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## **Ordinance on the Central Visa Information System and the National Visa System (Visa Information System Ordinance, VISO)**

of 18 December 2013 (Status as of 1 May 2022)

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*The Swiss Federal Council,*

on the basis of Article 109e of the Foreign Nationals and Integration Act  
of 16 December 2005<sup>1</sup> (FNIA)<sup>2</sup>,

*ordains:*

### **Chapter 1    General Provisions**

**Art. 1**            Subject matter

This Ordinance regulates:

- a. responsibility for the National Visa System (ORBIS) and its content;
- b. the authorities' access rights to ORBIS;
- c. the authorities' access rights to the Central Visa Information System (C-VIS);
- d. the procedure for transmitting C-VIS data via the central access point to the authorities under Articles 17 and 18;
- e. the processing and the retention period for the data;
- f. the rights of the persons concerned;
- g. data security, advice on data protection and the supervision of data processing.

AS 2014 3

<sup>1</sup> SR 142.20

<sup>2</sup> This title was revised on 1 Jan. 2019 pursuant to Art. 12 para. 2 of the Publications Act of 18 June 2004 (SR 170.512). The modification has been made throughout the text.

**Art. 2** Definitions

In this Ordinance:

- a. *VIS Mail* means a communication system that enables data transmission via the C-VIS infrastructure between states in which Regulation (EC) No 767/2008<sup>3</sup> (EU VIS Regulation) applies;
- b. *third country* means a state that is neither a member state of the European Union (EU) nor of the European Free Trade Association (EFTA);
- c. *Schengen state* means a state bound by any one of the Schengen Association Agreements; these agreements are listed in Annex 1 number 1;
- d. *Dublin state* means a state bound by any one of the Dublin Association Agreements; these agreements are listed in Annex 1 number 2;
- e.<sup>4</sup> *terrorist offence* means an offence under Annex 1a of the N-SIS Ordinance of 8 March 2013<sup>5</sup>;
- f.<sup>6</sup> *other serious offence* means an offence under Annex 1b of the N-SIS Ordinance.

**Chapter 2 National Visa System****Section 1 Responsibility, Aim and Structure of the System****Art. 3** Responsibility

<sup>1</sup> The State Secretariat for Migration (SEM)<sup>7</sup> is responsible for ORBIS.

<sup>2</sup> It shall issue processing regulations, which in particular set out the measures required to guarantee data protection and data security.

**Art. 4** Aim

ORBIS has the following aims:

- a. to record and store the data on visa applications;
- b. to transmit the data recorded in application of the EU VIS Regulation<sup>8</sup> to the C-VIS;
- c. to allow access to the C-VIS data.

<sup>3</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between member states on short-stay visas (VIS Regulation), OJ L 218 of 13.8.2008, p. 60; last amended by Regulation (EC) No 610/2013, OJ L 182 of 29.6.2013, p. 1.

<sup>4</sup> Inserted by No I of the O of 10 Nov. 2021, in force since 1 May 2022 (AS 2022 735).  
<sup>5</sup> SR 362.0

<sup>6</sup> Inserted by No I of the O of 10 Nov. 2021, in force since 1 May 2022 (AS 2022 735).

<sup>7</sup> The name of this administrative unit was amended by Art. 16 para. 3 of the Publications O of 17 Nov. 2004 (AS 2004 4937), in force since 1 Jan. 2015. This amendment has been made throughout the text.

<sup>8</sup> See footnote to Art. 2 let. a.

**Art. 5** Content and structure

<sup>1</sup> ORBIS contains the data specified in Annex 2 relating to each admissible visa application.

<sup>2</sup> The data recorded in ORBIS in application of the EU VIS Regulation<sup>9</sup> are transmitted automatically to the C-VIS.

<sup>3</sup> All modifications and deletions of data recorded in ORBIS in application of the EU VIS Regulation are transmitted automatically via ORBIS to the C-VIS.

**Section 2 Recording the Data and Transmission to the C-VIS**

**Art. 5a<sup>10</sup>** Electronic visa applications for Schengen visas and temporary storage of data

<sup>1</sup> In the case of applications for Schengen visas, the applicant may send the personal data required for the application to the visa authority electronically.

<sup>2</sup> The fees may be paid electronically.

<sup>3</sup> The data under paragraph 1 may be stored on servers of the Federal Department of Justice and Police (FDJP) for a maximum of four months.

**Art. 5b<sup>11</sup>** Data processing by external service providers

<sup>1</sup> The applicant may send the personal data required for the visa application to an external service provider that has been assigned tasks in connection with the visa procedure.

<sup>2</sup> The external service provider shall record the personal data in compliance with the provisions of Annex X of Regulation (EC) No 810/2009<sup>12</sup> (Visa Code) and shall pass these on to the visa authority.<sup>13</sup>

**Art. 6** Recording data in ORBIS by the visa authority<sup>14</sup>

<sup>1</sup> If a visa application is admissible under Article 19 of the Visa Code<sup>15</sup> <sup>16</sup>, the visa authorities shall record the data specified in Annex 2 in in ORBIS accordance with

<sup>9</sup> See footnote to Art. 2 let. a.

<sup>10</sup> Inserted by No II of the O of 2 Sept. 2015, in force since 1 Oct. 2015 (AS **2015** 3047).

<sup>11</sup> Inserted by No II of the O of 2 Sept. 2015, in force since 1 Oct. 2015 (AS **2015** 3047).

<sup>12</sup> Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243 of 15.9.2009, p. 1; last amended by Regulation (EC) 2019/1155, OJ L 188 of 12.7.2019, p. 25.

<sup>13</sup> Amended by Annex No 2 of the O of 14 Aug. 2019, in force since 2 Feb. 2020 (AS **2019** 2633).

<sup>14</sup> Amended by No II of the O of 2 Sept. 2015, in force since 1 Oct. 2015 (AS **2015** 3047).

<sup>15</sup> See footnote to Art. 5b para. 2.

<sup>16</sup> Term in accordance with No I of the O of 5 April 2017, in force since 1 May 2017 (AS **2017** 2551). This amendment has been made throughout the text.

Articles 8–14 of the EU VIS Regulation<sup>17</sup>; the data in Category I must be recorded first and thereafter, depending on the course of the procedure, the data in Categories II–VI.<sup>18</sup>

<sup>2</sup> If the application relates to a short-stay or airport transit visa, the data in Categories I–VI is transmitted to the C-VIS in accordance with Article 5 paragraph 2.<sup>19</sup>

<sup>3</sup> The visa authorities shall also record the data in Category VII listed in Annex 2. These data are not transmitted to the C-VIS.

#### **Art. 7** Recording on behalf of another Schengen state

<sup>1</sup> If a Swiss authority records the data on a visa application on behalf of another Schengen state, it shall enter the name of the state concerned into ORBIS.

<sup>2</sup> If the authority under paragraph 1 grants, refuses, revokes, annuls or extends a visa, or if it does not continue the verification of the application, the name of the state concerned is transmitted automatically to the C-VIS.

#### **Art. 8** Owner the data transmitted to the C-VIS

<sup>1</sup> Switzerland is the owner of the data entered by the Swiss visa authorities when recording a visa application and making a corresponding decision, which are transmitted to the C-VIS.

<sup>2</sup> The visa authorities may copy the fingerprints in a C-VIS application data file and enter them in a new application data file. They become owner of the new data file compiled thereby.

#### **Art. 9** Links between application data files

<sup>1</sup> The visa authorities may establish or delete links between application data files where the applicant belongs to a group of travellers or to a family travelling together under Article 8 paragraph 4 of the EU VIS Regulation<sup>20</sup>.

<sup>2</sup> The Swiss authority recording the data of an application data file may link them with other data records relating to the same applicant in accordance with Article 8 paragraph 3 the EU VIS Regulation or the delete the corresponding links.

<sup>17</sup> See footnote to Art. 2 let. a.

<sup>18</sup> Amended by No II of the O of 2 Sept. 2015, in force since 1 Oct. 2015 (AS **2015** 3047).

<sup>19</sup> Amended by Art. 69 para. 2 No 3 of the O of 15 Aug. 2018 on Entry and the Granting of Visas, in force since 15 Sept. 2018 (AS **2018** 3087).

<sup>20</sup> See footnote to Art. 2 let. a.

### Section 3 Online Access to ORBIS

(Art. 109c FNIA)

#### Art. 10

<sup>1</sup> The following authorities have online access to the ORBIS data in order to fulfil the tasks assigned to them:

- a. at the SEM:
  1. the Residence Authorisation Section and the Entry Section: to fulfil their tasks in relation to visas, travel documents and identification,
  2. the Asylum Division: to verify the applications for asylum,
  3. the Registrar's Office: for archiving,
  4. the Information Technology Section and the Statistics Service: to compile visa statistics,
  5. the Employment Market Admission Section: to verify applications under the legislation on foreign nationals;
- b. the border posts of the cantonal police authorities and the Border Guard: to carry out checks on persons and to grant exceptional visas;
- c. the Swiss representations abroad and the Swiss Mission to the UN in Geneva: to verify visa applications;
- d. the State Secretariat, the Directorate of Political Affairs and the Consular Directorate of the Federal Department of Foreign Affairs (FDFA): to verify visa applications and appeals that fall within the jurisdiction of the FDFA;
- e. the Central Compensation Office: to assess applications for benefits and to allocate and check OASI numbers<sup>21</sup>;
- f. at the Federal Office of Police (fedpol):
  1. the Legal Services Section: to issue rulings on measures banning entry to safeguard Switzerland's internal and external security in accordance with Articles 67 paragraph 4 and 68 paragraph 3 FNIA,
  2. the authorities responsible for the computerised police search system (RIPOL): for identification of persons in connection with the supervision of the recording of RIPOL data under the RIPOL Ordinance of 15 October 2008<sup>22</sup>,
  3. the authorities responsible for international correspondence, and the operations centre: in order to identify persons in connection with the exchange of police intelligence at inter-cantonal and international levels and to verify measures banning entry to safeguard Switzerland's internal and external security,
  4. the responsible authorities of the Federal Criminal Police:

<sup>21</sup> Term in accordance with Annex No II 2 of the O of 17 Nov. 2021, in force since 1 Jan. 2022 (AS 2021 800).

<sup>22</sup> [AS 2008 5013, 2009 6937 Annex 4 No II 15, 2011 1031 Annex 3 No 4, 2014 3789 No I 4. AS 2016 3931 Annex 2 No I]. See now the RIPOL O of 26 Oct. 2016 (SR 361.0).