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## **Federal Act on Swiss Citizenship (Swiss Citizenship Act, SCA)**

of 20 June 2014 (Status as of 15 February 2018)

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*The Federal Assembly of the Swiss Confederation,  
based on Article 38 of the Federal Constitution<sup>1</sup>,  
and having considered the Federal Council Dispatch dated 4 March 2011<sup>2</sup>,  
decrees:*

### **Title 1          Acquisition and Loss of Citizenship by Law** **Chapter 1      Acquisition by Law**

#### **Art. 1          Acquisition by descent**

<sup>1</sup> The following persons are Swiss citizens from birth:

- a. a child whose parents are married to each other and whose father or mother is a Swiss citizen;
- b. the child of a female Swiss citizen who is not married to the child's father.

<sup>2</sup> The minor foreign child of a Swiss father who is not married to the child's mother acquires Swiss citizenship as if at birth on establishing filiation with the father.

<sup>3</sup> If a minor child who acquires Swiss citizenship under paragraph 2 has children, they also acquire Swiss citizenship.

#### **Art. 2          Cantonal and communal citizenship**

<sup>1</sup> On acquiring Swiss citizenship, a child acquires the Swiss parent's cantonal and communal citizenship.

<sup>2</sup> If both parents are Swiss, the child acquires the cantonal and communal citizenship of the parent whose surname the child uses.

AS 2016 2561

<sup>1</sup> SR 101

<sup>2</sup> BBl 2011 2825

**Art. 3** Foundlings

<sup>1</sup> A minor child of unknown parentage who is found in Switzerland acquires citizenship of the canton in which he or she was abandoned, and thus acquires Swiss citizenship.

<sup>2</sup> The canton decides where the child holds communal citizenship.

<sup>3</sup> Citizenship acquired in this way lapses if it is established who the parents of the child are, provided the child is still a minor and will not become stateless.

**Art. 4** Adoption

Where a minor foreign child is adopted by a Swiss citizen, the child acquires the cantonal and communal citizenship of the adoptive parent and thus acquires Swiss citizenship.

**Chapter 2** Loss of Citizenship by Law**Art. 5** Loss by termination of filiation

If filiation is terminated with the parent who has conferred Swiss citizenship on the child, the child loses Swiss citizenship provided the child does not become stateless thereby.

**Art. 6** Loss by adoption

<sup>1</sup> If a minor Swiss citizen is adopted by a foreign national, he or she loses Swiss citizenship on adoption if he or she acquires the nationality of the adoptive parent thereby or already holds that nationality.

<sup>2</sup> Swiss citizenship is not lost if filiation with a Swiss parent is established on adoption or such filiation remains following adoption.

<sup>3</sup> If adoption is annulled, loss of Swiss citizenship is deemed not to have taken place.

**Art. 7** Loss by being born abroad

<sup>1</sup> A child born abroad to a Swiss parent who is a citizen of another country forfeits Swiss citizenship on reaching the age of 25, unless his or her birth has been notified to a Swiss authority abroad or in Switzerland or he or she has declared in writing that he or she wishes to remain a Swiss citizen.

<sup>2</sup> If a child forfeits Swiss citizenship by virtue of paragraph 1, then his or her children also forfeit Swiss citizenship.

<sup>3</sup> Notification in terms of paragraph 1 is constituted in particular by any notification by parents, relatives or acquaintances with a view to the child's entry in registers in Switzerland, matriculation or the issuing of identity documents.

<sup>4</sup> Any person who, against his or her will, has been unable to provide notification or a declaration in terms of paragraph 1 in time, may still do so validly within one year of the reason for their failure to do so ceasing to apply.

**Art. 8**                      Cantonal and communal citizenship

Any person who loses Swiss citizenship by law loses cantonal and communal citizenship at the same time.

**Title 2**                      **Acquisition and Loss of Citizenship by Official Decree**

**Chapter 1**                **Acquisition by Naturalisation**

**Section 1**                **Ordinary Naturalisation**

**Art. 9**                      Formal requirements

<sup>1</sup> The Confederation shall grant a naturalisation licence only if the applicant:

- a. holds a permanent residence permit when the application is made; and
- b. can prove that he or she has been resident in Switzerland for at least ten years, three of which have been in the five years prior to making the application.

<sup>2</sup> When calculating the length of residence mentioned in paragraph 1 letter b, the period that the applicant has lived in Switzerland between the ages of 8 and 18 counts as double. The actual length of residence must however amount to at least six years.

**Art. 10**                      Requirements in the case of a registered partnership

<sup>1</sup> If the applicant has entered into a registered partnership with a Swiss citizen, on making the application, he or she must prove that he or she:

- a. has resided for at least five years in Switzerland, and for one year immediately prior to making the application; and
- b. has lived for three years with this person in a registered partnership.

<sup>2</sup> The shorter length of residence in paragraph 1 letter a also applies in the event that one of the two partners acquired Swiss citizenship after registration of the partnership through:

- a. reinstatement of citizenship; or
- b. through simplified naturalisation based on descent from a Swiss parent.

**Art. 11**                      Material requirements

The Confederation shall grant the naturalisation licence if the applicant meets the following requirements:

- a. he or she is successfully integrated;

- b. he or she is familiar with the Swiss way of life; and
- c. he or she does not pose a risk to Switzerland's internal or external security.

#### **Art. 12** Criteria for integration

<sup>1</sup> Successful integration is demonstrated in particular by:

- a. showing respect for public security and order;
- b. respecting the values enshrined in the Federal Constitution;
- c. being able to communicate in a national language in everyday situations, orally and in writing;
- d. participating in economic life or by acquiring an education; and
- e. encouraging and supporting the integration of one's wife or husband, registered partner or the minor children for whom one has parental responsibility.

<sup>2</sup> Appropriate account must be taken of the situation of persons who, due to disability or illness or other significant personal circumstances, are unable or only able with difficulty to meet the criteria for integration set out in paragraph 1 letters c and d.

<sup>3</sup> The cantons may provide for additional criteria for integration.

#### **Art. 13** Naturalisation procedure

<sup>1</sup> The canton shall designate the authority to which the application for naturalisation must be submitted.

<sup>2</sup> If the canton and, if cantonal law so provides, the commune agree in principle to naturalisation, they shall forward the application for naturalisation to the State Secretariat for Migration (SEM) once the applicant has passed the cantonal examination.

<sup>3</sup> Once all the formal and substantive requirements have been fulfilled, the SEM shall grant the federal naturalisation licence and send it to the cantonal naturalisation authority for the decision on naturalisation.

<sup>4</sup> The federal naturalisation licence may be amended retrospectively in order to include the applicant's children.

#### **Art. 14** Cantonal naturalisation decision

<sup>1</sup> The competent cantonal authority shall make the decision on naturalisation within one year of the granting of the federal naturalisation licence. On expiry of this period, the federal naturalisation licence ceases to be valid.

<sup>2</sup> It shall refuse the application for naturalisation if matters come to light after the federal naturalisation licence is granted which would have given grounds for not agreeing in principle to naturalisation.

<sup>3</sup> The applicant acquires communal, cantonal and Swiss citizenship when the cantonal naturalisation decision becomes legally binding.

**Art. 15** Procedure in the canton

<sup>1</sup> The procedure in the canton and in the commune is governed by cantonal law.

<sup>2</sup> Cantonal law may provide that an application for naturalisation may be submitted to the vote of the communal electorate at a communal assembly.

**Art. 16** Obligation to state reasons

<sup>1</sup> Reasons must be given for rejecting an application for naturalisation.

<sup>2</sup> The communal electorate may reject an application for naturalisation only if a reasoned motion has been made that they should do so.

**Art. 17** Protection of privacy

<sup>1</sup> The cantons shall ensure that the privacy of applicants is respected in cantonal and communal naturalisation procedures.

<sup>2</sup> The communal electorate shall be given the following particulars of applicants:

- a. nationality;
- b. length of residence;
- c. information required to assess whether the applicant meets the naturalisation requirements, and in particular the requirement of integration.

<sup>3</sup> When selecting information under paragraph 2, the cantons shall take account of the persons to whom the information is to be given.

**Art. 18** Cantonal and communal length of residence

<sup>1</sup> The cantonal legislation shall provide for a minimum length of residence of between two and five years.

<sup>2</sup> In the event that the applicant moves to another commune or another canton, the canton and the commune in which an application for naturalisation is made remain responsible if they have concluded their assessment of the naturalisation requirements in Articles 11 and 12.<sup>3</sup>

**Art. 19** Honorary citizenship

The awarding of honorary citizenship to a foreign national by a canton or a commune without federal authorisation for naturalisation does not have the effects of naturalisation.

<sup>3</sup> Corrected by the Federal Assembly Drafting Committee (Art. 58 para. 1 ParlA; SR 171.10).