

Lob.Doc. 410-e

Eidgenössisches Justiz- und Polizeidepartement
Département fédéral de justice et police
Dipartimento federale di giustizia e polizia
Departement federal da giustia e polizia

Bundesamt für Flüchtlinge
Office fédéral des réfugiés
Ufficio federale dei rifugiati
Uffizi federal da fugitivs

alexandria.ch



1950776101



So that it never happens again!

The development of Swiss asylum policy since the 2nd World War

Berne-Wabern, December 1999

0581-79660

BUNDESAMT FÜR FLÜCHTLINGE
Bibliothek und Dokumentation

The Bergier Report

The Bergier Report gives rise to the question on how Switzerland's asylum policy has developed since the Second World War and what conclusions Switzerland has drawn from past experience.



The development of refugee after the Second World War

As a consequence of the holocaust, the international community recognized the need to guarantee those persecuted protection under international law.

1950 saw the conclusion of the **European Convention for the Protection of Human Rights and Fundamental Freedoms**. The principle of non-refoulement contained therein extended the protection of the persecuted. The Contracting States undertook not to send anyone back to a country where they would be exposed to torture or inhuman treatment.

In **1951**, the **Geneva Convention relating to the Legal Status of Refugees** offered comprehensive protection to the persecuted. The Contracting States recognized as a refugee any person who in his native country was subject to persecution or, owing to a well-founded fear, risked persecution in future for reasons of race, religion, nationality, membership of a particular group or political opinion.

Switzerland ratified both conventions. **Since 1949** she has recognized the **right of asylum** in terms of a right of permanent residence in the event of political persecution.

In **1979**, as the level of asylum seekers increased, Parliament created a **Swiss Asylum Act**, which adopted the basic elements of international law.

Asylum in Switzerland

Persons requesting asylum in Switzerland have a right to an individual examination of their application. Those fulfilling the requirements for refugee status are granted asylum and thus acquire a right of permanent residence in Switzerland. They are not sent back to their native country unless there is no risk of persecution by the state authorities there.

In borderline cases, the facts are clarified by investigations in the native country, by the analysis of the applicant's speech and documents or on the basis of other expert reports.

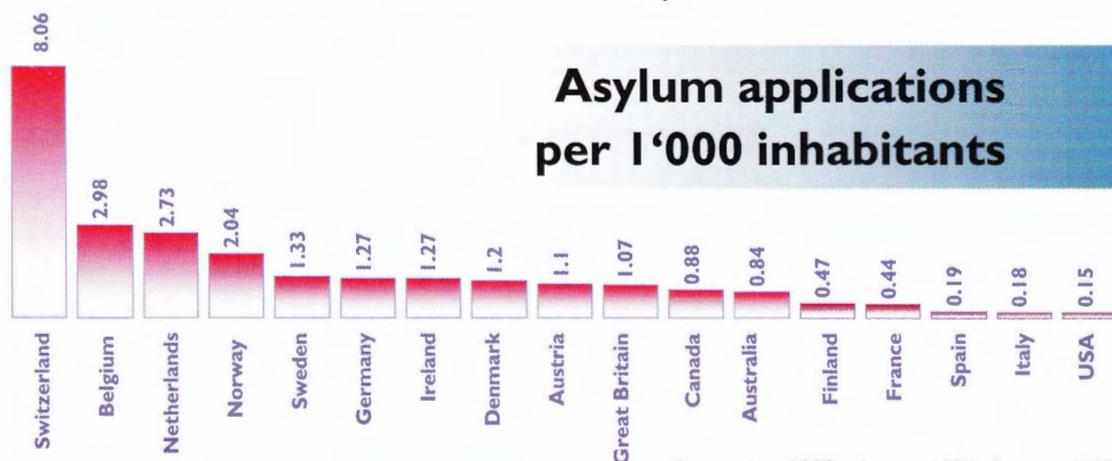
Persons displaced by war are allowed to remain in Switzerland until there is no further risk in their native country.

The Federal Office for Refugees, founded in 1990, is responsible for decisions on asylum at first instance. Appeals may be lodged against its decisions at an independent judicial authority, the Swiss Asylum Appeals Commission, whose decision is final.

Switzerland in an international comparison

In Switzerland today, there are approximately 180,000 persons in the sphere of asylum. More than half of them have a right of permanent or limited residence. During the Kosovo conflict alone, from May 1998 to August 1999, 50,000 persons sought protection in Switzerland. In 1999, our country spent about one billion dollars on the welfare and care of asylum seekers.

Switzerland records by far the highest number of asylum seekers in an international comparison with all the Western States and taking into account the size of the population. Measured in absolute figures, with approximately 46,000 asylum applications in 1999, Switzerland lies in third place among the Western States, after the Federal Republic of Germany and Great Britain, a long way ahead of large countries such as the USA, Canada, France or Italy.



September 1998 - August 1999; Source: IGC;
Italy, France and Australia: IGC estimates

The differences

Former practice

Refugee status and the granting of protection

Right of residence is only granted to those persecuted on the basis of their political activities.

For those in search of protection for other reasons, Switzerland sees herself as a transit country.

Present practice

Persons persecuted by the authorities of the native country for reasons of race, religion, nationality, membership of a particular social group or political opinion are granted permanent asylum.

Persons whose life or freedom are threatened by war, a situation of general violence or for other reasons, are granted protection for as long as the threat remains.

Welfare

The federal Government only supports certain refugees. Most of them are responsible for their own maintenance or are dependent on the support of relatives or relief organizations.

The cantons guarantee welfare assistance for asylum seekers, provisionally admitted persons and recognized refugees during the whole length of their stay in Switzerland. The Federal Government reimburses the cantons for the costs.

Refoulement at the border

During the Second World War, some refugees and members of other minorities were refused entry at the border. The principle of non-refoulement did not yet apply at this time.

Over 90 per cent of asylum seekers enter Switzerland illegally. Only a minority applies for asylum at the border, as foreseen by the Asylum Act. 65 per cent of these are granted an entry permit. The others are refused this because they are already in safety in our neighbouring states and cannot prove any close links to Switzerland.