

21 Questions and answers on Swiss asylum procedure



Arabic Deutsch **English** Farsi Français Somali Tamil Tigrinya

1 When do I receive an asylum decision?

As soon as the State Secretariat for Migration (SEM) has examined your application.

- If you have not received a decision on your case two years after handing in your application, please contact the local legal aid centre (see separate address list).

2 Who is granted asylum (B permit with recognised refugee status)?

If, for reasons of race, religion, nationality, sexual orientation, membership of a particular social group or political opinion, **you as an individual** face persecution or a threat to life and limb in your home country.

3 Who receives the status of a temporarily admitted person (F permit)?

Even if your application for asylum has been rejected, the authorities will review whether you can remain in Switzerland for humanitarian reasons. You will be granted temporary admittance and receive an F permit if deportation to your country is not possible, not permitted or not reasonable. This applies, for example, in the case of civil war, a situation of general danger, the threat of torture or on the grounds of serious medical issues.

4 What are the reasons for a rejection of my asylum application (negative decision)?

Your asylum application is rejected and you will have to leave Switzerland if, according to the authorities, the above-stated reasons for asylum do not apply or you were not able to prove them convincingly OR if another European country is responsible for processing your asylum application.

- If you receive a negative decision, you have the possibility to register a written appeal.

5 Where can I get assistance if I receive a negative decision or temporary admittance (F permit)?

- Contact the local legal aid centre immediately. There you will be advised on your chances of success of an appeal. You have to submit your written appeal before the appeal period expires.

6 When can I bring my family to Switzerland (family reunification)?

As long as you have not received a decision on your asylum application and still hold an **N permit**, you have no right to bring your family to Switzerland.

With a **B permit with refugee status (asylum)** you have the right to bring your spouse and underage children (under the age of 18) to Switzerland.

As a **temporarily admitted refugee (F permit)** you must hold an F permit for at least **3 years**, have a **stable income** and be able to financially support your family (no dependence on social benefits) in order to apply for family reunification.

7 What is the federal hearing (2nd interview)?

The federal hearing is an in-depth questioning on your reasons for leaving your home country. It is the most important opportunity for you to explain in detail what has caused you to leave your home country.

8 Who is present at the federal hearing?

The following people will be present at your federal hearing: an official interviewer of the State Secretariat for Migration (SEM), an interpreter, a representative of a non-governmental organisation (NGO representative) and a transcript writer.

- If you have to talk about gender-specific experiences (rape, forced marriage etc.) or your sexual orientation, you have the right to choose the sex of the people present in order for you to be able to speak freely.

9 What is important for the federal hearing?

- Name all the reasons for having to flee your country and bring all documents that are evidence of your persecution. Make sure that you recap the events in the correct chronological order and explain any important experiences/events in detail.
- If you do not understand a question or anything that is being said, ask for it to be repeated or explained to you.

10 What are my rights during the federal hearing?

A federal hearing can take several hours.

- If you are tired, you have the right to ask for a break. Bring something to eat and drink.
- If you have problems to properly communicate with your interpreter, make sure to inform the official interviewer and the NGO-representative.

- ➔ If you do not understand a question or anything that is being said, ask for it to be repeated or explained to you.

11 What is important regarding the retranslation of the interview transcript?

- ➔ Listen carefully to the retranslation of the interview transcript. It contains all your answers and information given during the interview. The information recorded in the transcript is essential for the assessment of your asylum application.
- ➔ Make corrections to the transcript if important information is missing or not recorded correctly.

12 What happens if I am a minor (under the age of 18)?

If you're under the age of 18 and not accompanied by your parents or another adult, you will be assigned a confidant who will accompany and support you during the asylum procedure. You will also be assisted in social matters such as housing, schooling or other education.

13 How do I prove my minority?

If the State Secretariat for Migration (SEM) has doubts about the indicated age, you have to prove it with official documents such as an identity card, passport, school certificates or other documents that contain your date of birth and a picture of you.

14 What are the reasons for being repatriated to another European country?

If there are indications that, before making the asylum application in Switzerland, you have travelled through or stayed in another European country, your application will not be processed further and you will be repatriated to that European country (DUBLIN system). Such indications can be based on statements you made during your first hearing with the Swiss authorities, fingerprints, a public transport ticket, official documents or other.

- ➔ If it is decided to dismiss your asylum application in Switzerland and you face repatriation to another European country, contact the local legal aid centre immediately. In this situation you only have 5 working days to file an appeal.

15 What are the reasons for NOT being repatriated to another European country?

Your repatriation to another European country cannot be carried out if the access to a fair asylum procedure is not guaranteed in the European country you are obliged to return to OR if your spouse or underage children already live in Switzerland OR if you are under 18 years old, are not accompanied by your parents and explicitly request to seek asylum in Switzerland.

16 Is my country of origin considered a Safe Country?

If your country of origin is considered a Safe Country, you will have to prove your persecution with particular credibility. With regard to refugees from Safe Countries, Switzerland assumes that only in very rare cases are they subject to a form of per-

secution that entitles them to seek asylum. If you are from a Safe Country and you receive a negative decision, you only have 5 working days to file an appeal.

- ➔ For a list of the Safe Countries, see the following link (Annex 2 to the Swiss Asylum Ordinance): www.admin.ch/opc/de/classified-compilation/19994776/index.html#app2

17 Where will I be accommodated at which point of the asylum procedure?

After your stay at one of the reception and processing centres of the State Secretariat for Migration (SEM) you will be assigned to a specific canton (Swiss member states). You cannot choose which canton you are assigned to unless your spouse or underage children have already been assigned to one.

- ➔ If your closest family or family members in need of care already live in Switzerland, you can request to be assigned to the same canton during your hearings with the authorities.

18 Can I visit a doctor if I am sick?

All asylum seekers are covered by health insurance.

- ➔ If you are sick and need to see a doctor, ask your counsellor or social advisor in advance. In a situation of medical emergency you may directly visit a hospital emergency room (*Notaufnahme*) or phone 144 for an ambulance.

19 When am I allowed to work?

Asylum seekers are not allowed to take on any paid work during their first 3 months in Switzerland. After that, you will have to get information on the regulations in your canton of residence and request a work permit via your employer.

If you have been granted asylum (B permit) or temporary admittance (F permit), you are allowed to work.

- ➔ For more information, please ask the infoRefugees team or consult the brochure of the SEM under the following link: <https://www.sem.admin.ch/dam/data/sem/publiservice/publikationen/info-flue-va/info-flue-va-en.pdf>

20 Can I visit a language course or go to school?

In Switzerland it is mandatory for children until the age of 16 to visit school. If you are older than 16, you can ask your counsellor for the possibilities of visiting a language course or other forms of education.

21 How much money do I get during the asylum procedure?

During your asylum procedure you are entitled to accommodation, food, clothing and a minimal amount of spending money. Families with children are entitled to additional benefits.

- ➔ For more information, please ask the infoRefugees team or consult the separate list of addresses of other helpdesks and offers for asylum seekers.

www.heks.ch/info-refugees