

WORK PERMIT OPTIONS FOR EU NATIONALS ON ASSIGNMENT IN SWITZERLAND: FACTS VS. FICTION

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The existence of the bilateral agreement on the free movement of persons (AFMP) signed by Switzerland and the EU has facilitated an ease of access for living and working in Switzerland for economically active EU-27 and EFTA nationals. Due to this ease of access, a common misperception is that EU nationals do not under any circumstances require Swiss work authorization. This is not the case. Learn more here about how to avoid this pitfall and what steps need to be taken in order for an EU-27 or EFTA national to start working on assignment in Switzerland

Whilst the bilateral agreement on the free movement of persons (AFMP) signed by Switzerland and the EU does create unlimited freedom for citizens of EU-27 and EFTA countries to work in Switzerland under an employment agreement with a Swiss employer, this is not the case for employees from such countries wishing to complete assigned work in Switzerland while remaining employed in their home-country. In order to help you understand the options generally available for EU-27 and EFTA nationals who need to work in Switzerland on assignment, we have created a short guide regarding the below points:

1. Assignments of up to 8 days per calendar year
2. Assignments of up to 90 days per calendar year
3. Assignments not exceeding 4 consecutive months or 120 days within one year
4. Assignments of over 4 months or exceeding 120 days within one year
5. Minimum Salary Requirements

1. Assignment of up to 8 days per calendar year

In general, EU-27 and EFTA nationals require work authorization if they plan to carry out more than 8 days of work activities in Switzerland during the period of a single calendar year. Therefore, if it is foreseen from the outset that an EU-27 or EFTA national will need to complete 8 days or less of work during a calendar year, no immigration steps generally need to be taken. There are some exceptions to this, for example for service providers coming to Switzerland to work in certain sectors, such as construction and civil engineering (among others), work authorization is required from the very first day of work.

If it is foreseen from the beginning that an EU-27 or EFTA national will need to complete more than 8 days of work in Switzerland per calendar year, work authorization should be obtained for all days of work, including the first 8.

2. Assignments of up to 90 days per calendar year

The regular procedure for assignments in Switzerland of up to 90 days is the so-called online "notification procedure." The online notification procedure is available to companies that are based in an EU-27 or EFTA country. The qualifying company has the possibility to register employees online for a short-term form of Swiss work authorization. It is day specific, and allows a sending company to send an unlimited number of workers to Switzerland for up to 90 days per calendar year. The online notification must be filed at the latest 8 calendar days before the anticipated start date in Switzerland. Although this option is a convenient way to obtain quick work authorization without having to file a full work permit application, it is important to note that the Swiss minimum salary requirements still apply. For assistance with filing the online notification and the related minimum salary calculation, feel free to contact us.

3. Assignments not exceeding 4 consecutive month or 120 days within one year

If for some reason the online notification procedure is not a viable option, (for example, if all available 90 notification days have been used up already), it is possible for the sending company to file a full work permit application instead. It is the responsibility of the home country employer to file the needed work authorization request in the canton where the work will take place. The employee will then need to wait for a corresponding approval to be issued before starting work. As long as the assignment is under 4 consecutive months or can be limited to a maximum of 120 days within the period of one year, no local registration with the commune of residence is required for this type of permit, and it is likewise not subject to limited quotas.

4. Assignments of over 4 month or exceeding 120 days within one year

If an assignment will last for over 4 months, a full work and residence permit application will need to be filed in the canton of planned work. There are limited numbers of permits that can be issued for this category due to the Swiss quota system, so careful planning is recommended in this situation.

The Swiss quota system is somewhat complex, but for the category of EU-27/EFTA nationals on assignment for over 4 consecutive months or 120 days within one year, there are quotas that are released on a quarterly basis. This means that if the Swiss authorities have already run out of quotas by the time that they process an application, it is very likely that the approval will be delayed. Depending upon the canton, the authorities may even return the application and ask that it be re-filed at a later date once new quotas are released. Each canton has its own practice with regard to how such a situation is handled.

After the application is approved by the competent immigration authorities, the employee needs to complete local registration with his or her commune of residence. This local registration must be done within 14 days of arrival in Switzerland, but in any case before the employee starts work.

As the employee is registered with local authorities, he or she will also be asked to contract Swiss health insurance and to file Swiss tax returns. It should thus be ensured that the employer is prepared to deal with these issues efficiently.

If you would like guidance on the filing of the application and advice on how to best strategize for this type of international assignment, please feel free to contact us.

5. Minimum Salary Requirements

For all of the above-mentioned work permit types, it is crucial that the employee is paid according to Swiss minimum salary standards throughout their assignment in Switzerland. It is obligatory for the sending company employer to cover all costs for food, housing, and travel to and from the home country. In addition to covering the aforementioned costs, the employee must be paid at the Swiss minimum salary level. The required Swiss minimum salary level is determined by performing a highly individualized assessment that is done on a case by case basis, using several factors as they apply to the employee in question. Some of these factors include age, number of years of work experience, canton of work, highest level of education obtained, and field of work, among others. It is always in the discretion of the Swiss authorities to ask that the employee be paid a higher salary.

EU-27 Nationals:

- Austria
- Belgium
- Cyprus
- Bulgaria
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom

EFTA Nationals

- Iceland
- Norway
- Principality of Liechtenstein
- Switzerland

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