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Federal Act on Foreign Nationals and Integration (Foreign Nationals and Integration Act, FNIA)¹

of 16 December 2005 (Status as of 2 October 2021)

*The Federal Assembly of the Swiss Confederation,
on the basis of Article 121 paragraph 1 of the Federal Constitution²,
and having considered the Dispatch of the Federal Council dated 8 March 2002³,
decrees:*

Chapter 1 Subject Matter and Scope of Application

Art. 1 Subject matter

This Act regulates the entry and exit, residence and family reunification of foreign nationals in Switzerland. In addition, it regulates encouraging their integration.

Art. 2 Scope of application

¹ This Act applies to foreign nationals, provided no other provisions of the federal law or international treaties concluded by Switzerland apply.

² For citizens of member states of the European Community (EC), their family members, and employees posted to Switzerland by employers resident or with their registered office in these states, this Act applies only to the extent that the Agreement of 21 June 1999⁴ between the Swiss Confederation on the one hand and the European Community and their Member States on the other hand on Freedom of Movement does not contain any different provisions or that this Act provides for more advantageous provisions.

³ For citizens of member states of the European Free Trade Association (EFTA), their family members, and employees posted to Switzerland by employers resident or with their registered office in these states, this Act applies only to the extent that the Agreement amending the Convention establishing the European Free Trade

AS 2007 5437

¹ Amended by No I of the FA of 16 Dec. 2016 (Integration), in force since 1 Jan. 2019 (AS 2017 6521, 2018 3171; BBl 2013 2397, 2016 2821).

² SR 101

³ BBl 2002 3709

⁴ SR 0.142.112.681

Association from 21 June 2001⁵ does not contain any different provisions or that this Act provides for more advantageous provisions.

⁴ The provisions on the visa procedure and on entry and exit apply only insofar as there are no provisions to the contrary in the Schengen Association Agreements.⁶

⁵ The Schengen Association Agreements are listed in Annex 1 No. 1.⁷

Chapter 2 Principles of Admission and Integration

Art. 3 Admission

¹ The admission of gainfully employed foreign nationals is allowed in the interests the economy as a whole; the chances of lasting integration in the Swiss employment market as well as in the social environment are crucial. Switzerland's cultural and scientific needs shall be appropriately taken account of.

² Foreign nationals shall also be admitted if international law obligations, humanitarian grounds or the unity of the family so requires.

³ In deciding on the admission of foreign nationals, account shall be taken of Switzerland's demographic and social development.

Art. 4 Integration

¹ The aim of integration is the co-existence of the resident Swiss and foreign population on the basis of the values of the Federal Constitution and mutual respect and tolerance.

² Integration should enable foreign nationals who are lawfully resident in Switzerland for the longer term to participate in the economic, social and cultural life of the society.

³ Integration requires willingness on the part of the foreign nationals and openness on the part of the Swiss population.

⁴ Foreign nationals are required to familiarise themselves with the social conditions and way of life in Switzerland and in particular to learn a national language.

⁵ SR **0.632.31**; the Protocol of 21 June 2001, which is an integral part of the Agreement applies to relations between Switzerland and Liechtenstein.

⁶ Inserted by Art. 127 below (AS **2008** 5405 Art. 2 let. a). Amended by No I of the FA of 13 June 2008 (Amendments in implementation of the Schengen and Dublin Association Agreements), in force since 12 Dec. 2008 (AS **2008** 5407 5405 Art. 2 let. c; BBl **2007** 7937).

⁷ Inserted by No 1 of the FA of 13 June 2008 (Amendments in implementation of the Schengen and Dublin Association Agreements), in force since 12 Dec. 2008 (AS **2008** 5407 5405 Art. 2 let. c; BBl **2007** 7937).

Chapter 3 Entry and Exit

Art. 5 Entry requirements

¹ Foreign nationals who wish to enter Switzerland:

- a. must have a recognised identity document for crossing the border and a visa, if required;
- b. must have the required financial means for the period of stay;
- c. must not pose a threat to public security and order or to Switzerland's international relations; and
- d.⁸ must not be subject to a measure banning them from entry or an order for expulsion from Switzerland under Article 66a or 66a^{bis} of the Swiss Criminal Code (SCC)⁹ or Article 49a or 49a^{bis} of the Military Criminal Code of 13 June 1927¹⁰ (MCC).

² They must provide a guarantee that they will leave Switzerland if only a temporary period of stay is planned.

³ The Federal Council may provide for exceptions to the entry requirements in paragraph 1 on humanitarian or national interest grounds or on the basis of international obligations.¹¹

⁴ The Federal Council shall determine the recognised identity documents for crossing the border.¹²

Art. 6 Issue of the visa

¹ Visas are issued by the Swiss representation abroad on behalf of the competent authority of the Confederation or the cantons or by another authority appointed by the Federal Council.

² In the case of a refusal of the visa for a period of stay not requiring a permit (Art. 10), the competent foreign representation shall issue a decision on a standard form on behalf of the State Secretariat for Migration (SEM)¹³ or the Federal Department of Foreign Affairs (FDFA). The Federal Council may provide that other offices of the FDFA may also issue decisions on behalf of the FDFA.¹⁴

⁸ Amended by No IV 3 of the FA of 19 June 2015 (Amendment to the Law of Criminal Sanctions), in force since 1 Jan. 2018 (AS 2016 1249; BBl 2012 4721).

⁹ SR 311.0

¹⁰ SR 321.0

¹¹ Amended by No I of the FA of 21 June 2019, in force since 1 Dec. 2019 (AS 2019 3539; BBl 2019 175).

¹² Amended by Art. 127 below, in force since 12 Dec. 2008 (AS 2008 5405 Art. 2 let. a).

¹³ The name of this administrative unit was amended by Art. 16 para. 3 of the Publications Ordinance of 17 Nov. 2004 (AS 2004 4937), in force since 1 Jan. 2015. This amendment has been made throughout the text.

¹⁴ Amended by No I of the FA of 20 June 2014 (Violations of the Duty of Care and to Report by Air Carriers, Information Systems), in force since 1 Oct. 2015 (AS 2015 3023; BBl 2013 2561).

^{2bis} A written objection may be filed against this decision with the relevant authority (SEM or FDFA) within 30 days. Article 63 of the Federal Act of 20 December 1968¹⁵ on Administrative Procedure applies *mutatis mutandis*.¹⁶

³ To cover any residence, supervision and return costs, a formal obligation limited in time, the deposit of a surety bond or other types of guarantee may be required.¹⁷

Art. 7¹⁸ Crossing the border and border controls

¹ Entry and exit are governed by the Schengen Association Agreements.

² The Federal Council regulates possible checks on persons at the border in accordance with these Agreements. If entry is refused, the authority responsible for the border control shall issue a removal order in accordance with Article 64.¹⁹

³ If checks at the Swiss border are temporarily reintroduced in accordance with Articles 27, 28 or 29 of the Schengen Borders Code²⁰ and entry is refused, the authority responsible for the border controls shall issue a reasoned and appealable decision on a form in accordance with Annex V Part B of the Schengen Borders Code. The refusal of entry may be enforced immediately. An appeal has no suspensive effect.²¹

Art. 8²²

Art. 9 Authorities responsible for border controls

¹ The cantons carry out checks on persons on their sovereign territory.

² The Federal Council regulates the federal checks on persons carried out in the border zone in consultation with the border cantons.

¹⁵ SR 172.021

¹⁶ Inserted by Art. 2 No 1 of the FD of 11 Dec. 2009 (Approval and Implementation of the Exchange of Notes relating to the Visa Information System) (AS 2010 2063; BBl 2009 4245). Amended by No 1 of the FA of 20 June 2014 (Violations of the Duty of Care and to Report by Air Carriers, Information Systems), in force since 1 Oct. 2015 (AS 2015 3023; BBl 2013 2561).

¹⁷ Amended by Art. 127 below, in force since 12 Dec. 2008 (AS 2008 5405 Art. 2 let. a).

¹⁸ Amended by Art. 2 below, in force since 12 Dec. 2008 (AS 2008 5405 Art. 2 let. a).

¹⁹ Amended by Art. 2 No 1 of the FD of 18 June 2010 on the Adoption of the EC Directive on the Return of Illegal Immigrants (Directive 2008/115/EC), in force since 1 Jan. 2011 (AS 2010 5925; BBl 2009 8881).

²⁰ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ. L 77 of 23.3.2016, p. 1; last amended by Regulation (EU) 2017/458, OJ. L 74 of 18.03.2017, p. 1.

²¹ Inserted by Art. 2 of the FD of 13 June 2008 on the Approval and the Implementation of the Exchange of Notes between Switzerland and the European Community on the Acceptance of the Schengen Borders Code (AS 2008 5629 5405 Art. 2 let. b). Amended by Annex No 1 of the FD of 15 Dec. 2017 (Adoption of Regulation [EU] 2016/1624 on the European Border and Coast Guard), in force since 15 Sept. 2018 (AS 2018 3161; BBl 2017 4155).

²² Repealed by Art. 127 below, with effect from 12 Dec. 2008 (AS 2008 5405 Art. 2 let. a).

Chapter 4 Permit and Notification Requirements

Art. 10 Permit requirement for period of stay without gainful employment

¹ Foreign nationals do not require a permit for any period of stay without gainful employment of up to three months; if the visa indicates a shorter period of stay, then this period applies.

² A permit is required for foreign nationals intending a longer period of stay without gainful employment. They must apply to the competent authority at the planned place of residence for this permit before entering Switzerland. Article 17 paragraph 2 remains reserved.

Art. 11 Permit requirement for period of stay with gainful employment

¹ Foreign nationals who wish to work in Switzerland require a permit irrespective of the period of stay. They must apply to the competent authority at the planned place of employment for this permit.

² Gainful employment is any salaried or self-employed activity that is normally carried out for payment, irrespective of whether payment is made.

³ In the case of salaried employment, the application for a permit must be submitted by the employer.

Art. 12 Registration requirement

¹ Foreign nationals who require a short stay, residence or settlement permit, must register with the competent authority at their place of residence in Switzerland before the expiry of the period of stay not requiring a permit or before they take up employment.

² Foreign nationals must register with the competent authority at the new place of residence if they move to another commune or to another canton.

³ The Federal Council shall determine the time limits for registration.

Art. 13 Permit and registration procedures

¹ Foreign nationals must produce a valid identity document at the time of registration. The Federal Council shall determine the exceptions and the recognised identity documents.

² The competent authority may require an extract from the register of convictions in the applicant's country of origin or native country as well as further documents that are necessary for the procedure.

³ Registration may only be carried out if all the documents indicated by the competent authority as necessary for granting the permit are provided.