

12 May 2020 – UPDATE

Important – Addition to Alert / Gradual Relaxation of Restrictions of Entry / Coronavirus COVID-19

Dear Customer,

With reference to the above mentioned matter and as follow up to our earlier immigration alerts.

Current daily life in Switzerland as of 11 May 2020:

The situation in Switzerland is still categorized as being extraordinary but the taken measures are being eased gradually. As of 11 May 2020, classroom teaching takes place again in primary and lower secondary schools. Shops, markets, museums, libraries and restaurants may also reopen under strict compliance with precautionary measures.

Public and private events remain currently prohibited, as well as gatherings of more than 5 individuals in the public area. In case 5 or fewer individuals meet, they must maintain a distance of 2 meters from each other. A non-respect of this rule may lead to a fine (penalty of in principle CHF 100.-).

A graduate reinstatement of public transport services in Switzerland is underway.

Please find below the link of the Federal Office of Public Health regarding the current measures in regard to the daily life in Switzerland taken by the Swiss Federal Government: <https://www.bag.admin.ch/bag/en/home/krankheiten/ausbrueche-epidemien-pandemien/aktuelle-ausbrueche-epidemien/novel-cov/massnahmen-des-bundes.html>

Traveling to and from Switzerland:

1. Granting of visas

The issue of Schengen visas and national visas continues in principle to be suspended until 15 June 2020. Exceptions are possible for some special cases (see below). As Swiss representations abroad may be closed due to the measures taken from the respective countries, it is therefore necessary to consult the website of the competent Swiss representation abroad in any case.

2. Entry into Switzerland

The decision to impose entry restrictions to all non-Schengen States and to all Schengen States with the exception of the Principality of Liechtenstein taken from the Swiss Federal Government continues at the moment to apply and therefore, the border control authority shall continue to refuse entry to Switzerland to the individuals coming from a non-Schengen or even a Schengen State unless;

- They are Swiss national; or
- They have a travel document and a Swiss residence document (Swiss residence permit, a cross-border commuter permit for work related purposes (G-permit) or a visa issued by Switzerland for the purpose of attending professional consultations as a health sector specialist or for making an official visit of vital importance); or

- They have a travel document and a visa issued by Switzerland or an assurance of a residence permit; or
- They have rights under the Agreement of the Free Movement of Persons, have work-related reasons for entering Switzerland and can provide a confirmation of notification. Currently, the free movement rights are still limited and all activities are subject to the notification obligation from the first day; or
- They are transporting goods for commercial purposes and can provide a bill of lading for the goods; or
- They are simply travelling in transit through Switzerland with the intention of going directly to another country that they are permitted to enter; or
- They are in an emergency situation or are newly considered as being in an emergency situation (e.g. EU/EFTA nationals, who have already a Swiss employment contract signed before 25 March 2020 and also have a signed Swiss lease agreement valid latest as of 1 April 2020 or persons who need to enter the country to carry out urgent service work on important infrastructure, such as specialists for nuclear power plant maintenance); or
- They are specialists in the healthcare sector and need to enter Switzerland for important professional reasons.

These measures apply until further notice.

3. Exit/Leaving Switzerland

Most of the countries who have declared bans or have closed their borders to foreign travelers begin or have already begun to gradually relax the restrictions. However, as many international rail services and nearly all airlines continue to operate in reduced mode, the coronavirus COVID-19 homepage of the transit / destination country must be consulted before exiting Switzerland.

4. Work permits

4.1 Third country nationals

At the moment, the filing of initial applications for a work permit for third country nationals is still not possible.

As of 11 May 2020, the following cases are treated by the authorities:

- The applicants are in an emergency situation or are specialists in the healthcare sector and need to enter Switzerland for important professional reasons; or
- The application for a work permit has been approved before 19 March 2020 (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 (a Swiss national visa can then in principle be issued); or
- The application for a work permit has been filed before 19 March 2020, the conditions are met and the work may actually be taken up (a Swiss national visa can then in principle be issued).

According to the last update, applications for a work permit which have been filed before 19 March 2020 but have been withdrawn by the applicants can in principle not be reactivated. Therefore, a new application has to be filed as soon as it will be possible again. For the applications that have been withdrawn at the request of the

authorities, it is recommend to contact the competent cantonal authorities directly for further clarifications.

Applications for extensions for a work permit for third country nationals can in principle be filed and continue to be treated.

In case a Swiss work and residence permit or Swiss visa is expiring and it is not possible to return to the home country, it is highly recommend to file an application for a "grace period".

4.2 EU/EFTA nationals

The following exceptions apply:

- Application for a work permit or online notification for work activities which meet an predominant public interest, in particular in the field of national economic supply, can be filed again.
- Application for family reunion can be filed again. The filing of an application with the competent authorities is currently necessary as the dependent(s) may only enter Switzerland if they own an assurance of a residence permit or a visa in addition to their travel document.
- Applications for residence permits, cross-border commuter permits and online notifications for a maximal of 90 days a year submitted before 25 March 2020 are now treated. Additional documents to the application or to the usual travel documents may be requested.
- In case a Swiss employment contract has been validly signed before 25 March 2020, it is now possible to apply for a work permit. Additional documents to the application or to the usual travel documents may be requested.
- In case of a written service contract concluded before 25 March 2020, the online notification may be used and new notification based on a such contract may be done.

EU/EFTA nationals who wish to enter Switzerland for the first time and do not already have a Swiss permit (or an official documentation as a confirmation of notification) or for which the cases described above do not apply, are currently still restricted in their use of the Free Movement of Persons rights and may be refused to enter Switzerland.

Please do not hesitate to contact us for questions in regard to the above mentioned.

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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