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## Family reunification

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According to the Agreement on the Free Movement of Persons (AFMP) between Switzerland and the EU, citizens of EU/EFTA<sup>1</sup> who have been granted the right to stay in Switzerland may extend this right to certain family members.

EU/EFTA nationals holding a Swiss residence permit or short-stay permit for EU/EFTA citizens (employees, self-employed persons, economically inactive persons, service providers) may bring:

- their spouse as well as their own children or their spouse's children (who are under the age of 21 or receive support);
- their own parents or their spouse's parents who receive support (this option is not available for students).

This provision applies regardless of the nationality of these family members.

### Prerequisites for family reunification

Anyone wishing to bring his/her family to Switzerland must have *suitable accommodation*. An accommodation is deemed suitable if it reflects typical living conditions of Swiss citizens.

If the main entitled person is an *employee*, then the right to family reunification is not contingent upon that person's financial situation. *Self-employed persons* or *economically inactive persons* may only apply for family reunification if they have the necessary financial means to support these family members.

*Students and persons undergoing training* may only apply for family reunification for their spouses and dependent children.

### Right of family members to stay in Switzerland

The right of family members to stay in Switzerland is always contingent upon the original right of an EU/EFTA citizen to stay in Switzerland under AFMP provisions. This right of family members, irrespective of their nationality, is therefore a derived right that essentially only persists for as long as the original right exists. Therefore, residence permits issued to *family members have the same duration of validity as that of the original applicant (main entitled person)*.

### Entry and stay formalities

In order to obtain a residence permit, family members must present the following documents:

- a valid identity card or passport;
- a visa (for non EU/EFTA citizens who are subject to a visa requirement in order to enter Switzerland);

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<sup>1</sup> Citizens of EFTA member states have the same rights as citizens of EU member states. Special rules apply to citizens of the Principality of Liechtenstein.

- a certificate issued by the authorities of the country of origin confirming that the person is a family member of the EU/EFTA citizen living in Switzerland;
- for persons (relatives in the ascending and descending lines, e.g. parents, grandparents, children) who will be receiving support from the EU/EFTA citizen, a certificate issued by the authorities of the country of origin confirming that an EU/EFTA citizen living in Switzerland has agreed to provide support for the person or that the person will live in the same house as the said EU/EFTA citizen.

### Access to the labour market

Regardless of their nationality, persons who come to Switzerland by virtue of family reunification (their spouse as well as the children who are under the age of 21 or receive support) have the right to work anywhere in Switzerland and in the branch of their choice. They may also work in a self-employed capacity.

However, relatives in the ascending line who enter Switzerland by virtue of family reunification, do not have the right to work.

### Equal treatment

Foreign nationals entitled to enter Switzerland for the purpose of taking up employment or self-employment, as well as eligible family members, may not be treated any differently than Swiss citizens:

- Generally, they shall receive the same tax and social benefits as Swiss citizens.
- The children of a foreign national who legally resides in Switzerland (regardless of whether he/she is economically active or inactive) may enrol in general education and vocational education and training under the same conditions as the children of Swiss citizens.

### Change in family situation: divorce or death

In the event of divorce or death of an EU/EFTA citizen, his/her spouse may claim an original right to stay in Switzerland if the said spouse is economically active or meets the requirements for residence without gainful employment.

In the case of **divorce**, family members lose their right to remain in Switzerland; in other words, their right to stay must be established by some other means, e.g. EU/EFTA citizens may claim their right to stay under the AFMP; if they are economically inactive, they must demonstrate that they have adequate financial resources to remain in Switzerland.

In the case of **death** of an economically active person holding a Swiss residence permit for EU/EFTA citizens, family members who were living with this person at the time of his/her death may remain in Switzerland if one of the following conditions are met:

- the economically active person held a Swiss residence permit for EU/EFTA citizens for at least two years before he/she died;
- the death was caused by a work-related accident or illness; or
- the spouse (of the deceased economically active person) holds Swiss citizenship or lost this citizenship through marriage.

### **Decision to deny issuance or renewal of residence permits**

In cases of proven fraud, falsification of documents, marriage of convenience or illegal adoption, the competent cantonal authorities may decide not to issue or renew the residence permit of family member(s) or to revoke an already issued residence permit.