applicants remain in these centres during a few weeks or months, until they are either assigned to a canton or transferred to a federal asylum centre without processing facilities (also called "departure centres").[542] The maximum length of stay in federal asylum centres – be it with or without processing facilities – is 140 days, whereby this length can be exceeded by a few days. In 2024, the average length of stay in federal asylum centres was 76 days.[543]

In some special cases, the SEM can allow asylum applicants to join their family members in a private accommodation. No statistics are available on the number of requests for private accommodation made by asylum applicants and no data was provided regarding private housings used in 2024.

Since autumn 2022, the SEM has activated an emergency plan to cope with increasing numbers of asylum applications as well as the ongoing arrival of Ukrainian nationals in search of protection. In this framework, a large number of temporary centres have been opened, increasing the accommodation capacity at federal level from the ordinary 5,000 to approximately 11,000 places. Most temporary asylum centres opened by the SEM belong to the army and consist in either military barracks or military multi-purpose or sports halls. In October 2024 the SEM announced that **9 temporary asylum centres will be closed** at the end of the year 2024 as the numbers of asylum application were lower than expected.[544]

The running of the centres and security matters are entrusted to private companies.[545] The federal asylum centres can be described as semi-closed, as the hours when asylum applicants may leave and return are limited.[546] For more information, see section on Freedom of Movement.

The permanent **asylum centre** in the "Zona Pasture" opened its doors on 3 June 2024; it offers accommodation for 350 persons.[547]

Federal asylum centres with processing facilities

The centres with processing facilities are the following, one for each of six asylum regions:

- **Altstätten** (Canton of St. Gallen, Region Eastern Switzerland);
- **Basel** (Canton of Basel, Region North-Western Switzerland);
- **Boudry** (Canton of Neuchâtel, French-speaking Region);
- **Zurich** (Canton of Zurich, Zurich Region);
- **Zona Pasture**[548] (Canton of Ticino, Region Ticino & Central Switzerland); and
- **Berne** (Canton of Berne, Bern Region).

Federal asylum centres without processing facilities ("departure centres")

In addition to the federal asylum centres with processing facilities, where the asylum procedures are conducted, there are other federal asylum centres without processing facilities, also called "departures centres", where asylum applicants are usually transferred when they are subject to a Dublin or a negative decision. This can occur either before the final decision (when the main investigative measures requiring

542 Article 24 (4) AsylA.
543 Data provided by the SEM, February 2025.
544 Media release of 22 October 2024 in French and German.
545 The SEM delegates the task of managing the operation of reception and processing centres to third parties under Article 24*b* (1) AsylA. Thus, the ORS Service AG (asylum regions Western Switzerland, French speaking Switzerland and Berne) and AOZ Asyl Organisation Zürich (asylum regions Eastern Switzerland, Ticino and Central Switzerland, Zurich) are responsible for running the centres. Security services at the lodges are provided by the companies Securitas AG (asylum regions French speaking Switzerland, Eastern Switzerland, Zurich, Ticino and Central Switzerland) and Protectas SA (asylum regions Western Switzerland and Zurich). Finally, the mandates of patrols operating in the vicinity of the centres have been awarded to three companies: Securitas AG (asylum regions French speaking Switzerland, Zurich) Protectas SA (asylum regions Western Switzerland and Berne) and Verkehrsüberwachung Schweiz (asylum regions Eastern Switzerland and Ticino and Central Switzerland).
546 Here are some information provided from the SEM for asylum seekers in the federal asylum centres in several languages: here.
547 Media release of 24 May 2024 in German.
548 Those are actually two centres, both temporary, and located separately from the SEM and legal protection offices.

the presence of the applicant have been conducted), or after the expiry of the time limit to appeal. These centres mainly house people who have to leave Switzerland within a short period of time and therefore are not transferred to the cantonal asylum centres, unless they cannot be removed from Switzerland within the set period of 140 days.

Most of these centres are situated in remote and isolated locations, which is highly problematic both because those residing there are practically denied contact with the outside world, leading to social exclusion, and because they are prevented from finding a legal representative to appeal a negative decision, in cases where the mandated legal representation is not willing to file an appeal.[549] The restriction of movement due to isolation is further exacerbated by the precarious financial situation of most asylum applicants who cannot afford public transportation.

Furthermore, some of these centres (such as the **Glaubenberg** centre) are in former military shelters. Federal military buildings and installations may be used without cantonal or communal authorisation to accommodate asylum applicants for a maximum of three years provided the change in use does not require substantial structural measures and there is no significant change in the occupancy of the installation or building.[550] Like in the federal asylum centres with processing facilities, the regime is semi-closed.

Special centres for uncooperative asylum applicants

Special centres for uncooperative asylum applicants are foreseen by the Asylum Act under Article 24a and Article 15 OA1. The only one is located in Les Verrières, Canton of **Neuchâtel** (For more information and a definition of special centres, see section on Reduction or Withdrawal of Reception Conditions).

1.2. Reception centres at the cantonal level

After the maximum of 140 days spent in federal asylum centres, asylum applicants and beneficiaries of protection are allocated to one of the 26 cantons and are usually transferred to a cantonal reception facility. Each canton has its own accommodation system that usually includes several types of housing (collective centre, family apartment, private accommodation with host families, centre for unaccompanied children, etc.). Additionally, in some cantons the housing is almost entirely in the responsibility of the communities.

Many cantons organise the accommodation structure in 2 phases: the first one in collective shelters, the second in private accommodation. There are different forms of collective shelters, the most common one being former hospitals and hotels or former public institutions like schoolhouses or juvenile homes. In times of increased needs, most of the cantons offer subterranean collective shelters in civil defence facilities for usage. These shelters are particularly problematic, since the asylum applicants need to live underground for an uncertain amount of time. Even though the cantons try to limit the duration to a few weeks, the actual stay can be longer according to the general housing capacity for refugees in the respective canton.

Difficulties particularly arose in the housing of unaccompanied children. Many cantons reported having troubles in finding enough suitable buildings for their housing, since the requirements the centres need to fulfil are usually higher than for others. In 2024, the numbers of unaccompanied children remained high and the housing situation challenging.[551]

The moment asylum applicants are transferred to an individual accommodation depends on the canton of allocation and its accommodation capacity. In most cases, asylum applicants may change from one accommodation system to another according to the stage of their procedure (i.e. the reception of a

549 Coalition des juristes indépendant-e-s pour le droit d'asile, ibid., 11, ch. 4.2.5.
550 Article 24c AsylA.
551 See for example: Beobachter, 17 July 2024, Unbegleitete minderjährige Asylsuchende UMA: neuer Rekord, Kantone überfordert; SRF, 24 October 2024, Schweiz aktuell - Tessin: Prekäre Unterbringung von jugendlichen Asylsuchenden.

provisory admission or refugee status, the length of their stay in Switzerland or the degree of their integration). Additionally, their personal situation may be considered (family, unaccompanied children, vulnerable persons, single men, etc.).

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum applicants not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
2. What is the average length of stay of asylum applicants in the reception centres?[552] 76 days in the federal centres
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes ☐ No
4. Are single women and men accommodated separately? ☒ Yes ☐ No

2.1. Conditions in federal reception centres

In the federal asylum centres, asylum applicants are usually housed in single-sex dorms, while families are accommodated together. Places to rest or isolate are mostly inexistent. Rooms contain at a minimum two or three beds (such rooms are usually reserved for couples and families) and up to several dozens of beds each, equipped with bunk beds. Asylum applicants are responsible for cleaning their rooms. Asylum applicants share common showers and toilet facilities, which are poorly equipped in terms of privacy.[553] In some cases, men and women share the same showers that they access during different times. The same happens with male and female unaccompanied minors, for whom the NCPT recommends providing at least specific time slots for the use of showers. In October 2021, a report with recommendations for the protection of asylum-seeking women and girls was mandated and published in the aftermath of a political postulate,[554] but in the experience of the SRC in 2024 federal asylum centres remained quite unsafe for women and girls.

The law stipulates that the special needs of children, families and other vulnerable persons are considered as far as possible in the allocation of beds,[555] but this provision is very general. In 2024, children in school age were generally able to attend school either within the federal centres or in regular schools, however due to the emergency situation, the time or frequency of schooling was sometimes reduced.[556] In addition, few leisure activities exist for children, especially under and above school age. The general tension that exists within the centres, due to the high psychological pressure asylum applicants are living under, the coexistence of persons with very different backgrounds, or even alcohol or drug issues that may occur in the centres, can make the situation very difficult for children, single women or other vulnerable persons.[557]

Asylum applicants are subject to body-search by security personnel every time they come back after going out of the centres. This applies even to children coming back from school, who are systematically searched in some centres, according to a NCPT report.[558] According to the NCPT, children and adults

552 Information provided by the SEM, May 2023.
553 NCPT, *Report on federal asylum centres 2019-2020*, available in German here, 27.
554 UNHCR and the SRC provided a summary of such recommendations: Anne-Laurence Graf, *Eine Zusammenfassung der Empfehlungen zum Schutz von asylsuchenden Frauen und Mädchen im Anschluss an das Postulat Feri*, October 2021, available in German (and French) here.
555 Article 4(1) Ordinance of the FDJP on the management of federal reception centres in the field of asylum.
556 UNHCR, *UNHCR-Empfehlungen zur Unterbringung von Asylsuchenden in den Bundesasylzentren (BAZ), November 2023*, available in German here, 25.
557 Alcohol and drugs are strictly prohibited within the centres under Article 4(2) Ordinance of the FDJP on the management of federal reception centres in the field of asylum. However, this does not prevent some breaches of the regulation from happening in practice.
558 NCPT, *Report on federal asylum centres 2021-2022*, available in German here, 61 (ch. 168). This constitutes a worsening of practice since 2020. In fact, according to the NCPT report on federal asylum centres 2019-2020, body-searching of children had been limited to cases of suspicion (the report is available in German here 20).

should be body-searched only in case of suspicion.[559] Security personnel is also authorised to seize certain goods when asylum applicants enter or go out of the centre.[560] The NCPT strongly criticised the practice of confiscating food items and non-alcoholic drinks, highlighting that it is unjustified and does not rely on any legal basis.[561]

Asylum applicants are required to participate in domestic work on request of the staff. Household tasks are shared between all asylum applicants according to a work breakdown schedule. Generally, maintenance is provided by third parties, namely for cleaning tasks (especially for toilets and showers), the cooking as well as security tasks.[562] Asylum applicants may voluntarily help to serve meals or help in the kitchen. They are not allowed to cook their own food in the federal centres (with a few exceptions regarding centres without processing facilities), but specific diets shall be respected according to internal regulation.[563]

The NCPT criticised the living conditions in temporary asylum centres in its report of April 2024, particularly in civil defence shelters. The reports confirm the Swiss Refugee Council's concerns about these facilities. Conditions in the shelters are challenging: limited space, no natural light, no clear separation of sleeping, eating, and communal areas, lack of privacy, and inadequate ventilation, among other issues. Such circumstances increase the risk of conflict, yet violence prevention measures are notably lacking.[564] Additionally, alleged cases of violence reported to the NCPT have been poorly documented and insufficiently investigated.[565]

There is a chaplaincy service in every federal centre. Protestant and catholic chaplains spiritually accompany asylum applicants. They often play an important social role, as they provide an open ear to asylum applicants' worries, and they sometimes call attention to problems in the centres. Between July 2016 and December 2018, a pilot project with Muslim chaplains was set up in the test centre in **Zurich**,[566] which was evaluated as very positive.[567] In January 2021, another pilot project started with Muslim chaplains in the federal asylum centres, after its prolongation[568] in January 2022. Due to the positive effects shown in the evaluation study,[569] the SEM is definitively introducing Muslim chaplaincy in the Federal Asylum Centres. In order to ensure the long-term financing of this service, an amendment to the Asylum Act would be required.[570]

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559 NCPT, *Report on federal asylum centres 2021-2022*, available in German here, 62.

560 According to Article 4 of the Ordinance of the FDJP, security personal is allowed to seize travel and identity documents, dangerous objects, assets, electronic devices that may disturb the peace, alcohol, drugs and food. Prohibited weapons and drugs are given to the police immediately.

561 NCPT, *Report on federal asylum centres 2021-2022*, available in German here, 63.

562 The SEM delegates the task of managing the operation of reception and processing centres to third parties under Article 24*b* (1) AsylA. Thus, the ORS Service AG (asylum regions Western Switzerland, French speaking Switzerland and Berne) and AOZ Asyl Organisation Zürich (asylum regions Eastern Switzerland, Ticino and Central Switzerland, Zurich) are responsible for running the centres. Security services at the lodges are provided by the companies Securitas AG (asylum regions French speaking Switzerland, Eastern Switzerland, Zurich, Ticino and Central Switzerland) and Protectas SA (asylum regions Western Switzerland and Zurich). Finally, the mandates of patrols operating in the vicinity of the centres have been awarded to three companies: Securitas AG (asylum regions French speaking Switzerland, Zurich) Protectas SA (asylum regions Western Switzerland and Berne) and Verkehrsüberwachung Schweiz (asylum regions Eastern Switzerland and Ticino and Central Switzerland).

563 PLEX, Version 3.0, ch. 7.5, p. 22, available in French here. In 2020, the SRC has received some complaints from asylum seekers with medical conditions (pregnant woman, man with diabetes) saying that their food needs were not respected.

564 The report of 10 April 2024 can be found here in German.

565 Communication of the SRC, available here.

566 SEM, *Lancement d'un projet pilote d'aumônerie musulmane dans les centres fédéraux pour requérants d'asile*, 4 July 2016, available in French (and German and Italian) here.

567 SEM, *Aumônerie musulmane au centre pilote de Zurich: le projet pilote donne de bons résultats*, 16 February 2018, available in French (and German and Italian) here. The evaluation highlighted the relevance of spiritual support to asylum seekers of Muslim faith.

568 SEM, *Le SEM poursuit son service d'aumônerie musulmane dans les centres fédéraux d'asile*, press release, 31 January 2022, available in French (and German and Italian) here.

569 The evaluation was carried out by the Swiss Centre for Islam and Society of the University of Fribourg here, the study *Muslimische Seelsorge in Bundesasylzentren Evaluation des Pilotprojekts zuhanden des Staatssekretariats für Migration* is available in German here.

570 SEM, *L'aumônerie musulmane est introduite durablement dans les centres fédéraux d'asile*, 31 January 2023, media release available in French (and German and Italian) here.

Occupational programmes are proposed to asylum applicants from 16 years of age on, to give a structure to the day and thus facilitate cohabitation.[571] The occupational programmes must respond to a local or regional general interest of the town or municipality. They must not compete with the private sector. They include work in protection of nature and the environment or for social and charitable institutions. Examples are cutting trees or hedges, fixing rural pathways, cleaning public spaces. There is no right to participate in occupational programmes. In case of shortage of places in the occupational programmes, places are distributed according to the principle of rotation of the participants. An incentive allowance may be paid to the asylum applicant. This amount is very low and can therefore not be compared to a salary for a regular job. Thus, remuneration is limited to CHF 5 per hour, a maximum of CHF 30 per working day and a maximum of CHF 400 per month.[572] Persons staying in a special centre for uncooperative asylum applicants receive the incentive allowance in the form of non-cash benefits.

The accommodation crisis experienced during 2022 and 2023 had been resolved in 2024 and did not significantly affect reception conditions.[573]

Use of physical force and violence episodes in the federal asylum centres

During 2020, there was several cases in which violence escalated in the federal asylum centres. The media reported excessive use of physical force by security personnel.[574] For further information, see previous versions of this report.[575]

At its meeting on 25 January 2023, the Federal Council communicated its will to create transparent and comprehensive regulations for operating and guaranteeing the safety of asylum applicants and staff in federal asylum centres. Therefore, it opened a consultation process on an amendment to the Asylum Act.[576] In doing so, it relied in particular on the recommendations of former federal judge Niklaus Oberholzer, who had investigated violence episodes in the centres and highlighted several gaps in the legal bases, in particular concerning the delegation of coercive measures to private agencies, the use of physical force, of security rooms and of disciplinary measures.[577] The amended law was discussed in parliament, who came to an agreement in March 2025[578] and will probably enter in force in 2025.[579]

The SEM appointed seven specialised officers responsible for violence prevention and personal security (one in each asylum region and one at central level) who started their function on 1st of January 2024. They are supposed to provide regular quality controls and continuous on-the-job training of staff hired by the security companies.

A project launched by the SEM, aimed at allowing asylum applicants in the centres to anonymously report any incidents of violence they have been involved in or witnessed, was evaluated in February 2024.

571 Article 6a Ordinance of the FDJP.
572 SEM, Plan d'exploitation Hébergement, Version 4, 1.01.2022, p. 34.
573 For further information, see previous versions of this report: AIDA, *Country Report: Switzerland*, available here.
574 See the Communication of 15 May 2020 of the Swiss Refuge Council on this matter, *Violence au centre fédéral pour requérants d'asile de Bâle*, available in French (and German) here; NCPT, *Report on federal asylum centres 2019-2020*, 22-24.
575 See previous versions of this report: AIDA, *Country Report: Switzerland*, available here.
576 SEM, *Sécurité et exploitation des centres fédéraux pour requérants d'asile : le Conseil fédéral met en consultation des modifications de la législation*, media release, 25 January 2023, available in French (and German and Italian) here. The SRC has submitted its opinion on the project of law. It is available, in French, here. See also the media release, available here. The legal draft of the Federal Council was criticised by the SRC for not sufficiently taking the rights and needs of asylum seekers into account (see media release of 17 September 2024, Mesures de sécurité dans les CFA : donner plus de poids aux droits humains).
577 Following accusations by non-governmental organisations and the media, former federal judge Niklaus Oberholzer was commissioned by SEM to investigate whether violence is being systematically used in federal asylum centres. For more information see here.
578 See here.
579 The final version can be found here.

According to the report, while the initiative is promising, more should be done to increase its efficiency and transparency.[580]

Amnesty International documented new cases of alleged human rights violations in reception centres in a report published in October 2024.[581]

2.2. Conditions in cantonal-level facilities

As explained under the section on Types of Accommodation, reception conditions differ largely from one canton to another. The SRC does not follow the practice in each of the 26 cantons and can therefore only provide general information.

Most asylum applicants stay in collective centres, at least at first arrival in the canton. Generally speaking, asylum applicants benefit from less restrictive measures in the cantonal centres compared to the federal centres, as they usually can go out at their convenience, or cook for themselves as well as might have access to limited possibilities of daily structure like occupation programmes or language courses. Asylum applicants are however frequently confronted with the remoteness of reception centres, which impedes them to meet with family members, acquaintances or even consult a legal representative if they do not have financial resources. The capacity of the centres themselves is widely varying and so are the living conditions. Some general problems which can be observed in many places are the cleanliness of the centres, the missing privacy in dormitories and the noise which may prevent people from concentrating on education programmes.

Individual housing and private accommodation with host families provide more comfortable housing conditions. Cantonal authorities strive to house families in individual accommodations, even though this is not always possible. Additionally, the people are usually not allowed to choose their place of living and apartment. The authorities provide them apartments which are rented on the general housing market. This can be a reason for the apartments not to be in best shape, since the financing is usually limited by cantonal or communal regulations of social contributions for asylum applicants, which is supposed to be lower than those for Swiss people (exception: people with refugee status). Single men and women often have to share flats with other asylum applicants. They usually cannot choose who they want to live with as long as they are not financially independent and can find their own apartment.

580 Communication of the SRC of 26 March 2024 in French.
581 Communication of Amnesty International Switzerland of 22 October 2024 in German.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market		
1. Does the law allow for access to the labour market for asylum applicants?	☒ Yes	☐ No
❖ If yes, when do asylum applicants have access to the labour market? From the moment they have a transfer decision to canton		
2. Does the law allow access to employment only following a labour market test?	☒ Yes	☐ No
3. Does the law only allow asylum applicants to work in specific sectors?	☒ Yes	☐ No
❖ If yes, specify which sectors:		
4. Does the law limit asylum applicants' employment to a maximum working time?	☐ Yes	☒ No
❖ If yes, specify the number of days per year		
5. Are there restrictions to accessing employment in practice?	☒ Yes	☐ No

Asylum applicants staying in a federal asylum centre are not allowed to engage in gainful employment.[582] Asylum applicants who are entitled to pursue gainful employment in accordance with the immigration provisions (who are mainly persons already living in Switzerland with a residence permit and who submit a subsequent asylum application) or who participate in charitable occupational programmes, however, are not subject to the ban on employment.[583] After allocation to a canton, asylum applicants can request permission to work but they are subject to the precedence of domestic employees as regulated by the FNIA.[584] According to statistics published by the SEM, 5% of asylum applicants between 18 and 65 years old are active on the labour market.[585]

2. Access to education

Indicators: Access to Education		
1. Does the law provide for access to education for asylum-seeking children?	☒ Yes	☐ No
2. Are children able to access education in practice?[586]	☒ Yes	☐ No

2.1. Compulsory education

All children under 16 years must attend school according to the Federal Constitution.

For the first stage of reception, schooling is provided within the federal asylum centres as provided by Article 80(4) AsylA. As education is a matter of cantonal competence, the federal asylum centres in each region should determine with the competent cantonal authority the modalities for schooling. Thus, there are significant differences in the location, maximum age of admission, number of hours of classes per week and their content between the different centres. Schooling mostly takes place inside the federal centres in school rooms provided by the Confederation, while in some cases children can access regular public schools. In the centres visited by the NCPT in 2019 and 2020, classes were taking place at least three days and up to five days per week and were provided by teachers by training. In a few centres, there was ambiguity regarding whether children between 15 and 16 could attend classes and the lack of occupation programs for this age was reported.[587] These issues seemed to be unresolved as of 2023.[588]

582 Article 43(1) AsylA, as amended on 25 September 2018, BBl 2015 7181 and AS 2018 2855.
583 Article 43(4) AsylA, as amended on 25 September 2018, BBl 2015 7181 and AS 2018 2855.
584 At Article 21(1), providing that foreign nationals may be permitted to work only if it is proven that no suitable domestic employees or citizens of states with which an agreement on the free movement of workers has been concluded can be found for the job.
585 SEM, asylum statistics (6-21), available here.
586 Access is very limited in the federal reception and processing centres.
587 NCPT, *Report on federal asylum centres 2019-2020*, available in German , 36.
588 NCPT, *Report on federal asylum centres 2021-2022*, available in German, 25.

After allocation to a canton, the organisation of schooling varies from one canton to another, as the school systems can differ in significant ways between cantons. In fact, the schooling of children is under cantonal competence. In some cantons, children attend special classes for asylum applicants at their arrival, while others directly join the usual education system, mostly without knowing the language well. Some cantons organise special language classes for newly arrived asylum applicants.

The schooling of young asylum applicants may raise some difficulties for local schools and teachers, since some of the children stay for a short and undefined period of time. Educational background and language knowledge may also be very variable from one child to another. Such issues are usually sorted out at the municipal level and may therefore be influenced by political or even personal sensitivities on the general issue of migration. Specific problems may also arise for children whose parents' asylum application has been rejected or dismissed but who refuse to leave the country. Children have the right to continue to attend class as long as they are present in Switzerland. However, in some cantons children in emergency assistance only have the right to a special class with other children in emergency assistance. Other cantons leave the children in emergency assistance and their families in the regular structures, so that no change of school is necessary and the best interests of the child can be taken into account.

Furthermore, access to primary education can be hindered by the issue of age assessment. Children considered to be over 16 years don't have access to compulsory education.

2.2. Apprenticeship and studies

Lack of access to further education, in the form of an apprenticeship or studies, is a relevant problem in the integration process of asylum applicants over 16 years. Although the legislation allows asylum applicants to enter education programmes, many practical and administrative impediments deter potential employers to hire asylum applicants whose procedure has not been concluded yet. As asylum and appeal procedures may last for years, it may happen that young people stay excluded from the higher education system during one of the most important periods of their life. In addition to the great difficulties that young asylum applicants face in finding an apprenticeship or to be accepted in a higher school,[589] they can also be confronted with the problem of financing their studies as they are excluded from the public scholarship programmes.

Most cantons adopted specific measures to bridge the educational gap that asylum applicants between 16- and 18-years old face. Such non-compulsory measures are highly dependent on the communal and cantonal authorities, as well as from NGOs.

Pursuing of **apprenticeships** for rejected asylum applicants has been problematic, since young asylum applicants were often obliged to interrupt their training after a negative decision. Since 2024, rejected asylum applicants and young "sans-papiers" should be able to complete apprenticeship more easily. The Federal Council approved a corresponding amendment to the ordinance at its meeting on 1 May 2024. Since June 2024, the persons concerned will only have to have attended compulsory school in Switzerland for two years instead of five in order to be able to submit a hardship application with a view to be admitted for an apprenticeship.[590]

589 The apprenticeship is the most common form of post-compulsory education in Switzerland. The apprentice learns a profession over 3 to 4 years within a company, while attending theoretical classes 2 days a week. First condition to access the apprenticeship is to get an apprenticeship contract with a company, which proves to be a difficult task even for young Swiss nationals.

590 Media release of 1 May 2024 of the SEM in French and German.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum applicants guaranteed in national legislation? ☒ Yes ☐ No
2. Do asylum applicants have adequate access to health care in practice? ☐ Yes ☒ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum applicants available in practice? ☐ Yes ☒ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum applicants still given access to health care? ☒ Yes ☐ Limited ☐ No

According to national law, access to health care must be guaranteed for asylum applicants during the entire procedure and even after dismissal or rejection of the application under the regime of emergency aid. Like most public allowances, health care falls within federal competence during the period spent in the reception and processing centre, while it becomes a cantonal one after the cantonal assignation. During the stay in a federal centre, asylum applicants should have access to all necessary medical basic care and dental emergency care.[591] Medical care within federal centres is delegated to the company or organisation in charge of general logistics and management of the centres (see section on Types of Accommodation).

The national law provides for a generalised affiliation of all asylum applicants to a health insurance, according to the Federal Act of 18 March 1994 on Health Insurance.[592] This means that every asylum applicant has health insurance. The Asylum Act provides specific dispositions that allow cantons to limit the choice of insurers and service providers for asylum applicants. Psychological or psychiatric treatment is covered by health insurance. Health care costs are included in the social assistance and are therefore under cantonal competence from the moment of allocation to the canton. Since 1 August 2011, rejected and dismissed asylum applicants with a right to emergency aid are also affiliated to a health insurance.[593]

According to the health concept implemented by SEM,[594] all federal asylum centres benefit from a health personnel service, composed mainly of nurses and administrative staff, run by private management companies mandated by the Confederation. The medical service is the first point of contact for asylum-applicants regarding the various health problems they may encounter. Upon arrival in the centre, asylum applicants must submit to a compulsory medical briefing within 3 days of arrival at the centre. Carried out by means of a computer programme available in the main languages spoken by asylum applicants,[595] the main objective of this information session is the detection, prevention, and treatment of transmissible and infectious diseases. The health concept in federal structures focuses mainly on acute and urgent health problems. At the request of an asylum applicant or if the medical staff deems it necessary, an initial medical consultation within the centre may be scheduled to determine whether the asylum applicant should be redirected to a doctor or a specialist but also to make an initial assessment of their state of health. This "triage" or gatekeeping process is carried out not only for this first optional consultation but also during the entire stay of the asylum applicants in the federal structures.

This health concept and its implementation were externally evaluated in 2023. The report highlights that asylum applicants receive initial medical information as well as access to a counselling service and qualified nursing staff as soon as they arrive in a federal centre. On the contrary, many cantonal centres do not have qualified care staff on site. The evaluation team identified marge of improvement in several areas of implementation, for example regarding the transmission of patient files when asylum applicants are transferred, the possibility to resort to professional interpreters or the management of epidemics. A

591 Article 8 Ordinance of the FDJP on the management of federal reception centres in the field of asylum.
592 Federal Act on Health Insurance, Loi fédérale du 18 mars 1994 sur l'assurance-maladie (LAMal), RS 832.10.
593 Article 92d Ordinance on Health Insurance of 28 June 1995, RS 832.102, in connection with Article 82a AsylA and Article 105a Federal Act on Health Insurance.
594 OFSP/SEM, *Soins médicaux pour les requérants d'asile dans les centres de la Confédération et les centres d'hébergements collectifs cantonaux*, 30 October 2017, available in French (also in German and Italian) here.
595 Available here.

very severe problem is that asylum applicants often need to cope with long waiting times to see specialists, such as psychiatrists, due to staff shortages.[596]

Medical care and the establishment of medical facts in the examination of asylum applications appear to be one of the main issues induced by the acceleration of procedures (see Use of medical reports). The identification of vulnerabilities, including psychological problems and psychiatric diseases, remains a significant challenge. A psychological screening at arrival in the centre could be a useful measure and also a tool to prevent suicides. According to the NCPT, within the accelerated procedure, access to psychiatric care is limited to the most acute situations, however an early identification of psychiatric and trauma-related problems and orientation towards the competent services already during the stay in federal asylum centres is recommended.[597]

The organisation of health support in the cantonal reception centres is under cantonal competence. Similar obstacles as in the federal centres may occur regarding the triage by the staff of the centre, even though some cantons do provide for medical staff within the reception centres.

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?
   ☒ Yes ☐ No

1. Reception in federal asylum centres

As discussed in the chapter on Guarantees for vulnerable groups, national law does not define the categories of persons that are considered vulnerable.

In general, all but very complex asylum cases will be assessed and decided (including the appeal) within 140 days in the accelerated procedure. Separate housing facilities exclusively reserved for vulnerable asylum applicants are not provided in the accelerated procedure. For instance, no special accommodation is granted to highly traumatised people. When it comes to LGBTQI* and female asylum applicants, the solutions envisaged do not always fully account for the great importance of ensuring protected spaces (not only dormitories), separate from male applicants. However, separate buildings, wings, floors or rooms for families, women, minors or other vulnerable persons do exist – albeit to different extents - within the federal asylum centres. Special solutions (usually foster care) are found for unaccompanied minors under the age of 12. [598]

In October 2019 the Government published a report,[599] according to which there is room for improvement in different areas, such as training and awareness raising for staff, information and support for asylum applicants and the identification of victims of sexual violence. Guidelines were published in November 2021 detailing how the administration intends to implement the results of these reports.[600]

This specific situation of women and girls was addressed in a political intervention at the Swiss Parliament, further to which a broad investigation was launched to verify whether the accommodation conditions for

596 Kägi, Wolfgang, Mirjam Suri, Christopher Huddleston and Denise Efionayi-Mäder, Final report "Formative Evaluation der Gesundheitsversorgung für Asylsuchende: Konzeption und Umsetzung der Massnahmen gemäss dem *Konzept Gesundheitsversorgung für Asylsuchende in Asylzentren des Bundes und in den Kollektivunterkünften der Kantone*", 6 June 2023, available in German here.

597 NCPT, *Report on federal asylum centres 2019-2020*, available in German here, p. 32.

598 Experience-based observation of the SRC, January 2025.

599 Swiss Confederation, *Rapport sur la situation des femmes et des filles relevant du domaine de l'asile*, October 2019, available in French (and German and Italian) here. See also: Anne-Laurence Graf, *Eine Zusammenfassung der Empfehlungen zum Schutz von asylsuchenden Frauen und Mädchen im Anschluss an das Postulat Feri*, October 2021, available in German (and French) here.

600 SEM, *Situation von Frauen und Mädchen in den Bundesasylzentren: Bericht zur Umsetzung der Massnahmen in Erfüllung des Postulates 16.3407 Feri vom 9. Juni 2016,* 17 November 2021, available in German (and French) here.

women inside the federal centres were compliant with the international standards, and especially with the Istanbul Convention. In its report published in November 2022, GREVIO criticised the lack of a gender-sensitive accommodation policy for all Swiss reception facilities "to identify and protect women victims of gender-based violence".[601] In its 2023 report, the National commission for the prevention of torture was aware of 22 cases of suspected sexualized violence—verbal harassment, unwanted touching, and rape—suffered by asylum seekers in federal asylum centres (CFA).[602]

The Ordinance of the FDJP on the management of federal reception centres in the field of asylum and accommodation at airports provides that asylum applicants are to be accommodated in single-sex dormitories, and that families are accommodated in the same dormitory. Furthermore, families should also be accommodated in premises "which allow a common life, and which take into account, as much as possible, the need to have a private sphere". As far as vulnerable groups are concerned, the Ordinance simply states that the specific needs of vulnerable persons, including unaccompanied minors, will be considered during their accommodation and supervision, and that unaccompanied minors will be accommodated away from adults.

According to the NCPT report of 2023, the system of support for unaccompanied minor asylum applicants should be reviewed and adapted so that professional and continuous assistance of all children is guaranteed even in the event of a large influx.[603] The report also points at the transfer of minors in adults' accommodation after an age assessment concluding for the adult age, defining this practice as illicit before a decision on the age of the applicant is entered in force.[604]

Concerning other vulnerable groups, the NCPT expressed concerns regarding the provisory suppression, in several centres, of rooms accessible only for women to make space for more dorms, as well as the accommodation of several families in the same room. The Commission is also very critical about the treatment of persons with disabilities, as in several centres the mobility was strongly reduced for people in a wheelchair.[605]

2. Reception in cantonal centres

Asylum applicants, including vulnerable ones and unaccompanied minors, are transferred to a canton if their asylum application has been granted, if they have been given a temporary permit or if their asylum procedure is still pending, but the case is complex and needs more time (extended procedure). Minors below 12 are also assigned to cantonal accommodation. Several cantons also allow placement in foster families. In all these cases, asylum applicants are thus assigned to reception facilities, for whose maintenance and regulation the assigned canton will be responsible. Reception conditions in the cantons vary.

While the SEM used to assign **unaccompanied children** to cantons in which specific structures were set up, it now includes all cantons in the reception of unaccompanied minors.[606] Due to the increase in the number of unaccompanied minors, several cantons increased their reception capacities.[607]
Several organisations provide assistance to **traumatised asylum applicants**. The Outpatient Clinic for victims of torture and war (*Service ambulatoire pour victimes de la torture et de la guerre*) in **Bern** offers

601 GREVIO, *Baseline Evaluation Report – Switzerland*, November 2022, para 275. The report is available in English here.
602 National commission for the prevention against torture, Summary of the report by the National Commission for the Prevention of Torture to the State Secretariat for Migration on its visits to federal asylum centers (2021–2022), 2023, available in French here, pp. 17 –19.
603 NCPT, *Report on federal asylum centres 2021-2022*, available in German here, 19 and ff.
604 NCPT, *Report on federal asylum centres 2021-2022*, available in German here, 31 (ch. 131).
605 NCPT, *Report on federal asylum centres 2021-2022*, available in German here, 34-36.
606 Konferenz der kantonalen Sozialdirektorinnen und Sozialdirektoren (SODK), *Empfehlungen der SODK zu unbegleiteten minderjährigen Kindern und Jugendlichen aus dem Asylbereich*, 20 May 2016, available in German here.
607 For a global and regularly updated view of the reception facilities for unaccompanied children in the cantons, see: Alliance for the Rights of Migrant Children, *Cartographie cantonale des structures de prise en charge pour MNA,* available in French (and German) here.

a wide range of therapies that combine social work and different treatments for persons traumatised by extreme violence.[608] Similar services are available in **Geneva**, **Zurich**, **St. Gallen** and the Canton of **Vaud**.[609] However, their capacities are insufficient compared to the needs. According to national law,[610] the SEM may financially support the setup of facilities for the treatment of traumatised asylum applicants, in particular teaching and research in the field of specialised supervision of those asylum applicants.

In a report published in 2016 and subsequently updated in 2018 by Asile LGBT Genève, it was highlighted that the reception and accommodation conditions were particularly worrisome for LGBTQI+ asylum applicants.[611] This has been confirmed by another report, again concerning LGBTQI+ asylum applicants, published in November 2022 by the Observatory for Asylum and Foreigners Law in the French-speaking Switzerland.[612]

In its report published in November 2022, GREVIO regretted that "it is difficult to gain an up-to-date picture of the situation in all cantons" as well as the "wide disparities in accommodation conditions and in strategies to protect women from violence". According to the report, the main sour points remain the "major shortcomings in training on gender-based violence for staff working in collective accommodation centres, and a lack of practical tools to help detect cases of violence.[613]

Shelters offering special protection to victims of trafficking as well as victims of domestic violence are missing in most areas.

In 2024, two publications from the Federal Commission on Migration (CFM) demonstrated that living conditions in emergency accommodation for asylum seekers jeopardize the well-being and development of children and young people. This is incompatible with both the Swiss Federal Constitution and international conventions. One publication is a study by the Marie Meierhofer Institute for Child Research (MMI), which for the first time gathered data on the living conditions of minors in emergency shelters across Switzerland, and the other one is a legal opinion prepared by the University of Neuchâtel, which provides a legal analysis of the results.[614]

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

All asylum applicants are provided with information on the asylum procedure but also on reception, accommodation, health insurance, allowances etc. They also watch a short film that presents the main steps of the procedure and the intervening actors and they also have the opportunity to ask questions to the counselling persons. Moreover, the SEM has developed an app with general information in 12 languages on the asylum procedure, the federal asylum centres, life in Switzerland and healthcare. The text content can be read aloud. The app also contains specific information about individual asylum centres, including the times asylum applicants are allowed to go out, the distribution of pocket money and activities for adults and children (this last content can only be accessed on the asylum centre's WLAN).[615]

608 Swiss Red Cross, *Service ambulatoire pour victimes de la torture et de la guerre*, available in French (and German) here.
609 For contacts and more information, see the website Support for Torture Victims, available here.
610 Article 44 AO2.
611 Asile LGBT Genève, *Recherche-action sur l'accueil des réfugié.e.s LGBTI à Genève*, January 2019, available (in French) here.
612 ODAE, *Asile LGBTQI+ - La situation des personnes LGBTQI+ dans le domaine de l'asile*, 15 November 2022, available in French here.
613 GREVIO, *Baseline Evaluation Report – Switzerland*, November 2022, para 276. The report is available in English here.
614 Communication of the CFM of 30 September 2024 in French; Communication of the SRC of 30 September 2024 in French.
615 The app is available here.

The asylum procedure, as well as the rights and obligations of foreigners according to their status is outlined on the SRC website, in German and in French, partially also in English.[616] The procedure is also explained on the website of the SEM, with videos.[617]

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
☐ Yes ☒ With limitations ☐ No

Reception centres are only accessible for asylum applicants. They are in principle not open to the public.[618]

Family members and other visitors

In the federal centres, asylum applicants may receive visitors with the agreement of the staff, if the visitor can prove the existence of links with the asylum applicant. Visits are normally allowed every day from 2:00pm to 8:00pm, only in rooms provided for this purpose. The SEM can change the visit schedule for organisational reasons. Visitors check in with the reception desk on arrival and departure and identify themselves. They are subjected to the same security rules as asylum applicants. The staff in charge of security is therefore empowered to search them and seize dangerous objects and alcoholic beverages for the duration of their visit.[619] According to a report of the NCPT, not all federal asylum centres have arranged a visitors' room.[620]

Federal reception centres are equipped with public telephones, as well as internet.[621] Asylum applicants are allowed to keep their mobile phones but there are some special rules regarding the use of mobile phones, for example not to use it in the dorms. Swiss legislation does not allow asylum applicants to sign a cell phone contract in their own name, unless they have a residence permit in Switzerland. Telephone cards for public telephones must be bought by asylum applicants using their own limited budget.

Legal representation

In theory, legal representatives could enter the federal asylum centre during visiting hours. This access is granted as the legal representation is foreseen by the law. However, in practice, applicants get appointments at the offices of the legal representation, which implies that access to legal representation varies depending on the geographical location of the infrastructure and transport modalities. To the best of our knowledge and with some exceptions (e.g. the federal centre in Zurich), the legal protection has no direct access to the accommodation buildings (see Regular procedure).

NGOs and civil society organisations

Pastoral workers can access the federal asylum centres during the opening hours. An agreement between the SEM and the national churches regulates cooperation in the area of church pastoral care. The pastoral care offered in the centres is aimed at all asylum applicants, irrespective of religion and culture.[622] Upon request, the SEM may grant other persons, in particular representatives of NGOs, access to the federal centres.[623]

616 SRC, available (in English) here.
617 SEM, available (in English) here.
618 Article 3 Ordinance of the FDJP.
619 Article 16 Ordinance of the FDJP.
620 NCPT, *Report on federal asylum centres 2019-2020*, January 2021, available in German here p. 37, ch. 161.
621 Article 13 Ordinance of the FDJP.
622 Handbook SEM, C1, 2.10.
623 Article 3 (3) Ordinance of the FDJP.

The Ordinance of the FDJP states that the SEM must take organisational measures to encourage exchanges between asylum applicants and civil society actors.[624] The platform ZiAB provides support to groups of volunteers intervening and proposing activities in or near federal asylum centres, those groups provide for example clothing markets, sport events as well as room for games and exchange with the local community.[625]

G. Differential treatment of specific nationalities in reception

There is no difference in treatment in reception based on nationality. The reception standards are the same as for asylum applicants of other nationalities with the notable exception of the distribution of pocket money. Thus, nationals of **countries exempt from the visa requirement** do not receive the 3 CHF granted by the SEM as pocket money to asylum applicants housed in the federal centres.[626] The FAC ruled that an automatic application of this rule could lead to a violation of the constitutional principle of equality before the law in the case of a person claiming a legitimate need for protection.[627]

624 Article 7 Ordinance of the FDJP.

625 Plattform *Zivilgesellschaft in Asyl-Bundeszentren*, information available in French (and German) here. List of volunteering groups available in French (and German) here.

626 SEM, *Strategy for processing asylum requests: Fast-tracking of unjustified applications*, March 2019, available in English (as well as German, French and Italian) here.

627 FAC, Decision F-3150/2018, 20 July 2020, para 7.6. In this case, the Court has ruled that the difference of treatment was justified.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention[628]	
1. Total number of asylum seekers detained in 2024:	1,676
2. Number of asylum seekers in detention at the end of 2024:	not available
3. Number of detention centres:	Not available
4. Total capacity of detention centres:	260 places

Immigration detention in Switzerland is applied for the purpose of removal, as no general detention of asylum seekers is foreseen. The administrative detention of asylum seekers *during* the asylum procedure is rarely practiced (this is only possible in the form of Detention in preparation for departure and Temporary detention in some exceptional cases), while the other detention types are possible only *after* a removal decision has been issued. Therefore, most asylum applicants are detained after their procedure has ended with a decision of removal or transfer according to the Dublin III Regulation.

In Switzerland, cantons are competent to enforce removals as well as to use coercive measures aiming at facilitating such enforcement. Cantonal authorities are thus responsible for ordering detention, which leads to a diversity of detention practices across the country.[629] Against a cantonal detention order, an appeal can be filed to the cantonal appeal instances. The Federal Supreme Court is responsible for examining appeals against decisions issued by the highest cantonal appeal instance.[630]

The cantons are also in charge of the organisation of detention in terms of capacity and conditions, which results in a high number of facilities used for the purpose of administrative detention and a certain diversity of detention conditions. In the whole national territory there are 260 places[631] reserved for administrative detention, be it in specialised detention facilities or in ordinary prisons (see section on Detention conditions). The Federal Supreme Court emphasised in a judgement of 2020[632] that, as a general rule, administrative detention must take place in specialised facilities that are specifically designed for administrative custody and that these facilities must reflect the non-punitive nature of administrative detention. However, the Court acknowledged that exceptions to this rule may be permissible under certain circumstances. In particular, short-term detention in a separate administrative wing of a regular prison may be justified if it is necessary for logistical or operational reasons — such as the imminent organisation of a deportation — and provided that detainees are strictly separated from criminal inmates. The administrative nature of the detention must be preserved at all times. Importantly, the Court held that any deviation from the standard requirement must be clearly justified and documented by the authorities. This ensures that courts can effectively review whether the detention conditions meet legal standards of necessity and proportionality.

Inappropriate practices: The Swiss National Commission for the Prevention of Torture (NCPT) criticised several practices in the returns of former applicants for international protection as not appropriate and inadequate.[633]

628 Data provided by the SEM, March 2025.

629 See Christin Achermann, Anne-Laure Bertrand, Jonathan Miaz, Laura Rezzonico, *Administrative Detention of Foreign Nationals in Figures*, in a nutshell #12, January 2019, available in English here. In 2023, the Swiss National Council's Audit Committee (GPK-N) concluded that most of its 2018 recommendations on administrative detention in the asylum sector have been implemented, particularly praising efforts to avoid detaining minors. It acknowledges the federal government's efforts to harmonise the ordering and enforcement of administrative detention and encourages further steps toward greater uniformity.

630 In the Jugment BGE 2C_457/2023, the Federal Supreme Court has clearly stated that every detained person has the right to "appeal to a court at any time" and thus to determine the timing of the review. This is because the judicial review of detention under Article 80a, §. 3 FNIA is a procedural provision that cannot be waived.

631 Information provided by the SEM, April 2025.

632 BGer 2C_447/2019 of 31 March 2020.

633 NCPT, Bericht an das Eidgenössische Justiz- und Polizeidepartement (EJPD) und die Kantonale Konferenz der Justiz- und Polizeidirektorinnen und -direktoren (KKJPD) betreffend das ausländerrechtliche Vollzugsmonitoring von Januar bis Dezember 2023, 22 April 2024.

1. Statistics on detention

According to data provided by the SEM, in 2024 administrative detention was ordered against asylum applicants and other foreigners in 2,452 cases. Of this number, 1,676 are related to asylum applicants - 958 of which were Dublin cases. Temporary detention under Article 73 (which cannot exceed 3 days) concerned 701 short-term detentions, 502 related to asylum applicants — 184 of which were Dublin cases.[634] This data should be read with caution for the following three reasons:

- Immigration detention in Switzerland is applied for the purpose of removal. Therefore, the available data on pre-removal detention often concerns both asylum applicants and irregular migrants not having applied for asylum. For this report, it was possible to obtain data on asylum applicants specifically. When the available data concerns immigration detention in general, this will be specified.
- SEM cannot order detention, only the cantons are competent for ordering such measures.[635]
- The definition of detention of asylum applicants in Swiss law is not totally clear. In particular, temporary detention (up to three days) is not always considered detention. The holding of foreign nationals in airport transit zones is also officially not considered detention. For the scope of this report, we consider both types of confinement as detention.

2. The question of *de facto* detention in Switzerland

The term *de facto* detention is not used in case law. There are good legal reasons for considering the accommodation in the transit zone during the airport procedure *de facto* detention (see Border procedure (border and transit zones)). The same could be said for asylum centres in isolated or remote locations, which provide for limited possibilities of access and movement outside the centres (see Housing).

Federal asylum centres without processing facilities (also called “departure centres”) are used for the accommodation of asylum applicants whose applications resulted in or are highly likely to result in a Dublin decision, as well as for those receiving a negative decision within the accelerated procedure. Those centres are often located in particularly isolated areas, as in the case of Glaubenberg, Giffers/Chevrilles or Flumenthal. Those areas are poorly served by public transportation, which makes it difficult to receive visitors or leave the perimeter of the centre. Another type of asylum centres are the “special centres” for “asylum applicants who pose a significant danger to public safety and order or who significantly disrupt the operation and security of federal centres”.[636] In April 2020, the FAC concluded that accommodation in a special centre did not represent deprivation of liberty. However, it clarified that the decision to assign a person to such centre must be subject to possible contestation within 30 days, even though the law did not foresee a separate remedy against such decision.[637]

In a legal opinion addressed to Federal Commission against Racism, it was stated that a restrictive exit regime and the remote location of centres are particularly sensitive.[638] The possibilities of moving from one place to another, establishing social contacts and shaping everyday life are very limited. The Federal Supreme Court pointed out that reduced exit possibilities represent a significant encroachment on personal freedom, especially if the restrictions last longer than a few days.[639] This also applies to indirect interventions such as time consuming and thus deterrent control procedures at the exit.

In addition, accommodation in a federal asylum centre can involve deprivation of liberty in the form of sanctions. According to Article 25 of the Decree on the operation of federal centres and accommodation at airports, disciplinary measures include the prohibition of exit the centre for one or several days. Each federal asylum centre has a so-called *reflection room*. This is where asylum applicants whose behaviour poses a threat to other asylum applicants and the federal asylum centres’ staff are temporarily placed

634 Information provided by the SEM, March 2025.
635 Article 80(1) and 80 (1bis) Foreign Nationals and Integration Act (FNIA).
636 Article 24a AsylA.
637 FAC, Decision F-1389/2019, 20 April 2020.
638 Kiener Regina und Medici Gabriela, *Asylsuchende im öffentlichen Raum*, Rechtsgutachten im Auftrag der Eidgenössischen Kommission gegen Rassismus EKR, February 2017.
639 Federal Supreme Court, Decision BGE 128 II 156, 9 April 2002, para 2c.

while waiting that the police arrive. The use of reflection rooms is regulated in the Ordinance of the FDJP on the management of federal reception centres in the asylum system and accommodation at airports and in an internal directive of the SEM. According to Article 29a of the Ordinance, temporary holding in a *reflection room* can only be ordered by the management of the asylum centre after having informed the police and can last a maximum of two hours, until the police reach the centre. The holding of children under 15 years old is forbidden. It is planned to introduce a similar legal basis in the asylum law which is expected to come into force in 2025.[640]

This topic is further discussed under Freedom of movement.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

1. In practice, are most asylum applicants detained
   - ❖ on the territory: ☒ Yes ☐ No
   - ❖ at the border: ☐ Yes ☒ No
2. Are asylum applicants detained in practice during the Dublin procedure?
   ☒ Frequently ☐ Rarely ☐ Never
3. Are asylum applicants detained during a regular procedure in practice?
   ☐ Frequently ☒ Rarely ☐ Never

1.1. Airport transit zone

When an asylum applicant applies for asylum at the airport of **Geneva and Zurich,** the Swiss authorities must decide whether to allow their entry into Switzerland within 20 days.[641] If entry into Swiss territory is allowed, the asylum applicant is entitled to regular reception conditions. If entry is refused, the SEM should provide persons with a place of stay and appropriate accommodation.[642] While the airport procedure is ongoing, asylum applicants are confined in the transit zone. Asylum applicants may be held at the airport or exceptionally at another location for a maximum of 60 days in total,[643] if entry is not granted immediately.

The aim of detention at arrival is to prevent unauthorised entry. According to the Federal Supreme Court and to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), it is an uncontested deprivation of liberty, in line with the *Amuur v. France* ruling of the ECtHR.[644] This type of confinement is based on the assumption that the persons have not yet entered Switzerland.[645] From the moment in which entry into the country has been established, holding in transit zones is no longer permitted under this legal title. The FAC, however, goes further and considers it possible to carry out an arrest to prevent illegal entry even within a certain time and space *after* the border has effectively been crossed.[646] Yet this brings with it a new difficult question of demarcation.

640 SEM, 'Modification de la loi sur l'asile (LAsi) : Sécurité et exploitation des centres de la Confédération', available in French and German.
641 For details on the airport procedure, see section Border Procedure.
642 Article 22(3) AsylA.
643 Article 22(5) AsylA. Other locations are not used in practice.
644 Federal Supreme Court, Decision BGE 129 I 139, 27 May 1997, para 4.4; CPT, *Rapport au conseil fédéral suisse relative à la visite effectuée en Suisse par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants du 24 septembre au 5 octobre 2007*, para 93.
645 Federal Council, Message concernant la modification de la loi sur l'asile, de la loi fédérale sur l'assurance-maladie et de la loi fédérale sur l'assurance-vieillesse et survivants du 4 septembre 2002.
646 FAC, Decision D-6502/2010, 16 September 2010.

1.2. Temporary detention

So-called "temporary detention" for identification purposes (as far as the person's personal cooperation is required) or for the purpose of issuing a decision in connection with their residence status may be ordered according to Article 73 FNIA for a maximum of 3 days. In 2024, 701 persons were temporarily detained under Article 73 FNIA. Out of this number, 502 were related to asylum applicants; of which were 184 were Dublin cases).[647]

1.3. Detention in preparation for departure

Detention in preparation for departure may be ordered during the asylum procedure according to **Article 75 FNIA** to facilitate the conduct of removal proceedings or criminal proceedings. It can be ordered on the following grounds, where persons:[648]

- refuse to disclose their identity, submit several applications for asylum using various identities or repeatedly fail to comply with a summons without sufficient reason or ignore other instructions issued by the authorities in the asylum procedure;
- leave an area allocated to them in accordance with a restriction order or enter an area they are prohibited from entering;[649]
- enter Swiss territory despite a ban on entry and cannot be immediately removed;
- were removed and submitted an application for asylum following a legally binding revocation of their residence or permanent residence permit or a non-renewal of the permit due to violation of or representing a threat to the public security and order or due to representing a threat to internal or external security;
- submit an application for asylum after an expulsion ordered by the Federal Office for Police to protect internal or external national security;
- stay unlawfully in Switzerland and submit an application for asylum with the obvious intention of avoiding the imminent enforcement of a removal or expulsion order. Such an intention shall be suspected if it were possible and reasonable to file the asylum application earlier and if the application is submitted in close chronological relation to detention, criminal proceedings, the implementation of a penalty or the issue of a removal order;
- seriously threaten other persons or considerably endanger the life and limb of other persons and are therefore being prosecuted or have been convicted; or
- have been convicted of a felony; or
- is a risk to Switzerland's internal or external security according to findings made by fedpol or the Federal Intelligence Service.

In practice, only persons lodging an asylum application in prison or detention facilities or prior to entering Switzerland at **Geneva** or **Zurich** airports are likely to be detained during the whole procedure (yet in the latter case under another legal provision, see above). Asylum applicants are rarely detained during the asylum procedure. It mostly occurs in cases where they have committed criminal offences. According to the SEM, in 2024 detention in preparation for departure was ordered 59 times.[650]

1.4. Detention pending deportation

Detention pending deportation according to **Article 76 FNIA** is applicable to persons who have received a negative decision as well as a dismissal without entering in the substance of the case (NEM/NEE), for example in case removal to a Safe third country has been ordered.

Once the SEM has issued a decision (expulsion or removal order), cantonal authorities can order a so-called detention pending deportation ("*Ausschaffungshaft*") to ensure the enforcement of the decision.

647 Information provided by the SEM, March 2025.
648 Article 75(1) FNIA.
649 Article 74 FNIA.
650 Information provided by the SEM, March 2025.

This can occur also before the entry into force of the decision.[651] A person can also be kept in detention if they are already in detention in preparation for departure according to Article 75 FNIA.[652] In addition, according to Article 76 FNIA, detention pending deportation can be ordered if persons:

- refuse to disclose their identity, submit several applications for asylum using various identities or repeatedly fail to comply with a summons without sufficient reason or ignore other instructions issued by the authorities in the asylum procedure;
- leave an area allocated to them in accordance with a restriction order or enter an area they are prohibited from entering;[653]
- enter Swiss territory despite a ban on entry and cannot be immediately removed;
- stay unlawfully in Switzerland and submit an application for asylum with the obvious intention of avoiding the imminent enforcement of a removal or expulsion order. Such an intention shall be suspected if it were possible and reasonable to file the asylum application earlier and if the application is submitted in close chronological relation to detention, criminal proceedings, the implementation of a penalty or the issue of a removal order;
- seriously threaten other persons or considerably endanger the life and limb of other persons and are therefore being prosecuted or have been convicted;
- have been convicted of a felony;
- is a risk to Switzerland's internal or external security according to findings made by Fedpol or the Federal Intelligence Service;
- are suspected of seeking to evade deportation, according to serious indications, in particular because they fail to comply with the obligation to cooperate with the authorities;
- based on their previous conduct, it can be concluded that they will refuse to comply with official instructions;
- are issued with a removal decision in a federal centre and enforcement of the removal is imminent.

According to case law of the Federal Supreme Court, a risk of absconding can be found to exist where the person has already disappeared once, they attempt to hinder the enforcement of removal by giving manifestly inaccurate or contradictory information, or if they make it clear, by their statements or behaviour, that they are unwilling to return to his country of origin.[654] As expressly provided for in Article 76(1)(b)(3) FNIA, there must be concrete elements to this effect. The mere fact of not leaving the country within the time limit set for this purpose is not sufficient, taken individually, to admit a ground for detention.[655]

In practice, the assessment of the risk of absconding leaves cantonal authorities a certain discretion to order this type of detention. Case law has assessed a risk of absconding in cases where a foreign national has already disappeared, hampers the removal proceedings by providing false or contradictory information, or even if they state unwillingness to return.[656] Like for all the other types of detention, detention must be proportional, and deportation must be foreseeable in order to be lawful.[657]

According to SEM, in 2024, there were 1,329 persons detained pending deportation (according to Article 76 FNIA, compared to 1,251 in 2023). The quota of returns after detention was the following (divided by ground of detention):

- Article 75 FNIA: 24%
- Article 76 FNIA: 85%
- Article 76*a* FNIA: 80%
- Article 77 FNIA: 79%
- Article 78 FNIA: 12%[658]

651 Federal Supreme Court, ATF 140 II 409, para 2.3.4; 121 II 59, para 2a, 122 II 148, para 1.
652 Article 76(1)(a) FNIA.
653 Article 74 FNIA.
654 Federal Supreme Court, 2C_256/2013, para 4.2; ATF 130 II 56 para 3.1; 2C_1139/2012, para 3.2.
655 Federal Supreme Court, 2C_142/2013, para 4.2.
656 Federal Supreme Court, ATF 140 II 1, 9 December 2013, para 5.3.
657 Article 96 FNIA, Article 15(1) of the Return Directive.
658 Information provided by the SEM, April 2025.

A special provision concerning detention pending deportation exists in the FNIA for cases in which the enforcement delay is due to lack of cooperation in obtaining travel documents.[659] This specific type of detention, regulated under Article 77 FNIA, can be used both with regard to asylum applicants and other foreigners, after the deadline for leaving has expired, and cannot exceed 60 days. It is hardly ever used: 21 cases have been reported in 2024.[660]

1.5. Detention in the Dublin procedure

According to **Article 76a FNIA,** a person in the Dublin procedure can be detained if:[661]

- There are specific indications that the person intends to evade removal;
- Detention is proportional; and
- Less coercive alternative measures cannot be applied effectively.[662]

Article 76a FNIA provides a list of the specific indications that can lead to the assumption that the person intends to evade removal. These are the following:

- The person concerned disregards official orders in the asylum or removal proceedings, in particular by refusing to disclose their identity, thus failing to comply with their duty to cooperate or by repeatedly failing to comply with a summons without sufficient excuse.
- Their conduct in Switzerland or abroad leads to the conclusion that they wish to defy official orders.
- They submit two or more asylum applications under different identities.
- They leave the area that they are allocated to or enter an area from which they are excluded.
- They enter Swiss territory despite a ban on entry and cannot be removed immediately.
- They stay unlawfully in Switzerland and submit an application for asylum with the obvious intention of avoiding the imminent enforcement of removal.
- They seriously threaten other persons or considerably endangers the life and limb of other persons and is therefore being prosecuted or have been convicted.
- They have been convicted of a felony.
- They deny to the competent authority that they hold or have held a residence document and/or a visa in a Dublin State or have submitted an asylum application there.
- They are a risk to Switzerland's internal or external security according to findings made by Fedpol or the Federal Intelligence Service
- If the person resists boarding a means of transport for the conduct of a Dublin transfer or prevents the transfer in another way by their personal conduct.

Different aspects of these provisions are problematic, especially the way the risk of absconding is defined, as well as the maximum duration of detention (see section on Duration of detention), which are not in line with Article 28 of the Dublin III Regulation. The latter was clarified by the Federal Supreme Court in a judgment of March 2022 concerning an Algerian national, who was detained for more than six weeks after the order to return him to Belgium had already become legally binding in the Dublin procedure. The Court stated that the detention provision in Swiss law in this regard is to be interpreted in accordance with the requirements of the Dublin III Regulation in line with the practice of the CJEU.[663] Moreover, in a Federal Supreme Court ruling of August 2023, the judges established that any detention carried out within the framework of the Dublin procedure and with the aim of ensuring a return to the Dublin country responsible must only take place on the basis of the conditions set out in Article 28 Dublin III Regulation, any detention ordered on the basis of another national law is excluded.[664]

659 Article 77 FNIA.
660 Information provided by the SEM, March 2025.
661 Article 76a FNIA.
662 The principles of necessity (absence of a less coercive measure) and proportionality are valid for the other types of detention as well, although they are clearly stated only for detention under the Dublin procedure.
663 Federal Supreme Court, Decision 2C_610/2021, 11 March 2022 published as BGE 148 II 169, media release in German available here.
664 Federal Supreme Court, Decision 2C 142/2023, 3 August 2023.

The Federal Supreme Court set down principles in a leading case decision of May 2016:[665]

- A person may not be detained for the sole reason that they previously applied for asylum in another Dublin State. There must be an individual examination of specific indications for a high risk of absconding;
- If requested, the legality of the Dublin detention must in principle be reviewed by a judge within 96 hours from the moment of the written request of the detainee; and
- There must not be high formal requirements for the request to have the legality of the detention reviewed.

1.6. Coercive detention

Coercive detention under Article 78 FNIA can be ordered when a legally enforceable removal or expulsion order cannot be enforced due to the personal conduct of the foreigner. It is aimed at persuading the person to change their behaviour in cases where the enforcement of removal is impossible without their cooperation.[666] This is highly problematic when considering Article 15(4) of the Return Directive, stating that when a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.

In 2024, there were 33 cases coercive detention (compared to 22 in 2023).[667]

2. Alternatives to detention

Indicators: Alternatives to Detention		
1.	Which alternatives to detention have been laid down in the law?	☒ Reporting duties ☒ Surrendering documents ☒ Financial guarantee ☒ Residence restrictions ☐ Other
2.	Are alternatives to detention used in practice?	☒ Yes ☐ No

Except from Dublin-related detention, Swiss legislation does not explicitly establish that detention can be ordered only when less coercive measures are not sufficient. However, the examination of alternatives to detention is implied by the principle of proportionality.[668] The FNIA provides for some measures which can be used as alternatives to detention. In particular, Article 64*e* provides that cantonal authorities can require the foreign national: (a) to report to an authority regularly; (b) to provide appropriate financial security; (c) to hand in travel documents. Those measures can be used with the aim of ensuring the enforcement of removal orders and can function as alternatives to detention. Furthermore, the restriction and exclusion orders (Article 74 FNIA), prohibiting respectively to leave an allocated area or to enter a specific area, were explicitly introduced in the law as alternatives to detention.[669] The implementation of alternatives to detention is not registered as such and there are no statistics available on their use. According to the SEM, there are also no statistics concerning the number of restriction and exclusion orders issued by the cantons.[670]

In 2015, the UN Committee against Torture stated in its recommendations that Switzerland must apply alternative measures to detention.[671] Although some alternative measures exist, they are still too rarely implemented in practice. There are also wide divergences between the practices of different cantons. The

665 Federal Supreme Court, Decision 2C_207/2016, 2 May 2016.
666 Federal Supreme Court, Decision ATF 133 II 97, 2 April 2007, para 2.2.
667 Information provided by the SEM, March 2025.
668 See for example the Decision of the Federal Supreme Court 2C_1063/2019 of 17 January 2020, para 5.3.
669 Martin Busiger, *Ausländerrechtliche Haft: Die Haft nach Art. 75 ff. AuG*, 2015. On the topic of alternatives to detention, see also *Die ausländerrechtliche Administrativhaft – Kritik und Alternativen*, 7 October 2020 from Asylex on humanrights.ch; available in German (and French, dated 22 July 2021) here.
670 Information provided by the SEM, 27 April 2021.
671 UN Committee Against Torture, *Observations finales concernant le septième rapport périodique de la Suisse*, Advanced unedited version, 13 August 2015, available at: https://bit.ly/3EZN2tB, no. 17.

National Council Control Committee has stated in a 2018 report that the significant differences among cantons in the rate of detention orders signify that the cantons apply differently the principle of proportionality, raising fundamental questions of equality of treatment.[672]

In 2022, the Federal Council examined and rejected the possibility of introducing electronic surveillance as an alternative to detention. However, it decided to propose the introduction of another alternative consisting in the obligation to stay in a specific accommodation during a few hours every day or night.[673] This proposal was part of an amendment of the FNIA that was in the consultation phase until end of March 2024.[674] It is not known yet, when the amendments will come into force.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
   ☐ Frequently ☒ Rarely ☐ Never
   - ❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No
2. Are asylum seeking children in families detained in practice?
   ☐ Frequently ☒ Rarely ☐ Never

The law prohibits the detention of children under 15. Detention for minors between 15 and 18 is possible and can last a maximum of 12 months (whereas detention of adults can last up to 18 months).

The following numbers regarding child detention were provided by the SEM from 2018 to 2024:

Detention of children: 2018-2024							
	2018	2019	2020	2021	2022	2023	2024
Children subject to administrative detention	8	7	4	8	5	1	2
Of which, unaccompanied children	2	2	0	1	0	1	2
Children subject to temporary detention	11	19	11	4	4	12	28
Of which, unaccompanied children	6	9	5	3	2	5	Not available

Source: SEM, March 2021, April 2022, May 2023, March 2024, March 2025.

According to a report published by the NCPT in 2019, two cantons (**Geneva** and **Neuchâtel**) formally prohibit the detention of minors (including those of 15 and above) in their cantonal law, while five (Basel-Land, Jura, Obwald, Nidwald, Vaud) do not order administrative detention as a matter of principle. On the other side, ten cantons have communicated having placed minors in administrative detention in the same period (**Aargau**, **Basel-Stadt**, **Bern**, **Glarus**, **St-Gallen**, **Solothurn**, **Uri**, **Valais**, **Zug**, **Zurich**). The NCPT also highlights that most minors are detained in prisons for the execution of penalties or remand prisons, which are inadequate. The UN-CAT shared its concern in December 2023 that children between the ages of 15 and 18 continue to be detained for immigration-related purposes.[675]

672 Détention administrative de requérants d'asile : Rapport de la Commission de gestion du Conseil national du 26 juin 2018, p.7502. See also Christin Achermann, Anne-Laure Bertrand, Jonathan Miaz, Laura Rezzonico, *Administrative Detention of Foreign Nationals in Figures*, in a nutshell #12, January 2019, available in English here.

673 Communication of the Federal Council, 16 December 2022, here.

674 The project of amendment can be downloaded on this link here. The SRC has submitted its position on 28 March 2024, available in German.

675 UN Committee against Torture CAT, Concluding observations on the eighth periodic report of Switzerland, 11 December 2023, available here.

According to the Federal Council, alternatives to administrative detention for minors and families have also been examined and many cantons apply alternative solutions like enforcing removal from the accommodation centre, the obligation to report and assigning a place of residence.[676]
NGO Terre des Hommes reported in 2018 that most cantons avoid detaining whole families, however in case of non-collaboration, some cantons detain the father, while the mother and children stay in the reception centre.[677] In some (rare) cases it can also happen that a single parent or both parents are detained, while the children are placed in foster care or a home. This practice is problematic from the point of view of the right to family life and the best interests of the child.

As regards the conditions of detention, Article 81(3) FNIA contains special rules, which require taking into account the specific needs of vulnerable persons, unaccompanied children and families in detention arrangements. The Committee on the Rights of the Child recommended that all cantons should take measures to prevent the placement of children with adults during different kinds of confinement, including administrative detention.[678]

There are few facilities with places reserved for the administrative detention of women. Since the facilities only house a small number of women and the places are often empty, women can find themselves in a condition of loneliness and de facto isolation.[679]

Regarding the detention of asylum applicants in airport transit zones during the airport procedure, vulnerable applicants – including unaccompanied minors – can also be held at the airport. This usually occurs during the first days after their application. When the vulnerability is manifest, for example in cases of unaccompanied minors or pregnant women, entry into the territory is usually allowed faster.

4. Duration of detention

Indicators: Duration of Detention	
1. What is the maximum detention period set in the law (incl. extensions):	18 months
2. In practice, how long in average are asylum applicants detained?	Not available[680]

4.1. Maximum duration set by law

Altogether, detention can be ordered for a maximum of 6 months and can be extended for a further period of up to 12 months where the person does not cooperate with the authorities.[681] Therefore the maximum period for detention under Articles 75, 76 and 78 FNIA is 18 months as foreseen in the Return Directive. When a person is released and detained again the duration is summed up, unless they have left the national territory.

For children between 15 and 18, the maximum period of detention is 6 months which may be extended by up to 6 months, thereby totalling 12 months.[682]

676 Contrôle de suivi : détention administrative de requérants d'asile: Rapport succinct de la Commission de gestion du Conseil national, 8 September 2023, available here, ch. 5.1.
677 Terre des Hommes, *État des lieux sur la détention administrative des mineur.e.s migrant.e.s en Suisse*, November 2018, 77.
678 UN Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Switzerland*, 22 October 2021, available here, 15. Terre des Hommes reported in 2018 that the conditions in which the detention of minors occurs were unacceptable and put them at risk of abuse, particularly if the separation from adults is not respected: Terre des Hommes, *État des lieux sur la détention administrative des mineur.e.s migrant.e.s en Suisse*, November 2018, available here, 81.
679 Karin Meier, *Eine Stimme für Menschen in Ausschaffungshaft*, Reformiert, 4 March 2019, available in German here.
680 The average length of detention of all categories of persons in administrative detention was 22 days in 2024.
681 Article 79 FNIA.
682 Article 79 FNIA.

Detention under Article 76(1)(b)(5) can last a maximum of 30 days,[683] while detention under Article 77 cannot exceed 60 days.[684]

For detention in the Dublin procedure, there are specific rules on duration.[685] The person may remain or be placed in detention from the date of the detention order for a maximum duration of:

- Seven weeks while preparing the decision on responsibility for the asylum application; this includes submitting the request to take charge to the other Dublin State, waiting for the response or tacit acceptance, and drafting and giving notice of the decision;
- Five weeks during a remonstration procedure;
- Six weeks to ensure enforcement, from notice being given of the removal or expulsion decision or the date on which the suspensive effect of any appeal against a first instance decision on removal or expulsion ceases to apply, up to the transfer of the person concerned to the competent Dublin State.

In addition, the law foresees the possibility to detain the person if they refuse to board the means of transport being used to effect the transfer to the competent Dublin State, or if they prevent the transfer in any other way through their personal conduct. In that case, they can be detained for another 6 weeks. The period of detention may be extended with the consent of a judicial authority if the person concerned remains unprepared to modify their conduct. The maximum duration of this period of detention is three months.

Some of these provisions actually violate the Dublin III Regulation. Indeed, the maximum duration of detention under the Dublin procedure exceeds that foreseen in Article 28 of the Dublin III Regulation.

The detention served under the Dublin regime will be deduced from the total maximum detention period of 18 months.

The UN-CAT shared its concern about the maximum length of administrative detention in its report of December 2023.[686]

4.2. Duration of detention in practice

In practice, the average duration varies according to the type of detention:

Average duration of detention (days) per type of detention: 2022-2024[687]	Overall	Only asylum cases
Temporary detention (Article 73 FNIA)	1	Not available
Preparatory detention (Article 75)	22	
Detention pending deportation (Article 76)	23	
Detention in the Dublin procedure (Article 76a)	19	
Detention pending deportation in order to organise travel papers (Article 77)	18	
Coercive detention (Article 78)	77	
Detention at the airport transit zone	There is no special detention in airport transit	

Source: SEM, March 2024.

683 Article 76(2) FNIA.
684 Article 77(2) FNIA.
685 Article 76a(3)-(5) FNIA.
686 UN Committee against Torture CAT, *Concluding observations on the eighth periodic report of Switzerland*, 11 December 2023, available here.
687 Data provided by the SEM, April 2025.

In addition, the use and duration of detention varies among the cantons.

C. Detention conditions

1. Place of detention

Indicators: Place of Detention		
1. Does the law allow for asylum applicants to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)?	☒ Yes	☐ No
2. If so, are asylum applicants ever detained in practice in prisons for the purpose of the asylum procedure?	☒ Yes	☐ No

According to Article 81(2) FNIA, "detention shall take place in detention facilities intended for the enforcement of preparatory detention, detention pending deportation and coercive detention. If this not possible in exceptional cases, in particular because of insufficient capacity, detained foreign nationals must be accommodated separately from persons in pre-trial detention or who are serving a sentence".[688] In a judgment issued in March 2020, the Federal Supreme Court stated that detention for immigration related purposes must take place in especially dedicated facilities and conceived for this scope, and that detention in a non-specialised facility – even in a separated section – is only admissible for a short time, in exceptional and well-founded cases.[689] A practice of placement of asylum seekers and other foreigners in administrative detention where people detained under the penal code are also held, would therefore be considered unlawful, even in separated areas. The Supreme Court also stated that unlawful administrative detention can lead to compensation by the state in accordance with Article 5 para 5 ECHR.[690]

1.1. Specialised facilities, prisons and pre-trial facilities

In practice, asylum applicants are regularly detained in prisons or pre-trial detention facilities as there are very few detention centres used exclusively for immigration detention. To this latter category belong the following six facilities: the Centre for administrative detention under foreigners' law (**ZAA**)[691] in the canton of Zurich (130 places), **Sion**[692] (22 places) in the Canton of Valais, **Bässlergut** (40 places) in the canton of Basel-Stadt, **Frambois** (20 places) and **Favra** (20 places) in the canton of Geneva, and the regional prison of **Moutier** (28 places) in the canton of Bern. While Favra and Moutier have been strongly criticised in the past, [693] the detention centre of Frambois has by far the most liberal detention conditions in Switzerland. Resulting from an inter-cantonal cooperation ("*Concordat*") of three cantons (Geneva, Vaud

688 This formulation was introduced on 1 June 2019 in order to align with Article 16(1) of the Return Directive and interpretation of the CJEU and sets a clearer framework for immigration detention, which requires specialised facilities.

689 Federal Supreme Court, Decision 2C_447/2019, 21 March 2020. In the case under exam, the Court ruled that Articles 81(2) FNIA had not been violated because detention was short (4 days) and motivated (facilitating transportation to the airport). See also: Jörg Künzli, Kelly Bishop, *Ausländerrechtliche Administrativhaft in der Schweiz: Menschenrechtliche Standards und ihre Umsetzung in der Schweiz*, Swiss Centre of Expertise in Human Rights, Bern, 28 May 2020, 4, available here.

690 Federal Supreme Court Decision 2C_361/2022, 6 February 2024.

691 Zentrum für ausländerrechtliche Administrativhaft (ZAA).

692 Bulletin Valais, 'Stratégie pénitentiaire « Vision 2030 »', 25 May 2024, available in French.

693 NCPT, *Bericht an den Regierungsrat des Kantons St.Gallen betreffend den Besuch der Nationalen Kommission zur Verhütung von Folter in den Gefängnissen der Kantonspolizei St.Gallen vom 5. und 6. Oktober 2015*, 17 March 2016, 9; NCPT, Bericht an den Regierungsrat des Kantons Bern betreffend den Besuch der Nationalen Kommission zur Verhütung von Folter im Regionalgefängnis Moutier vom 28. Juni 2019, 1 April 2020, available here. See also Decision 2C_765/2022, 13 October 2022 on the Regional prison of Moutier.

and Neuchâtel)[694], it is the only detention centre that is not a (former) prison.[695] A few other facilities detain exclusively foreigners in administrative detention but are situated right next to and managed together with a prison for penal use. It is the case of Bässlergut (Basel City, 40 places) and the Centre for the administrative detention of foreigners in Zurich (next to Zurich-Kloten airport), the latter having a capacity of 130 places.[696]

Since the detention of asylum applicants in Switzerland takes the form of pre-removal detention, there is no specialised facility for asylum applicants only, but asylum applicants are detained together with irregular migrants and foreign nationals without or having lost their residence permit.

Given the decentralised nature of immigration detention in Switzerland, it is difficult to provide for a list of the facilities used for this purpose. According to a 2018 report of monitoring in the area of liberty deprivation, there were 22 facilities carrying out immigration detention, including separate sections within prisons, totalling a capacity of 352 places. The number of 22 facilities is probably an underestimation since it only includes facilities that permanently reserve some places for immigration detention, but it can also happen that other facilities hold immigration detainees for a few days. Indeed, in the 2019 Catalogue of penitentiary establishments published by the Federal Statistical Office, 13 additional facilities are said to be used for the execution of detention under the FNIA.[697]

According to the information provided by the SEM in March 2025, there were 260 places of detention throughout Switzerland that are used for administrative detention in accordance with immigration law.

1.2. Airport transit zones

The SEM should provide persons who lodged an asylum application at the airport with a "place of stay and appropriate accommodation" in case entry is temporarily denied.[698] Maximum stay in the transit zone is 60 days in total.[699] The centre in the transit zone of Geneva airport has a capacity of 30 places.[700] For the purpose of this report, we qualify these as detention centres, although people are not formally detained and can leave the centre and remain in the airport transit zone in principle.

1.3. Reception centres in isolated areas

As detailed in Freedom of Movement and The question of *de facto* detention in Switzerland accommodation in federal asylum centres that are located in isolated areas may be considered as constituting *de facto* detention in some cases. See also Types of Accommodation.

694 See the website on the inter-cantonal cooperation of the Heads of the police and justice Departments of the "Latin cantons" that also contains a description of the detention centre: La Conférence latine des Chefs des Départements de justice et police (CLDJP), available here. The legal basis for the detention centre and a description of the centre is available here.

695 Jörg Künzli, Kelly Bishop, *Ausländerrechtliche Administrativhaft in der Schweiz: Menschenrechtliche Standards und ihre Umsetzung in der Schweiz*, Swiss Centre of Expertise in Human Rights, Bern, 28 May 2020, p. 4, available here.

696 Canton of Zurich, 'Centre for Administrative Detention under Immigration Law', available here.

697 Federal Office of Statistics, *Catalogue des établissements pénitentiaires*, last update on January 2020, available here. The new digital version of the Catalogue does not provide for this information.

698 Article 22(3) AsylA. See Border Procedure.

699 Article 22(5) AsylA.

700 SEM, *Handbook on Asylum and Return*, chapter C2, 4.

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities		
1. Do detainees have access to health care in practice?	☒ Yes	☐ No
❖ If yes, is it limited to emergency health care?	☐ Yes	☒ No

2.1. Conditions in specialised facilities, prisons and pre-trial facilities

Article 81(3) FNIA states that detention conditions must consider the needs of vulnerable persons, unaccompanied children and families with children, and that detention conditions must be in line with Articles 16(3) and 17 of the Return Directive and with Article 37 of the Convention on the Rights of the Child. Federal law does not provide any more detailed preconditions for detention conditions, as detention is ordered at the cantonal level and lies within the competence of the respective cantons. However, the Federal Supreme Court has laid down some requirements for pre-removal detention: contacts with outside as well as with other detainees must be allowed; detainees should have right to unlimited visits without surveillance; detainees' rights and liberties can be restricted only to ensure the aim of detention and the proper functioning of the facility; and the detention regime must be freer than the regimes in penal forms of incarceration.[701] In October 2022, the Federal Supreme Court ruled that access to the Internet must be provided to detainees in order for them to be able to keep social contacts outside detention.[702]

Differences between cantons and between facilities are huge with regard to the conditions of detention, the type of facilities used, as well as the legal bases and practices of ordering and reviewing detention. Unfortunately, it is not possible to provide an overview of the practice in all the cantons here.

As a study[703] of the Swiss Centre of Expertise in Human Rights (SKMR) highlighted, administrative detention is carried out (with the only exception of Frambois) in buildings of (former) penal institutions. Due to their original or current design, they are therefore characterised by a strong prison-like character. In some cases, as mentioned above, this is done in facilities specifically for this form of detention, but often – at least to date – in separate departments of a detention facility in which criminal or pre-trial detention is also carried out. In some cases, the separation takes place only at the cell level, and in some cases such separation is even dispensed with completely, at least for short periods. The accommodation is particularly problematic in small institutions, which have only a few places for administrative detention under the FNIA. In some cases, the small number of detained persons leads to a situation akin to isolation, especially for women, which results in a disproportionate restriction of the personal freedom of the person concerned, especially when the principle of separation is observed (reason for admission or type of detention as well as gender).This study has identified a great need for action in the area of detention conditions. Besides the need for specialised facilities, it highlighted that the detention regime is still too restrictive in many cases, with long periods of confinement, limited access to common areas and to the walking yard, insufficient leisure activities or employment opportunities, too restrictive visiting regulations, and schematic application of security measures that are proper to penal incarceration. Regarding medical care, the SKMR has noted that the special needs of persons in administrative detention are hardly addressed and especially psychological care is often insufficient.[704]

In 2023, the Committee for the Prevention of Torture recommended Swiss authorities to ensure the reform of the reportedly prison-like environment of administrative detention facilities, which includes limitations

701 Federal Supreme Court, ATF 122 II 49, 2 May 1996, para 5; ATF 122 I 222 of 12 July 1996, para 2; ATF 122 II 299 of 16 August 1996.

702 Federal Supreme Court, Decision 2C_765/2022 of 13 October 2022, para 5.2.3.

703 Jörg Künzli, Kelly Bishop, *Ausländerrechtliche Administrativhaft in der Schweiz: Menschenrechtliche Standards und ihre Umsetzung in der Schweiz*, Swiss Centre of Expertise in Human Rights SKMR, Bern, 28 May 2020, 4, available here.

704 Jörg Künzli, Kelly Bishop, *Ausländerrechtliche Administrativhaft in der Schweiz: Menschenrechtliche Standards und ihre Umsetzung in der Schweiz*, Swiss Centre of Expertise in Human Rights SKMR, Bern, 28 May 2020, 5, available here, 5.

on visitation rights and confiscation of personal belongings.[705] The Committee shared its concern that conditions in such facilities are harsh.[706]

The NCPT regularly visits carceral facilities used for purposes of criminal justice and/or immigration detention.[707] Its reports are the main source of information on those confinement spaces. The NCPT also makes recommendations to the cantonal authorities and follow-up visits to check if they have been followed, however there is no legal obligation for the cantons to implement them.

Since several years the NCPT warns that the conditions for the administrative detention of foreign nationals are generally too restrictive and resemble too much those of penal incarceration. Recognising some exceptions, the NCPT notes that the vast majority of the establishments visited do not differentiate the detention regime according to the type of detention due to a lack of adequate premises and/or sufficient staff. Furthermore, foreigners in administrative detention do not benefit from enough freedom of movement within the facilities.[708] In its various reports, the NCPT recommended more freedom of movement be provided by the cantons: detention cells should be open without time limitation and stay closed only during the night. With this respect, the time spent out of the cell differs greatly from one facility to another.

According to NCPT, occupational programmes should be offered to detainees.

For detailed information about the conditions in many of the detention centres, see previous updates to this report.[709]

The detention centre in **Favra** is still operating despite the Cantonal administrative tribunal of Geneva ruling that the conditions of detention violate Article 3 ECHR in a judgement of March 2023[710] and the NCPT having recommended[711] closing the facility.

The NCPT also highlighted that the conditions of detention of minors in general are not adequate as most of them are detained in penitentiaries or remand prisons, which do not guarantee the minimum standards with regard to children's rights. Even in facilities specific to immigration detention, the character is too carceral and the regime too strict.[712]

Within the framework of the evaluation of the Schengen acquis' application by Switzerland with respect to the return policy, the Council of Europe anti-torture Committee has visited in 2021 the **Centre for administrative detention at Zurich airport**, judging the material conditions good, but the detention conditions too strict, with a carceral regime and prevailing security considerations.[713]

Detained asylum applicants have access to **health care** in practice. As asylum applicants are usually detained in detention centres for pre-trial detention and/or criminal detention, the health care provided is

705 UN Committee against Torture CAT, Concluding observations on the eighth periodic report of Switzerland, 11 December 2023, available here.
706 UN Committee against Torture CAT, Concluding observations on the eighth periodic report of Switzerland, 11 December 2023, available here.
707 In 2024, the NCPT visited the following facilities: The centre for administrative detention in Zurich, report of 3 September 2024 and statement of the canton Zurich of 25 September 2024 in German; the regional detention centre Moutier (visited on 24 Janaury 2024, report of 2 July 2024), the report on the visit of the detention centre Bässlergut was publised on 2 July 2024, the report of the visit of the detention centre in Frambois of 4 October 2023 was published on 30 July 2024.
708 Report of the NCPT on the forth Universal Periodic Review of Switzerland, 13 July 2022, available here.
709 See previous versions of this report: AIDA, *Country Report: Switzerland*, available here.
710 Judgement of the Cantonal administrative tribunal of Geneva, JTAPI/422/2023, 20 April 2023, ch. 27.
711 NCPT, Report on the forth Universal Periodic Review of Switzerland, 13 July 2022, p. 7, available here.
712 NCPT, *Rapport au DFJP et à la CCDJP relatif au contrôle des renvois en application du droit des étrangers, d'avril 2018 à mars 2019*, 24 May 2019, available in French here, 18.
713 Council of the European Union, Rapport au Conseil fédéral suisse relatif à la visite effectuée en Suisse par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) du 22 mars au 1er avril 2021. Available in French here, para 249-251.

generally at an acceptable level although it is limited to primary health care.[714] In a report on the provision of medical care in custodial institutions (not focused on immigration detention), the NCPT highlighted important language barriers, which are often overcome with the help of other detainees or detention staff. This is highly problematic, and the NCPT recommended the resort to interpreters.[715] In a 2022 report on health care in custodial institutions, the NCPT judged access to mental health care very problematic. In addition, efforts need to be done regarding suicide prevention and gender-specific health care for women when they are detained in gender mixed institutions.[716]

The FNIA provides for an additional possibility of restraining the opportunities for detainees to have contact with specific persons or groups in cases where the person concerned is assumed to pose a specific risk to internal or external security, and even ordering solitary confinement if the restrictions have proven inadequate to counter such security risk.[717]

2.2. Conditions in airport transit zones

When asylum applicants are assigned a place of stay in the transit zone, this means that they are placed in a detention centre during the airport procedure. Conditions in such centres are known to be minimal. Asylum applicants may move freely within the centre and can access an area with bars and restaurants within the transit zone, at least in principle. In Geneva, they have unlimited access to a courtyard, with no green area and airplanes flying in proximity. For this reason, accommodation at the airport is considered de facto detention for the scope of this report.

The detention centre in the transit zone of **Geneva** has a capacity of 30 places and is located rather far from the terminals. It is accessible by shuttle bus only and consists of men's and a women's dormitories, a communal area and a playroom, and an outside walking yard with a fence.[718] There are also a praying room and a cafeteria. In principle, asylum applicants have access to the non-Schengen transit zone at the airport, with shops, restaurants and bars, but they need to take a shuttle bus to reach it, which means that in practice, they stay in the facility.[719] There is no school for children, or any occupation program available for asylum applicants.[720] Health staff is not permanently present. A doctor systematically conducts a first short medical screening within a few days from the arrival and can make further visits in case of necessity.

The detention centre in the transit zone of **Zurich** airport has a capacity of 60 places,[721] and is composed of three dormitories: for men, women, and families.[722] Asylum applicants have access to a terrace, a praying room, and an area with shops and restaurants.[723] The terrace is the only place outside and is located far from the centre; it is used by airport and air companies' personnel. The centre is not appropriate for families with children since there is no school, but families are also held there. Furthermore, no occupation programs are offered. A nurse is regularly there and people in airport procedures have access to a doctor in the airport as well.

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714 See the reports issued by the Swiss national CAT Committee, the NCPT, issued during the visits to several detention centres since 2010. The reports always also contain a section on access to health care, and are available here.

715 NCPT/NKVF, *Gesamtbericht über die schweizweite Überprüfung der Gesundheitsversorgung im Freiheitsentzug durch die Nationale Kommission zur Verhütung von Folter* (2018 – 2019)", January 2022, availabe (in German) here, 28.

716 NCPT, *Gesamtbericht über die schweizweite Überprüfung der Gesundheitsversorgung im Freiheitsentzug durch die Nationale Kommission zur Verhütung von Folter (2019 – 2021)*, January 2022, availabe (in German) here.

717 Article 81(5) and (6) FNIA.

718 Terre des Hommes, État des lieux sur la détention administrative des mineures migrantes en Suisse, November 2018, available here, 56.

719 NCPT, Report on federal asylum centres 2019-2020, 17.

720 NCPT, Report on federal asylum centres 2019-2020, 35.

721 AOZ, Asylunterkunft Transitzone Zürich-Flughafen, available in German here.

722 Le Temps, *Des requérants d'asile bloqués, à Zurich, en zone de transit*, available in French here.

723 Le Temps, *Des requérants d'asile bloqués, à Zurich, en zone de transit*, available in French here.

3. Access to detention facilities

Indicators: Access to Detention Facilities			
1. Is access to detention centres allowed to			
❖ Lawyers:	☒ Yes	☐ Limited	☐ No
❖ NGOs:	☐ Yes	☒ Limited	☐ No
❖ UNHCR:	☒ Yes	☐ Limited	☐ No
❖ Family members:	☐ Yes	☒ Limited	☐ No

Lawyers have access to detention centres. Family members have access during visiting hours. Access is dependent on the rules that apply in the detention centre (*Hausordnung*) and may vary significantly.[724] Regarding the access of NGOs, according to the experience of Amnesty International, a personal authorisation must be obtained in advance to visit the facilities. Usually, visitors from NGOs need to know and communicate the name of the person they want to visit. UNHCR would in theory have access to detention centres, but they do not conduct regular visits.[725]

The visiting hours represent a hurdle for the effective access of family members to detention centres. Many detention facilities allow visits on weekdays only. This is for example the case in the Regional Prison of Bern and the Regional Prison of Moutier according to their websites.[726]

Administrative detainees have the possibility to make calls using the phones that are placed in detention. If they have no financial means, the facility shall provide for phone cards. According to a judgement of the Federal Supreme Court, all detention facilities must provide for the possibility to access the Internet.[727]

As regards airport **transit zones**, third parties are usually not allowed to visit. Church representatives can access the centre on presentation of their accreditation if they announce their arrival and departure with the staff running the holding centre in the transit zone. IOM has access to the transit zones at airports.

Persons who apply for asylum at the airport and are confined in the transit area systematically get free legal representation like all other asylum applicants (see also Border procedure (border and transit zones)). The organisation mandated for the region West Switzerland (Caritas Suisse) has access to the transit zones and have a regular presence there for the relevant steps of the procedure.

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention		
1. Is there an automatic review of the lawfulness of detention?	☒ Yes	☐ No
❖ Dublin detention	☐ Yes	☒ No
2. If yes, at what interval is the detention order reviewed?	96 hours	

Review of administrative detention (except for Dublin detention, as described below) is regulated under Article 80 FNIA. In fact, Article 80(2) FNIA provides that the legality and appropriateness of detention must be reviewed at the latest within 96 hours by a judicial authority based on an oral hearing. The same occurs with decisions to extend the detention order.

According to Article 80(3) FNIA, the judicial authority may dispose an oral hearing if deportation is anticipated within 8 days of the detention order and the person concerned has expressed their consent in writing. If ultimately deportation cannot be carried out by this deadline, an oral hearing must be scheduled

724 The visiting rights and the concrete *modus* is also taken up by the NCPT in its reports.
725 Information provided by UNHCR, Office for Switzerland and Liechtenstein, 13 February 2023.
726 Sicherheitsdirektion, Besucherinformationen, available in German here. Direction de la sécurité, Informations aux visiteurs, available in French here.
727 Federal Supreme Court, Decision 2C_765/2022, 13 Ocotober 2022.

at the latest 12 days after the detention order.

According to Article 80(4) FNIA, when reviewing the decision to issue, extend or revoke a detention order, the judicial authority shall also take account of the detainee's family circumstances and the conditions under which detention is enforced. In no event may a detention order in preparation for departure or detention pending deportation be issued in respect of children or young people who have not yet attained the age of 15. The Court also needs to examine if detention is proportional and if removal could not be achieved through other means.[728]

The detainee may submit a request for release from detention one month after the detention review. The judicial authority must issue a decision based on an oral hearing within 8 working days. A further request for release in the case of detention in preparation for departure (Article 75 FNIA) may be submitted after one month or in the case of detention pending deportation (Article 76 FNIA) after 2 months.[729]

The Federal Supreme Court stated[730] that every detained person had the right to "appeal to a court at any time" and thus to determine the timing of the review. According to the Supreme Court, the judicial review of detention under Article 80a, § 3 FNIA is a procedural provision that cannot be waived.

The detention order shall be revoked if: the reason for detention ceases to apply or the removal or expulsion order proves to be unenforceable for legal or practical reasons; a request for release from detention is granted; or the detainee becomes subject to a custodial sentence or measure.[731]

Review of **Dublin detention** is regulated by Article 80a FNIA. It represents an exception since no automatic review is foreseen. In case of detention under a Dublin procedure, the legality and appropriateness of detention shall be revised by a judicial authority only upon request of the detainee and in a written procedure (both the request and the examination are done in writing). This review may be requested at any time. According to a ruling of the Federal Supreme Court, the review should in principle be conducted within 96 hours after the request.[732] Later, a request for release can be submitted as mentioned above.

Detention under the Dublin procedure cannot be ordered by SEM, review procedures are therefore carried out at the cantonal level. Again, cantonal practice is very diverse regarding judicial review. National legislation provides for important safeguards, but compliance with these safeguards is not guaranteed in all cantons. Each canton organises its system of judicial review, and the practice of cantonal Courts is very diverse. It is not possible to provide an overview of all cantonal practices here. The judicial review can be appealed at cantonal level and in the last instance at the Federal Supreme Court, however given the long and expensive procedure, few appeals reach the Federal Supreme Court.

The SRC suspects that detainees in the Dublin procedure are insufficiently informed that they must themselves ask in written form for a review of the detention. To help remedy this, the SRC has drafted a basic form in four languages with which to ask for a review of the Dublin detention order.[733] Another challenge, however, remains the distribution of this leaflet to the relevant persons.

The SEM does not have statistics on the number of release requests filed or the number of judicial reviews requested by asylum applicants in detention under the Dublin procedure.[734]

728 Federal Supreme Court, Decision 2C_1063/2019 of 17 January 2020, para 5.3, with references to 2C_263/2019 of 27 June 2019, para 4.3.2 and 2C_466/2018 of 21 June 2018, para 5.2.
729 Article 80(5) FNIA.
730 BGE 2C_457/2023.
731 Article 80(6) FNIA.
732 Federal Supreme Court, Decision 2C_207/2016, 2 May 2016.
733 The form can be found in English, French and German, available here.
734 Information provided by the SEM, 27 April 2021.

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention		
1. Does the law provide for access to free legal assistance for the review of detention?	☐ Yes	☒ No
2. Do asylum applicants have effective access to free legal assistance in practice?	☐ Yes	☒ No

Detained persons have the right to communicate with their legal representative (Article 81(1) FNIA). However, in cases where the legal representative has resigned the mandate of representation – which occurs when they do not appeal against the Dublin or the asylum decision – they would consequently not be formally informed if one of their former clients has been detained. It would be up to the detained person to contact them, but no representation is ensured given that the mandate has been resigned from and detention falls outside the mandate of the appointed legal representation.

Judicial review of detention takes place automatically except for detention under the Dublin procedure. Usually, detainees are not legally represented during this procedure, but this depends on the cantonal legal bases and practice. Indeed, the right to free legal assistance is regulated by cantonal procedural law. As a minimal constitutional guarantee, the Federal Supreme Court has ruled that free legal representation must be granted upon request in the procedure of prolonging detention after 3 months.[735] Regarding the first review by a judge, free legal representation must only be granted if it is deemed necessary because the case presents particular legal or factual difficulties.[736] The SEM does not have statistics on the number of detained asylum applicants having a legal representation.[737]

Some detention facilities provide access to legal support services. For example, in the prison of **Bässlergut** a legal advisor from the NGO HEKS/EPER is present every week and accessible for detainees who request a meeting.[738] However, in many other detention facilities access to legal support is very difficult, and the local NGOs providing legal support in asylum cases often do not have the resources to provide free legal assistance to detained persons. Since 2020, the NGO AsyLex provides legal support and representation for persons detained.[739] The lack of systematic access to legal representation for administrative detainees has been recognised as a significant problem by the UN-CAT.[740] A concern shared by AsyLex, which criticises that only few detainees receive free legal representation. Administrative detention can last up to 18 months, and without legal aid, detainees struggle to challenge it effectively. Detention cases under the Dublin procedure may not even see judicial review, and detainees are often uninformed or too intimidated to request one. Legal representation, when available, is often too late due to quick deportation processes or language barriers, undermining the fairness of legal proceedings.[741] While the previous practice of the Federal Supreme Court granted reasonable relief in cases of unlawful or unreasonable administrative detention,[742] AsyLex observed a significant change in the case law by the Federal Supreme Court to a much stricter practice since 2023, deviating to a large extent to previous case law.[743]

Access to legal advice and representation for persons who apply for asylum at the airport and are consequently confined in the transit zone is guaranteed by Article 22 (3bis) AsylA.

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735 Federal Supreme Court, ATF122 I 49, 27 February 1996, para 2c/cc; ATF 134 I 92, 21 January 2008, para 3.2.3.

736 Federal Supreme Court, Decision ATF 122 I 275, 13 November 1996, para 3.b. Free legal representation was granted in Decision 2C_906/2008, 28 April 2009.

737 Information provided by the SEM, May 2023.

738 The "Kontaktstelle für Zwangsmassnahmenbetroffene" is active since 2008. More information is available here.

739 The NGO can be contacted through the e-mail address detention@asylex.ch.

740 UN Committee against Torture CAT, Concluding observations on the eighth periodic report of Switzerland, 11 December 2023, available here.

741 For further information on this, see the Input from Asylex for the EUAA annual report from November 2023, available in English.

742 For example: BGE 2C_142/2023, 3 August 2023; BGE 2C_457/2023, 15 September 2023.

743 BGE 2C_37/2023 Decision from 16 February 2023 | BGE 2C_387/2023, Decision from 7 August 2023 | BGE 2C_793_2022 Decision from 9 October 2023 | BGE 2C_562/2023, Decision from 28 November 2023.

On the other hand, access to legal advice and representation for those persons applying for asylum in detention facilities (be they detained under immigration or criminal law) is not explicitly mentioned in the law, which has led to several cases where such legal representation for the asylum procedure was not provided. In November 2019, the FAC clarified that the fact that the person concerned had lodged her asylum application while in detention does not dispense the competent authority of its duty to duly investigate the application in accordance with the law in force, in particular to ensure the right to free legal advice and representation.[744] In September 2022, the SEM informed that all persons applying for asylum from detention or prison would be granted legal representation for their asylum procedure, provided by the legal advice offices in the cantons that are responsible for the extended procedure.

E. Differential treatment of specific nationalities in detention

There is no information on specific nationalities being more susceptible to detention or systematically detained or otherwise treated differently than others.

744 FAC, Decision D-5705/2019, 25 November 2019.

Content of International Protection

General remark: The status of subsidiary protection does not exist in Switzerland as the Qualification Directive is not applicable. Regarding the application of Article 9 of the Dublin III Regulation, the term "international protection" includes the temporary admission status in cases in which the status is granted on the ground that the removal is either contrary to international law or not reasonable because of a situation of war or generalised violence (but not a temporary admission based on medical grounds).[745]

A. Status and residence

A table summarising the rights regarding family reunification, travelling, change of residence, work etc. for each legal status is available on the website of the SRC.[746]

1. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?
   - ❖ Refugee status: 1 year
   - ❖ Temporary admission: 1 year

Refugees with asylum (status B)

Recognised refugees with asylum receive a residence permit called B-permit.[747] This permit is issued for a year and then prolonged every year (as long as there is no reason for terminating the refugee status) by the responsible canton. Recognised refugees with asylum have a right to have this permit issued and prolonged. If there are reasons to withdraw the refugee status, the right to have the permit issued and prolonged is withdrawn. In 2024, asylum status and B-permits were granted to 10,390 persons,[748] including those afforded in cases of family asylum.[749] On 31 December 2024, there were a total of 66,264 recognised refugees with a B-permit in Switzerland.[750]

Temporary admission (status F)

Persons granted temporary admission receive an F-permit.[751] Technically this is not considered a real permit of stay, but rather the confirmation that a deportation order cannot be carried out and that the person is allowed to stay in Switzerland as long as this is the case. The concept of temporary admission is legally designed as a replacement measure for a deportation order that cannot be carried out because of international law obligations, humanitarian reasons, or practical obstacles. This means that there is a negative decision, but the execution of this decision is stayed for the duration of the legal or humanitarian obstacles. Consequently, the F-permit has several relevant limitations: for example, persons with an F-permit are only allowed to travel outside Switzerland in exceptional cases, under restrictive and limited circumstances. Also, family reunification is only possible after a waiting period of 3 years, and under the condition that the person is financially independent and has a large enough apartment. The F-permit is issued for one year and then prolonged every year by the responsible canton, unless there are reasons to end the temporary admission. The SRC is advocating for the replacement of the temporary admission with a "positive" status.[752]

745 FAC, ATAF 2015/18.
746 Available in French here and in German here.
747 Article 60(1) AsylA.
748 SEM, asylum statistics (7-40), available here.
749 This refers to persons who have been granted asylum on a derivative ground, particularly members of the nuclear family who are not entitled to their own grounds for asylum.
750 SEM, asylum statistics (6-23), available here.
751 Article 41(2) and Article 85(1) FNIA.
752 See SRC, *Nouveau statut de protection au lieu de l'admission provisoire*, 22 May 2022, available in French (and German) here.

In 2024, 6,021 persons were granted a temporary admission as a foreigner.[753] On 31 December 2024, there were a total of 35,239 persons with a temporary admission as a foreigner living in Switzerland. Out of these, 15'409 persons have had this status for more than seven years.[754]

There are also persons who have a refugee status but receive only temporary admission instead of asylum (in case of exclusion grounds from asylum, as Switzerland makes the distinction between refugee status and asylum). They receive the same F-permit as other foreigners with temporary admission (with the mention "refugee"), but in addition they have the right to a refugee travel document, and all the other rights granted by the Refugee Convention. In 2024, 438 persons were granted a temporary admission as a refugee. [755] On 31 December 2024, there were a total of 7,645 persons with a temporary admission as a refugee living in Switzerland. Out of these, 5,501 persons have had this status for more than seven years.[756]

The SRC is not aware of systematic difficulties in the issuance or renewal of those residence permits.

Temporary protection (status S)

Swiss asylum law provides the possibility to grant temporary protection ("*protection provisoire*", "S permit") to persons in need of protection during a period of serious general danger, particularly during a war or civil war as well as in situations of general violence (Articles 66-79a AsylA). This instrument – introduced in the aftermath of the conflicts in the former Yugoslavia – should enable the Swiss authorities to react in an appropriate, quick and pragmatic manner to situations of mass exodus. It was activated for the first time in the context of the war in Ukraine by the Federal Council on 11 March 2022. For further information, see annex on Status S.

2. Civil registration

Every birth in Switzerland must be recorded as soon as possible by the civil register office at the place of birth. Parents must present the required identity documents.[757] If the procurement of documents is impossible or unreasonable and the personal data are not disputed, a substitute declaration (*Ersatzerklärung*) can be made. Residence in Switzerland is not required for the registration of births or paternity recognition and is therefore also possible for persons without a residence permit. In practice, registration due to missing documents is sometimes problematic, depending on the availability of the relevant authorities to allow for a substitute declaration.

In principle, persons seeking asylum or rejected asylum applicants may also marry in Switzerland. Nevertheless, lawful residence in Switzerland is necessary. Persons who do not have a residence permit can apply for a short stay permit for the purpose of marriage. In addition to proof of legal residence, identity documents must also be submitted. This may pose a problem for asylum applicants as they endanger their asylum procedures if they contact their home country during the procedure. Furthermore, it is often not possible to obtain documents due to the situation in the home country. In such cases, a substitute declaration can also be requested. In practice, problems with marriage due to missing documents have been reported to the SRC, depending on the readiness of the relevant authorities to allow for a substitute declaration. Differences exist in practice between cantons.

3. Long-term residence

The Long-Term Residence Directive is not applicable in Switzerland.

753 SEM, asylum statistics (7-40), available here.
754 SEM, asylum statistics (6-10), available here.
755 SEM, asylum statistics (7-40), available here.
756 SEM, asylum statistics (6-10), available here.
757 Ch.ch, 'Registering a birth', available in English here.

A recognised **refugee with asylum** status receives a residence permit (B permit). After 10 years, or if they are especially well integrated, after 5 years, the canton can issue a permanent residence permit (C permit).[758] However, there is no absolute right to receive this permit; it is at the discretion of the canton. These are the same rules that also apply for other foreigners.

A **temporarily admitted** person receives an F permit. After 5 years, the person can apply to the canton for a residence permit (B permit), if they are well integrated.[759] However, the practice among the cantons varies and is in general strict. In 2024, 4,598 persons obtained a B permit in this way.[760] Once the person has a B permit, they can again apply for a permanent residence permit (C permit) after 5-10 years similar to the process described above.

Under the naturalisation law, it is necessary to have a C permit in order to apply for naturalisation. This is very difficult for protection beneficiaries, especially temporarily admitted persons, as they will first have to go through all the different steps of permits, which takes a very long time. This is also the case for those born in Switzerland.

4. Naturalisation

Indicators: Naturalisation	
1. What is the waiting period for obtaining citizenship?	10 years
2. Number of citizenship grants to beneficiaries in 2024:	1,285

According to the Federal Act on Swiss Citizenship[761] it is necessary to have a permanent residence permit and reside in Switzerland for 10 years to be able to apply for citizenship. The years as an asylum applicant do not count.[762] This means that **temporarily admitted** persons must wait at least 5 years more than **refugee status** holders (see Long-Term Residence).

Years spent in Switzerland between the ages of 8 and 18 count double.

The initial application is examined by the SEM, but both the canton and commune of residence have their own requirements. The SEM examines whether applicants are integrated in the Swiss way of life, are familiar with Swiss customs and traditions, comply with the Swiss rule of law, and do not endanger Switzerland's internal or external security. Particularly, this examination is based on cantonal and communal reports. If the requirements provided by federal law are satisfied, applicants are entitled to obtain a federal naturalisation permit from the SEM. Naturalisation proceeds in three stages. The cantons and communities have their own, additional residence requirements which applicants must satisfy. Swiss citizenship is only acquired by those applicants who, after obtaining the federal naturalisation permit, have also been naturalised by their municipalities (in some places this decision is taken by a panel, in others by a popular vote of all citizens of the commune) and cantons. There is no legally protected right to being naturalised by a municipality and a canton. The fee also varies according to the place of residence.[763]

In 2024, 1,236 recognised refugees and 49 temporarily admitted persons were granted citizenship.[764]

758 Article 34 FNIA.
759 Article 84(5) FNIA. The specific criteria are listed at Article 31 OASA.
760 SEM, asylum statistics (7-60), available here.
761 The Act is available here.
762 Federal Act on Swiss Citizenship, Article 33.
763 Overview on the fees for regular naturalisation is available in English here.
764 Information provided by the SEM, May 2023.

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the cessation procedure? ☐ Yes ☒ No

2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No

3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☒ With difficulty ☐ No

Refugees with asylum[765]

Automatic cessation of the asylum status is possible if a person has lived abroad for more than one year. If a person is granted asylum in another country or they renounce their refugee status, the protection status ceases as well. Renouncement leads to immediate cessation of the status. Refugee status and asylum expire as well if the foreign national acquires Swiss nationality. Finally, asylum expires if an expulsion order under criminal law has become legally enforceable.

In 2024, asylum expired in 1,674 cases resulting in cessation of status for one of the reasons mentioned above.[766] In the majority of cases (1,148 persons[767]), a new nationality was the reason for the expiry.

Temporary admission[768]

According to the law, the SEM should periodically examine whether the requirements for temporary admission are still met. In practice this does not happen in every case due to practical and capacity reasons. The SEM should revoke temporary admission and order enforcement of removal or expulsion if the requirements are no longer met. It also expires in the event of definitive departure, an unauthorised stay abroad of more than two months, or the granting of a residence permit.

The review is based on an individual assessment. When a conflict ends, it is possible that revocation is examined for all members of the group who were specifically concerned by this conflict. This happened, for example, at the end of the conflicts in ex-Yugoslavia in the 1990s. This has hardly ever been the case in the past years, however, as most of the relevant conflicts are long-standing (Somalia, Afghanistan, Iraq, Syria). The only exception was Eritrea, the SEM reviewed the temporary admission of 3,400 Eritrean nationals between 2018 and 2020, resulting in the revocation for about 2% former beneficiaries. Even if cessation is considered for a group of persons, it is examined in each case individually.

In October 2020, the FAC clarified that revocation of temporary admission due to the consideration that the obstacles to the enforcement of removal no longer exist always requires an examination of proportionality considering the degree of integration of the person concerned.[769]

Apart from the review of the necessity of protection due to the situation in the country or the situation of the person, temporary admission ceases automatically if a person leaves Switzerland permanently, if they are abroad for more than two months without a permission to travel, or if they receive a residence permit.[770] A person's departure from Switzerland is already considered permanent if the person asks for asylum in another country.[771] This can lead to unclear situations if persons are transferred back to

765 Article 64 AsylA.
766 SEM, asylum statistics (7-10), available here.
767 Data provided by the SEM, February 2025.
768 Article 84 FNIA.
769 FAC, Decision E-3822/2919, 28 October 2020.
770 Article 84(4) FNIA.
771 Article 26a(a) Ordinance on the Enforcement of the Refusal of Admission to and Deportation of Foreign Nationals (OERE).

Switzerland from other European states, and then find that their temporary admission has ceased in the meantime.

As in general any ruling can be subject to an appeal,[772] the cessation of the protection status can also be appealed. The appeal must be filed within 30 days of notification of the ruling.[773] No legal assistance is foreseen in the law for this specific case, but the general legal aid scheme is applicable: If it is necessary to safeguard the right of the person concerned, the Court can appoint a lawyer to represent the applicant.[774]

In 2024, 8,823 temporary admissions were ceased, meaning for example that the person has obtained another residence status or has left Switzerland.[775] In 8,270 cases, another status was granted.[776]

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the withdrawal procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☒ With difficulty ☐ No

The SEM shall revoke asylum or deprive a person of refugee status if the foreign national concerned fraudulently obtained asylum or refugee status by providing false information or by concealing essential facts. Furthermore, the SEM shall deprive a person of refugee status if they travel to their country of origin. The asylum will also be withdrawn if a refugee represents a threat to Switzerland's internal or external security or has committed a particularly serious criminal offence.[777] The revocation of asylum or the deprivation of refugee status applies in relation to all federal and cantonal authorities. As a consequence of the withdrawal of asylum and refugee status, the residence permit will also be withdrawn as the purpose for the permit has ceased.

If only asylum was withdrawn and not refugee status, the person concerned could be entitled to temporary admission as a refugee (see the distinction in Residence Permit).

The grounds for a withdrawal are always examined individually. The revocation of asylum or the deprivation of refugee status does not extend to the spouse or the children of the person concerned. Before asylum or temporary admission status is withdrawn, the SEM grants the right to be heard in written form, but no individual interview is usually conducted.[778]

As in general any ruling can be subject to an appeal,[779] the withdrawal of the protection status can also be appealed. The appeal must be filed within 30 days of notification of the ruling.[780] No legal assistance is foreseen in the law for this specific case, but the general rule regarding legal aid is applicable: If it is necessary to safeguard the right of the person concerned, the Court can appoint a lawyer to represent the applicant.[781]

In 2024, asylum was withdrawn in 70 cases: in all but 6 cases, the people concerned were also deprived of their refugee status (in those cases, the persons must have received a temporary admission). In 45

772 Article 44 Federal Act on Administrative Procedure.
773 Article 50 Federal Act on Administrative Procedure.
774 Article 65(2) Federal Act on Administrative Procedure.
775 Information provided by the SEM, May 2023.
776 Information provided by the SEM, April 2025.
777 Article 63 AsylA.
778 Information provided by the SEM, 18 January 2017.
779 Article 44 Federal Act on Administrative Procedure.
780 Article 50 Federal Act on Administrative Procedure.
781 Article 65(2) Federal Act on Administrative Procedure.

additional cases, refugee status was withdrawn to temporarily admitted persons who already did not benefit from asylum (F refugees).[782]

As seen in the chapter on Cessation, temporary admission can be withdrawn under Article 84(2) FNIA after review of the conditions that led the authorities to consider the removal as not enforceable and unreasonable. Such review procedure should be conducted for all members of the group concerned by the change of circumstances in the country of origin and is very rarely initiated.

Withdrawal of **temporary admission** can also be ordered under Article 84(3) FNIA if someone has been sentenced to a long-term custodial sentence in Switzerland or abroad; has seriously or repeatedly violated or represented a threat to public security and order in Switzerland or abroad or represented a threat to internal or the external security; or has made their removal or expulsion impossible due to their own conduct. Those are also grounds for excluding applicants from temporary admission status in the first place. However, such exclusion or revocation is only possible when temporary admission was granted because enforcement of removal was considered unreasonable or impossible, but not if it was considered inadmissible (because it would violate international law).[783] Revocation of temporary admission requires a detailed examination of the principle of proportionality, where the public interest to remove the applicant and their private interest of pursuing their life in Switzerland (integration, family ties, etc.) must be carefully balanced.

According to the Federal Act on Foreign Nationals and the Criminal Code, foreigners who commit criminal acts (not only severe criminal acts but also for example social welfare fraud) can be expelled.[784] In case of an expulsion order, which is pronounced under criminal law, the asylum status will be withdrawn. Temporary admission shall not be granted or shall expire if an order for expulsion from Switzerland becomes legally enforceable.[785]

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification?
   - ❖ Recognised refugees: ☐ Yes ☒ No
   - ❖ Temporarily admitted persons: ☒ Yes ☐ No
   - Waiting period for temporarily admitted persons: 2 years[786]
2. Does the law set a maximum time limit for submitting a family reunification application? ☒ Yes ☐ No
   - ❖ If yes, what is the time limit? 5 years; 1 year for children over 12
3. Does the law set a minimum income requirement?
   - ❖ Recognised refugees: ☐ Yes ☒ No
   - ❖ Temporarily admitted persons: ☒ Yes ☐ No

The differences between the statuses are relevant for the family reunification procedure. The SRC provides a table summarising the relevant rules and legal bases according to the status on its website.[787] Unaccompanied minors in Switzerland, regardless of their protection status, are not eligible to family reunification with their parents. Same sex couples have the same rights as heterosexual couples regarding family reunification. In practice, however, family reunification will potentially be more

782 Information provided by the SEM, April 2025.
783 Article 83(7) FNIA.
784 Federal Council, Referendum on Asylum Act, 5 June 2016.
785 Article 83(9) FNIA.
786 The adaption in the law is currently underway, the consultation process took place in 2024. See Bundesrat schlägt Anpassung der Wartefrist beim Familiennachzug vor.
787 Available in French here and in German here.

complicated as in most countries of origin, the registration/marriage of same sex couples is not possible or the lacking possibility of living the relationship may even be a reason for leaving the country of origin.

Refugees with asylum

Spouses or registered partners of refugees and their minor children are entitled to family reunification. They will also be recognised as refugees and granted asylum provided there are no special circumstances that preclude this (for example if the family member has a nationality allowing for the family to reside in another country or has been granted refugee status in a safe third country).[788]

If one of those persons is still abroad, their entry must be authorised on request, if the person in Switzerland and the person abroad were separated during the flight.[789] If the family had not been separated during the flight, for example because the family / marriage did not exist at that time, they are not entitled to family reunification under the Asylum Act and can only request family reunification under Article 44 FNIA, with more restrictive conditions and no *right* to it. However, if the spouse and children are already in Switzerland, this rule does not apply, and they can be included in the asylum of the family member.[790]

In case of family asylum, there are no requirements regarding income or health insurance.

Practical problems frequently arise in case of lack of necessary documentation. Also, in some cases the SEM requires the conduct of DNA-tests to prove parenthood. The high costs of such tests as well as the travel costs can be covered by SEM on demand, which however has discretion in the decision whether to approve such demand. The refusal can be appealed.[791] This represents a clear obstacle to family reunification. IOM can provide logistical support for the organisation of the flight.[792]

In 2024, 1,792 recognised refugees applied for family reunification for family members residing abroad. During the same year, the SEM authorised entry as a consequence of refugee family reunification cases for 1,480 persons.[793]

Temporary admission

According to the law, three years after having received temporary admission, the person can apply to be reunited with their spouse and unmarried children under the age of 18. There is no requirement that the family ties already existed in the country of origin. The requirements are that they all live in the same household as soon as the person arrives in Switzerland, the family has suitable housing (a big enough apartment, already at the time of the application), and the family does not depend on social assistance (income requirement). The spouse has to speak the national language at the place of residence or be registered for language support services.[794] The application must be filed with the competent cantonal migration authority, which passes it on to the SEM. Certain deadlines apply to the application.[795] The 5 (or 1 for children 12 and over) year time limit to apply for family reunification starts at the end of the three-year waiting period. If the family / marriage was established after the waiting period of three years, the time limits start at the time the family / marriage was founded.

788 FAC, ATAF 2019 VI/3 para 5.5–5.7. The same is not true for subsidiary protection, see Decision D-2976/2018, 31 January 2020, para 5.3.2.
789 Article 51 AsylA.
790 FAC, ATAF 2017 VI/4, para 4.2–4.4, especially 4.4.1.
791 The Human Rights Law Clinic of the University of Bern provides a template for appealing those decisions, available here.
792 See website in French: here.
793 Information provided by the SEM, February 2025.
794 Article 85(7) FNIA, it is extremely challenging to fulfil the additional requirements and, as the process until the family arrives in Switzerland may take very long, it seems not necessary that the person in Switzerland already lives in the family apartment, as money is mostly short and living costs are very high.
795 Article 74(2)-(3) Ordinance on Admission, Period of Stay and Employment.

In November 2022, the FAC decided in a leading judgment,[796] that for persons with a temporary admission, the statutory waiting period of three years is no longer strictly and automatically applicable. Applications for family reunification must already be examined after one and a half years if further waiting is disproportionate in individual cases. The FAC adapted its case law to a ruling of the ECtHR.[797] According to the ECtHR ruling, if the waiting period exceeds two years, the national authorities must assess each individual case to determine whether a further delay in family reunification violates the right to respect for family life. In doing so, they must particularly consider the intensity of the family relationship, the degree of integration already achieved in the host country, the existence of insurmountable obstacles to the family's life in the country of origin and the best interests of the child. In May 2024, the Federal Council suggested to adapt the law accordingly.[798] The SRC welcomes the fact that the waiting period for family reunification for those with temporary admission has been reduced from three to two years.[799] However, the planned change in the law must not result in those affected having less time to fulfil the other requirements for family reunification. The right to family life is a fundamental human right. From the SRC point of view, all persons entitled to protection in Switzerland should have the same right to family reunification without further conditions.[800]

The ECtHR has concluded in a 2023 ruling that the criteria for family reunification for temporarily admitted refugees in Switzerland are too strict. The court found that Switzerland had violated respect for the right to family life in three cases. The Swiss authorities had rejected the applications for family reunification because the refugees were dependent on social welfare.[801]

According to the ECtHR ruling, consideration must also be given to whether a person is too ill to work. If too little consideration is given to these individual circumstances when making a decision, this could lead to the permanent separation of families. This violates respect for the right to family life. SEM confirmed already the implementation of this ruling.

In 2024, 324 temporarily admitted persons applied for family reunification. The approved cases by the SEM during the same year concerned 143 persons.[802]

Procedural aspects

The procedural aspects however are the same for all beneficiaries of protection:

- The application for family reunification must be submitted within five years, in case of children over 12 years the time limit is twelve months (in case of important family-related reasons, especially the best interest of the child, a later family reunification is possible).
- The application is free of charge.
- There is no specific time limit imposed upon the administration to decide on the application. However, applicants remain protected by general procedural guarantees: if the procedure becomes excessively lengthy without any procedural steps taken by the authorities, they may appeal for denial of justice.[803]
- In case of a negative decision, they may file an appeal before the FAC within 30 days of notification.[804] They are entitled to legal aid for this appeal.[805]

796 FAC, Decision F-2739/2022, 22 November 2022 (in French), here media release available in English (German, French and Italian) here.
797 ECtHR, Application no. 6697/18, *M.A. v Denmark*, 9 July 2021, available here.
798 Media release of the SEM of 1 May 2024 in French.
799 SRC, Media release, 22 August 2024, D'autres modifications sont nécessaires pour le regroupement familial des personnes admises à titre provisoire.
800 Communication of the SRC of 22 August 2024 in French.
801 B.F. and Others v. Switzerland, no. 13258/18, 4 July 2023.
802 Information provided by the SEM, May 2023.
803 Article 29 of the Federal Constitution; FAC, Decision E-1716/2021, 1 July 2021; E-2646/2021, 3 November 2020; D-1532/2020, 11 May 2020.
804 Article 50 of the Federal Act on Administrative Procedures.
805 Article 65 of the Federal Act on Administrative Procedures.

2. Status and rights of family members

In the case of family asylum, the beneficiaries themselves are granted the same rights as the sponsor. However, as the refugee status originated in the grounds of the sponsor, the refugee status is of a derivative character, therefore it is not possible for persons with this kind of status to be the sponsor of further family members. The same applies to cases of temporary admission status as a refugee.

However, before the family members are included in the sponsor's status, the SEM usually examines whether they fulfil the refugee definition on their own and can therefore be granted their own refugee status. During the procedure, or at least at the beginning, they are accommodated in a federal asylum centre and not together with the spouse, which could lead some persons to renounce to the examination of their own asylum grounds. This can be problematic in case of separation since the status of the reunited spouse will be dependent on the refugee who has applied for family reunification.

In case there are asylum exclusion grounds[806] relating to the family member, this person will only be granted a temporary admission as refugee even though the sponsor was granted asylum.[807]

Family members of a person who has been granted a temporary admission status will receive the same status, if the application for family reunification is granted. If the family members arrive independently of the sponsor, they must make their own asylum application and will receive temporary admission if those conditions are met.

C. Movement and mobility

1. Freedom of movement

In general, after some time (maximum 140 days) in a federal asylum centre, the SEM allocates the applicants / beneficiaries to a canton according to a distribution key. This allocation can only be contested if it violates the principle of family unity.[808]

After a status has been granted, **recognised refugees** have the right to choose their place of living within the canton. Additionally, they have the right to change the canton, if they are not dependent on social assistance and there are no grounds for revocation of a residence permit.[809]

Persons with **temporary admission as foreigners** also have a right to choose their place to live within the allocated canton, unless they depend on social assistance. In this case, the canton can determine a residence or accommodation. To change cantons, an application must be filed at the SEM, which will decide after a consultation of the two cantons concerned. A negative decision can only be challenged if it violates the principle of family unity. The allocation to a canton does not limit the freedom of movement within Switzerland.

Since the cantons are responsible for granting social assistance, the concrete arrangements depend on the canton. If a person depends on social assistance, it is possible that the canton provides for a room in a certain accommodation and therefore 'determines' the place of residence for the person concerned.

Normally, beneficiaries have to move from the first reception centre to the cantonal collective centre and as a next step within the canton to a private accommodation. No problems of beneficiaries related to being obliged to change their accommodation too often have been reported to the SRC.

806 Articles 53 and 54 AsylA.
807 FAC, Decision ATAF 2015/40.
808 Article 27(3) AsylA.
809 Article 63 FNIA.

No legal assistance is legally foreseen for these specific cases, but the general rule regarding legal aid is applicable: if it is necessary to safeguard the right of the person concerned, the Court can appoint a lawyer to represent the applicant.[810]

2. Travel documents

Recognised refugees have a right to receive a travel document in accordance with the Refugee Convention. The travel document for recognised refugees is valid for five years.[811]

Recognised refugees cannot travel to their home country, or they might lose their refugee status. Since 1 April 2020, the Foreign Nationals and Integration Act (FNIA) also includes a provision prohibiting them to travel to neighbouring countries of their country of origin, when there is a justified suspicion that the ban on travel to the home country will be disregarded.[812] It allows the SEM to pronounce collective travel bans to certain neighbouring countries for all refuges coming from one specific country. This provision has entered in force but was still not implemented in March 2025, according to the SEM because there are no indications of a systematic abuse of a third country to travel to the country of origin.[813]

For **persons with temporary admission** there are important legal and practical obstacles in obtaining travel documents and re-entry permits. They do not have an automatic right to a travel document, and their travel rights are very limited. If they want to travel outside Switzerland, they must first apply to the SEM (via the cantonal authority) for a return visa (permission to re-enter Switzerland). A return visa is only granted in specific circumstances (severe illness or death of family members and close relatives; to deal with important and urgent personal affairs; for cross-border school trips; to participate in sports or cultural events abroad; or for humanitarian reasons). A return visa can be issued for other reasons if the person has already been temporarily admitted for three years.[814]

In addition to the return visa, the person needs a valid travel document. Persons with temporary admission can apply to the SEM (via the cantonal authority) for a travel document if they can show that it is impossible for them to obtain travel documents from their home country, or that it cannot be expected of them to apply for travel documents from the authorities of their home country.[815] The practice regarding this is very strict, it is only seldom recognised that the person cannot obtain travel documents from their home country. They must document very clearly what they have done to obtain travel documents (visits to the embassy etc.). In many cases, the persons fail in proving their lack of documents, as the embassies of their home countries are reluctant to confirm in writing that they will not issue a travel document. This means persons with temporary admission are often unable to travel – for lack of documents, but mainly due to the strict regulation regarding return visas, see above.

If a person with temporary admission is issued a travel document by the SEM, this is called a “passport for a foreign person”.[816] It is valid for 10 months and loses its validity at the end of the conducted journey; the document is only issued for one specific journey.[817]

There are important practical obstacles in obtaining travel documents and re-entry permits for foreigners with temporary admission.

A reform of temporary admission discussed in parliament led to another restriction to travelling for temporary admitted persons. A general travel ban for them was added in the National Act on

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810 Article 65(2) Federal Act on Administrative Procedure.
811 Article 13(1)(a) Ordinance on the Issuance of Travel Documents for Foreign Persons of 14 November 2012, SR 143.5 (Verordnung über die Ausstellung von Reisedokumenten für ausländische Personen vom 14. November 2012, RDV, SR 143.5).
812 Article 59c FNIA. Further information is available in French here.
813 Information provided by the SEM, May 2023.
814 Article 9 RDV.
815 Articles 4(4) and 10 RDV.
816 Article 4(4) RDV.
817 Article 13(1)(c) RDV.

Foreigners.[818] The exceptions in which travel can still be allowed will need to be specified at ordinance level.

Procedure

The application for a travel document must be made in person at the cantonal migration office.[819] This office will register the application and forward it to the SEM. The SEM issues the travel document. Applications for a re-entry visa must also be made to the cantonal migration authority and will be forwarded to the SEM for decision.[820]

Both recognised refugees and beneficiaries of temporary admission are not allowed to travel to their home country, otherwise they risk losing their protection status.

In 2024, the SEM issued 3,960 travel documents for recognised refugees; 25,638 "foreign passports" for persons granted temporary admission and who do not have a passport; and 883 return visas for foreigners granted temporary admission.[821]

D. Housing

Indicators: Housing	
1. For how long are beneficiaries entitled to stay in reception centres?	No limitation
2. Number of beneficiaries staying in reception centres as of 31 December 2024:	Not available

There is no maximum time limit to accommodation connected with the status. As long as a person depends on social assistance, housing will be provided by the canton. It is possible that this means a collective centre or a specific allocated housing, but there is no temporal limitation on it. Concrete arrangements depend on the canton.

E. Employment and education

1. Access to the labour market

Foreign nationals, refugees and stateless persons who have been temporarily admitted to Switzerland, refugees who have been granted asylum in Switzerland and stateless persons who are recognised in Switzerland may take up gainful employment as soon as they received such status.

Recognised refugees (with asylum or with a temporary admission status) are entitled to engage in gainful employment and to change jobs or professions without any restrictions.[822] The requirements are that the employer must report the start and end of employment and comply with the usual local wage and working conditions for the given profession and industry.[823] On 31 December 2024, 40% of refugees with asylum who were able to work were employed.[824]

Temporarily admitted persons may work anywhere in Switzerland if the salary and employment conditions customary for the location, profession and sector are satisfied. The employer must report the start or end of employment to the cantonal authority responsible for the place of work in advance. The

818 A comment from the SRC, *Une interdiction de voyager très stricte au lieu d'une intégration facilitée pour les titulaires d'une admission provisoire*, 6 December 2021, available in French (and German) here.
819 Article 14 RDV.
820 Article 15 RDV.
821 Information provided by the SEM, February 2025.
822 Article 61 AsylA.
823 Article 65 Ordinance on Admission, Period of Stay and Employment.
824 SEM, asylum statistics (6-23), available here.

report must include a declaration, stating that the employer is aware of the salary and employment conditions customary for the location, profession, and sector, and that they are committed to observing them.[825] However, due to the temporary nature and especially the name of this status, temporarily admitted persons still encounter significant hurdles to employment. On 31 December 2024, 43% of temporarily admitted persons able to work were employed.[826]

Personal qualifications like diplomas from other countries are not recognised for the most part, which is a big problem in respect of access to the labour market.

The pilot programme "Integration Pre-Apprenticeship" has been running since 2018. The continuation of the pilot programme from 2024 onwards is referred to as INVOL. The extended offer also includes the expanded target group of INVOL+ (young people and young adults from EU/EFTA and third countries who have immigrated late) as well as persons with protection status S. Before the definitive framework conditions for the continuation are determined, the INVOL will be piloted for four years until 2027.[827]

After the consultation process in 2023[828] on an amendment to the implementing ordinances for the Foreign Nationals and Integration Act and the Asylum Act, the changes came into force on 1 June 2024. It allows temporarily admitted persons to be able to transfer their domicile to another canton more easily if they work there. Access to the labour market was also be made easier for other foreign nationals.[829]

2. Access to education

Basic education is mandatory until the age of 16 and must be available to all children in Switzerland. The cantons are responsible for the system of school education and state schools are free of charge.[830] As long as the children are accommodated in a federal reception centre (first phase of the procedure), schooling is mainly organised within the centres. To meet the requirements of the Convention of the Rights of the Child, particularly as regards access to education until the age of 18, law and practice would need be adjusted. For teenagers who arrive just at or above the age of 16 years, access to education can be challenging.[831] No major obstacles are reported regarding the access to education until the age of 16.

Recognised refugees have the same rights concerning access to education as Swiss nationals, including special education for people with disabilities. According to the Federal Constitution, cantons shall ensure that adequate special needs education is provided to all children and young people with disabilities up to the age of 20. As the system of school education depends on the canton, the implementation differs. Refugees can also apply for scholarships for higher education. It must be noted that normally, when being granted a scholarship, social assistance will be cut.[832]

A study of the educational opportunities available to young refugees in Switzerland published in 2024 shows a mixed picture. Although the federal government, cantons and municipalities agree that access to education should be promoted, in practice there are major obstacles and differences depending on the canton and municipality.[833]

In March 2025, it was announced that Swiss universities[834] and the SEM want to increase the chances of recognised refugees and temporarily admitted persons to complete a university education in Switzerland

825 Article 85a FNIA.
826 SEM, asylum statistics (6-22), available here.
827 More information on INVOL in French.
828 FDPJ, *Le Conseil fédéral souhaite faciliter l'accès des personnes admises à titre provisoire au marché du travail,* media release of 22 February 2023, available in French (and German and Italian) here.
829 Communication of the government of 1 May 2024 in French.
830 Article 62 Federal Constitution.
831 For further information: Report on “Access to education regardless of legal status” by the Swiss Observatory for on asylum and foreigner law (SBAA), 2021, available in German (and French) here.
832 See for further information (in English) here.
833 Swiss Forum for Migration and Population Studies (SFM), “Unterschiedlich unterwegs” – Mapping der (Aus)Bildung für junge Geflüchtete mit Fokus auf spezifischer Integrationsförderung (IAS/KIP), February 2024.
834 The umbrella organisation of Swiss universities, www.swissuniversities.ch/.

as part of a joint pilot project. The project aims to enable refugees with the relevant potential to access higher education over the next four years. This corresponds to a strategic goal of the Swiss Integration Agenda adopted by the federal government and the cantons.[835]

F. Social welfare

Refugees with asylum and temporarily admitted refugees who are unable to support themselves through their own resources are entitled to social benefits. They must be granted the same benefits as local recipients of social assistance.[836] The guidelines of the Swiss Conference for Social Assistance (SCSA) apply.[837]

For their part, **temporarily admitted** foreigners should receive the necessary social benefits unless third parties are required to support them.[838] The social benefits should be rendered in kind as non-cash benefits if possible. The benefits are lower than the social benefits given to the local population.[839] They can be as much as 40% below the guidelines of the SCSA, which as a consequence, is very little to live on. The amount, however, strongly varies from one canton to another and is supposed to cover basic social assistance, accommodation, health care costs as well as specific needs when necessary.

The provision of social benefits is under the responsibility of the Confederation as long as the person is staying in a federal asylum centre. After allocation to a canton, the canton should provide social assistance or emergency aid based on Article 80a AsylA. Cantonal laws fix the amount and grounds for granting and limiting welfare benefits. This results in large differences of treatment among cantons.

Temporarily admitted foreigners are usually free to choose their place of residence within the canton unless they receive social assistance benefits. The cantonal authorities assign a place of residence and accommodation to temporarily admitted persons dependent on social assistance.[840]

For the first time, a study has demonstrated a direct causal link between the amount of social assistance paid to refugees and the number of registered offences. If cantons pay refugees more money, the number of minor offences and drug-related crimes decreases.[841]

G. Health care

Every person living in Switzerland, including rejected asylum applicants, must be insured against illness,[842] and therefore has access to the basic health system.

Cantons may limit the choice of insurers and of physicians and hospitals for asylum applicants and temporarily admitted persons.

Apart from this restriction, the basic insurance and the covered treatments do not depend on the status but on the needs. Mental health problems are also covered if a psychiatrist (not psychologist) is involved; however, there are limited capacities for adequate treatment in some fields.

Specialised treatment for victims of torture or traumatised beneficiaries or people with mental health problems is available, but the capacity is way too small. There is not only a lack of specialised psychiatrists

835 More information on this can be found here in French and German.
836 Article 3(1) AO2.
837 SCSA, *Les normes CSIAS,* available in French (and German and Italian) here.
838 Article 81 AsylA.
839 Article 82(3) AsylA.
840 Article 85(5) FNIA.
841 CESifo, Social Assistance and Refugee Crime, April 2024.
842 Article 3 Health Insurance Act (HIA).

but the number of interpreters and funding for interpretation for this purpose are insufficient. Especially intercultural interpretation would be needed for specialised treatment of mental health problems.

Language barriers are relevant for any kind of health care, including problems to fill out the paperwork.