



ICLG

The International Comparative Legal Guide to:

Corporate Immigration 2019

6th Edition

A practical cross-border insight into corporate immigration law

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Switzerland

Rayan Houdrouge



Dr. Matthias Oertle



Lenz & Staehelin

1 Introduction

1.1 What are the main sources of immigration law in your jurisdiction?

The main sources governing immigration law in Switzerland are: the Federal Act on Foreign Nationals and Integration of December 16, 2005 as amended (“**FNIA**”); the Ordinance on Admission, Residence and Gainful Employment of October 24, 2007 as amended (“**OARG**”); the Ordinance on Foreign Nationals and Integration of August 15, 2018 (“**OFNI**”); the Agreement on Free Movement of Persons (“**AFMP**”) between the European Union (“**EU**”) and Switzerland of June 1, 2002 as amended; the Ordinance on the Agreement on Free Movement of Persons of May 22, 2002 as amended; the European Free Trade Association (“**EFTA**”) Convention of January 4, 1960 as amended; the Schengen Agreement of December 12, 2008 as amended; and the General Agreement on Trade in Services, as amended (“**GATS**”).

Moreover, the Directives of the State Secretariat for Migration (“**SEM**”) are an important source when interpreting Swiss immigration law, even if they are not legally binding.

1.2 What authorities administer the corporate immigration system in your jurisdiction?

In a Federal State such as Switzerland, immigration authorities exist on two levels: the cantonal level; and the federal level.

Each canton determines autonomously its organisation and the administration of its immigration authorities, which thus vary from one canton to another.

For example, in the canton of Geneva, the main competent authorities for immigration are the “*Office Cantonal de la Population et des Migrations*” (“**OCPM**”) and the “*Office Cantonal de l’Inspection et des Relations de Travail*” (“**OCIRT**”). The OCPM is the deciding authority for all permit applications not subject to local market testing (see question 9.2), as well as the permits without gainful activity. The OCPM is mainly in charge of filing all the applications, especially those regarding work permits. The OCIRT is competent for employment-related aspects of immigration, such as verifying that local market testing is respected (see question 9.2).

Regarding the canton of Zurich, the “*Migrationsamt des Kantons Zürich*” is the competent authority regarding the immigration aspects strictly related to immigration, such as a foreign national’s personal compliance with Swiss immigration law. The “*Amt für*

Wirtschaft und Arbeit” is the competent authority to verify the employment-related aspects of immigration, such as local market testing (see question 9.2).

The competent federal authority is the State Secretariat for Migration.

1.3 Is your jurisdiction part of a multilateral agreement between countries (EU/NAFTA/MERCOSUR) which facilitates the movement of people between countries for employment purposes?

Switzerland is part of the AFMP with the EU. The AFMP gives nationals of Member States the rights to circulate freely, to work and to establish themselves within the other Member States’ territories.

Please note, however, that Croatian nationals, despite being part of the EU, are subject to specific restrictions. In particular, the domestic workforce can be given precedence over Croatian nationals (see question 9.2).

2 Business Visitors

2.1 Can business visitors enter your jurisdiction under a relevant visa waiver programme?

Switzerland does not have a visa waiver programme *per se*. However, and according to the Schengen Agreement, Member States’ nationals may freely circulate within the Schengen area without a visa.

Non-Schengen nationals may obtain Schengen visas in order to visit Switzerland for business purposes. That being said, the conditions to grant such Schengen visas depend on the nationality of the applicant.

2.2 What is the maximum period for which business visitors can enter your jurisdiction?

A business visitor’s stay in the Schengen area (including Switzerland) may not exceed 90 days in any 180-day period.

2.3 What activities are business visitors able to undertake?

According to the SEM, business visitors are permitted to participate in:

- business meetings;
- scientific, economic, cultural, religious or sporting events;
- professional conferences, seminars or meetings, including invitations of international organisations, NGOs or associations; and/or
- educational or professional meetings without internship such as instruction courses, e.g. technical courses which a Swiss company organises for its own personnel or for its foreign customers in connection with the purchase or supply of technical installations.

2.4 Are there any special visitor categories which will enable business visitors to undertake work or provide services for a temporary period?

Yes, business visitors are authorised to undertake work or provide services for a temporary period (see questions 2.2 and 2.3).

According to the AFMP, the categories hereunder do not need work permits, but can instead benefit from an online registration procedure where companies need only inform the immigration authorities of the employment or secondment by completing an online form (“90-day online authorisation”) for:

- EU/EFTA nationals (“EU nationals”) taking up employment, providing services or being seconded to Switzerland for a maximum period of 90 days per civil year; and
- non-EU nationals seconded to Switzerland for a maximum period of 90 days per civil year by EU companies, and provided said non-EU nationals have worked for the concerned EU company at least one year before coming to Switzerland.

2.5 Can business visitors receive short-term training?

As set out in question 2.3, business visitors can receive short-term business training.

According to Article 14 OARG, foreign nationals can stay in Switzerland for a maximum of eight days per calendar year when working for a foreign employer, even though non-EU nationals still require a visa to enter Switzerland. Therefore, short-term training is possible, depending on whether the aforementioned training period is longer than eight days. If so, foreign nationals usually need a work permit to stay in Switzerland.

3 Immigration Compliance and Illegal Working

3.1 Do the national authorities in your jurisdiction operate a system of compliance inspections of employers who regularly employ foreign nationals?

No, the Swiss national authorities do not operate a system of compliance inspections. However, the cantonal immigration authorities have inspectors who ensure that foreign nationals working in their canton have the proper immigration status and documents.

3.2 What are the rules on the prevention of illegal working?

The main sources governing illegal working in Switzerland are: the FNIA; the Federal Act on Illegal Work of June 17, 2005 as amended (“FAIW”); the OARG; the Federal Act on Employment Services of

October 6, 1989 as amended (“FAES”); the Federal Act on Posted Workers of October 8, 1999 as amended (“FAPW”); and the Federal Labour Act of March 13, 1964 as amended (“FLA”).

The cantons are responsible for ensuring that the illegal work rules are complied with (Article 4 FAIW).

Employers are especially responsible for declaring their employees for the purposes of social security and unemployment insurance. Employers must also comply with certain aspects of Swiss law such as the minimum wage, holidays, a certain amount of working hours, security, hygiene and health standards and providing a lodging for posted workers (Articles 2 to 4 FAPW).

3.3 What are the penalties for organisations found to be employing foreign nationals without permission to work?

Employers can incur criminal penalties usually ranging from fines to one-year jail sentences. In more serious cases, jail sentences can reach three years. If jail sentences are ordered, they are combined with a fine (Article 117 FNIA).

4 Corporate Immigration – General

4.1 Is there a system for registration of employers who wish to hire foreign nationals?

No, there is no system that registers employers looking to hire foreign nationals in Switzerland.

4.2 Do employers who hire foreign nationals have ongoing duties to ensure immigration compliance?

The employer’s main obligation is to ensure that the minimum wages and working hours set by the collective labour agreements, Swiss law and the local customs are complied with (Article 1 FAPW).

4.3 Are employers who hire foreign nationals required to show a commitment to train or up-skill local workers?

No, employers who hire foreign nationals do not need to train or up-skill local workers.

4.4 Are employers who hire foreign nationals required to pay government charges and fees which contribute towards the training or up-skilling of local workers?

No, there is no such requirement on a federal level (see question 4.3).

4.5 Do the immigration authorities undertake routine inspections of employers who sponsor foreign nationals, to verify immigration compliance?

No, there are no routine inspections of employers in Switzerland. Indeed, Switzerland operates through random inspections and the reporting of potentially illegal situations. The cantonal immigration authorities are tasked with verifying the employers’ and the employees’ compliance with Swiss law.

4.6 Do the immigration authorities maintain a list of skilled occupations which may be filled by foreign nationals?

No, the Swiss immigration authorities do not maintain a list of skilled occupations which may be filled by foreign nationals.

4.7 Is there a recognition that some occupations may be in short supply and do special exemptions apply to certain sectors and occupations?

No, there is no recognition that some occupations may be in short supply, nor are there exemptions related to sectors or occupations that might have a supply shortage. That being said, in certain sectors, such as IT, authorities may be more flexible when deciding on the issuance of a work permit.

4.8 Are there annual quotas for different types of employment-related work permits or visas?

The Swiss Federal Council sets yearly quotas for the different kinds of work permits to be issued in favour of non-EU nationals (except for the L-permits for four consecutive months and for the 120-day work permits which are, in principle, not subject to quotas). For the year 2019, these quotas amount to 4,000 for short-duration permits (i.e. L-permits, see question 7.1) and 4,500 for long-term work permits (i.e. B-permits, see question 9.1) (Article 19 OARG).

As a general rule, no yearly quotas apply for the different kinds of work permits to be issued in favour of EU nationals. However, specific quotas are applicable to seconded workers and Croatian nationals. In 2019, with respect to seconded workers, quotas amount to 3,000 for short-term work permits (i.e. L-permits, see question 7.1) and 500 for long-term work permits (i.e. B-permits, see question 9.1); with respect to Croatian nationals, quotas amount to 748 for short-term work permits (i.e. L-permits, see question 7.1) and 78 for long-term work permits (i.e. B-permits, see question 9.1).

In addition, in the event of a “no-deal” Brexit, British citizens would not be subject to the AFMP anymore and the “ordinary regime” would therefore in principle apply to them. This being said, the Swiss government and the British government have agreed to maintain as far as possible the existing rights. In this context, it has been agreed that specific quotas would apply to British citizens for a transitional period, until future migration arrangements have been clarified. Also, the usual conditions applicable to the “ordinary regime”, i.e. the professional qualifications, the economic interests of Switzerland and the labour market testing (see question 9.2) will not be examined, and the Swiss work permit applications will be reviewed by the cantonal immigration authorities only (and not by the SEM).

4.9 Are there restrictions on the number of foreign workers an employer may sponsor, in relation to a maximum percentage of foreign workers in the employer’s workforce?

No; as a general rule, there are no restrictions on the number of foreign workers an employer may sponsor.

4.10 Are employees who are sponsored to work in your jurisdiction required to demonstrate language proficiency?

Switzerland’s national languages are German, French, Italian and Romansh. Employees are not required to show a national language proficiency.

However, proficiency in a national language can sometimes help to demonstrate that there is no good candidate on the local market (see question 9.2).

In addition, with the revision of the FNIA, foreign employees may be required to demonstrate certain skills of the speaking language of their place of residence upon the renewal of their work permit (A1 oral level of the Common European Framework of Reference for Languages).

Also, the revision of the FNIA has triggered such language skills requirements for foreigners applying for a permanent residence permit (C-permit), which may be applied for after a certain number of years under a B-permit. Under the revised FNIA, foreigners applying to transition from a B-permit to a C-permit will be required to demonstrate higher language skills in the language of their place of residence (A2 oral level and A1 writing level of the Common European Framework of Reference for Languages; see question 12.1).

4.11 Are employees who are sponsored to work in your jurisdiction required to undergo medical examinations before being admitted?

No; medical examinations are not required before one’s admission into Switzerland.

4.12 Are employees who are sponsored to work in your jurisdiction required to have medical insurance or are they entitled to any free public medical services?

As a general rule, people who reside in Switzerland have to take out a Swiss health insurance policy. Regarding foreign employees, they are in principle required to have Swiss health insurance if they benefit from a work permit allowing them to work for more than three months in Switzerland. Foreign employees who are allowed to work for three months or less in Switzerland are usually not required to have Swiss health insurance, provided they have a foreign health insurance policy which would cover health costs in Switzerland.

4.13 Does the work permit system allow employees who hold work permits to be seconded to a client site?

Yes, once employees benefit from work permits, they may be allowed to be seconded to a client site within or outside Switzerland.

5 Highly Skilled Visas

5.1 Is there an immigration category which covers highly skilled individuals?

All non-EU nationals must be highly skilled to obtain work permits in Switzerland. Consequently, there is no specific immigration category for highly skilled non-EU nationals (Article 23 FNIA).

There is also no such category for EU nationals as they are entitled to work in Switzerland based on the AFMP, except for seconded workers.

6 Investment or Establishment Work Permits

6.1 Is there an immigration category which permits employees to be authorised to work based on investment into, or setting up a subsidiary or corporate presence in, your jurisdiction?

As a general rule, there are no specific work permits based on investment in a particular sector in Switzerland.

However, according to the FNIA, non-EU nationals may apply for self-employed work permits, which are granted if the Swiss authorities can determine that, among other things, the self-employed activity may lead to “substantial investments” in favour of the Swiss economy and that the applicant possesses sufficient financial means to conduct business.

7 Temporary Work Permits

7.1 Is there an immigration category permitting the hiring of temporary workers for exchanges, career development, internships or other non-economic purposes?

There is no category regarding such non-economic purposes. Regarding short-term work permits, Switzerland delivers the following kinds of permits in order to allow the likes of temporary workers to be employed for a short time in Switzerland:

- L-permit: this is a short-duration permit, the purpose of which is to allow a foreigner to perform a short assignment in Switzerland. The validity of the L-permit is limited to a period of one year but it may be extended for another period of one year. Depending upon the duration of the stay in Switzerland, different sorts of L-permits may be applied for: (a) L-permit for 12 consecutive months; (b) L-permit for four consecutive months; and (c) L-permit for 120 days per 12-month period (“**120-day work permit**”).
- 90-day online authorisation: see question 2.4.

Regarding young professionals (trainees), Switzerland has concluded bilateral agreements with various countries, including Canada and the USA, in order to enable trainees to extend their skills through internships in Switzerland. Based on those agreements, work permits can be granted for a maximum of 18 months.

7.2 Are there sector-specific temporary work permit categories which enable foreign workers to perform short-term temporary work?

Yes, according to Article 19 OARG, sector-specific work permits enabling non-EU nationals to perform temporary work can be granted, provided that Swiss employers wish to carry out tasks requiring specific know-how. Categories of specific know-how include art, hotels or construction. Such workers are not subject to the quotas of Article 19 OARG (see question 4.6) and are subject to specific rules which may vary depending on the categories.

8 Group or Intra-Company Transfer Work Permits

8.1 Does a specific immigration category exist for inter-company transfers within international groups of companies?

According to the GATS, intra-company transfers of non-EU nationals are possible for executives and senior managers, as well as highly qualified specialists. According to the SEM, the executive and senior managers are the people whose essential task is to manage the company or one of its departments. They only answer to the company’s board members or shareholders. In addition, highly-qualified specialists are those who, by their specific knowledge and experience regarding services, research equipment, technical skills or firm management, are indispensable when providing a particular service.

In addition, and according to Article 46 OARG, intra-company transfers of non-EU nationals are possible for executives and senior managers, as well as indispensable specialists. According to the SEM, these executives and senior managers are people with a right to make decisions within the company. In addition, indispensable specialists are highly qualified people in the economy or in research, working for international companies or research institutes.

In principle, there are no such categories for EU nationals as they are entitled to work in Switzerland based on the AFMP, except for seconded workers.

8.2 What conditions must an employing company or organisation fulfil in order to qualify as part of a group of companies?

According to the SEM, a legal entity abroad must have a legal entity or a branch in Switzerland in order to qualify as part of a group of companies.

8.3 What conditions must the employer fulfil in order to obtain a work permit for an intra-company group employee?

According to the GATS, international groups of companies can transfer non-EU nationals to Switzerland for up to four years under the following conditions:

- the employee must be an executive, a senior manager or a highly qualified specialist (see question 8.1);
- the employee must have worked for the group of companies, outside of Switzerland, during at least the whole year preceding the filing of the Swiss work permit application; and
- the general conditions of the FNIA must also be met, in particular, the respecting of quotas and minimum wages.

Alternatively, L- and B-permits can be granted to executives or senior managers and indispensable specialists (see question 8.1) under the following conditions (Article 46 OARG):

- the transfer must serve the economic interests of Switzerland (Article 18 FNIA);
- the employer has filed a request (Article 18 FNIA);
- quotas must be respected (see question 4.6) (Article 20 FNIA);
- the applicable minimum wages set by collective labour agreements, Swiss law or local customs have to be complied with (Article 22 FNIA); and
- employees must have adequate housing (Article 24 FNIA).

The main advantage of intra-company transfers is that employers are not subject to the local market test condition (see question 9.2).

Regarding EU nationals, the rules set above only apply if they are seconded for more than 90 days to Switzerland.

In the eventuality of a transfer or secondment lasting for fewer than 90 days, EU nationals only need 90-day online authorisations rather than work permits (see question 2.4).

8.4 What is the process for obtaining a work permit for an intra-company group employee?

Once the conditions set out in question 8.3 are fulfilled, employers must file a work permit application with the competent cantonal authority. The application process usually requires that the approval of the cantonal and, for non-EU nationals, the federal authorities be obtained.

8.5 What is the process for the employee to obtain a visa under the intra-company group transfer category?

Non-EU nationals must fill in the federal application form for a visa and file it with the Swiss authorities' representation of their residence abroad (e.g. an embassy or consulate).

Based on the Schengen Agreement, EU nationals do not need visas to enter Switzerland.

8.6 How long does the process of obtaining the work permit and initial visa take?

The process firstly depends on whether or not the applicant is an EU national. Secondly, the length of the process also depends on the canton from which the work permit emanates.

For EU nationals, the issuance of a work permit usually takes about eight weeks after the work permit application is filed. In addition, EU nationals who are not seconded are in principle able to start working from the moment they have filed their complete work permit application.

The issuance of work permits for non-EU nationals usually takes about 10 to 12 weeks after filing. Moreover, non-EU nationals are not allowed to work until they have received their work permit.

8.7 Is there a maximum period of validity for initial intra-company transfer visas, can they be extended and is there a maximum period of stay in this category?

According to the GATS, international groups of companies can transfer non-EU nationals to Switzerland for up to four years maximum.

8.8 Can employees coming under the intra-company route transfer to a permanent stay visa route and apply for permanent residence?

To obtain an "unlimited" B-permit, the process mentioned under question 9.2 must be respected. To obtain a permanent residence permit (C-permit), they are subject to the conditions outlined in question 12.1.

8.9 What are the main government fees associated with this type of visa?

The employer will have to pay a fee of around CHF 800 in order to obtain a long duration work permit (i.e. B-permit) and a fee of around CHF 550 in order to obtain a short duration work permit (i.e. L-permit).

9 New Hire Work Permits

9.1 What is the main immigration category used for employers who wish to obtain work permits for new hires?

Fundamentally, there are three main types of work permit under Swiss law:

- L-permit: this is a short duration work permit, the purpose of which is to allow a foreigner to perform a short assignment in Switzerland (see question 7.1).
- B-permit: this is a long duration work permit (for a year or more). Unless it is subject to specific conditions, the renewal of the B-permit is usually a formality.
- G-permit: this is the work permit delivered to foreign nationals working in Switzerland and residing abroad (non-EU nationals have to reside near the Swiss border in a foreign country).

9.2 Is there a requirement for labour market testing, to demonstrate that there are no suitable resident workers, before a work permit can be issued to new hires?

As a general rule, when employers wish to hire non-EU nationals, they must demonstrate beforehand that there were no suitable candidates on the local market to fill the position.

Employers can prove adequate testing has been conducted by publishing job announcements on specialised websites and by sending the job description to the local authorities which advertise for candidates. Once the local market test has been made, and if no suitable candidate has been found, employers may file a work permit application (Article 21 FNIA).

EU nationals are as a matter of principle not subject to local market testing as they are entitled to work in Switzerland based on the AFMP, except for seconded workers (Article 21 FNIA).

This being said, in certain sectors with a high unemployment rate on a national level (a list of which is published and updated by the Swiss immigration authorities), employers are legally required to proceed to such local market testing even when hiring EU nationals. In this context, the local market testing must be done by registering their job vacancies with the regional unemployment centres; any other type of advertisement for the job vacancy would in this context not be deemed as fulfilling the legal requirement.

9.3 Are there any exemptions to carrying out a resident labour market test?

Yes, intra-company transfers allow employers to skip the local market test when applying for work permits for non-EU nationals (see question 8.3).

9.4 What is the process for employers obtaining a work permit for a new hire?

The process for non-EU nationals is more complex and usually takes longer than EU nationals. More importantly, non-EU nationals are not entitled to receive a Swiss work permit. Employers willing to hire non-EU nationals must in principle conduct a local market test, then file a work permit application.

Work permits for non-EU nationals are in principle subject to quotas. The application process requires obtaining approval from cantonal and federal authorities. Upon approval, an entry visa may be issued by the Swiss authorities' representation of the foreign nationals' place of residence abroad.

Usually, EU nationals are entitled to work in Switzerland based on the AFMP, except for seconded workers. As a consequence, EU nationals are usually allowed to start working in Switzerland as soon as all requested documents have been filed with the cantonal immigration authorities.

9.5 What is the process for the employee to obtain a visa as a new hire?

See question 8.5.

9.6 How long does the process of obtaining the work permit and initial visa for a new hire take?

See question 8.6.

9.7 How long are initial visas for new hires granted for and can they be extended?

See question 8.7.

9.8 Is labour market testing required when the employee extends their residence?

No; once the work permit has been granted, employers do not need to prove their inability to find a suitable local candidate in order to be able to renew non-EU nationals' work permits.

9.9 Can employees coming as new hires apply for permanent residence?

No; permanent residence permits are subject to the conditions described in question 12.1 and cannot be granted to new hires.

9.10 What are the main government fees associated with this type of visa?

The employer will have to pay a fee of around CHF 800 in order to obtain a long duration work permit (i.e. B-permit) and a fee of around CHF 550 in order to obtain a short duration work permit (i.e. L-permit).

10 Conditions of Stay for Work Permit Holders

10.1 What are the conditions of stay of those who obtain work permits and are resident on this basis?

As a matter of principle, L- and B-permits entitle their holders to freely reside and work in Switzerland for a specific period of time.

However, work permits granted to non-EU nationals may be subject to conditions; they may, in particular, be restricted to a specific employer or the achievement of certain targets.

Another example is the case of workers hired under the condition of having to achieve certain objectives or results set at the beginning of their employment contract. In this context, non-EU nationals must meet the conditions linked to the granting of their work permits in order for the immigration authorities to renew them. In addition, the revised FNIA has implemented new language skills requirements upon renewal of a B-permit.

10.2 Are work permit holders required to register with municipal authorities or the police after their arrival?

All work permit holders must announce their arrival to the competent authorities of their place of residence in Switzerland. These authorities vary in each canton.

Moreover, within three months of their arrival in the country, work permit holders must provide the competent cantonal authorities with a criminal history record from their country of origin.

11 Dependants

11.1 Who qualifies as a dependant of a person coming to work on a sponsored basis?

According to Article 45 FNIA, the spouse as well as minor children (i.e. under the age of 18) are considered to be dependants of a work permit applicant under the following conditions:

- the spouse and the work permit holder live under the same roof;
- the lodging is deemed appropriate; and
- they do not financially depend on social assistance.

According to the AFMP, ascendants of an EU national, i.e. parents or grandparents, can also be considered as dependants if they have been financially supported by their descendant coming to work in Switzerland. Ascendants must also be in a position where they cannot assume the cost of their treatment without impairing the minimal financial amount they need to survive.

11.2 Do civil/unmarried or same-sex partners qualify as family members?

According to the Swiss Civil Code, civil/unmarried partners are not considered as family members. Therefore, they cannot in principle be admitted in Switzerland as part of the family reunification.

In Switzerland, same-sex partnerships are recognised by the law as long as the partnership is valid in the country of celebration.

Same-sex partners are deemed to have equal rights to those of married persons. As a consequence, same-sex partners have a right to come to Switzerland if their partner was admitted to Switzerland (Article 52 FNIA).

11.3 Do spouses and partners have access to the labour market when they are admitted as dependants?

According to Articles 26 and 27 OARG, spouses and partners of foreign nationals, whose L-permit is valid for one year or who have a B-permit, have access to the Swiss labour market, under the following conditions:

- the work permit request comes from an employer;
- the working and salary conditions of the employment respect the standards set by Swiss law; and
- the spouse's/partner's personal abilities are taken into account.

Please further note that the validity period of a spouse's or a partner's work permit is limited to that of the main holder.

In addition, the revised FNIA have implemented specific individual requirements in case of a dependant applying for a work/residence permit as part of a family reunion procedure: indeed, in order to be granted a work permit, spouses of the initial work permit holder will have to demonstrate that they have sufficient language skills in the language of their place of residence (A1 oral level of the European Common Framework of Reference for Languages or registration to a language course with the equivalent target).

11.4 Do children have access to the labour market?

According to Articles 46 FNIA, 26 and 27 OARG, foreign children are allowed to work under the same conditions as the work permit holder's spouse or partner (see question 11.3).

12 Permanent Residence

12.1 What are the conditions for obtaining permanent residence?

In order to obtain a C-permit in Switzerland, the applicant must comply with the rules set by Article 34 FNIA:

- the applicant must have lived in Switzerland for a minimum of 10 years, including the last five years, without interruption, with a valid B-permit; unless
- the applicant is a national from certain countries (such as Canada, Great Britain, USA, etc.). In this case, the applicant will only be required to have lived in Switzerland for a minimum of five years without interruption with a valid B-permit;
- the applicant has mastered the place of residence's national language to a certain level (A2 oral level and A1 writing level of the European Common Framework of Reference for Languages); and
- there is no cause for any kind of revocation according to Article 62 FNIA (see questions 13.1 and 13.2).

That being said, and according to Article 34 FNIA, non-EU nationals can obtain an anticipated C-permit, provided that:

- the applicant has lived for five years uninterrupted with a valid B-permit in Switzerland;
- the applicant has adapted him/herself to the Swiss way of life (e.g. by taking part in local events, buying property, sending his/her children to local schools, etc.);
- the applicant has mastered the place of residence's national language to a certain level (B1 in oral and A1 in written); and
- there is no cause for any kind of revocation according to Article 62 FNIA (see questions 13.1 and 13.2).

12.2 Is it possible to switch from a temporary work visa to a work visa which leads to permanent residence?

In order to be able to switch from an L- to a B-permit, the employer and the work permit holder must (i) apply for a B-permit, and, thus, (ii) prove that between the moment the applicant came to Switzerland and the expiration of the L-permit, the business requirements have changed to the point where the employer now strongly needs the applicant to stay in Switzerland for an indefinite period of time.

13 Bars to Admission

13.1 What are the main bars to admission for work?

The local market test can be considered as a bar to admission for work (see question 9.2).

Moreover, according to Article 62 FNIA, there are some situations where both EU and non-EU nationals can be barred from being admitted to Switzerland or can have their work permit revoked:

- if a foreign national or his/her legal representative have given false information or hidden important facts during the work permit issuance procedure;
- if a foreign national threatens or endangers the internal or external security of Switzerland or the public order, from inside or outside Switzerland;
- if a foreign national does not comply with the conditions set by a decision to grant a work permit; or
- if a foreign national or one of his/her dependants (see question 11.1) is relying on social assistance support.

13.2 Are criminal convictions a bar to obtaining work permission or a visa?

Depending on the gravity and the type of the offence, criminal convictions can be a bar to obtaining a work permit or a visa. Foreign nationals who have been condemned to a prison sentence of one year or more can have their work permit revoked (Article 62 FNIA).

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