

The Constitutional Rights of the Foreigners in Switzerland

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Abstract

The aim of this article is to examine the rights of foreigners and immigrants in Switzerland. It is focused at the analyzing the division of the immigration law into three basic legal levels: constitutional, international law level and the simple level. Another division is that of the fundamental rights into political, economic and rights concerning the social field (in this sense: "social rights"). The economic and social field rights, are acknowledged both to the native and the immigration population alike. On the contrary, the political rights are principally acknowledged to Swiss citizens. According to citizenship, they are divided into nationals and aliens. Those in possession of Swiss citizenship are referred to as nationals. Those in possession of more than one citizenships, one of which is Swiss, are deemed nationals and bear the rights and obligations of Swiss citizens. It will be seen all the constitutional rights with details giving an answer to the question: Is every constitutional right acknowledged for a foreigner or not?. For example the mother constitutional right of human value is protected both in support of nationals as well as aliens. Also equality which is a basic constitutional right applied to all Swiss citizens. It is also valid for the exercise of the rights of foreigners alike. Freedom in the sense of "non-slavery" is safeguarded for everyone, therefore foreigners as well. There are certain issues, which are particularly pressing in relation to aliens, whereas do not pose a problem at all for Swiss citizens. These are issues referring to the freedom of travelling in general. The stay of aliens in the Swiss territory is allowed only for the time period determined by their permit and it is directly linked to the fulfillment of certain obligations. All aliens in the Swiss territory are owners of human rights, which are acknowledged to every human being and the exercise of these rights, such as the right to life, honour and religion, does not depend on the legality of entry and stay in the country. Legal aliens enjoy a much more favourable juridical status. Exit from the Swiss territory is distinguished into voluntary and involuntary (compulsory). Freedom of exit from the country is safeguarded for all Swiss as well as aliens. In principle, no one can be prevented from departing the country. The case of compulsory exit differs. Compulsory exit for Swiss citizens is not provided. Another important issue which will be analyzed in this article is the voting process and the participation of the foreigners in Switzerland. This country has some innovative ideas concerning the rights of the foreigners to vote, especially in some Cantons.

Keywords: foreigners, Cantons, freedom, citizenship, political rights.

1. Introduction

1.1 Historical background of the constitutional rights of the foreigners

The legal regime of aliens in Switzerland has become a pressing issue of growing importance in the recent years. Switzerland with the passing of the years turned into a country of receiving immigrants¹. As a result, it is greatly affected by the powerful immigration flow, which, in turn, results in population changes. The problems resulting from such a reversal are notable. The situation is further exacerbated by other factors, namely, the small number of native population, the country's geographical position, the extensive length of its borders and the large number of immigrants who flooded Switzerland. The causes of this immigration flow as well as the problems resulting from this legal and mainly illegal

¹Gerald A&Dorfman, Peter J. Duignan, (1991). Politics in west Europe(2nd Ed), pg. 309. During the economic boom of the 1960s, Switzerland admitted so many foreigners workers that they came to number more than 1 million in a total population of 6 million. This foreign presence was felt in many sectors of Swiss society.

immigration are numerous. The great challenge we are presented with is the following: Are the immigrants incorporated into the Swiss society or not? Do they need more recognized constitutional rights?

The admission of immigrants is directly related to a series of polymorphic problems. What is of special importance is the issue of balanced reception of immigrants (far as the countries of origin is concerned) and the issue of proportional reception (as far as the native population is concerned). The consolidation and protection of all kinds of immigrant rights is a *conditio sine qua non* that has always been and always will be respected in Switzerland. However, the issue of immigrant protection does not contradict the need for taking the necessary measures with a view to retaining a balance, the subversion of which can only inflict serious problems. It is evident that the whole situation cannot be dealt with simply by means of legislative provisions. It is essential that appropriate legislative measures should be taken as well.

Switzerland is one of the oldest democracies with the oldest constitution in Europe and has four official languages: German, French, Italian and Raetoromansch. Basic freedoms are guaranteed in its constitution dating back to the 14th century². All have the right to call for a vote to amend the constitution, provided there is enough support from the populace. The conservative Swiss People's Party recently attempted to limit the rights of minorities in Switzerland with an amendment. In May 2007 it launched an initiative to ban construction of minarets which failed, claiming not opposition to Muslims, but that minarets suggest a claim to political power³. A UN Special Rapporteur given the mandate to investigate contemporary forms of racism was critical of the government's lack of policy and action against growing xenophobia. Federal elections in October 2007 included election posters for the Swiss People's Party of white sheep kicking a black sheep off the Swiss flag⁴. The Federal Council expressed the importance of freedom of expression, particularly in political debate, and let the courts determine if a law had been infringed⁵. Another contested decision by the Federal Council was authorization of taser weapons and police dogs during the expulsion of foreign nationals, condemned by human rights organizations⁶.

The migrants' legal position in Switzerland is readable by a whole of rules of laws, ordinances and directives⁷. The corpus of the rights concerning foreigners is founded on the Law regulating the stay and the establishment of abroad people (LSEE of March 26, 1931)⁸. But the legislator also emitted other legal norms, like the 6th October, 1986 ordinance limiting the number of foreigners (OLE), as well as the Agreement of the June 1st, 2002, on the Free Circulation and Movement of people (ALCP) valid only for citizens whose the States are European Union (EU) members and, people whose the countries aligned the Economic Free Trade Agreement (EFTA). Indeed, public policy makers in Switzerland initiated new extremely restrictive legislations against immigrants, as the Federal Law on Foreigners (LEtr) and the Law on Asylum (LAsi) dated in 16th December, 2005. These two recent legislations entered into force since January 2008.

²University of Bern, "Switzerland Constitution", 14 June 2007. http://www.servat.unibe.ch/icl/sz00000_.html#A025 (1 Sept. 2008).

³Swiss Confederation News, 27 August 2008. <http://www.news.admin.ch/message/?lang=en&msg-id=20878> (1 Sept. 2008).

⁴Foulkes, Imogene, BBC Geneva, "Swiss Row over Black Sheep Poster", 6 September 2007. <http://news.bbc.co.uk/2/hi/europe/6980766.stm>(1 September 2008).

⁵The Federal Commission for Foreigners (FCF), composed of municipalities, communities, cantons, foreigners' organizations, employers and employees, and churches, was set up in 1970 to promote the coexistence of the foreign and native populations. The 1999 Integration Article paved the way for a more proactive federal integration policy and strengthened the FCF's role. Federal funding is provided for language and integration courses. Immigration is on the basis of quotas for short- or medium-term permits, some of which can be renewed or transformed into permanent residency. No seasonal work permits have been issued since 2002, when the Bilateral Agreement on the Free Movement of Persons between Switzerland and the EU member states came into force. This sets quotas for EU nationals with work contracts to obtain residency permits. Immigration from non-EU countries is restricted to highly skilled workers. Foreign citizens wanting to change job or profession, or move to another canton, must obtain approval from the cantonal labour market authority. It is difficult for a foreigner to set up a business in Switzerland or to be self-employed.

⁶Amnesty International, "Swiss Confederation" May 2008. <http://thereport.amnesty.org/eng/Regions/Europe-and-Central-Asia/Switzerland> (31 August 2008).

⁷Switzerland's has 1.5 million foreign residents and represent over 20% of the nation's entire population of 7.4 million. In particular since the 1990s, the question of political rights of immigrants has been and continues to be a highly debated issue in Swiss politics. Because Switzerland is a federal state with three different levels – the Confederation, the 26 cantons and their local communes non-citizen voting rights vary greatly depending on the individual entity. Foreigners may not cast ballots on the national level, but they may be entitled to vote and, in some cases, to run for office on the cantonal or communal level.

⁸Kodzo Homezo, J. (2010). The politics of Foreigners Policy in Switzerland, pg. 1.

2. Legal Regime

2.1 Division of the immigration law

Immigration law is divided into three basic legal levels: constitutional level, international law level and the simple (non-constitutional) law level. Immigration law can be further subdivided, like any law branch, into constitutional and simple law⁹. The fundamental provisions comprising the legal status of immigrants are constitutional and the legal treatment of immigrants through simple law are based on these. The main provisions of the Swiss Constitution referring to immigrants can be found in the chapter of fundamental rights.¹⁰ The provisions referring to the constitutional rights constitute a great basis for immigration.

2.2 Constitutional, international law and the simple level

Certain fundamental rights are safeguarded by the present Constitution supporting all human beings irrespective of nationality, age or other discrimination. In this sense, the carrier, the subject of these constitutional rights is the human being¹¹. What is being referred to here is literally the *human rights*, which are safeguarded not only in support of the Swiss citizens but also in support of the aliens as well as of the stateless. Whether these rights refer to legal or illegal immigrants coming from within or out of the E.U. is of no importance whatsoever. These rights are of universal, ecumenical character and apply to all human beings alike. Apart from the universal human rights, there are also rights in all Constitutions applying only to the rights of the civilians of any given country. The same holds true for the Swiss Constitution. Consequently, the question which is raised is which constitutional rights should be acknowledged to immigrants-foreigners and which should not.

2.3 Political, economic and social rights

At this point, it is useful to distinguish the fundamental rights into political, economic and rights concerning the social field (Dimitropoulos, A., pg. 874.). This distinction leads to very important results concerning every constitutional right. The economic and social field rights, are acknowledged both to the native and the immigration population alike. On the contrary, the political rights are principally acknowledged to Swiss citizens (Switzerland is often at the head in international civil liberties and political rights rankings. See Freedom House ranking, 2005). Immigration law applies to immigrants. According to citizenship, they are divided into nationals and aliens. Those in possession of Swiss citizenship are referred to as nationals. Those in possession of more than one citizenships, one of which is Swiss, are deemed nationals and bear the rights and obligations of Swiss citizens. Aliens are those who do not have the Swiss nationality but are citizens of one or more countries (multi-national aliens) or have no citizenship at all (stateless). People bearing more than one citizenships, none of which is Swiss, are obliged to choose citizenship and register their choice with the Foreign and Immigration Bureau on condition that they are holders of a passport or other travel document of their country of origin. Foreigners are divided according to their citizenship foreign natives (foreign citizens of foreign origin) E.U. refugees are citizens of a country member of the E.U. Special legal status regulates refugees. Refugees are foreigners who satisfy the 1951 Geneva Convention referring to the legal status of refugees and the related 1967 New York protocol, and who have been officially acknowledged as immigrants by the competent authorities¹². The term "alien" in the wider sense (*lato sensu*), as defined above, includes every person who does not have the Swiss citizenship as well as the E.U. aliens and the refugees. In the stricto sensu, alien is every person who does not bear the Greek citizenship

⁹ Karagiannopoulou-Lelouda, I. The Public-Fiscus before the equality principle, 1974, p. 75

¹⁰ Title 2. Basic, Civil, and Social Rights, and Chapter 2 Citizenship and Political Rights, articles 37, 38, 39, 40.

¹¹ Article 7. Human dignity is to be respected and protected. Article 8 Equality (1) All humans are equal before the law. (2) Nobody may be discriminated against, namely for his or her origin, race, sex, age, language, social position, way of life, religious, philosophical, or political convictions, or because of a corporal or mental disability. (3) Men and women have equal rights. The law provides for legal and factual equality, particularly in the family, during education, and at the workplace. Men and women have the right to equal pay for work of equal value. (4) The law provides for measures to eliminate disadvantages of disabled people.

¹² Switzerland is signatory to all relevant international human rights instruments. It is also the depositary state of the Geneva Conventions and the place where several human rights-related NGOs were established or headquarters, including the Red Cross. The United Nations Human Rights Council, of which Switzerland is a member and which it was instrumental in establishing, has its seat in Geneva. Respect for human rights and the promotion of democracy is also one of the five official foreign policy goals of Switzerland.

excluding the expatriates, the E.U. foreigners and the refugees, who are subject to a different legal treatment.

3. Mother Constitutional Rights

3.1 The human value

All people have human value. The inviolability of human value is the main constitutional principle of contemporary Swiss legal order and it is safeguarded in article 7-8 of the Constitution¹³. The mother constitutional right of human value is protected both in support of nationals as well as aliens (Dimitropoulos, A. The human value, *Juridical Review (Nomiki Epitheorisi)* 1996, issue 1, pg.5.)

3.2 Equality

Equality is a basic constitutional right applying to all Swiss citizens. It is also valid for the exercise of the rights of foreigners alike. Discriminations of any kind based on nationality, race, language, religious or political beliefs are strictly forbidden. Aliens are of equal legal status to Swiss, as far as the constitutional rights acknowledged to them are concerned. On the contrary, the equality principle does not apply to the rights that are not recognized to foreigners.

3.3 Freedom

Freedom in the sense of "non-slavery" is safeguarded for everyone, therefore foreigners as well (See article 4 par.I of the European Convention of Human Rights). As far as the exercise of the right to freedom is concerned, it is necessary to distinguish between legal and illegal aliens. Everyone has the right to develop their own personality and participate freely in the social, economic and political life of the country. The free development of personality presupposes the non-violation of Constitution and the simple laws which are in compliance with it.

4. Entry, Stay and Exit of Foreigners

There are certain issues, which are particularly pressing in relation to aliens, whereas do not pose a problem at all for Swiss citizens. These are issues referring to the freedom of travelling in general, and are dealt with this special paragraph. Entry, stay-settlement and exit from the country are issues that do not arise for nationals.

4.1 Entry

Entry to the country cannot be forbidden to any Swiss citizen, even if they are not holders of a passport or other travel document. An absolute entry right derives from the privity of nationality. Conversely, the Swiss Constitution does not acknowledge an entry right to foreigners. Such a right is acknowledged only to the E.U. citizens as a direct consequence of the original European Law, according to the Rome Convention (See Rome Convention 1957, article 47.). The same is valid for the freedom of movement, settlement- stay and exit from the country. The entry of aliens into the Greek territory is dependent on certain conditions. However, even if these conditions are valid, refusal to entry is possible. The entry and stay of foreigners is possible for certain reasons, which are stated by the law. These are study purposes, dependent work, the exercise of independent financial activities, family reunion purposes as well as other special purposes.

4.2 Stay, movement and settlement

The stay of aliens in the Swiss territory is allowed only for the time period determined by their permit and it is directly linked to the fulfillment of certain obligations. All aliens in the Swiss territory are owners of human rights, which are acknowledged to every human being and the exercise of these rights, such as the right to life, honour and religion, does not depend on the legality of entry and stay in the country. Legal aliens enjoy a much more favourable juridical status.

¹³It is useful to mention that when Switzerland had applied to join with UN members states, its application had been rejected because of the discriminatory residence permit policy in the country. To be compatible with the UN system, Switzerland had modified its Constitution with a positive disposition, on 18th April 1999: "Human beings are equal in front of the law" (art.8). The cantons have also changed their constitutions to be in conformity with the confederalism system.

The rights of legal aliens are safeguarded from simple law (non-constitutional law). Legal aliens have the legal right of stay, entry and exit from the country. They have a legal residence. The legal foreign residents have the right of free movement and settlement anywhere within the Swiss territory, which can be restricted under special circumstances. The above-mentioned rights can be restricted due to national security reasons, public order and public health reasons. These restrictions refer mostly to the settlement, stay and travelling to certain places, the exercise of a specific occupation or the obligation to report to police authorities.

4.3 Exit

Exit from the Swiss territory is distinguished into voluntary and involuntary (compulsory). Freedom of exit from the country is safeguarded for all Swiss as well as aliens. In principle, no one can be prevented from departing the country. The case of compulsory exit differs. Compulsory exit for Swiss citizens is not provided. On the contrary, compulsory exit for foreign citizens is possible either in the form of deportation or extradition¹⁴.

Deportation is the order for an alien to leave the country through an act of juridical or administrative authority. Administrative deportation is allowed in cases of irrevocable conviction or violation of Law. The deportation order is issued by the police authorities and the alien has the right to appeal to the competent District General Secretary. Special conditions are valid for the deportation of European foreigners (E.U. aliens), citizens of E.U. state members. Compulsory exit from the country can also result from the extradition of an alien who is prosecuted by the courts of the seeking country. France and Netherland offer the widest protection of resident foreigners against expulsion, especially by increasing the barriers for expulsion with the length of stay and offering long-term residents and second generation foreigners complete or virtually complete protection against expulsion. Switzerland is situated at the other extreme. It stipulates a long list of conditions that may lead to expulsion and offers no improved protection for long term residents or the second generation (Koopmans, R. (2005). *Contested Citizenship: Immigration And Cultural Diversity in Europe*, pg. 44.).

4.4 Illegal immigration and legalization

Legal immigration is a controlled phenomenon as opposed to illegal immigration, which can incur significant problems. Illegal immigration refers to the illegal entry and stay in the country, something which is facilitated by the geographical and geophysical position of the country, which renders the guarding of the borders especially difficult. The legislator has defined a legalisation procedure in an attempt to control illegal immigration. Legalized aliens acquire a residence permit and acquire equal status to legal aliens.

There is a number of constitutional rights referring to the physical existence of man. Within this frame, the constitutional legislator safeguards the constitutional items concerning the human entity such as life, health, social security and the environment. Life and health as defensive existential rights are protected for every person, therefore foreigners as well, legal or illegal ones. Human life constitutes the ultimate constitutional item protected without exceptions. Life is therefore protected for all aliens, legal or illegal. Also, health as a defensive right is constitutionally protected for everyone that is as a human right. It is therefore protected for all aliens, legal or illegal.

The right to social security is acknowledged from the Constitution to all employed people¹⁵. Therefore, it is acknowledged to foreigners as well.

¹⁴ Article 25. Protection Against Expulsion, Extradition, and Removal by Force(1) Swiss citizens may not be expelled from the country; they may be extradited to a foreign authority only with their consent. (2) Refugees may not be removed by force or extradited to a state in which they are persecuted.(3) Nobody may be removed by force to a state where he or she is threatened by torture or other means of cruel and inhuman treatment or punishment.

¹⁵ Article 41 [General Provisions](1) The Federation and the Cantons, in addition to personal responsibility and private initiative, furthers the achievement that. every person shares in social security; b. every person, for his or her health, receives the necessary care; c. families as communities of adults and children are protected and supported;. workers can sustain their living through work under adequate conditions; e. people looking for housing can find for themselves and for their family adequate housing at acceptable conditions; f. children and youths as well as people of working age can further their education and training according to their abilities; g. children and youths are encouraged in their development to become independent and socially responsible persons and are supported in their social, cultural, and political integration. (2) The Federation and the Cantons are working towards the goal that every person is insured against the economic consequences of old age, disability, illness, accidents, unemployment, maternity, orphanhood, and widowhood. (3) They try to achieve the social goals within their constitutional competencies and with the resources available to them. (4) From social goals no direct claims to state subsidies may be derived.

5. Rights of social field

5.1 The physical existence of man

There are a number of constitutional rights referring to the physical existence of man. Within this frame, the constitutional legislator safeguards the constitutional items concerning the human entity such as life (See article 2 par. 1 of the European Convention of Human Rights), health, social security and the environment¹⁶. Life and health as defensive existential rights are protected for every person, therefore foreigners as well, legal or illegal ones. Human life constitutes the ultimate constitutional item protected without exceptions. Life is therefore protected for all aliens, legal or illegal. Also, health as a defensive right is constitutionally protected for everyone, that is as a human right. It is therefore protected for all aliens, legal or illegal. The right to social security is acknowledged from the Constitution to all employed people. Therefore, it is acknowledged to foreigners as well.

5.2 The spiritual entity of man

Freedom of ideas and opinion¹⁷, of education¹⁸ and religion¹⁹, belong to the spiritual dimension of man. The freedom to think and express one's opinion is a universal right and it is constitutionally safeguarded in favour both of Swiss and aliens. Every alien in the Swiss state are entitled to express themselves freely on any subject, irrespective of the particular legal status they are regulated by, as long as this is done in compliance with the Constitution and the simple laws. The place where foreigners exercise their religious rights is of primary importance, as this is directly related to the origin and the general cultural identity of the foreigner. What is more, the Swiss Constitution protects religious conscience entirely. All Swiss and foreigners alike, irrespective of the legal status they are regulated by, are bearers of religious freedom, are entitled to believe in any religion or no religion and to worship freely every known religion. Entitlement to one's rights is irrespective of one's religious beliefs.

Spiritual development, *paedia* in the substantial sense of the term, in both its cognitive and artistic aspect, as well as the rights deriving from it, are safeguarded for every person. Freedom of education means the freedom to acquire and impart knowledge and it is in harmony with the general social field freedom and the freedom of thinking. *Paedia* in this substantial sense, as a right of cultural self-determination, is protected for all Swiss and foreigners alike. *Paedia* in the procedural, formal sense of the term, refers to education i.e. the educational system. In this sense *paedia* is safeguarded for all Green citizens. The right to education constitutes, literally, the only social right which is entirely warranted.

5.3 Social Status

Constitutional protection refers to the social status of man as well. More specifically, it refers to the legal recognition of every man as a physical entity, subject of law and to the protection of every person's human dignity and honour. The social status and its particular aspects are of universal character and are protected for all Swiss and aliens in the Swiss territory. The acknowledgement of all people, including foreigners, as subjects of law and as owners of rights as well as obligations constitutes the basis for the protection of the social status. This minimum legal protection is directly related to the fundamental concept of freedom as non-slavery. All foreigners are bearers of constitutional rights. Subjects, bearers of constitutional rights, are firstly *physical persons*, human entities. The historical creation of constitutional rights aimed at the protection of human beings. This fundamental constitutional principle of the inviolation of human value leads to the conclusion that every human is the subject of rights and obligations. Every human being is recognized as a person, that is all men have *legal ability*. This ability is directly related to human nature and derives directly from the Constitution. As a subject of rights and obligations man is the subject of fundamental rights. Every person from birth to death is a bearer of

¹⁶ Article 41 [General Provisions]b. Every person, for his or her health, receives the necessary care;

¹⁷ See article 16 of the Constitution and article 10 of the European Convention of Human Rights.

¹⁸ See article 19 of the Constitution. Right to Primary Education. The right to sufficient and free primary education is guaranteed.

¹⁹ See article 15 of the Constitution Freedom of Faith and Conscience (1) The freedom of faith and conscience is guaranteed. (2) Every person has the right to freely choose his or her religion or non-denominational belief and to profess them alone or in community with others. (3) Every person has the right to join or belong to a religious community and to receive religious education. (4) No person may be forced to join a religious community, to conduct a religious act or participate in religious education, and article 9 of the European Convention of Human Rights; "Every person is entitled to freedom of thought, conscience and religion. This right results in the freedom to change one's religion or convictions, even in the freedom to manifest one's religion or convictions freely, on an individual or collective basis, publicly or privately, regarding the worship, education and exercise of one's religious and ceremonial duties".

all the rights stated by the Constitution. All physical persons, nationals and aliens, adults and minors, are entitled to fundamental rights. Interpretative problems arise in relation to the beginning and the end of the capacity to bear fundamental rights as well as the age required for self-exercise of these rights. Any law which would restrict or remove from certain groups the capacity to be a subject of some or all human rights would be unconstitutional. The constitutional protection of human dignity and honour is universal as well. The constitutional legislator strictly forbids any insult of human dignity both in relation to nationals and aliens and authorizes the simple legislator to penalize the offenders. Everybody within the Swiss territory enjoys the absolute protection of their honour irrespective of nationality, race, language, religious or political beliefs. Exceptions are allowed only in those cases provided by international law.

5.4 Private Sector

The Constitution protects both private and family life for all Swiss and aliens alike. Marriage of any type is protected for Swiss and aliens alike²⁰. The protection of childhood can be extended through simple law to foreigners as well²¹. The protection of one's residence as a defensive right of the protection of family and of the protection of communication are irrespective of nationality²².

5.5 Family reunification and early C permit Art 34, par. 4

If you would like members of your family to live in Switzerland, you should contact the residents' registration office in the commune where you live, or consult the web site www.vd.ch/fr/themes/vie-privee/etrangers/integration-et-prevention-du-racisme/vivre-dans-le-canton/informations-pratiques, under 'Autorisations de séjour' ('Residence permits'). Nationals from Third States holding a B permit (annual residence permit) who have integrated well into Swiss society may obtain a C permit (permanent residence permit) after a regular and uninterrupted stay in Switzerland of five instead of 10 years. To do so:

- a. they must have abided by the law and values laid down in the Federal Constitution;
- b. they must have acquired a working knowledge of the language of their place of domicile at least equivalent to level A2 of the Common European Framework of Reference for Languages, published by the Council of Europe. (Information on formally certifying one's language level can be found at the end of the section entitled 'Learning French'). Knowledge of another national language may be taken into account where appropriate; and
- c. they must have shown a willingness to work and to undertake training.

5.6 Basic forms of collective human action

The Constitution safeguards in articles 22 and 23 the two basic forms of collective action, namely assemblies and associations²³. The right of assembling and associating is provided for Swiss subjects and for aliens. In the past, this interpretation supported the prohibition of the exercise of such rights by aliens, which resulted, for example, in the rejection of the establishment of foreign citizen associations.

5.7 The Judicial Rights

The Constitution acknowledges certain rights referring to the wider judicial protection and the relevant "judicial" rights²⁴.

²⁰ See article 13 of the Constitution and article 8 par. 1 of the European Convention of Human Rights: ".(1) Every person has the right to respect for his or her private and family life, home, and secrecy of mail and telecommunication.(2) Every person has the right to be protected against abuse of personal data."

²¹ Article 11 Protection of Children and Adolescents(1) Children and adolescents have the right to special protection of the personal integrity and to promotion of their development.(2) They exercise their rights according to their capacity to discern.

²² See article 8 par. 1 of the European Convention of Human Rights. Also article 14 of Swiss Constitution "The rights to marriage and family are guaranteed".

²³ Article 22. Freedom of Assembly(1) The freedom of assembly is guaranteed.(2) Every person has the right to organize assemblies, to participate in or to abstain from them. Article 23 Freedom of Association(1) The freedom of association is guaranteed.(2) Every person has the right to form associations, to join or to belong to them, and to participate in their activities.(3) Nobody may be forced to join or to belong to an association.

²⁴ See article 6 of the European Convention of Human Rights.

The issues in question refer to the apprehension and temporary detention, the principle "nullum crimen nulla poena sine lege", the right to address the authorities, the right of providing legal protection and the right of previous hearing. This constitutional protection is of major importance for foreigners as it is directly linked to man's protection and to the judicial proceedings. All these rights are safeguarded by the Swiss Constitution not only for nationals but also for aliens. The guarantee of a fair trial in the wide sense of the term constitutes a fundamental obligation of the State of Law beyond any discrimination. The distinction between Europeans and non-Europeans aliens is of major importance when it comes to the economic rights of foreign citizens. The relevant conventions have given rise to a unified financial field and have created some partial economic rights, whose basis is the right of free circulation of people, capital and goods.

6. The economic constitutional rights

The distinction between Europeans and non-Europeans aliens is of major importance when it comes to the economic rights of foreign citizens. The relevant conventions have given rise to a unified financial field and have created some partial economic rights, whose basis is the right of free circulation of people, capital and goods. The Constitution safeguards the right to economic freedom²⁵. Swiss legislation acknowledges the right of foreigners to enter Swiss and stay in the country for dependent labour, which is allowed after the issue of a relevant permit. The right to equal pay for labour of equal value is recognized for all labourers irrespective of sex or other discrimination, whether they are nationals or aliens²⁶. Compulsory labour²⁷ is also forbidden for everyone irrespective of nationality. The state is responsible for the social security of the workforce, as the law states, with no discrimination between nationals and foreigners²⁸. The foreigners who live in Switzerland legally are insured in the competent social security organizations and enjoy the same insurance rights as the nationals.

6.1 Legal Framework and Professional licenses Residence & Work Permits

The Swiss constitution splits the legislative competence between the federal government, the cantons and the local authorities. The basic laws, including the right to own property²⁹, the right to be gainfully active and freedom of trade, are directly protected by the Swiss constitution³⁰. Laws can be enacted only through parliamentary procedures; however, the "sovereign", i.e. the voters, have an important say through the popular initiative and referendum processes at the national level, the outcome of which cannot be overturned by the judiciary. The initiative and referendum are the actual guarantors of stability. The sheer possibility that voters could assert their ultimate rights promotes a balanced of opinion forming and decision-making, and discourages legislators from pushing through ill-considered legislation. The basic constitutional rights also apply to foreigners. As long as they hold residence and work permits, or have permanent residence status, the freedom to trade allows them to set up a business company in Switzerland in the same way as Swiss nationals, or take equity in a company, set up a branch and operate a business. Generally, the freedom of trade and industry, which is guaranteed by the Federal Constitution, allows everyone, including foreign nationals, to operate a business in Switzerland. In principle, no approval from the authorities, chambers of commerce or professional associations is required to establish a business. However, to conduct a business personally on a permanent basis, a work and residence permit needs to be obtained. Foreigner who do not have a residence permit may have their business operated by Swiss nationals. All business sectors are open to foreign investment. It is not necessary for Swiss nationals to hold a certain percentage of the equity. Certain restrictions still exist with respect to government monopolies. However, liberalisation is in full progress within the framework of the Bilateral Agreements between Switzerland and the EU for traditional monopolies such as railway and postal services.

For some professions and for certain businesses, the federal government or the Cantons impose rules. In such cases, a special license or permit is needed. This applies to activities for: Banks, insurance companies and investment

²⁵ Article 27. Economic Freedom: (1) Economic freedom is guaranteed. (2) In particular, it entails the free choice of profession as well as free access to and free exercise of private economic activity.

²⁶ Article 41 [General Provisions]d. workers can sustain their living through work under adequate conditions;

²⁷ See article 4 par. 2 of the European Convention of Human Rights: "No one can be obliged to compulsory labour".

²⁸ Article 41 [General Provisions]. Workers can sustain their living through work under adequate conditions;

²⁹ Art. 26 Guarantee of ownership 1. The right to own property is guaranteed. 2. The compulsory purchase of property and any restriction on ownership that is equivalent to compulsory purchase shall be compensated in full.

³⁰ Art. 27 Economic freedom 1. Economic freedom is guaranteed. 2. Economic freedom includes in particular the freedom to choose an occupation as well as the freedom to pursue a private economic activity.

brokers Hotels & restaurants (in certain Cantons) Physicians, dentists, pharmacists and attorneys, certain mercantile and services (e.g. wine merchants, private employment agencies, temporary employment services). Foreign nationals can perform these activities in Switzerland, if they have the required permits. In certain cases, approval is subject to a proven need clause. Since the entry into force of the bilateral agreements with the EU, rules are gradually eased thanks to the mutual recognition of professional qualifications. On entering and staying in Switzerland, foreign nationals must follow certain regulations in order to gain access to the labour market. Foreign nationals who wish to stay in Switzerland without seeking employment, e.g. as a tourist, may do so for up to three months without needing a permit. However, if they wish to seek employment they will require a work & residence permit. The cases in which this is necessary and the procedure that needs to be followed depend on whether the person is a citizen of one of the 27 previous EU member states or an EFTA country (i.e. Norway and Iceland), or a citizen of a non-EU/EFTA country.

7. The political constitutional rights

7.1 Historical and Political Background

The political system in Switzerland is Confederal. There are 26 cantons and each one is a Republic, with its executive, legislation and judiciary apparatuses. Since the 1980s Switzerland has experienced three major waves of immigrant mobilization. Each focused on achieving political rights, specially local voting rights, dual citizenship, and easier access to citizenship. Immigrants promoted the first two issues themselves. By the end of 1980s, immigrant social movement organizations considered themselves a stable minority in Swiss society, not transient guests. They focused their campaign on making Swiss society more aware of their cause, as well as on helping their community become less isolated. The Swiss parliament did approve the dual citizenship in 1990 (Hochschild L, J, & Mollenkopf H, J. (2009). *Bringing Outsiders In: Transatlantic Perspectives on Immigrant*, pg. 72). In 2000, the Helvetica Confederation became the 195th member of the United-Nations system. Since June 1, 2002, an Agreement on free circulation of people (ALCP) has been signed between Switzerland and the European Union (EU). This Agreement integrates Switzerland in the Schengen security politics in Europe. Only non EU Member States, called third countries, became recipients of the LSEE law. Nevertheless, after the free circulation agreement which opens the country to Europeans, Switzerland has completely modified the LSEE law and created new legislation restricting the right of foreigners and suppressing any right of asylum. The new measures are called LEtr and LAsi and only elaborated for individuals coming from the so-called third countries. These legislations are initiated by the leader of the Farright party-Democratic Union of Center (UDC [in French]) – and endorsed by Liberal and Bourgeois parties. LEtr and LAsi were very debatable and contestable during the consultation. The left wing parties, Socialists, Working Trade-Unions, and Civil society associations, Church counter-attacked the new legislations in launching a referendum against LEtr/LAsi. The debates were very hard and passionate. Lot of money was injected in the Medias during the campaign by the Right-wing leaders and followers. A posteriori the Right won the referendum with huge suffrages. More than 70% voted against foreigners. Even the canton of Geneva, which is known as international city and a strong immigrant based population sphere, has massively voted at 68% against foreigners. The following histogram exposes the Geneva data of immigration in the *longue durée* perspective. The resident population in Geneva is much diversified inhabitants in 2000 have another passport that the discrimination is not only a political construction, but a hatred culture. The LEtr and LAsi legislations entered in force since January 1, 2008. And now some Far-Right deputies have already introduced of any person without paper in Switzerland, whereas which led to the cancellation of migrants and refugees rights. The migrations (ODM), affirmed on the Radio Swiss Romande (RSR) on 12 LAsi/LAtr laws permitted the detention of 2500 of deportation measurements. Their vote against foreigners' rights means new dispositions to prohibit marriage it is the interpretation of same law which director of the office of ed persons in 2008 and the 7 50% marriages 12th Mai 2009 that the execution of 83% of deportation measurements. The following description about the residence permits is only the iceberg of the problems foreigners are daily confronted. Except from the EU countries, two binationals cannot contract legal wedding in Switzerland. Foreigner in conjugal relation within a Swiss citizen must share common housing, whereas couple formed by two Swiss natives can live separated. This restriction also touches family gathering process. Foreigners' kids born abroad must imperatively join their parents living in Switzerland before the 16 years old, to benefit with legal statutes. Otherwise they will be considered migrants. The Swiss legislations against foreigners have provoked the mobilization of several of the civil society organizations as: S.O.S-racism, Center of Swiss-Immigrants Contact (CCSI), Africa Commons (AC), and Forum for the integration of migrants (FIMSwitzerland). Cantonal governments have taken their role in tackling rampant racism going on in the society. The Canton of Geneva has created, in 2001, its Office for the integration of migrants. But, very often,

these offices do not have explicit directives. The question of integration remains problematic, while to mark diversity, events are sometimes organized, like music festivals, day of the integration, and cultural exhibitions.

A basic precondition for achieving this is the guaranteed provision of equal political rights for every citizen based on the principle of the domicile. Swiss citizens are able according to their domicile to exercise their political rights at all three levels: municipality, canton, federation. They are equal members of the municipal assemblies with the right to elect and to be elected to any position within the municipality. Thus, in relation to political rights, membership of a language or religious group carries no special significance (Fleiner, Th.& Basta Fleiner, L.(2009). pg. 621.). The federation and most cantons and municipalities however do discriminate against foreigners, by denying political rights to all non-Swiss citizens. Only the canton of Newchatel and Jura provide limited political rights for foreigners with permanent domicile in the respective cantons. In other cantons, the Swiss citizens have refused to extend political rights to foreigners. This denial has serious implications, as non citizens account for approximately 20 per cent of the population of the Switzerland. Although foreigners residing in Switzerland are expected to pay taxes and to contribute to the economic wealth of the country, they are denied the right to participate as equal members of the Swiss civil society (Fleiner, Th.& Basta Fleiner, L.(2009). pg. 622). In general noncitizens may acquire property on an equal footing with citizens : in Canada, Switzerland, Denmark, Sweden, a special permit is required to buy real estates unless the person has resided in the country for a certain period of time (Yasemin Nuhoglu Soysal (1994). pg. 129).

In the canton of Neuchâtel, non-citizen voting rights on the communal level date back to the foundation of the canton in 1849 (voting rights on the cantonal level were introduced only in 2000). Apart from this remarkable example, political rights for foreign residents are a fairly recent phenomenon in Swiss politics. Jura introduced non-citizen voting rights at the time of its foundation in 1978. All other cantons have enacted the respective legislation between 1995 and 2005. Endeavours to enhance political rights of foreigners have been pursued in many Swiss cantons since the 1990s. In many instances these efforts have failed. Thus, the question is: *Why have political rights of foreigners have been introduced in particular cantons and communes and not in others*³¹? Some of the possible reasons include the following: Political forces and linguistic-political divide³². Political rights of foreigners are usually supported by the socialist party, the unions and the center-left politicians. These political forces are generally stronger in the French-speaking west of Switzerland (including about 20% of the Swiss population) and their efforts have proven more successful in this part of the country: the five cantons in which foreigners enjoy voting rights cover most of the French-speaking territory of Switzerland. In this respect, the issue of non-citizen voting rights seems to confirm the commonly alleged political divide between the German and the French-speaking part of the country. So far, three communes of Appenzell, Ausserrhoden canton and one commune of Grisons grant their foreign residents political rights in communal elections and ballots³³. This is valid not only for those political rights that ensure participation in the exercise of political authority in the strict sense of the term, such as the right to elect and be elected, but also in relation to other constitutional rights exercised for political reasons, such as the right to assemble and corporate. However, the examples of Appenzell, Ausserrhoden and Grisons cantons, both covering predominantly German-speaking regions and granting (although to a lesser degree) non-

³¹ The scope of political participation and the requirements to be met on the side of a foreigner vary: In the cantons of Neuchâtel and Jura the political rights of foreigners include both communal and cantonal matters. In contrast, in the cantons of Vaud, Geneva and Fribourg non-citizens may only have a voice on the lower, communal level. To a varying degree, some of these cantons also provide the right of foreigners to be a candidate in cantonal and/or communal elections. The requirements non-citizens must meet in order to be entitled to vote are fairly strict. In the cantons of Neuchâtel, Fribourg and Vaud foreigners first of all have to hold a permanent residence permit. Such a permit is granted - depending on the country of origin - after five or ten years of (legal) residence in Switzerland. In addition, all five cantons require a minimum residence period in Switzerland, the canton and/or the commune that range between one to ten years. Two further (German-speaking) cantons, the canton of Grisons and Appenzell, Ausserrhoden, have taken a distinct approach to political rights of non-citizens. These cantons do not provide for voting rights of foreigners on a cantonal level, but have authorized their communes to establish such rights on the local level based on certain requirements (residence permit, minimum residence period).

³² Foreigners have no political rights on the national level. They are therefore not entitled to vote in federal ballots concerning the federal constitution or federal legislation. However, immigrants may vote or be a candidate on the cantonal or communal level, as each canton is free to grant such rights within its political autonomy. As of October 2005, five of the 26 cantons have introduced political rights for their foreign residents.

³³ Article 39 Exercise of Political Rights(1) The Federation regulates the exercise of political rights in federal matters; the Cantons regulate the exercise of these rights in cantonal and municipal matters. (2) Political rights are exercised at the domicile. The Federation and the Cantons may provide for exceptions.(3) No person may exercise political rights in more than one Canton. (4) The Cantons may provide that new residents exercise their political rights in cantonal and municipal matters only after a waiting period of up to three months following their taking of residence.

citizen voting rights, make such an explanation incomplete at best "Package deals". In many cases non-citizen voting rights and eligibility have been introduced or further extended in connection with a broader constitutional reform. Interestingly, before these reforms were approved by the electorate, popular initiatives aiming for voting rights for foreigners had failed (e.g. popular initiatives aimed at the introduction and expansion of non-citizen voting-rights failed in the cantons of Vaud and Neuchâtel in 1993/1990; rights provided by the new cantonal constitutions in 2002/2000). One possible interpretation may be that as a part of a "package," this reform seems to have attracted more affirmative votes than as a stand-alone project. It may also be that the idea of political rights of non-citizens has gained more acceptance among the electorate over the years of continuous debate.

7.2 Impact of political rights for foreign populations

7.2.1 Voting rights and eligibility

No European country has extended the right to vote on the national level to all foreign residents. However, in the United Kingdom this rights is available to resident citizens of countries of with witch Britain has a historical colonial relationship, the Commonwealth countries as well as Ireland. The Netherland have also made advances toward extending voting rights to foreign citizens. Since 1985, all foreigners who have lived at least five years in the Netherland have voting rights on the municipal level, both active and passive. In three of the Swiss cantons Neuchatel (since 1848), Jura, (since 1979), and Appenzell-Ausserrhoden (since 1995), voting rights have been extended to foreigners on the local level. However, only a very small percentage of the Swiss foreign population lives in these three cantons (Koopmans, [R.](#) (2005). [pg. 45](#)).

Foreigners over the age of 18 who have held a Swiss residence permit for at least 10 years and who have lived in the Canton for the last three years or more can vote in communal elections, stand for election to, and serve on, city councils and municipalities, and sign communal initiatives and referendums. Once a foreigner has fulfilled the requirements laid down under the Constitution and the law, his or her name is entered in the electoral register of the commune in which they reside, after which they will automatically receive the relevant ballot papers and information. Political rights have a great importance in the Swiss political system which is founded on the principle of direct democracy and federalism. Although foreigners do not enjoy any voting rights on federal level, participatory rights on the cantonal and, to a lesser degree, on the communal level include a substantial part of political power. Another factor to consider is the high proportion of immigrants in the overall population (over 20% in the national average; 38% in Geneva; 56% of immigrants to Switzerland originate from EU/EFTA states, 30.9% from other European states – mainly from former Yugoslavia and Turkey – and 13.1% from other countries; these figures not only reflect a high immigration flow but also the fairly strict requirements for naturalization). Therefore, foreign populations may potentially exercise considerable political power on the cantonal and communal level. Some commentators consider this fact as one of the reasons why voting rights of non-citizens are such a "hot topic" in Swiss politics.

7.3 Participation Rates of Foreign Voters

The data regarding the participation of the foreign population entitled to vote in cantonal and/or communal ballots suggest that immigrants are not euphoric about their political rights: the figures vary greatly, but their participation rate is generally much lower than that by Swiss nationals whose average participation rate is 45%. The participation rate of foreign voters is usually half that of the Swiss electorate. Interestingly, several non-citizens have already been appointed as local officials in regions where foreigners also are eligible to run for office in popular elections. The low participation rate of foreigners in local politics is not surprising considering the following:

First, several studies of political participation reveal different patterns of participation between various categories of voters. In particular, it was found that well-educated middle and upper-class voters have strikingly higher participation rates than the less "privileged" parts of society, whether Swiss or foreign. The fact that a considerable number of immigrants have not yet reached the middle or upper social class of Switzerland may therefore partly explain why they are less inclined to cast their votes.

Second, sociologists consider the low participation rates among immigrants to be the "natural" result of the previous exclusion of this population from the political process. It may take some time for foreigners to develop a self-conception as active citizens. This explanation seems to be persuasive when drawing a parallel to the introduction of women voting rights (introduced in Switzerland as late as 1971). After centuries of exclusion from the political process, participation of women remained to be low in the first years after the adoption of the new legislation. Finally, as foreigners

are allowed to political participation only since recently, more data needs to be collected and evaluated in the coming years. Hopefully, they will provide further insights into the issue of political participation of non-citizens.

7.4 Citizenship

7.4.1 *Becoming a Swiss national*

The legal position of foreigners in Switzerland is ordinances and directives. In Switzerland, there is no subject, neither privileges of place, of birth, of people, nor families. The source of foreigner's statute is the fundamental. The legislator has also produced two other (OLE) ordinances limiting the number of country. The paradigmatic model of the culture, his ethnic origin, and on his authorization till, variety of temporary permits. Law for juridical are based on natives are equal to obtain Swiss birthplace. The Foreigners are thus split up in various categories of migrants by the administration of a multitude of residence permits. The license A was allotted to Italian and Portuguese seasonal workers and, latter with Yugoslavians. There are three kinds of annual residence permit: first, the permit B for students, whose holder is authorized to work 50%, except during holidays. The second permit B is intended for the migrant who is living a contracted marriage with a Swiss native. The third permit B is allotted to statutory refugees. The foreigner who lives in couple with a Swiss person can obtain the license C at the end of 5 years. But, in the eventual case of divorce, the renewal of the concern permit is not assured. The License C is intended to family members accompanying a diplomatic. The permit G is the card for cross bordering workers, called "frontalier". Permit S is for the protected persons or people under tutorial position. People, whose the asylum request is rejected have a permit labeled N, which means Nul/No/Negative/Nein/. In the international law, foreigners, whose the asylum request is sanctioned by a rejection decision can continue to reside in the country. The L permit is the authorization for ladies employed in dancing bars or data processing specialists employed by a university, while F granted for family-group members, the time to expect a better decision. But in case of refusal, the permit is revoked and the whole family has to move, despite schooling children. There are thus different legislations, according to people's origins. It is useful to mention that when Switzerland had applied to join with UN members states, its application had been rejected because of the discriminatory residence permit policy in the country. To be compatible with the UN system, Switzerland had modified its Constitution with a positive disposition, on 18th April 1999: "Human beings are equal in front of the law" (art.8). The cantons have also changed their constitutions to be in conformity with the confederalism system. Swiss citizens bear the Swiss citizenship, which can not be removed, unless one has acquired voluntary foreign citizenship³⁴. Such deprivation can only occur under the provisions and proceedings stated by the law. In any case, the provision of Swiss citizenship is in the discretion of Swiss authorities³⁵. The legislator offers the possibility to aliens to acquire the Swiss citizenship by means of naturalization³⁶. Political asylum is of special importance to foreigners. The Swiss Constitution acknowledges neither the right to political asylum nor the corresponding obligation on behalf of the Switzerland. To become a Swiss national, you must fulfill certain conditions :

1. Anyone over the age of 11
2. Entire families (both parents and children under 18)
3. One parent and children under 18 Conditions laid down under cantonal law Residence
4. In Switzerland 12 years of residency in Switzerland of which three out of the last five immediately preceding

³⁴Article 38 Acquisition and Loss of Citizenship:(1) The Federation regulates the acquisition and the loss of citizenship by descent, marriage and adoption. In addition, it regulates the loss of Swiss citizenship for other reasons, as well as the restoration of citizenship [Wiedereinbürgerung].

³⁵In general, the municipal parliament, administration or a naturalisation committee decides about naturalisations. However, in some towns, naturalisations are subject to a popular vote. The Supreme Court decided in 2003 that naturalisations were an administrative act and thus must obey the prohibition of arbitrariness, which rules out rejections by anonymous popular vote without an explanatory statement. There are ongoing discussions about changing the rules: one proposal consists of automatically naturalising foreigners if they fulfill the formal criteria, and citizens can propose non-naturalisation if they give a reason for the proposal. The proposal would be voted on, and if the foreigner doesn't accept the outcome of the vote, he can order the court to verify the objectivity of the reasons. Some politicians have started an initiative to change the Swiss Constitution in order to make votes on naturalizations legal,[4] but it reached a referendum in June 2008 and was soundly rejected.

³⁶.Article 38. 1. Acquisition and Loss of Citizenship(2) The Federation sets minimal standards for the naturalization of foreigners by the Cantons, and grants naturalization permits.(3) The Federation facilitates the naturalization of stateless children.

the application must have been spent in Switzerland³⁷

- between the ages of 10 and 20, the years of residency count double;
 - when a request is made by a married couple, only one of whom is eligible, the required residency period for the other may be reduced to five years provided the couple have been married and living together for over three years³⁸;
5. Must abide by Swiss law: no police record;
 6. Must have a sound moral and financial reputation;
 7. Must not pose a threat to Swiss internal and external security;
 8. Must be well integrated into the community (both Swiss and Vaudois), in particular through knowledge of French and integration in professional and social life;
 9. Must demonstrate loyalty to Switzerland and its institutions;

8. Conclusions

The granting of the local voting rights to immigrants, dual nationality, and greater naturalization has not proceeded evenly in Switzerland, a multilevel state. The French speaking part in the West has facilitated naturalization procedures and provided local voting rights, transforming this linguistic area into a sort of transnational democracy. In contrast, the dominant German and also Italian speaking remainder of the country has moved in the opposite direction, constructing an ethnically bounded democracy. As a result, only native born citizens are entitled to universal liberal rights, whereas immigrants enjoy only a reduced form of these rights, mainly in the social civic sphere. Voters in many parts of the country maintain a deeply rooted skepticism toward newly arrived immigrants, whom they suspect are not trustworthy and whose loyalty to the society and state they cannot take for granted.

This position stands in deep contrast to the principles embedded in the Swiss constitution and may ultimately lead the country to a future conflict between the partisans of the national rule of law and supporters of local popular sovereignty, as embodied in reactions to the declaration of the Federal Supreme Court that popular balloting of naturalization was unconstitutional. The Federal Supreme Court judges signaled that, even though foreigners may find themselves outside the procedure of legitimate decision making, they are nevertheless protected by the constitution. The case of Switzerland thus shows that sovereignty can never be absolute if we are to prevent democracy from drifting toward an unbound, democratic form of totalitarian rule. Switzerland is still a long way from this situation, but the deep conflict over citizenship rights for its large immigrant population raises the possibility that the country will move toward it. The possibility of transnationalization of citizenship is confronted by the risk of renationalization through xenophobic politics. Both sides are highly mobilized, and both have strong conceptions of citizenship. It remains to be seen whether Swiss civil society will favor the enlargement of its democratic base, as has already happened in the western part of the country, or will continue to see it through the calculus of advantage by the native majority (Hochschild L, J & Mollenkopf H, John . (2009).pg. 74-75).

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³⁷A facilitated naturalization is available to foreigners born in Switzerland, second generation 14 to 24 year olds who have received most of their compulsory education in Switzerland, foreign spouses of Swiss nationals and children with one Swiss parent may be able to accelerate their naturalization. It is mainly an administrative procedure which should be referred to the Commune of residency.

³⁸• In the Canton of Vaud: three years preceding the request. • In the commune of residency: between one and three years depending on the commune. In Vaud, it is possible to file an application in a commune other than the one in which you reside provided you have previously lived there for more than two years. It is compulsory to reside in Switzerland during the whole procedure. Other conditions • must possess a residence permit (B and C permit; F permit if there is no decision of expulsion) • must be ready to undertake certain civic duties : payment of taxes (if eligible) and performance of military and/or community service;

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