

Q&A: WORK PERMITS IN SWITZERLAND: NAVIGATION THROUGH THE ALPS

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There are several laws that intersect in complex ways, namely the Agreement on the Free Movement of Persons and the Foreign Nationals Act (FNA). To help you navigate through these various regulations we have put together a short guide that answers the following common questions:

1. Who needs work authorization in order to carry out work activities in Switzerland?
2. I am an EU-27/EFTA National and I would like to work and reside in Switzerland on a local Swiss employment contract. What immigration steps do I need to take and at what point can I start working in Switzerland?
3. I am a Non EU National and I want to move to Switzerland for work on a one-year assignment. What steps do I need to take and at what point can I start working in Switzerland?
4. I am a Non EU National and I would like to work and reside in Switzerland on a local Swiss employment contract. What steps do I need to take and at what point can I start working in Switzerland?
5. I am a Non EU National who will be moving to Switzerland for work. How can I ensure a smooth process for my dependent spouse and children?

1. Who needs work authorization in order to carry out work activities in Switzerland?

The answer to this is clear. Any foreign national (EU citizen or Non EU citizen), requires 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.

The actual form of work authorization that a person requires will vary on a case by case basis depending upon the individual's specific needs.

It should be noted here as well that even if a person only plans to work a maximum of 8 days during a calendar year in Switzerland, depending upon the person's nationality, they may still be subject to an entry visa requirement in order to lawfully enter Switzerland.

2. I am an EU-27/EFTA national and I will move to Switzerland on a local Swiss employment contract. What immigration steps do I need to take and at what point can I start working in Switzerland?

EU-27/EFTA Nationals may start working in Switzerland on a local Swiss contract as soon as they have completed local registration with their commune of residence. There are over 2500 local communes in Switzerland, and each one has its own exact practice regarding registration. At many local communes, when

you go register you may request a registration receipt document (in French this is commonly referred to as the "attestation d'arrivée" and in German as the "Anmeldebestätigung").

Depending upon the canton of residence, the processing time for the actual physical permit to be issued can vary from approximately four weeks to ten weeks. However, as mentioned above, you may start work once you have completed local registration. You do not need to wait for your physical permit to be issued in order to start work. Once the physical permit booklet is created, it will normally either be sent to your Swiss residential address or your local commune will contact you and request that you pick it up personally.

For more information on where you would need to go to register, and what documents you would need to bring along, feel free to contact us.

3. I am a Non EU National and I want to move to Switzerland for work on a one-year assignment. What steps do I need to take and at what point can I start working in Switzerland?

For Non EU Nationals on assignment in Switzerland, a work permit application needs to be filed by the sending company employer with the immigration authorities in the canton of planned work. The application will then be processed by three separate authorities: The Cantonal Labour Market Authority, the State Secretariat for Migration (SEM), and then finally the Cantonal Migration Authority. Once a final approval is issued by the Cantonal Migration Authority, you can collect your Swiss entry visa at the Swiss representation competent for your place of residence outside of Switzerland, travel to Switzerland, and then complete local registration with your commune of residence. Once you have completed local registration as that final step, you may start working. Local registration needs to be completed before you start work, but in any case within 14 days of your arrival in Switzerland.

It is worth noting that in order to be sent to Switzerland on assignment, it is necessary that you have already been employed for one full year by your home sending company as of the date of filing of the work permit application.

For Non EU nationals, the Swiss work and residence permit is issued in the form of a small card containing biometric data, (the size of a credit card). Each canton has its own procedure for the collection of the required biometric data and photo, but at some point after you register you will need to pass by the competent authority and submit your biometrics. Once both your local registration is completed and your biometrics are submitted, your actual physical work and residence permit card will either be sent to your Swiss residential address or your local commune will contact you and ask that you come to personally pick it up.

4. I am a Non EU National and I would like to work and reside in Switzerland on a local Swiss employment contract. What steps do I need to take and at what point can I start working in Switzerland?

There are generally quite strict requirements in Switzerland around Non EU Nationals obtaining work permits allowing them to complete work in Switzerland on local Swiss employment contracts. This is due to a policy in Switzerland of economic safeguarding that essentially prioritizes job seekers who are either Swiss or EU nationals.

The exact immigration process will depend upon the future canton of work, however it is generally required that the Swiss company have made a thorough and good faith search in the Swiss and EU labour markets to



try to fill the position first with a Swiss or EU national. Only after the completion of such a search and no suitable candidate is found may the company proceed to hire and file a work permit application for a locally hired Non EU National. It should be noted that even if search proof is successfully submitted with the application, it is fully in the discretion of the Swiss authorities to approve such a case, and thus a positive outcome cannot be guaranteed.

5. I am a Non EU National who will be moving to Switzerland for work. How can I ensure a smooth immigration process for my dependent spouse and children?

In our experience, as a basic rule we have found that you will generally have the best chances of a smooth immigration process if you and your employer start strategizing and collecting documents for the application well in advance.

Having said that, your spouse, along with any children you have who are under 18 years of age can be included in your initial work permit application as long as you plan to work in Switzerland for over 4 months. The exact timeline and process will depend upon your future canton of work.

It is generally the case that once your work permit application has been approved, your dependents that were included in your application will then also each receive a final approval decision. At that stage, they will need to collect their Swiss entry visas at the Swiss representation that is competent for their place of residence outside of Switzerland and then they may travel to Switzerland and complete local registration. Each dependent family member should complete local registration within 14 days of arrival in Switzerland.

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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Founded in Zurich in 1966, Froriep is one of the leading law firms in Switzerland, with around 90 lawyers and offices in Zurich, Geneva and Zug, as well as foreign offices in both London and Madrid, serving clients seeking Swiss law advice.

We have grown a domestic and international client base ranging from large international corporations to private clients. Our unique, truly integrated, international structure mirrors our strong cross-border focus. We value and promote continuity and strong client relationships. Our teams are tailor-made, assembled from every practice area and across our network of offices.

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