

## 11 June 2020 – UPDATE

### Important – Addition to Alert / Further Easing of Restrictions / Coronavirus COVID-19

Dear Customer,

As follow-up to our latest “Status Update” from 5 June 2020, please note that, at the moment, the filing of initial work permit applications for third country nationals is possible in some new cases (see below 1. – 3.) and in the already known situations (see below 4. – 6.).

Please find below a short summary of the different categories where the authorities are allowed to treat a new initial work permit application, always provided that the usual requirements according to the Swiss Foreign Nationals and Integration Act (FNIA) are met:

- 1) **Urgent Economic Need:** as outlined in our last Status Update, in this specific case, the following requirements have to be met (cumulative):
  - (i) The work assignment cannot be postponed, i.e. there is no possibility of a temporal deferral; and
  - (ii) The work cannot be carried out from abroad, i.e. the technical facilities are not available or the work must be carried out physically in Switzerland; and
  - (iii) The activity of the foreign specialists is of existential importance for the company in Switzerland, which means, for example, that jobs are directly affected or endangered; a damage to the company's reputation and finances could arise if a contract or similar cannot be fulfilled; threatening important customer losses or customer acquisitions, which are of relevance for the region or the companies are of great economic importance.
- 2) **Activities in the Public Interest:** This category refers to all activities that affect the availability of essential goods and services, in particular in the fields of medical and nursing care, food, energy, logistics and information and communication technology.
- 3) **Education Sector:** This category refers to applications for teachers at international schools, private schools or public schools and educational institutions.

Further, initial work permit applications for third country nationals continue to be possible in the following cases:

- 4) Applications from companies for persons who are needed for carrying out **urgent service work on important infrastructure** (e.g. specialists for nuclear power plant maintenance) or specialists who are of great importance to Switzerland in connection with the **health sector**.
- 5) The application for a work permit has been **approved before 19 March 2020** (i.e. LMA and SEM pre-approval have been issued), but the visa authorisation, the visa or the assurance of a residence permit could not be issued due to the COVID-19 situation and the work may actually be taken up.

- 6) The application for a work permit has been **filed before 19 March 2020**, the usual conditions are met and the work may actually be taken up.

Please note that in addition to what has been outlined so far for the above-mentioned categories, a proof that it is currently **possible** for the employee **to travel to Switzerland** and a **confirmation** that the employee will be **able to start working** at the Swiss location, has to be provided too.

Since the possibility of submitting a new application is currently only allowed in the above mentioned exceptional cases, it is essential to carefully identify the employees who have to work in Switzerland at a Swiss client's site / office.

It follows from the foregoing that, in all other cases, initial work permit applications for third country nationals are **not** possible.

In case a so-called application for a **"grace period"** has been filed (i.e. a Swiss work and residence permit or Swiss visa has expired and it was not possible for the individual to return to the home country), please note that the days spent in Switzerland after the validity of the visa or after the expiry of the maximum possible period of stay are counted as a subsequent stay. Therefore, re-entry within the framework of a permit-free stay can only take place after an interruption of at least 90 days abroad.

The current applicable regulation for **EU/EFTA nationals is not covered by this Status Update** as further changes are announced for next week. Therefore, kindly contact us directly for questions in relation to EU/EFTA nationals.

Should you have any questions, please do not hesitate to contact us.

Kind regards,  
Your Suter Howald Immigration Team

**Disclaimer: The content of this email does not represent legal advice and may not be used as such. For a personal consultation, please contact your Suter Howald Immigration Team.**

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