

# *New Swiss Citizenship Act (SCA) comes into force on 1 January 2018*

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On 20 June 2016, the Swiss Parliament voted on the new Swiss Citizenship Act, which will come into force together with the relevant Ordinance on 1 January 2018. The main aim of the new law is to limit the issuance of Swiss citizenship to well-integrated foreign nationals only. Furthermore, the Citizenship Act also aims to harmonise the residence requirements and implement into a law the authorities' practice.

## *Background*

Swiss citizenship is obtained on three levels: federal, cantonal and communal level. This means that when an individual is naturalised, she/he obtains simultaneously the citizenship of the Swiss Confederation, the canton of residence and the commune of residence. As a result of this three-level principle, Swiss laws at federal, cantonal and communal level determine the requirements and the procedure for obtaining Swiss citizenship. Thus, there are significant differences from canton to canton and from commune to commune concerning the requirements and procedure for obtaining Swiss citizenship.

Under current law, the basic requirements to obtain Swiss citizenship can be summarised as follows:

- a. The applicant must have resided a minimum of 12 years in Switzerland (of which at least three years within the five years prior to the application) and a certain amount of time (usually between two to five years) in a specific canton and in a specific commune prior to being able to apply. Shorter periods apply to certain categories of applicants aged between 10 and 20 years for whom the years spent in Switzerland between their 10th and 20th birthdays count double in the calculation of the 12-year period required at the federal level.
- b. The applicant must prove that he/she is well integrated in Switzerland. As per the current practice of the Swiss authorities, the following requirements usually need to be fulfilled: the applicant must have a clean criminal record, prove that he/she fulfils all financial obligations, in particular with respect to tax payment, has a good reputation, has a good knowledge of a Swiss national language (i.e. French, German or Italian), has a basic knowledge of Swiss geography and history, and knows how the Swiss political system functions.
- c. Additional requirements may need to be met according to the respective cantonal and/or communal laws.

## *What will change as of 1 January 2018?*

Only applicants holding a C-type permit (permanent residence permit) may apply for Swiss citizenship (currently, holders of B-type residence permits may also apply).

The applicant must have resided a total of 10 years in Switzerland (not 12 years as today).

The ordinance to the SCA now details the concept of 'good integration'. According to the ordinance, an applicant is deemed as being well integrated if he/she:

- has good oral and written language skills in one of the national languages;
- respects the public order and security;
- respects the Swiss federal constitution;
- participates in the economic life or undergoes education, i.e. the applicant is employed or attends a school/university;

- ensures that his/her family members are integrated;
- is not a threat to the internal and external security of Switzerland;
- is familiar with Swiss living conditions.

Applicants with a criminal record or who are dependent on Swiss social welfare will most likely be rejected.

### ***Conclusion and recommendations***

The key changes to the SCA are that, starting 1 January 2018, only applicants who have a C-type permit can apply for citizenship and 10 years of total residence are sufficient. The terms of the ordinance detailing the concept of 'good integration', which we outline above and may seem very general, largely represent the current practice of the authorities and, in this respect, we do not believe there will be major changes to procedures.

Ci-type permits are not to be confused with C-type permanent residence permits. Ci permits are issued to family members of persons working for international organisations; hence, most people holding a Ci permit reside in or around Geneva.

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PwC has a dedicated immigration team who regularly assist clients with citizenship applications and who will gladly respond to your citizenship-related questions.

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