



Information Sheet for Asylum Seekers

Did you flee from another country and are you seeking refuge in Switzerland? The Swiss Refugee Council (SFH/OSAR) has written this information sheet. It explains the most important stages in the process of seeking asylum.

The Swiss Refugee Council is an organisation independent of the government which supports the rights of asylum seekers and refugees. Our website: www.osar.ch. On www.for-refugees.ch, you can find further Information for asylum seekers and refugees in many languages.

1. Submitting an application for asylum

1.1 Reception Centers

You must submit your asylum application at one of the reception centres of the Federal Office for Migration (BFM/ODM). There are reception centres in **Basel, Chiasso, Vallorbe and Kreuzlingen**.

- During the asylum procedure (maybe only the first weeks) you are accommodated in the reception center.
- You have to hand in your identity and travelling documentation. You get interviewed.
- If you apply for asylum in the airport, you are accommodated there, at least in the first time.
- After applying for asylum you become registered, your photograph and fingerprints are taken. The Swiss officials then check if your fingerprints are already registered in the (Eurodac) database by a European country, Norway or Island. If yes, then this country is responsible for handling request for asylum; an exception is made if your husband/wife or your children are already living in Switzerland. The Swiss authorities will endeavour to send you back to the responsible European country. You are only allowed to request asylum one time in one of the European (DUBLIN procedure) countries. Only the first country is obliged to handle and check your request for asylum. If you have registered for asylum in another European country and you feel that this country didn't give you a fair hearing, immediately request legal assistance. Request to remain in Switzerland if you feel, for instance, the European country you are obliged to return to will extradite you to your home country without checking you request for asylum despite the fact that you fulfill the necessary refugee requirements. You should request to stay in Switzerland if, for example, you are afraid that Switzerland will send you back to a European country which will extradite you to your home country where you risk being tortured and exposed to inhuman treatment and brutality.

1.2 Registration

The authorities will **ask you questions** about your **identity** and the identity of your family, about your **travel route** and about the **reasons for your escape**. At this interview an official and if necessary a translator are present.

- State all important reasons why you have left your country.
- Say if you have experienced something which you cannot speak about in the presence of a man or a woman.
- Explain the reasons, if you have not handed in your personal documents.
- Say if you have not understood something.

You are required to sign a record of this interview. Check carefully whether your answers have been noted down correctly, and whether everything you have said has been written down.



1.3 Documents / Evidence

- Submit material which supports your case if you have any.
- Keep photocopies of all documents which you hand over.

1.4 Further clarifications

If necessary additional clarifications are undertaken:

- If doubts exist about your origin, you can be questioned by a language expert and your knowledge of your country of origin is checked.
- If doubts exist about your age, you might have to take a medical exam.

1.5 What happens then?

The asylum procedure is not the same for everybody, there are various possibilities, i.e.

- You are given a decision by the BFM/ODM straight away.
- You are questioned again and eventually be detained in the reception centre.
- You are allocated to a canton and accommodated in a collective centre (Transfer).
- You are questioned again only after the transfer.
- You are given a positive or negative decision by the BFM/ODM only after the transfer.
- You are given an N-identity card (identity card for asylum seekers).



2. Interview

The interviews of the applicant **are very important**. You are questioned once or several times. The authorities assess your asylum application on the basis of the interviews and the records of all interviews.

2.1 Who takes part?

- An **official** conducts the interview.
- A **translator** must make a complete translation; your statements must not be assessed or summarised. The person can remain anonymous. You can be accompanied by a translator of your choice, but he must not himself be an asylum seeker.
- A **representative of a relief organisation** (a person belonging to a non-governmental organisation) observes the procedure. This person can ask further questions and will submit a report of the interview to their relief organisation.
- You can arrange to be accompanied by an adult person of your choice (this person must not himself/herself have an asylum application pending), or by a **legal representative** whom you have mandated yourself.

2.2 The questions

Generally, an interview is conducted as follows:

First, everybody introduces himself. Then you get informed about the proceeding and your rights and duties. After that the official asks you **brief questions about your personal situation**:

- identity and documents which prove your identity;
- family and relatives;
- military service;
- route by which you travelled from the place of origin to Switzerland
- gainful employment in the country of origin and in Switzerland;
- periods of residence abroad;
- legal representation in the country of origin and in Switzerland.

After that you have the possibility to explain why you are seeking protection in Switzerland.

In accordance with the law (Article 3 Asylum Law) refugees are granted asylum:

Refugees are persons who in their country of origin or in the country in which they last lived, because of their race, religion, nationality, membership of a specific social group, or because of their political views are exposed to serious disadvantages or have justified fear of being exposed to such disadvantages. Regarded as serious disadvantages are in particular threat to life, limb or freedom, and measures which cause intolerable psychological pressure. Reasons for seeking refuge specific to women must be taken into account

2.3 Protection in Switzerland

During the interview you must outline all the reasons why you have fled and wish to be granted asylum. You can speak freely and without fear. All those present are subject to a strict duty of secrecy and may not pass on what you say to anyone.

This part of the interview is very important. You will be asked to explain **what has caused you to leave your country of origin.**

- Your answer must set forth all the facts truthfully. Explain also the details.
- Speak about your emotions. Say if you have experienced something which you cannot speak about in the presence of a man or a woman.
- Bring with you all documents which relate to your persecution (police summons, court verdicts, prison documents, threatening letters, doctors' certificates, newspapers, photographs etc. – keep the copies!)
- Were you previously in a European country and are you afraid that this country will extradite you to your country of origin where you will be exposed to inhuman treatment, repression and torture. If this is the case, explain your situation and the dangers you will be exposed to.

Maybe you will be asked **questions** to clarify a **misunderstanding**, or a **contradiction** or an issue that is not clear yet. Your answers will be written down and retranslated to you.

2.4 Interview of families

Family members are questioned **individually**. When an adult family member is questioned, the others must wait in another room. Normally, children will be questioned in the presence of their parents, unless there is a special situation.



3. Record

Every interview is recorded. After the interview the record will be translated to you. You will be asked to sign each page.

→ Make a comment if you have not understood something. Make corrections, if the record does not correspond exactly to what you wished to say. Make sure that errors are corrected and unclear points clarified.

Finally you will be asked whether you have any additional reasons why you wish to stay in Switzerland which have so far not been mentioned. You must confirm by your signature that you have said everything and that the record taken corresponds to the truth.

4. The decision of the Federal Office for Migration

Asylum procedures in Switzerland can be done very fast. Sometimes within only **a few days** or weeks. Please contact the nearest legal aid centre as soon as possible ([Address-list](#))!

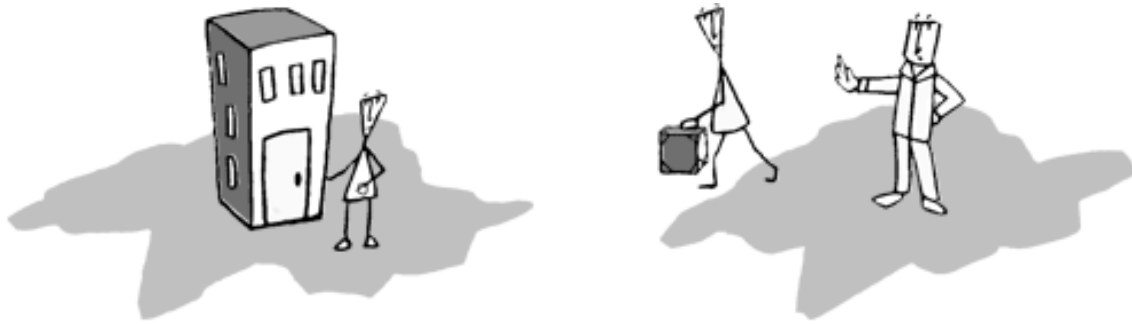
Normally you receive a written decision in German, French or Italian from the Federal Office for Migration. There are a lot of different kinds of decisions.

4.1 Asylum

Refugees are normally granted asylum. Someone who has asylum is given a B-Permit, the refugee's identity card, and can arrange for a husband or wife and under-age children to follow them to Switzerland. After a stay of five years, refugees are entitled to a C-Permit.

4.2 Temporary Acceptance

You can remain here with an F-Permit, if the deportation to your country of origin is not possible or is unreasonable because of serious dangers. This is for example applicable in the case of serious illness or a civil-war situation. The permit is withdrawn if the situation improves.



4.3 Negative Decisions

Reasoned decision rejecting your claim (negative decision)

Your application is rejected and you will have to leave Switzerland within a fixed date. Such a decision is taken if according to the authorities you are not in need of protection because your reasons for the flight are judged to be not sufficient or if you could not substantiate or prove them.

No factual decision (Refusal of entry, deportation in a third country or precedent in a European Union country, Island or Norway)

Your application is not processed further and you must leave Switzerland immediately. This is possible if:

- If, before making the request in Switzerland, you came from a country within the European Union, Island or Norway, you will be given only a short hearing concerning your route and no NGO representative will be present at the hearing. In such a case, you will be returned to the first country which is responsible for handling your asylum request.
- You have stayed in another country for some time during the journey to Switzerland, or if close relatives of yours live in another country than your country of origin.
- You have previously submitted an asylum application in Switzerland or in another European country and you cannot put forward any new grounds for asylum;
- You are not seeking refuge in Switzerland, but have come for other reasons (family or economic problems);
- You have concealed your true identity (false statement of your name, date of birth etc);
- You are in breach of your duty to cooperate with the Swiss authorities (e.g. if you do not appear for the interview);
- You have no identity papers, could not obtain any within 48 hours, and have no convincing excuse for this and your reasons for seeking refuge seem completely implausible to the authorities;
- You come from a state considered safe from the Swiss government and your reasons for seeking refuge seem completely implausible to the authorities;
- You have stayed illegally in Switzerland, you applied for asylum only after being detained and your reasons for seeking refuge seem completely implausible to the authorities.

Attention: If you do not appeal against such a non-admissibility decision you can be returned immediately.

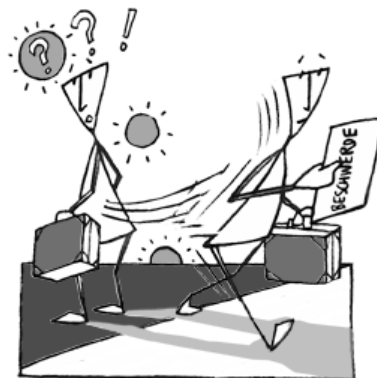
Depending on the reason of the rejection, the Foreigners Police can detain you immediately after you received the decision!

If you register a complaint, you are normally allowed to remain in Switzerland until a decision has been taken.

Caution! There is one **exception**: If you were in a country in the European Union, Island or Norway and this country is responsible for investigating your asylum request. In such a case you can nevertheless request to remain in Switzerland until a decision concerning your complaint is taken. You will be required to provide a detailed explanation which is specific to your particular case. Request to be able to stay in Switzerland if you, for example, have reason to believe the European country will:

- Send you direct back to your country of origin where you risk being tortured and treated in a inhuman, degrading manner.
- Send you direct back to your country of origin without handling your asylum request although you fulfill the refugee requirements.

Even if you are sent back to the responsible European country, your complaint will be decided in Switzerland. Inform the Federal Court (see address below) where your decision should be sent outside of Switzerland. If you have a legal representative, stay in contact, even if you are residing in a foreign country. Only if you keep in touch you will know whether you are granted a positive decision to be able to return to Switzerland.



5. Appeal

If you do not agree with the decision of the Federal Office for Migration, you may submit a written appeal to the

Bundesverwaltungsgericht

Postfach, CH-3000 Bern 14

Telefon +41 (0)58 705 26 26

Fax +41 (0)58 705 29 80

At the end of your decision is written, **how many days you have to hand in** the appeal (see «Rechtsmittelbelehrung/voie de droit» – 5 days or 30 days).

The legal advice offices or lawyers can assist you (see address-list or www.for-refugees.ch). In addition the Swiss Refugee Council provides instructions to submit an appeal (<http://www.fluechtlingshilfe.ch/aide/fiches-d-information>).

Addresses of legal advice offices close to the reception centers.

Basel

Freiburgerstrasse 66, 4057 Basel, Tel. 061 631 30 58.

Kreuzlingen

Bahnhofstr. 2, 8280 Kreuzlingen, Tel. 071 622 42 41.

Chiasso

SOS Antenna Profughi, Via Bossi 11, 6830 Chiasso, Tel. 091 682 67 85

Vallorbe

SAJE Service d'Aide juridique aux Exilés, Place de la Gare, 1337 Vallorbe, Tel. 021 843 21 25.

Altstätten

Kaffee-Treff und Rechtsberatung für Asyl Suchende, Churerstrasse 51
9450 Altstätten, Tel. 071 222 22 79.

Addresses in the Cantons see: <http://www.fluechtlingshilfe.ch/aide/adresses-utiles>

6. General information

Legal representation (lawyer)

You must organise a legal representation yourself. The legal advice offices at the airport assist you. Contact them. After a transfer, you will need to contact a legal aid center in the canton of residence (Address-list)! <http://www.for-refugees.ch/>

Family reunion

Asylum-seekers have no right to have members of their family follow them from their home country.

Social aid

If necessary you will get social money during the asylum procedure.

The Swiss Constitution (Art. 12) states that everybody living in Switzerland has a right to assistance in an emergency situation. After a negative decision, rejected asylum seekers have the right to such assistance, even if they are illegal. This emergency assistance covers food, shelter, clothes and medical support. You are supposed to contact the Swiss authorities for this aid. Be aware that you risk being detained if you present yourself to the authorities, which is also responsible for deportations. For further information: <http://www.for-refugees.ch/>

Work

Asylum seekers are not allowed to work during the first three to six months. After that, work can be permitted, but only in certain sectors. Swiss people and other foreigners have priority on the labour market.

Accommodation

You must inform the authorities immediately on any change of address. In general a change of canton is only possible to unite a family.

Detention/ Arrest

You can be arrested, if:

- Your request for asylum is rejected because of a previous no entry allowance.
- you refused to cooperate with the authorities;
- your asylum application is considered abusive;
- you have committed a criminal offence;
- there is definite evidence that you will refuse to comply with being returned to your home country.

Going abroad

You are not allowed to leave Switzerland during the asylum procedure, or to contact the consulate or the authorities of your country of origin.