

GUIDE TO GLOBAL IMMIGRATION

SWITZERLAND

AUTHORS:

LAURE BAUMANN & ELENA NAUER



Lenz & Staehelin

Switzerland

Laure Baumann and Elena Nauer

Lenz & Staehelin

Business travel

01. Are there regulations, guidance, or policies that define permissible business travel activities?

Business travel activities (which do not require a work permit) are mainly covered by international legislations, such as the Schengen Agreement and bilateral agreements in place with various countries, as well as by national legislations, such as the Federal Act on Foreign Nationals and Integration (FNIA), the Ordinance on Admission, Residence and Gainful Employment (OARG) and the Ordinance on Entry and the Granting of Visas (VGO).

Additionally, the directives issued by the State Secretariat for Migration (SEM) complement these legislations. Although not legally binding, SEM directives are a crucial resource for interpreting the laws.

There is no legal definition of business travel activities. Thus, it is not uncommon for such activities to fall in a grey area. In case of doubt, it is recommended to assess the situation on a case-by-case basis.

02. If yes, what activities are permissible for business travellers?

Permissible business travel activities include attending meetings, conferences (as a participant), contract negotiations, trainings and interviews that do not involve direct work activities or employment in Switzerland. Also, as a general rule, business travel activities must be on a short-term basis and not of a regular nature.

Business travellers are required to have a valid passport or ID and, if applicable a valid Schengen visa to enter Switzerland. Furthermore, they are restricted to a maximum stay of 90 days within any 180-day period in the Schengen area, which includes Switzerland.

03. Is there a list of countries whose nationals can travel/enter visa free as a business visitor?

Nationals of the European Union and of the European Free Trade Association ("EU/EFTA nationals") as well as certain third-country nationals (ie, non- EU/EFTA nationals) may enter the Schengen area (including Switzerland) as business visitors without a Schengen visa up to 90 days within a 180-day period.

For more information, please refer to the list of visa waiver countries provided on SEM's website:

https://www.sem.admin.ch/sem/en/home/publiservice/weisungen-kreisschreiben/visa/liste1_staatsangehoerigkeit/leg_visum.html.

A new European travel authorisation system ("ETIAS") is expected to be introduced within the Schengen area by the end of 2026. As soon as this system is operational, third country nationals allowed to enter the Schengen area as business visitors without a Schengen visa will have to apply online for an ETIAS travel authorisation before travelling to the Schengen area. The application will be available online, and the ETIAS travel authorization will cost 7 EUR and be valid for three years.

04. Otherwise, what are the documentary requirements to apply for a business travel visa?

Business travellers who need to apply for a business travel visa are in principle requested to provide:

- a completed and signed Schengen visa application form;
- a recent passport photo;
- a valid passport or travel document;
- documentation proving the business trip (eg, an invitation letter from the company in Switzerland, conference registration);
- a proof of sufficient financial means to cover the stay in Switzerland;
- a travel insurance for the entire duration of the stay in Switzerland;
- details of itinerary and accommodation; and
- evidence of ties to the home country (eg, confirmation of employment or ongoing business relations).

In addition, the competent authorities remain free to request additional documents depending on the circumstances.

05. What are the compliance risks and penalties if someone enters and works while on a business travel visa?

Any individual who enters and works in Switzerland while on a business travel visa may face criminal penalties, including a custodial sentence of up to one year or a fine (see Art. 115, para. 1 lit. c FNIA).

In addition, any employer who employs a foreign national in Switzerland without a valid work permit may be subject to administrative penalties. Specifically, the competent authority may reject future work permit applications submitted by the offending employer (see Art. 122 FNIA). The employer may also face criminal penalties, including a custodial sentence of up to one year (or up to three years in the most serious cases) or a fine (see Art. 117 FNIA).

Short-/long-term intracompany transfers

06. Are there regulations, guidance, or policies that provide a visa stream for intracompany transfers?

Intracompany transfers typically involve employees who terminate their employment contract with a group entity outside Switzerland and subsequently conclude a new employment contract with the Swiss group entity. As such they must be differentiated from secondments where employees remain under their original employment contracts with the non-Swiss group entity and are temporarily assigned to the Swiss group entity for a specific period to fulfill a defined mission.

Swiss legislation and international agreements provide for specific rules for intracompany transfers, although Switzerland does not offer a dedicated “visa stream” in the sense of a standalone, codified category exclusively for such transfers. The applicable rules differ depending on the employee’s nationality.

For EU/EFTA nationals, intracompany transfers are primarily governed by the Agreement on the Free Movement of Persons (AFMP) according to which EU/EFTA nationals have a right to obtain a residence and work permit in Switzerland, provided that the requirements of the AFMP are met (see in particular Art. 4 AFMP and articles of the Annex I AFMP). In this context, they can freely come to work in Switzerland under intracompany transfer arrangements.

For third-country nationals, intracompany transfers are primarily covered by the FNIA, which allows third-country nationals to obtain a residence and work permit provided that all applicable legal conditions are met (see Question 7). This includes passing a labour market test (ie, demonstrating that no suitable candidate could be found on the Swiss labour market (see Art. 21 para. 1 and 2 FNIA). However, an exception may apply, and the labour market test may be waived if the transferred employee is a senior executive or a specialist whose expertise is essential to a company with international operations. The General Agreement on Trade and Services (GATS) provides for a similar exception (but requires at least one year of employment within the transferring group company).

In addition, legislation applicable to intracompany transfers is supplemented by directives of SEM (see Question 1a).

07. What are the regulatory requirements specific to the corporation to sponsor an intracompany transfer?

In the case of an intracompany transfer involving an EU/EFTA national, no specific requirement applies to the Swiss employer (beyond the general requirements under the AFMP).

For a third-country national, the Swiss employer must mainly demonstrate that:

- the hiring of the third-country national in Switzerland serves the economic interests of the country – in particular of the concerned Canton (see Art. 18 lit. a FNIA);
- quotas are available (see Art. 20 FNIA); and
- the salary offered to the third-country national is comparable to that which a Swiss resident worker would receive with the same background, similar position, and in the same region (see Art. 22 para. 1 FNIA).

Additionally, regardless of the transferee's nationality, a direct link between the foreign company and the Swiss company must be demonstrated, such as a parent-subsidiary relationship or affiliation through a branch structure.

08. What are the regulatory requirements for the individual to qualify as an intracompany transferee?

For an EU/EFTA national, no specific requirements apply to the individual (see Question 6 for further details).

In the case of a third-country national, the individual must generally qualify as a highly skilled worker, such as a manager or a specialist in their field of expertise (see Art. 23 para. 1 FNIA).

Regardless of nationality, the individual should demonstrate a continuous employment relationship within the group prior to the transfer to Switzerland.

09. Are there any salary thresholds?

For EU/EFTA nationals locally hired in Switzerland, including those hired through intracompany transfers, there is no fixed salary threshold. However, the employment must be genuine and effective and not limited so as to appear merely marginal or ancillary. In case of doubt, the salary offered for the position could be

used as a criteria among others to assess the authenticity of the employment.

For third-country nationals locally hired in Switzerland, including those hired through intracompany transfers, a salary threshold applies. Specifically, the salary must meet the market standard, ie, it must be in line with that which a Swiss resident worker would receive with similar qualifications and with a similar position in the same region (see Art. 22 para. 1 FNIA; also see Question 7).

Salary thresholds apply in all cases where they are established by a collective bargaining agreement, a standard employment contract, or cantonal law.

10. If yes, how long are these permissions valid for?

For EU/EFTA nationals the residence and work permit is typically issued for a period of five years and is renewable, provided the employment relationship continues. If the employment contract is for one year or less, the permit is issued for the duration of the contract.

For third-country nationals, the residence and work permit is typically issued for one year and is renewable. However, if the employment contract is for a duration of less than one year, the permit will be limited to the term of the contract.

11. How long should employers plan for this visa and work authorisation process to take?

The processing time for residence and work permit applications mainly depends on the complexity of the individual case and on the competent authority of the Canton concerned.

For EU/EFTA nationals, the process generally takes approximatively three months from the date of filing. However, EU/EFTA nationals hired by a Swiss employer are allowed to start working and to take up residence in Switzerland as soon as they have submitted their application to the competent authority and registered their arrival in Switzerland.

For third-country nationals, the process typically takes between two and four months from the date of filing. Unlike EU/EFTA nationals, third-country nationals are not allowed to work or reside in Switzerland during the permit application process; they must wait to receive the necessary approvals before entering Switzerland.

12. Are there any special documentary requirements that require legalisation or apostille that could elongate the process?

The need for legalisation or apostille in connection with a residence and work permit application depends on the specific circumstances of the case, including the applicant's nationality, place of birth, or place of marriage.

In practice, civil status documents such as marriage certificates or birth certificates issued by foreign authorities (in particular outside Europe) must be translated, as well as legalised or apostilled. That said, such documents are not systematically required for all permit applications. They are mainly requested for residence permits based on family reunification.

13. Are there any post-arrival registration requirements?

All foreign nationals arriving in Switzerland have to notify or register their arrival to the competent authorities (see Art. 12 para. 1 FNIA). The registration requirements may vary depending on the Canton and the Municipality of residence. The registration deadline generally ranges from 8–14 days after arrival, depending on the Municipality of residence. This notification also requires the foreigner to submit proof of accommodation, copy of the passport, health insurance documentation and criminal record (for third-country nationals).

Stays of up to four months within a 12-month period do not require an arrival notification (see Art. 12 para. 1 OARG).

14. Are there de-registration requirements when the assignment is over?

Foreign nationals holding a residence permit must notify the competent authorities of their departure from Switzerland (see Art. 15 FNIA). The requirements may vary depending on the Canton and the Municipality of residence.

If the foreign nationals have since obtained a permanent residence permit, they may apply for a suspension of the permit for a period of up to four years (see Art. 61 para. 2 FNIA) allowing for reactivation upon their return to Switzerland.

Other foreign professional talent

15. Are there regulations, guidance, or policies that provide work permissions for professional foreign national local hires?

The hiring of foreign professionals in Switzerland is generally covered by the same legislations than the ones applicable to intracompany transfers (see Question 6).

16. What visa streams are the most frequently used for professionals?

Switzerland does not publish specific statistics on the most frequently used permit types for professionals across all sectors. However, data from the SEM provides insight into some numbers relating to third country nationals (excluding UK nationals – see

<https://www.sem.admin.ch/sem/fr/home/publiservice/statistik/auslaenderstatistik/monitor.html>).

In 2024, 79% of the 4,500 residence and work permits (known as B permits) available to third-country nationals (excluding UK nationals) were granted. In the same year, 69% of the 4,000 short-term residence and work permits (known as L permits) available to third-country nationals (excluding UK nationals) were granted. These figures suggest that a higher proportion of long-term residence and work permits are issued to third-country nationals coming to work in Switzerland compared to short-term permits.

17. What are the regulatory requirements specific to the corporation to sponsor foreign national talent?

The company's requirements that apply to the hiring of foreign national talents in Switzerland are similar to the ones that apply to intracompany transfers (see Question 7).

In addition, when hiring third-country nationals, the Swiss company must demonstrate that no suitable candidate for the open position could be found on the local labour market (see Art. 21 para. 1 and 2 FNIA).

18. Are there any country specific quotas that limit the proportion of foreign workers a company can hire; essentially, a company can only employ a certain percentage of foreign workers relative to its total workforce?

Under Swiss law, there are no country-specific quotas that limit the proportion of foreign workers a company can employ in relation to its total workforce. However, certain work permits are subject to yearly quotas.

In particular, yearly quotas apply to EU/EFTA nationals seconded to Switzerland, as well as to third-country nationals seconded and locally hired in Switzerland (see Art. 20 FNIA). This means that only a limited number of Swiss residence and work permits can be issued to those nationals each calendar year. As an exception to this rule, no quota applies for work permits valid for a maximum of four months.

Since the UK left the EU on 31 January 2020, quotas also apply to residence and work permits issued in favour of UK nationals. While they currently benefit from specific quotas, it is likely that UK nationals will be integrated into the broader quota system for third-country nationals in the medium term.

Lastly, there are no quotas for EU/EFTA nationals locally hired in Switzerland, except in special circumstances (eg, activation of the safeguard clause by the Swiss Federal Council as per the specific dispositions of the AFMP).

19. Are there salary thresholds?

See Question 9.

20. If yes, how long are these permissions valid for?

See Question 10.

21. How long should employers plan for this visa and work authorisation process to take?

See Question 11.

22. Are there any special documentary requirements that require legalisation or apostille that could elongate the process?

See Question 12.

23. Are there any post-arrival registration requirements?

See Question 13.

24. Are there de-registration requirements when the assignment ends?

See Question 14.

Dependants and misc.

25. Is there anything in particular we should understand about the visa and residence process related to dependants?

The rules for sponsoring dependants vary depending on whether the main applicant is an EU/EFTA or a third country national.

EU/EFTA nationals may apply for a residence permit in favour of their spouse, (ie, their legally married partner), their children and grandchildren under the age of 21 (see Art. 3 Annex I AFMP). Depending on the circumstances, individuals may also apply for a residence permit for another family member, particularly if they can demonstrate that they have been supporting the family member prior to their arrival in Switzerland and will continue to do so while in the country. Additional requirements, such as adequate housing, must be fulfilled in order to obtain a residence permit for family members. EU/EFTA nationals may apply for a residence permit in favour of their family members at any time.

Third-country nationals can apply for a residence permit in favour of their spouse, (ie, their legally married partner) and their children under the age of 18 (see Art. 44 and 45 FNIA). The residence permit is issued to the family member under specific conditions, such as cohabitation, basic knowledge of the local language, and adequate housing. Finally, third-country nationals can apply for a residence permit in favour of their family members within five years of being granted their own residence permit or within twelve months of the establishment of the family relationship (eg, marriage or birth), provided the family member meets the

aforementioned conditions (see Art. 47 FNIA).

26. Are there provisions for common law partners, same sex partners, etc?

Family reunification does not extend to common law partners or other non-marital living arrangements which are not formalised by a legal registration or similar formal act. However, in exceptional circumstances, a residence permit may be granted, in particular based on Article 8 of the European Convention of Human Rights (ECHR), which protects the right to respect for private and family life.

As regards to same sex partners, registered partnership in Switzerland falls within the scope of the family reunification provisions (see Art. 52 FNIA). Same sex partnerships registered outside Switzerland may also fall within the scope of the family reunification provisions provided that the foreign registration is recognised by the competent Swiss authorities as equivalent (Art. 65a with Art. 45 of the Federal Act on Private International Law). Same sex partners married in Switzerland directly benefit from the family reunification provisions.

27. Will spouses and children be able to secure work permissions in their dependant status?

Spouses and children who obtain a residence permit under the family reunification provisions have in principle a right to work in Switzerland, either as an employee or a self-employed person.

28. Are there any other immigration provisions or requirements, corporate employers should be aware of? ie, age restrictions?

See Question 25.

Remote Work

29. Is remote work for an organisation that is not incorporated in-country supported in regulation? i.e, The employee of a US-based company with no global operations would like to move to and work in Switzerland.

Swiss law does not explicitly regulate remote work performed from Switzerland for a foreign employer that is neither incorporated nor operating in the country.

However, according to a circular published by SEM on 5 April 2022, foreigners working remotely from Switzerland must obtain a residence and work permit if their activity has an impact on the Swiss labour market (for example, if they act as a regional representative or have customers in Switzerland). Where no such impact exists, a work permit is not required but it remains necessary to hold a residence permit.

In any case, carrying out an activity remotely from Switzerland can have consequences from a social security and tax standpoint. It therefore remains advisable to assess these aspects on a case-by-case basis.

30. If yes, what are the remote work provisions and requirements?

See Question 29.

31. Does the tax code similarly support remote work?

The current Swiss tax legislation does not offer specific support, incentives, or accommodations for remote work. As a result, general tax and social security rules apply.

Employers and employees must assess whether remote work performed from Switzerland triggers social security obligations or income (and wealth) tax liabilities. Additionally, overseas remote work may create a

permanent establishment (PE) risk for the employer in Switzerland.

Thus, it is advisable to assess the situation involving remote work on a case-by-case basis.

Risk and Compliance

32. Are there any right to work compliance requirements in your jurisdiction? If yes, please elaborate.

Before hiring a foreign national in Switzerland, employers must ensure that the person concerned has a valid work permit, by checking their residence and work permit or by obtaining information from the competent authorities (see Art. 91 para. 1 FNIA).

33. Are employers permitted to collect and store personal identifying information as part of a right to work assessment?

Employers are permitted to collect and store personal identifying information as part of a right to work assessment to the extent that such information concerns the employee's suitability for their job or is necessary for the performance of the employment contract.

34. What are the penalties for non-compliance related to right to work?

See Question 5.

35. Are there any other penalties for immigration non-compliance that employer and workers should be aware of? For example, what are the penalties if one overstays their visa?

Under Swiss legislation, particularly concerning workers' protection, a foreign employer that fails to comply with the regulations may be barred from seconding employees to Switzerland for up to five years.

Individuals who remain in Switzerland without legal authorization (eg, because they overstay their visa) may be notified with a removal order, even upon departure from Swiss territory (see Art. 64 FNIA). Additionally, they may be banned from re-entering Switzerland or other Schengen countries for up to five years (see Art. 67 FNIA). Furthermore, such measures may be registered in the data base accessible by other Schengen countries (ie, Schengen information system).