WP2
THE NATIONAL POLICY FRAMEWORK FOR THE INTEGRATION OF NEWCOMERS IN SWITZERLAND

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About the Project

While integration policies as such are not new, and in some countries date back to the 1980s and beyond, there have been important shifts in the debates on integration and in related re-configurations of integration policymaking in the past decade or so. One of the main recent trends is the linkage of integration policy with admission policy and the related focus on recent immigrants. A second trend is the increasing use of obligatory integration measures and integration conditions in admission policy, and third, integration policymaking is increasingly influenced by European developments, both through vertical (more or less binding regulations, directives etc.) and through horizontal processes (policy learning between states) of policy convergence.

An increasing number of EU Member States have, in fact, adopted integration related measures as part of their admission policy, while the impact of such measures on integration processes of immigrants is far less clear. In addition, Member States’ policies follow different, partly contradictory logics, in integration policy shifts by conceptualising (1) integration as rights based inclusion, (2) as a prerequisite for admission residence rights, with rights interpreted as conditional, and (3) integration as commitment to values and certain cultural traits of the host society.

The objective of PROSINT is to evaluate the impact of admission related integration policies on the integration of newcomers, to analyse the different logics underlying integration policymaking and to investigate the main target groups of compulsory and voluntary integration measures.

The project investigated different aspects of these questions along five distinct workpackages. These analysed (1) the European policy framework on migrant integration (WP1), (2) the different national policy frameworks for the integration of newcomers in the 9 countries covered by the research (WP2), the admission-integration nexus at the local level in studied in 13 localities across the 9 countries covered by the research (WP3), the perception and impacts of mandatory pre-arrival measures in four of the nine countries covered (WP4) and a methodologically oriented study of the impact of admission related integration measures (WP5).

The countries covered by the project were Austria, the Czech Republic, Germany, Italy, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom. Apart from individual cases project reports generally cover the period until end of 2010.

For more information about the project visit http://research.icmpd.org/1429.html.
Table of Contents

I  INTRODUCTION .........................................................................................................................................................4

II  EVOLUTION OF THE MIGRATION AND INTEGRATION NEXUS ................................................................. 7
   II.1 The Actors of Migration Policymaking in Switzerland ......................................................................................... 13
       II.1.1 Federal Institutions ........................................................................................................................................... 13
       II.1.2 The political landscape ........................................................................................................................................ 13
       II.1.3 Swiss civil society and economic associations ................................................................................................. 14
       II.1.4 Federal – cantonal – municipal competences ................................................................................................. 14

III ADMISSION-RELATED INTEGRATION PROVISIONS SINCE 2000 .......................................................... 17
   III.1 Formulation and purpose of pre-entry (first) admission policies ................................................................. 19
       III.1.1 Family reunification ........................................................................................................................................ 20
       III.2 Formulation and purpose of post-arrival (subsidiary) admission provisions ............................................. 21
       III.3 The installation of admission-related programmes at the national level ............................................... 22
           III.3.1 Legal basis ..................................................................................................................................................... 22
           III.3.2 Recommendations of the Federal Office for Migration ......................................................................... 22
           III.3.3 Debated issues with regard to integration agreements ........................................................................... 23
           III.3.4 Evaluation of the pilot-project on integration agreements in five cantons ......................................... 24

IV NATIONAL DISCOURSES ON THE MIGRATION-INTEGRATION NEXUS SINCE 2000 .................................................. 27
   IV.1 The Foreign Nationals Law of 2005 passes the Swiss Parliament (Turning point 1). .................................. 28
       IV.1.1 Parliamentary debate .................................................................................................................................... 28
       IV.1.2 Media debate ..................................................................................................................................................... 29
       IV.2 The vote of the Swiss citizens on the 2006 referendum (Turning point 2) ................................................. 30
       IV.3 The Foreign Nationals Law enters into force in 2008 (Turning point 3) .................................................. 31

V THE EFFECTS OF EUROPEAN INTEGRATION ON THE MIGRATION-INTEGRATION NEXUS .......................................................... 35

VI LIMITED REMARKS AS A (BRIEF) CONCLUSION .......................................................................................... 37

REFERENCES .................................................................................................................................................................. 39

ANNEX ........................................................................................................................................................................ 44

Overview qualitative interviews .......................................................................................................................... 44
Annex 1 ..................................................................................................................................................................... 45
Annex 2 ..................................................................................................................................................................... 46
Annex 3 ..................................................................................................................................................................... 49
Introduction

Switzerland has a long-standing history of immigration, even if this has rarely been acknowledged and was often renounced in past debates. Switzerland’s transition from an emigration country into an immigration country occurred already during the second part of the 19th century in the course of industrialization. It was, in fact, the construction of railways in Switzerland that attracted the first immigrants from its neighbouring countries. Since then, the labour market demand for foreign workers and the immigration of foreign nationals have given rise to the enactment of varies migration related policies and provisions. Switzerland has vibrant manufacturing and a highly competitive and diversified service sector which together with high standards in social security and living makes Switzerland a major attraction pole for immigrants. Like elsewhere the emergence and development of Swiss migration policy is marked by inconsistencies and discontinuities and has to be read against the background of greater social and economic transformations: In 1931, the Federal Law of Residence and Settlement of Foreigners (Bundesgesetz über Aufenthalt und Niederlassung der Ausländer, ANAG) entered into force which was inspired by the world-wide economic recession and xenophobic fears and focused at border controls and the ‘protection’ of the national territory. Faced with the need for unskilled labour after WWII Switzerland introduced a quota system for foreign workers which was intended to stimulate the rotation of labour force and to prevent permanent settlement in the country. In 1991 Switzerland adopted the ‘three circle immigration model’ (to comply with European integration) which clustered migrants into three categories according to their provenience: Preference was given to the immigration of persons from the European Community and the European Free Trade Association (EFTA) who were grouped in the first cycle. The second cycle included migrants from the US, Canada, Central and Eastern Europe, while immigration from the third cycle which included persons from all other states, so-called Third Country Nationals, was restricted. In 1998 this ‘three circle model’ was modified into a dual entry scheme which limited the recruitment and immigration of workers from outside the EU and EFTA to highly qualified personnel for special reasons (“Verordnung über die Begrenzung der Zahl der Ausländer” 1998 2726, Federal Decree about the Limitation of the Number of Foreigners). Notwithstanding numerous attempts to restrict immigration of so-called Third Country Nationals, Switzerland today is among the countries with the highest shares of foreign born: According to the 2000 census, 22.4 per cent of the total population of 7.4 million were foreign born. Besides the evolution of Swiss migration policy, Swiss migration patterns and the composition of the resident population have, in fact, been highly influenced by family reunification and a growing number of asylum seekers (ANAG 1931, BVO 1998 2726, Mahnig & Wimmer 2003, Ruspini 2008). To understand Switzerland’s migration patterns and figures its special relation with the European Union and its member states has to be taken into account: In summer 1999, the European Union and Switzerland signed the Agreement on the free movement of persons („Abkommen zwischen der Schweizerischen Eidgenossenschaft einerseits und der Europäischen Gemeinschaft und ihren Mitgliedstaaten andererseits über die Freizügigkeit“) which simplified living and working conditions for EU and EFTA citizens in Switzerland. The agreement entered into force on 1 June 2002. With the EU enlargement on 1 May 2004, the agreement was supplemented by a protocol that governed the gradual introduction of the principle of

1 The European Union was established under its current name with the Treaty of Maastricht in 1993.
free movement with the ten new EU member states. Alongside simplified living and working conditions also the mutual recognition of professional qualifications and the coordination of social security systems, for instance, are facilitated (Bundesamt für Migration 2011d, Free Movement Agreement 1999). The agreement ultimately resulted in the abolishment of quotas for EU workers in 2007 for whom admission to the labour market was eased (Ruspini 2008: 173).

In 2009 1,802,286 foreign nationals were living in Switzerland accounting for 22.9 per cent of the total population. Of these, 1,111,275 migrants had a permanent residence permit, 47,963 had a short-term permit and 40,319 persons were undergoing the asylum process (Bundesamt für Statistik 2011a und 2011b). Of the 1.8 million foreign-nationals living in Switzerland in 2009 1,530,913 came from Europe, 73,553 from Africa, 75,934 from America (of those 27,433 from North-America and 48,501 from Latinamerica), while 116,398 foreign-nationals were from Asia. European member states are, in fact, the main source countries for immigration to Switzerland: 1,116,356 of the 1,802,286 foreign-nationals in Switzerland were persons from the EU27 and EFTA countries, while only 685,930 came from so-called third countries including USA, Japan and Canada (Bundesamt für Statistik 2011c).

The clear cut distinction of Switzerland's migration policies between EU/EFTA citizens on the one side and nationals from third countries on the other side was further strengthened with the new Law on Foreign Nationals ("Bundesgesetz über Ausländerinnen und Ausländer", AUG) which was approved by the Swiss Senate on 16 December 2005, ratified by Swiss vote on 24 September 2006 and entered into force on 1 January 2008 (AUG). It replaced the Federal Law of Residence and Settlement of Foreigners dating back to 1931 and intended to regulate particularly the admission and residence of migrants from so-called third countries who are not asylum seekers (AUG 2005, Ruspini 2008).

The three years adoption itinerary of the Foreigners Law, from the Senate's approval to the entry into force in 2008, highlights two important particularities of Swiss policymaking and the Swiss polity who play a prominent role in migration and integration policymaking: federalism – with a strong autonomy of cantons and municipalities also with regard to migration and integration policymaking – as the traditional form of government and organization principle on the one hand; and direct democracy on the other.

Federalism and subsidiarity belong to the basic principles of the Swiss state since its foundation as a sovereign and independent Confederation (Bundesstaat) in 1848. The Swiss state is a confederation of 23 cantons marked by strong agency and large autonomy which exercise discretionary power over a wide range of policy fields from education to the police and taxes. The article in the Swiss Federal Constitution stressing this principle (art.3) reads: ‘The cantons are sovereign insofar as their sovereignty is not limited by the federal constitution; they exercise all the rights that are not transferred to the confederation’ (BV 1999). When it comes to the admission and integration of migrants, federalism plays a vital role allowing both cantonal parties and

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2 The remaining 568,965 foreign-nationals were so-called Aufenthalter, persons with a regular residence permit (Aufenthaltsbewilligung) who had yet not obtained the right for permanent settlement (Niederlassungsbewilligung).

3 4,174 foreign nationals came from Oceania and 1,314 persons were stateless.
institutions a high degree of implementing and disposal autonomy (D’Amato 2011: pp.180, 185).

Reflecting the federal nature of the polity, Swiss Parliament is divided into two chambers: the National Council (Nationalrat) and the Council of States/Regions (Ständerat), representing the cantons. New laws have to pass both chambers. Even if they pass both chambers, however, they can still be vetoed though a popular referendum on 50,000 signatures. This leads to the second major element that characterizes migration and integration policymaking in Switzerland, direct democracy. There are two main instruments through which Swiss citizens can exercise direct democracy: the popular initiative and the referendum. In a popular initiative Swiss citizens gain the right to receive a decision on a proposed amendment of the Swiss Constitution by collecting 100,000 signatures of voters in eighteen months; A referendum can be initiated on the request of (signatures of) 50,000 citizens, and any federal law can be subjected to it (D’Amato 2011: 185-189). Some recent examples of how Swiss citizens advocated the change of national law in the area of migration and integration are the “minaret-ban” and the so-called deportation initiative. The “minaret-ban” was initiated in 2009 by the right wing Swiss People’s Party (SVP) and the Federal Democratic Union (EDU) who pushed a referendum on the ban of the construction of minarets which led to a 57 per cent majority of the voters in favour of a ban. Since then, it is forbidden to build minarets in Switzerland (Fokus Migration 2009). More recently, in 2010, the SVP instigated the initiative for the deportation of foreigners who have committed a criminal offense (Ausschaffungsinitiative) which was adopted on 28 November 2010 with 52.93 per cent of the votes (overall turnout was 52.6 per cent). Foreign nationals who have committed one of the offenses named in the proposal will automatically lose their rights to reside in Switzerland and be deported back to their country of origin. This initiative was hotly disputed in Switzerland and in order to counter-act it the Swiss Parliament had issued a counterproposal. Both the National Council and National Parliament had recommended to reject the initiative and to accept the counterproposal. But their initiative was clearly defeated as the Swiss population rejected their counter-initiative with 54.21 per cent of the votes, while the expulsion initiative triumphed (EJPD 2010). At the end of 2010, in order to implement the new provisions regarding the deportation of foreign criminals a working group was appointed and required to report on the implementation in June 2011.

These few examples illustrate the specific dynamics of how federalism and direct democracy impact on policymaking in Switzerland particularly in the area of admission and integration of immigrants.
II Evolution of the Migration and Integration Nexus

Historically, post-war migration policies in Switzerland have been shaped by the recruitment of foreign labour. For some 40 years in the 1950s and 1990s, and thus considerably longer than other labour recruiting countries in Europe, Switzerland pursued an explicit policy of recruiting foreign workers: After WWII and the recovery of the Swiss economy the country experienced a great labour shortage. In 1948 Switzerland and Italy signed an agreement about the recruitment of Italian workers who became predominantly employed in manufacturing, i.e. construction, textile and machine factories. With the signing of this first recruitment agreement a period of consistent immigration to Switzerland began, first from Italy, and later from Spain, Portugal and former Yugoslavia. This immigration was originally planned as temporary labour migration based on the rotation principle.4

Generally, migrant workers were admitted to the territory on the basis of the seasonal worker statute (Saisonnierstatut), which remained a key tool of Swiss migration policy for over 60 years from 19345 until the late 1990s.6 The policy aimed at temporarily attracting (mostly low-qualified) foreign workers to the Swiss economy (manufacturing, the building sector and tourism industry) without granting rights to permanent settlement. The restriction of the validity of the permit to initially nine months in a year allowed Switzerland to reduce the number of foreign workers if labour market demands changed.7 Recruitment was thus particularly attractive to economic sectors that were affected by strong seasonal as well as cyclical fluctuations. After the experiences of worldwide economic recession and international conflict (WWII) the seasonal worker statute was behold an economic buffer against economic crisis: In fact, in the recession years of 1975-1979 and 1983 Switzerland succeeded to export part of their unemployment by not renewing permits and by not replacing deported foreign workers.8 Nevertheless, the share of foreignnationals in the resident population rose consistently (Bundesamt für Statistik 2005, Katzenstein 1987).

4 Interview with CH-G2.
5 The Federal Law on the Residence and Residence of Aliens was issued in 1931 and entered into force with the seasonal worker statute in 1934.
6 In 1999 Switzerland introduced a first article on integration, article 25a, into federal immigration law which marked the beginning of a more integration-oriented migration policy in Switzerland. The seasonal worker regulations were abolished in 2002 when the bilateral agreements with the European Union on free movement entered into force.
7 The so-called guest workers had usually immigrated on longer contracts. In the late 1970s the Swiss government legally equalized the situation of guest workers and seasonal workers by granting the latter the right to transform their seasonal permits into permanent residency and to bring their families (D'Amato & Gerber 2005).
8 Based on the ANAG, the Federal Law on the Residence and Residence of Aliens, which entered into force in 1934 foreigners may be withdrawn of the regular (Aufenthalts-) and permanent residence permit (Niederlassungsbewilligung) if regulations of the Foreigner Law are violated (Wicker 2009: 32).
Against the original intention, the signing of bilateral recruitment agreements (1948 with Italy followed by Germany in 1955 and Spain in 1960) and temporary migration schemes resulted in a steady in-migration of foreign workers and a rise in migrant numbers: While in 1950 approx. 285,000 foreign nationals lived in Switzerland (corresponding to 6.1 per cent of the total population), their numbers increased to approx. 585,000 (10.8 per cent) in 1960 and 1,08 million (17.2 per cent) in 1970 (Bundesamt für Statistik 2010, D’Amato 2011). According to Mahnig and Piquet (2003), over 50 per cent of all foreign workers in Switzerland at that time were Italian, 20 per cent came from central European countries like Germany, France and Austria, 10 per cents from Spain and 4 per cent were Yugoslavs, Portuguese and Turks.

According to the logic of seasonal recruitment, integration was not an issue. Immigrants admitted on the seasonal worker statute were not allowed to change employment or move into another canton. Also their wives and children were not admitted. The seasonal workers statute deprived migrant workers of basic rights (like family reunification). This was criticized by some trade unionists and human rights activists, but generally accepted (Schneider 2004). Nevertheless, in the late 1960s the Swiss government gradually began to open its policy to family reunification under increasing pressure from the Italian government as well as international organisations (notably the OECD, and its predecessor organisation, the OEEC, as well as ILO) to respond to newly emerging international standards on family reunification (Niederberger 2004).

By doing so, the Swiss government triggered a process that would led to a major shift in Swiss migration policy: Seasonal workers who managed to serve out the full nine month four years in a row, were granted the right to family reunification which subsequently

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9 None of the instruments under international law which emerged in the post-war period established a positive, general right to family reunification. However, the ILO in particular pushed for the right to family reunification to be recognised as a core right of migrant workers politically, reflected also in article 13 of its 1973 Migrant Workers Convention (ILO 143, not ratified by Switzerland). A stronger formulation of the right to family reunification is provided by article 12 of the Council of Europe’s Convention on the Legal Status of Migrants (ETS No.93 of 1977, ratified by Switzerland). The Convention, however, only applies to dependant workers from signatory states and thus generally is of limited scope.
lead to the settlement of former guest workers and the emergence of immigrant communities (Schneider 2004).

In the context of labour recruitment, ‘integration’, however, was seen largely as an economic issue, with employment being the central element. Social integration became increasingly relevant only with the establishment of the right to family reunification and the related increasing inflows of family members and the resulting emergence of immigrant communities. A first reference to social integration was made in a 1982 legislative proposal for amending the Law on the residence and Settlement of Foreigners of 1931. This legal proposal, i.e. the legislative proposal 19 June 1981 (BBl 1981 II 568) was issued as an indirect counter-proposal to the Mitenand initiative aiming at installing a new foreigners’ policy in Switzerland.10 It was presented to plebiscite on 6 June 1982 (BBl 1982 II 963), but failed with 50.4% “no” to 49.6% “yes” votes (Skenderovic, Damir & Gianni D’Amato 2008, Villinger & Huber-Hotz 2002).

Within this framework, though, integration was not seen as a responsibility of the Swiss state, but rather considered a private obligation of both the immigrants and employers in terms of a duty to supply information. This perception changed only gradually with the occurrence of two important moments that triggered policy change: On the one side this was the awareness on the part of competent Swiss policymakers that the recruited foreign workers would not return but stay and build up families and communities. With the increase in asylum migration in the 1980s, on the other side, it became increasingly clear that employment was not the only reason to migrate to Switzerland and that the established equation of employment with integration was increasingly being challenged.11

Recognizing the fact that Swiss authorities were responsible for withholding admission from many Jewish refugees between the 1930s and 1940s, Switzerland adopted a rather liberal asylum policy after WWII that lasted until the 1960s giving a warm welcome to refugees fleeing repression under communist regimes in Eastern Europe. In the 1970s and 1980s, with the arrival of Chilean dissidents escaping from Pinochet’s regime as well as Vietnamese and Cambodian boat people, this attitude changed, and controversial debates about the eligibility and future integration of Switzerland’s ‘new immigrants’ arose. In the 1980s these debates intensified, partly due to an exponential increase in numbers of asylum seekers and the diversification of their countries of origin: Instead of fleeing repression under communist regimes, the asylum seekers of the 1980s (except for Poland) came from more remote parts of the world such as Turkey, Sri Lanka, the Middle East, Africa and Asia. These asylum seekers were a highly heterogeneous group also with regard to their educational background and types of qualifications who, in addition, arrived in Switzerland when its economy was in turmoil. As an overall result they had major difficulties in finding employment in the then weakened Swiss economy. With an increase of people from outside Europe filing applications in the mid 1980s, asylum became a sensitive subject in Switzerland and fewer and fewer asylum seekers were granted admission (D’Amato 2011: 170, Efionayi-Mäder et al. 2005). Moreover, the discussion on the integration of Switzerland’s ‘new

11 Interview with CH-G2.
immigrants’ intensified in the beginning of the 1990s due to the massive immigration from ex-Yugoslavia.

**Chart I.1b Number of asylum applications in Switzerland, 1985-2007**

During the 1990s, Swiss cities and communities were faced with increasing numbers of foreigners permanently settling in Switzerland. Their settlement coincided with an overall economic recession in Switzerland and lead to rising unemployment particularly among the unskilled foreign workers. In this situation the larger Swiss cities which were responsible for welfare services and inclusion, urged the federal government to take action towards extended integration facilities for immigrant workers (D’Amato 2011: 169, D’Amato and Gerber 2005). Even before that, the issue of integration had pressured local actors such as civil society associations (associations and churches) as well as single cantons, cities and towns to adopt concrete measures to foster the integration of foreign nationals in the territory: Some cities and larger towns, particularly in the German speaking Switzerland, set up foreigner committees (*Ausländerkommissionen*) where immigrants could bring forward their concerns. Some municipalities of the Romandie (French-speaking Switzerland), instead, tried to shift participation beyond the consultative level and to strengthen active political participation. The French-speaking canton of Neuchâtel served as a role model in this regard: Neuchâtel introduced active and passive voting rights for resident foreigners already in 1849. In 1979 the canton of Jura followed (TAK 2009: 9, Wicker 2009: pp.34). While a federal policy on integration was still missing at that time, local communities in Switzerland began to recognize the state’s mandate for integration: In 1977 the canton of Jura issued the first constitution (*Kantonsverfassung*) which

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12 The table to this chart entitled “Table I.1 ‘Number of asylum applications in Switzerland, 1985-2007’” is presented in Annex 1.

13 Since its foundation in 1979 the canton Jura grants active and passive voting rights to immigrants who reside in the canton for a minimum of ten years.

14 In Switzerland an integration article which would allow the federal government to provide financial means for social integration of foreigners was only established with the revision of the Federal Law on the Residence and Settlement of Foreigners (ANAG) of 26 June 1998.

One turning point of the integration policy could be dated back to the end of the 1980s when the Federal Council (Bundesrat) decided the gradual abolition of recruitment opportunities for low or unqualified workers to prefer the immigration of skilled workers: In article 1b of the Regulation on the Limitation of the Number of Foreigners (Verordnung über die Begrenzung der Zahl der Ausländer) of 6 October 1986 the Swiss Federal Council justifies the purpose of the decree with ‘the creation of conditions favourable for the inclusion of foreigners living and working’ there (BVO 1986 SR 823.21). The idea to foster integration by limiting the number of immigrants admitted into the country culminated in the instalment of the ‘three circle model’ in the 1990s and the two tier admission policy in 1998 which gave preference to EU and EFTA nationals, while entry and stay of non-EU/EFTA nationals (so called third country nationals) was restricted. Persons belonging to the latter category could immigrate either as asylum seekers, family members of a Swiss resident, or if their skills are required on the Swiss labour market (EK 1996, EKR 2003, Prodolliet 2009: pp.48, Wicker 2009: 35). The ‘three circle immigration model’ and the dual admission system have both been criticised for contradicting the principle of equal treatment in the Federal Constitution and for disregarding international treatments prohibiting discrimination (EK 1996, EKR 2003). This shift in Swiss integration policies, from focusing on guest workers to migrants and their provenience, introduced two components into Swiss migration policies which showed long-lasting effects: Primarily, the idea that integration would be facilitated by restricting immigration and, then, the assumption that immigrants from the EU and the EFTA could be easier integrated, while immigrants from outside the EU and EFTA must be evaluated with regard to their ‘integration potential’ (EK 1996, EKR 2003, Prodolliet 2009: pp.48, Wicker 2009: 35).

These examples show that, historically, admission and migration control have strongly affected the development of Swiss integration policy. However, before this succinct nexus gained shape and became further rooted into Swiss migration law, Switzerland

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16 The BVO is the actual legal basis for the three-circle-immigration-model and the dual admission system: First issued on 6 October 1986 (AS 1986 II 1791), the Regulation on the Limitation of the Numbers of Foreigners was amended on 16 October 1991 (AS 1991 III 2236 ff) and 21 October 1998 (AS 1998 2726 ff). For this report reference is made to the current version of the Regulation issued on 6 October 1986 (SR 823.21).

17 With its Report on the Immigration and Refugee Policy of 15 May 1991 (BBI III, 291/FF III, 316) the Federal Council installed the so-called three-circle-immigration-model which introduced a recruitment scheme for foreign workers based on geographical-cultural, political and economic criteria: While persons from the first circle (EU and EFTA) enjoyed free movement, persons from the second circle (USA, Canada, Australia and New Zealand), entitled “traditional recruitment countries”, could be recruited to a limited extend. From the third circle (all other countries) recruitment was not allowed – with the exception of highly qualified professionals. The ‘three-circle-model’ was criticised particularly with regard to the potential discrimination of persons from developing countries and the assignment of countries of origin to the second and third circle which was not governed by regulation but decided by the Federal Council. Based on its decision migrants from former Yugoslavia moved to the third circle, even if they were once officially recruited (EK 1996).
experienced a true paradigm change when the issue of integration became enshrined in federal law: In the course of the Revision of the Federal Law on Residence and Settlement of Foreigners in 1999 the so-called integration article (art. 25a) became anchored into federal policy.

For the first time in its long-lasting migration history this article established the integration of foreign nationals in Switzerland as a federal task. In content the article was concerned with regulating competences between the federal level and the cantons and with providing a basis for financing related measures: Based on this article the federal government was able to provide financial means for the social inclusion of migrants (Piñeiro et al. 2009: pp.11, Prodolliet 2009: 48, TAK 2009: 5). On regard art.25a.1 reads:

“The federal government can provide financial contributions to the social integration of foreigners, which are usually only granted if the cantons, municipalities or third parties contribute to the cost. The Federal Council shall regulate the procedure (Note: of co-financing)” (ANAG 1931 142.20).

A clarification on the substance and understanding of integration, however, did yet not materialize (Piñeiro et al. 2009: pp.11, Prodolliet 2009: 48). It was only nine years later, when the new Federal Law on Foreigners came into force on 1 January 2008, that the concept of integration was enshrined as a legal concept (EKM 2008). Nevertheless, article 25a marked a milestone in Swiss integration policy which triggered subsequent developments: On 13 September 2000 the Regulation on the Integration of Foreigners (Verordnung über die Integration der Ausländerinnen und Ausländer) was issued which set the basis for the administration and implementation of related integration programmes and measures: Based on article 25 paragraph 1 and article 25a of the Federal Law on Residence and Settlement of Aliens (ANAG 1931 142.20), the Regulation lays down

a. the principles and objectives of the integration of foreigners;
b. regulates the tasks and the organization of the Federal Commission for Foreigners, the tasks of the Federal Office for Migration (Bundesamt für Migration) and the relationship between the Federal Commission and the Federal Office;
c. regulates the granting of financial assistance under Article 25a ANAG (Prodolliet 2009: pp.48, VIntA 142.205 2000).

This Regulation was revised and partly amended when the new Federal Law on Foreigners (Bundesgesetz über die Ausländerinnen und Ausländer - AG) was issued on 16 December 2005 (AUG) and entered into force on 1 January 2008. The AuG regulates the entry and exit, residence of foreigners in the country as well as the promotion of their integration. This Act applies to all foreign nationals, unless other provisions of federal law or international treaties signed by Switzerland are concerned. Consequently, citizens from European and associated countries assume a special role: The Federal Law on Foreigners applies to EU-nationals, their families or to employees sent to Switzerland for work by employers who are resident or based in an EU country only to the extent that the Free Movement Agreement between Switzerland and the EU contains no conflicting provisions of this Act or provides more favourable terms (chap. 1, art. 2). Similar provisions apply to nationals of Member States of the European Free Trade Association (EFTA), their families and employees sent by employers from these countries (AUG 2005). In practice this means that EU-nationals and nationals from

II.1 The Actors of Migration Policymaking in Switzerland

II.1.1 Federal Institutions

Since the 1990s Swiss migration policy has undergone various institutional changes. A major aspect of these changes was the concentration of competences for different policies on the admission, stay and integration of migrants under one institutional frame (Efionayi-Mäder et al. 2003). For this, the Federal Office for Refugees (Bundesamt für Flüchtlinge – BFF) and the Federal Office for Immigration, Integration and Emigration (Bundesamt für Zuwanderung, Integration und Auswanderung – IMES) was merged and the Swiss Federal Office for Migration (Bundesamt für Migration – BFM) was founded on 1 January 2005. The BFM is structured in four main divisions: 1) planning and resources, 2) migration policy, 3) immigration and integration, 4) asylum and return (BFM 2011a, 2011b und 2011c). The Federal Office for Migration operates within the Federal Department of Justice and Police (Eidgenössische Justiz- und Polizeidepartement – EJPD).

Moreover, two commissions were installed as advisory bodies to the government in the field of migration and asylum, the Federal Commission against Racism (Eidgenössische Kommission gegen Rassismus - EKR) and the Federal Commission on Migration (Eidgenössische Kommission für Migrationsfragen – EKM), established in 1995 and 2008 respectively. The first is part of the Federal Department of Home Affairs (DHA), while the second was created by merging the Federal Commission for Refugees (CFR) and the Federal Commission for Foreigners (FCF) which were installed as an expert commission of the Swiss Federal Council in 1970. The Federal Commission on Migration reports directly to the Federal Department of Justice and Police (D’Amato 2011: 170-171). Various authors highlight the importance of these consultative bodies for their impact on opinion- and decision-making process.

II.1.2 The political landscape

In terms of political parties, the most important ones at the federal level are the Social Democrats (SPS) and the Green Party as left-wing parties and the ‘centrist block’ consisting of the Swiss People’s Party (SVP), the Christian Democrats (CVP) and the Liberal-Democratic Party (FDP). With the exception of the GP, all parties are members of the government (D’Amato 2011: 172). In recent years particularly the SVP has gained momentum in politicizing migration and integration issues. A former moderate peasant’s party, the SVP transformed itself into a radical right-wing political

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18 A detailed analysis of the two provisions as well as the overall definition of integration in Swiss migration laws is presented in chapter two of this report.
organization in the early 1990s and won the biggest share of parliamentary votes in the 2003 elections. After the elections of 2003, Christoph Blocher became leader of the SVP and became Minister of Justice and Police and thus in charge of migration and asylum matters (D'Amato 2011: pp.172). Between 2007 and 2010 this position was held by Eveline Widmer-Schlumpf from the Conservative Democratic Party (PDB) and since November 2010 Simonetta Sommaruga from the Social Party (PS) is the Minister of Justice and Police.

II.1.3 Swiss civil society and economic associations

Besides these federal institutions and parties, Swiss trade unions and employer's federations also play a relevant role on the national level in the formulation and development of migration policy in Switzerland. According to D'Amato, they exert influence both formally in the framework of standard consultation procedures (e.g. as part of the EKM for instance or by assuming an active role in the integration dialogues initiated by the Federal Office for Migration), and informally by highlighting discrimination of migrants in the Swiss labour market (Swiss Union Confederation) or by proclaiming the needs of the Swiss labour market (Swiss employer's federation) (D'Amato 2011: pp.172, Schweizer Arbeitgeberverband 2011, SGB 2011). Civil society actors – advocacy groups, NGOs and others are another important category of actors who seek to affect political decision-making by lobbying and public campaigning around issues related to asylum, migration and integration. With the establishment of the Swiss Forum for the Integration of Migrants (Forum pour l'intégration des Migrantes et des Migrants/Forum für die Integration der Migrantinnen und Migranten – FIMM) in March 2001, an umbrella organisation representing some 300 migrants' associations in Switzerland, a new actor emerged which aims to more directly represent the interests of migrants in Switzerland in public debates on migration and integration (D'Amato 2011: 173).

II.1.4 Federal – cantonal – municipal competences

Another important aspect of migration policymaking in Switzerland concerns the relationship between the federal level and the cantons which have been very active in developing local integration policies and in exceptional cases in shaping national policy formulation: The city of Basel, for instance, in 1999 issued one of the first integration models (Integrationsleitbilder) in Switzerland which made explicit reference to the 'principle of promoting and demanding' – a slogan that would dominate federal policymaking and discourses for almost ten years. When it comes to migration and integration policies and regulations affecting foreigners, the cantons possess authority on the alien's police, on determining the needs of the labour market, on implementing

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19 The Swiss Union Confederation (Schweizer Gewerkschaftsbund - SGB) established a special commission on migration already in 1982, which gives expert advice to the SGB and aims at influencing its migration policy in the interest of the unionized foreign employees. To promote equal opportunities, equal rights and safety of stay for its members without Swiss citizenship the SGB e.g. observes the implementation of the Federal Law on Foreigners of 2005 and seeks to improve the labour market situation of young 'sans-papier' (SGB 2011).

Reflecting the politicisation of integration both on the federal and the cantonal level, all cantons have a delegate for integration (in accordance with Art. 58.3 AuG) in order to strengthen the coordination of relevant actors. Moreover, 19 of the 26 Swiss cantons have further created their own integration laws and integration provisions and some cities and cantons have adopted integration models: As of 2010 ten cantonal constitutions contain an integration article20; the cantons of Geneva, Neuchatel and Vaud have an integration law. In the cantons Basel-City and Basel-County new integration laws were adopted in the course of the 2008 Federal Law on Foreigners.21 The cantons of Aargau, Jura, Ticino and Valais regulate integration through (an article in) broader laws. Some cantons (such as Basel-Land, Freiburg, Geneva, Graubünden, Jura, and Wallis) have regulated the duties and responsibilities of the authorities as well as the provision of subsidies in additional framework regulations. Eight cantons (Aargau, Basel-Stadt, Luzern, Obwalden, Schaffhausen, Solothurn, Ticino and Wallis) have a cantonal integration model (Integrationsleitbild). In Bern and Freiburg integration concepts are in preparation (EK 2010: 4, TAK 2009: 12).

Institutionally, advisory councils (Integrationskommissionen) have become a major institutional element of cantonal integration policy making in the overwhelming majority of cantons: As of 2010, 21 cantons22 have established a consultative commission or similar body to deal with immigration and integration issues. Most of these bodies have been installed since 2005, only six cantons (Basel-Stadt, Jura, Neuchâtel, Luzern, Vaud and Zürich) these consultative bodies have a longer history23. In the majority of the cantons (17) these integration bodies have been installed as permanent commissions which recruit their members mainly (15) from both the administration and civil society (EK 2010: 8).

Another important actor besides the federal level and the cantons are the Swiss municipalities. Municipalities have traditionally been an important actor in regard to citizenship policy and have played a key role in shaping local naturalization procedures (see Helbling 2010). In larger Swiss immigrant receiving municipalities, integration policymaking dates back several decades. More recently, and in the context of the institutionalisation of integration policy as a distinct policy on the federal and cantonal level, virtually all large and medium-sized municipalities in Switzerland have adopted explicit integration policies by now. Some municipalities (e.g. Basel) have added integration articles to municipal regulations, while others such as Bern and Zurich adopted integration policy models (integrationspolitische Leitbilder). Even if the different municipalities’ approaches are versatile, a common element is constituted by

20 The cantons are Basel-Land, Basel-Stadt, Freiburg, Glarus, Jura, Neuchâtel, St.Gallen, Solothurn, Vaud and Zürich.
21 Namely these are the Law on the integration of the migrant population of 18 April 2007 (SG 122 500 BS) for Basel-City (Basel-Stadt) and the Law on the introduction of the integration requirements of the Federal Law on Foreigners (Integration Act) of 19 April 2007 (SGS BL 114) for Basel-County (Basel-Land).
23 In the canton of Zurich an education commission on integration issues was founded already in 1982 and in the canton Jura an integration commission has been installed in 1984.
their focus on the access of increase of equal opportunities, particularly for the so-called second migrant generation. Language acquisition, education, labour market inclusion and access to health are at the core of such policies. According to Wicker this demonstrates an understanding of integration based on, civil rights and political participation, as a cross-cutting issue which all municipality institutions are responsible for (Wicker 2009: 40). Besides providing welfare services to regular migrants, Swiss municipalities also bear the burden of accommodation of asylum seekers and refugees which are regulated by a specific legal and institutional framework. For both tasks, i.e. the conceptualization and implementation of immigration and asylum policies, the concerns of Swiss municipalities are not sufficiently taken into consideration by the cantons and the federal government, it is often claimed (D'Amato 2011: 173).
There have been two major changes with regard to migration policy, in general, and regular immigration to Switzerland in particular: The first one concerns the entry into force of the Agreement on the Free Movement of Persons between Switzerland and the EU in June 2002. The second one is related to the enforcement of the new Federal Law on Foreigners (AuG) in 2008 which installed a more restrictive admission policy for the so-called Third-Country Nationals (TCNs). The AUG regulates the entry, exit and residence of TCNs in the country. Together with the revised Regulation of the Integration of Foreigners, issued on 24 October 2007, the Federal Law on Foreigners of 2008 constitute also the legal basis for integration in Switzerland (AUG 2005, D’Amato 2011: pp.174, VIntV 142.205 2007, Wicker 2009: 36). At this point it is important to mention that the inclusion of a chapter on integration in the law on foreigners represents a paradigm shift in this legislation.

In these two provisions the Swiss legal concept of integration is laid out as follows:

**Article 4 AUG reads on integration**

- The goal of integration is the coexistence of native and foreign residents on the basis of the values of the Federal Constitution, mutual respect and tolerance.
- Integration will enable long-term and lawfully present foreign nationals to participate in the economic, social and cultural life of society.
- The integration requires both the will of the foreigners to integrate as well as the openness of the Swiss population.
- It is required that foreigners deal with the society and living conditions in Switzerland and in particular learn a local language.

**Source:** AUG 2005, Federal Law on Foreigners issued on 16 December 2005; own translation

**Article 53 AUG reads on promoting integration**

- In carrying on their tasks, the Confederation, the cantons and the municipalities take into account the objectives of integration of foreigners.
- They create the conditions for equal opportunities and the participation of foreigners in public life.
- They encourage, in particular language learning, career development and preventive health measures; they support and promote mutual understanding between Swiss and foreign populations and facilitate coexistence.
- They take into account special needs of women, children and adolescents with regard to integration.
- Integration is a task that the federal government, cantons, municipalities, social partners, NGOs and migrants’ organizations must accomplish together.

**Source:** AUG 2005, Federal Law on Foreigners issued on 16 December 2005; own translation

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24 The AUG was approved on 16 December 2005 and entered into force on 1 January 2008.
Exemplifying the contribution of foreigners Article 4 VIntA states

The contribution of foreigners for their integration is shown:

a. by respecting the rule of law and the values of the Federal Constitution;
b. by learning the local language of their place of residence;
c. by dealing with the Swiss way of life;
d. by the will to participate in economic life and by acquiring education.

Source: VIntV 2007, Regulation on the Integration of Foreigners, issued on 24 October 2007; own translation

For the implementing authorities in the cantons and municipalities these new provisions introduced a variety of changes particularly with regard to linking admission and integration policies: Based on AUG 2005 and VIntA 2007 Swiss local authorities must, for instance, take into account the 'potential for integration' of immigrants as a criterion when it comes to issuing residence permits. They can also formulate specific conditions, like requesting to attend a language or integration course, that need to be fulfilled by granting a residence permit. Concerning this matter the Federal Commission for Migration (EKM) explains that the concrete implementation of these provisions constitutes a difficult task for the competent authorities in the cantons and municipalities, because their discretion is large. According to EKM the new provisions entail the danger of unequal treatment when the various authorities interpret their discretion differently: Some might indeed emphasise on learning the local language, while other aspects of integration are left aside. Moreover, there is a risk that integration is no longer perceived as a process engaging society as a whole, but as a concretely measurable state with clearly defined criteria (EKM 2010: pp.2, Wicker 2009: pp.36, TAK 2009: 5).
III.1 Formulation and purpose of pre-entry (first) admission policies

Chapter 2 of the Federal Law on Foreigners legislates the general principles of admission and integration in Switzerland: Migrants are admitted to Switzerland in the interest of the overall economy, while the chances for 'sustainable integration' into the Swiss labour market and social and societal environment are the decisive factor for admission (art. 3.1). Besides, foreign nationals may also be accepted if international law, humanitarian reasons or family unification requires this (art. 3.2). The admission of foreign nationals is granted against the background of the demographic, social and societal development of Switzerland and the presumed integration potential (art. 3.3).

Integration is general understood as the coexistence of domestic and foreign resident population on the basis of the values of the Swiss Federal Constitution, mutual respect and tolerance (4,1) and is directly targeted on long-term legally resident foreign nationals (4,2). While the integration article (art. 4) generally affirms that integration is a two-sided process requiring the will of migrants to integrate as well as the openness of the Swiss population (4,3), it continues highlighting the necessity that foreigners familiarize with the social environment and living conditions in Switzerland and, in particular, to learn a local language (4,4) (AUG 2005).

Integration, it appears, is strongly framed in terms of labour market inclusion and the command of the local language. Admission policy follows very clearly the logic of benefitting the overall economy and society on the long-term. This refers to an understanding of sustainable integration as being met when certain pre-requirements are fulfilled. Moreover, according to a civil servant, immigrants should have a certain level of education which would make them more independent from one employment and enhance their chances in the labour market in order to better correspond to labour market needs and changes.26

In this sense, chapter 5 of the Federal Law on Foreigners contains detailed provisions for admitting foreign nationals for a stay in employment (art.18-26).27 Migrants may be admitted to Swiss territory for a stay in paid employment or self-employment under the general conditions that

- this corresponds to the overall economic interest (AuG 2005 articles 18a and 19a);
- that the request of an employer is shown (18b) or that, correspondingly, the necessary financial and operational requirements are met (19b); and
- that certain conditions are fulfilled.

These additional conditions concern the following aspects: First the admission of foreign nationals shall not coincide with the overall restriction in numbers of short-stay and residence permits issued by the Federal Council after consulting with the cantons and social partners (art. 20); Secondly, priority arrangements shall be met (art. 21)28; Thirdly, Swiss wage and working conditions need to be maintained (art. 22); Fourthly,

25 A formal definition of sustainable integration is, though, not provided in the law.
26 Interview with CH-G2.
27 In exceptional cases admission might be granted even without gainful employment: art. 27-29 regulate admission of foreign nationals for education and training, retirees or medical treatment.
28 Foreign nationals can be only admitted if no suitable domestic worker or worker from a country, included in the Free Movement Agreement, could be found.
adequate accommodation has to be proved (art. 24); and Fifthly, there is a consistent number of so-called personal requirements that the non-EU nationals need to fulfil before being admitted to the country: Generally, short-stay and residence permits for employment purposes are only granted for managers, specialists and other skilled workers (art. 23. 1).

Moreover, residence permits are only issued if it can be expected that the professional qualifications, the 'professional and social adaptability' of the migrant, his or her language skills and age guarantee his or her sustainable integration into the Swiss labour market and social environment (art. 23.2).

Exemptions are made for investors and entrepreneurs who create new jobs; persons contributing to science, culture and sport; persons with special professional knowledge or skills, if demand is proven; people seconded by international companies; and persons whose activities in Switzerland are essential for economically relevant international business relations (art. 23.3) (AUG 2005). The 'potential for integration' of immigrants is evaluated by the implementing authorities in the cantons and municipalities (EKM 2008: 4-9, EKM 2010).

III.1.1 Family reunification

Several provisions within chapter 7 of the Federal Law on Foreigners regulate the admission of spouses and children within the framework of the family reunification based on the legal status of the requesting spouse: these regulations range from Swiss citizens to persons with permanent residence (Niederlassungsbewilligung), person with a residence permit (Aufenthaltsbewilligung) and spouses with a short-term permit (Kurzaufenthaltsbewilligung). While provisions regarding the family reunification of Swiss citizens and persons with a permanent residence are less detailed, the regulations for temporary residence permits are more explicitly linked to economic independence and the avoidance of social costs (art.44 and 45): Spouses and children of persons with residence or short-term residence status can be granted a residence permit if

- they live with them;
- suitable accommodation is available, and
- they do not rely on social assistance.

In general, spouses and children of Swiss nationals and persons with a permanent or residence permit have the right to engage in gainful employment or become self-employed in Switzerland (art. 46). The provisions of chapter 8 on foreign spouses apply also for registered (same sex) partnerships (art. 52).

The admission of family members and the granting of a residence permits for family reunification is or can be linked, however, to the respective stage of integration of the requesting migrant spouse (AUG 2005, EKM 2008: 4-7).

29 In its 2008 statement, the Federal Commission for Migration (EKM) emphasis that age should not be a primary selection criterion and that (art.8 para2 of) the Federal Constitution prohibits any restrictions based on gender, race/colour, national or ethnic origin, religion, marital status or sexual orientation (EKM 2008: 4).
Article 53 of the AUG 2005 generally states that integration is a concern of all levels of the Swiss polity involving the federal government, the cantons and municipalities. It also identifies various duties for Swiss authorities for promoting integration. Among those are a) to create a favourable environment for equal opportunities and the participation of foreign nationals in public life, b) the promotion of the acquisition of the local language, career advancement and health care as well as c) efforts to facilitate mutual understanding between the Swiss and the foreign population. Special emphasis is given to the integration of certain immigrant groups such as women, children and young people. Integration policies, as the article stresses, are a joint effort and collaboration between federal authorities, cantons, municipalities, the social partners, NGOs and migrant organizations.

In terms of financial contributions, the federal government may provide financial means to foster integration of foreigners, and the learning of the language in particular, under the conditions that the cantons, municipalities or third partners contribute financially. The total amount of the funds is specified in the annual budget. The Federal Council shall identify the areas of intervention and regulate the details of the procedures (art. 55).

An important amendment is introduced by article 54 which formally establishes a linkage between the admission of foreign nationals and the (potential) level of integration: According to article 54, the granting of a residence or short-term residence permit can be made under the condition that a language or orientation course is attended (art. 54.1). This also applies to permits issued under the family reunification scheme (see art. 43-45). The obligation to attend an integration or language course can be stated in an integration agreement (art. 54.1). The degree of integration, with regard to language knowledge, is also taken into account when issuing a permanent residence permit already after 5 years of residence (see art. 34.4) and in discretion decisions (Ermessungsausübung) by Swiss authorities, particularly regarding expulsions and denials on entry (see also art. 96) (AUG 2005).

With regard to Federal Law on Foreigners a civil servant explains that the Swiss concept of integration is based on four criteria: a) to respect and recognising the Swiss constitution, b) to respect the legal order, c) to prove the will to economic independency and d) to be able to communicate. Besides, also the host society needs to be open to integration and the state has to foster this openness by informing, on the one hand, on Swiss migration policy as well as migration benefits and needs and, on the other hand, by applying an anti-discrimination framework and by financing measures and projects for anti-discrimination through the various integration centre (Kompetenzzentren) established at the cantonal level.\(^{30}\)

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\(^{30}\) Interview with CH-G2.
III.3 The Installation of Admission-related Programmes at the National Level

III.3.1 Legal basis

The New Law on Foreigners and the Regulation on the integration of foreigners provide that in certain contexts so-called integration agreements (Integrationsvereinbarungen – IntV) can be stipulated (art.54.1). The obligation to attend the course can be stipulated in an integration agreement between the canton as the competent authority and the foreign person. The overall aim of the integration agreement is to promote the acquisition of the local language as well as knowledge about: a) the social and living conditions in Switzerland (Swiss way of life), b) the Swiss legal system and c) the basic norms and rules whose observance is a necessary precondition for orderly co-existence. Based on singled assessment of each individual case, the integration agreement determines the objectives, the agreed measures and the consequences in case of default (EKM 2008: 7-8, VIntV 2007). However, this is a discretionary clause, meaning that the cantons are free whether they want to make use of this instrument or not.

The integration agreements, although not approved by the entire Swiss political arena, the discussion being ongoing, are seen as a possible means to respond to a wide range of social problems (from youth violence to the so-called abuse of social assistance). By the time this research was conducted, five cantons already took part in a pilot-project regarding integration agreements and the evaluation of this pilot-project has been published.

Rules for integration agreements have been both included in the cantonal laws and pushed in parliamentary debates: Four of the five cantons introduced integration agreements in 2008 (i.e. these are the cantons of Basel-City, Basel-County, Solothurn and Zurich), while the canton of Aargau introduced an integration agreement in November 2009. In December 2006 the Social-democratic parliamentary group demanded, with a certain publicity effect, 'integration of the first hour through integration agreements' (Prodolliet 2009: pp.50, Tov et al. 2009a).

III.3.2 Recommendations of the Federal Office for Migration

In two policy documents dealing with ‘problems of foreigners in Switzerland’ (BFM 2006) and the implementation of integration agreements (BFM 2007) the Federal Office for Migration associates the 'increased risk of a difficult integration course' with very specific migrant groups who are identified a prime target groups for stipulating integration agreements such as:

- persons from third countries entering Switzerland for family reunification;
- resident migrants who, due to their own behaviour, are at the risk of not being able to renew their residence permit;
- persons engaged in supervision or teaching activities like religious tutors, teachers of migrant language and cultural classes (BFM 2006 and 2007).

As the Federal Office for Migration (BFM) is not expecting the uniform implementation of integration agreements to all these groups, it recommends that the cantons make use of this possibility particularly in the case of group a), i.e. persons from third countries coming to Switzerland for family reunification, as more than half of the number of all
newcomers from third countries enters Switzerland for family reunification. With regard to family migrants, the integration report of the BFM for the year 2006 states that ‘some of these adolescents and spouses migrating to Switzerland for family reunification show an increased risk to have a difficult integration process, which is best suited by providing rapid and fair access to the general structures of social order and welfare state inclusion’ (BFM 2006: 7-8, 26-27, 36, 50, 58). In view to foster fast and sustainable integration the BFM recommends to agree on measures (within the frame of the integration agreement) which, after fulfilment, would create the necessary conditions that the residence permit can be renewed or that a permanent residence permit may be granted after five years (BFM 2006 and 2007).

Group b), i.e. resident migrants running the risk of not being able to renew their residence permit, includes persons with a foreign nationality who have become delinquent or have become dependent from social welfare or run the risk of becoming socially dependent. Group c) persons engaged in supervisory or teaching activities includes religious supervisors and teachers of migrant languages and culture classes (BFM 2007).

III.3.3 Debated issues with regard to integration agreements

As the debate goes on, voices have raised the issue that, against the background of the recommendations by the BFM, integration agreements are targeted on migrants who would/could cause public spending or whose behaviour is considered undesirable (Prodolliet 2009: 58). According to an interviewed civil servant, it is in this sense that an integration agreement could be seen as an assessment of the integration needs as well as an agreement on integration targets and particular measures (such as language courses) for people with a potential risk of non-integration. Integration agreements would usually focus on family members of low-skilled workers from third countries as highly-skilled workers from third countries would have lesser integration deficits, meaning that their integration deficits are socially accepted and do not cause economic costs (Prodolliet 2009: pp.56).31

Integration agreements have, in fact, raised a variety of concerns among the most different authors: Prodocolliet from the Swiss Federal Commission of Migration (EKM) emphasises that it is a legitimate concern and approach if the State develops and offers instruments deemed at fostering integration of persons who find themselves in difficult situations. This support and the integration agreements in particular might become a problem in the sense that they tend to stigmatize specific groups of immigrants such as family members (of low-skilled workers) from third countries. Prodolliet continues that, in this sense, linking people from third countries with possible ‘risks’ and belongings, as it occurs in the context of the integration agreements, might reinforce the institutionalisation of persons from third countries as being a risk, a burden to Swiss society. She warns against the eventual installation of a two-class society among Swiss migrants, a classification into migrants from third countries with high risk of becoming a social burden and migrants from EU countries with ‘socially tolerable risks’ (Prodolliet 2009: 58).

31 Interview with CH-G2.
From a juridical perspective the introduction of integration agreements has been criticised as establishing an unequal treatment between EU citizens and the so-called third country nationals (Von Büren et al. 2009). Bianchi stresses that a state obligation is no guarantee for the successful integration of the foreign population. He emphasises that integration is a multifaceted process which can hardly be ordered (Bianchi 2003: 46). Acherman and Uebersax show that the commitment to learn a local language conflicts with the de-facto multilingualism and the strong local dialects, e.g. in Swiss German, and that there is currently a political overstatement of language integration (Achermann 2007: pp.130; Uebersax 2006: pp.8). With regard to the instalment of integration agreements it appears that integration policy in Switzerland is used as a means to control and prevent “undesirable” migrations (Von Büren et al. 2009).

III.3.4 Evaluation of the pilot-project on integration agreements in five cantons

The evaluation of the integration agreements show a high degree of variation between the various cantons - with regard to target groups, objectives, measures and the installed arrangements for the procedure of integration agreements as well as for the conversation settings leading to the stipulation on integration agreements - as well as differences between the federal guidelines and the cantonal implementation (Tov et al 2010a: 2). The period of evaluation lasted from April 2009 to March 2010 and aimed at providing a systematic overview on the administrative implementation (execution) of the integration agreements in the five cantons mentioned above, i.e. Aargau, Basel-City, Basel-County, Solothurn and Zurich. It mainly focused on the identification of differences and similarities regarding cantonal integration concepts, targeted groups, responsibilities, measures and financial resources. Moreover, the perceived effects of the integration agreements from the perspective of the respective authorities, stakeholders and partners (schools, counselling centres) were documented (Tov et al 2010b: 2)32.

With regard to the implementation of the integration agreement at the cantonal level both similarities as well as substantial differences become evident. In this sense, the general objectives differ only marginally: in all five pilot cantons the promotion of integration aims at (enhanced) equal opportunity and the participation of the foreign population in public life. All cantons focus on language skills. Also the cantonal penalties for non-compliance with the integration agreement are broadly similar: for the withdrawal or non-renewal of the residence permit, other criteria must be met such as the violation of fundamental values of the Swiss Constitution or law and order (Tov et al. 2010b: 3).

There are, however, large differences between the cantons concerning the definition of target groups with which integration agreements are to be completed. In principle, legally binding integration agreements can be stipulated only with people from third countries (not from EU/EFTA). As stated above, the federal government recommends not an identical implementation of the integration agreements, but that they should be

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made first and foremost with ‘Personen aus Drittstaaten im Familiennachzug’, i.e. persons from third countries entering Switzerland for family reunification. As the second most important target group migrant ‘old comers’ with strong integration deficits are identified (BFM 2007). Against this background the canton of Aargau in a first phase concludes integration agreements only with family newcomers. While also focusing on family newcomers as a major target group, integration agreements in the cantons of Basel-County, Solothurn and Zurich also target settled migrants showing ‘integration deficits’. In the canton of Basel-City integration agreements are only concluded with ‘old comers’ - who show integration deficits and where other integration measures have remained ineffective (Tov et al. 2010b: 3). Basel-region shows, furthermore, a particular attention on domestic violence and thus identifies migrants engaged in domestic violence as a primary target group (Tov et al. 2010a: pp.66). The study moreover shows divergent perceptions with regard to the effect of integration agreements: While interviewed officials and stakeholders report positive experiences with the integration agreements which would be experienced as a motivation to integrate, this view is not always shared by migrants who concluded the agreement. The study reveals that for those migrants who are long established in Switzerland the integration agreements cause multiple social stress (Tov et al. 2010b: 3). Figure II.2 provides an overview on the similarities and differences of the implementation of integration agreements at the canton level (see annex 2 ‘Overview on the implementation of integration agreements at cantonal level’). Integration agreements are stipulated individually. This might be one reason why no information on the requested language level is provided by the evaluation study. It does, however, refer to the issue of costs: The final evaluation report emphasises that in nearly all cantons examined the language courses are subsidized. Besides, migrants attending a language and/or integration course are referred to the competent social assistance if the course costs exceed their economic opportunities. All examined cantons, with the exception of Aargau, maintain a database where the offer on language and integration courses is listed (Tov et al. 2010a: 81). One more, the study also reveals the wide range of variation between the cantons: For the canton Aargau the Introductory Act to the Law on Foreigners (EGAR art.30, paragraph 3) determines that course costs are borne by the participants according to their ‘economic capability’, since most of the available language and integration courses are already subsidized by the federal government and the canton. According to this approach, the course costs were adequately reduced from the outset. If anybody is still unable to bear the financial costs or receives social welfare, the Canton would take over the costs, after clarifying the situation (Tov et al. 2010a: 25-27). Based on art.4 of the Integration Act, in Basel-Region the participants of government-funded language and integration courses are requested to “contribute adequately” to the course costs taking into account their economic conditions. The appropriateness or reasonableness of the costs is, however, not verified in practice. Only if migrants depend on social welfare the course costs are borne by social assistance. The evaluation report, furthermore, reveals that almost half of the migrants affected complained they themselves would have to pay the price and that it is expensive (Tov et al. 2010a: 35). In this context higher costs might also be linked to miss-grading and false advice: language schools stressed the problem that ‘clients’ should not bear unnecessary expenses for expensive language tests. If migrants attend courses which lie beyond their language capacities or undertake language test and exams before they reach the level for this – e.g. to meet the requirements of the integration agreement – the audit fees are a waste of money (Tov et al. 2010a: 35, 96-
At the time this report was written, pre-arrival tests were not installed in Switzerland. On 26 July 2011 the SVP started with the collection of signatures for the popular initiative 'against mass migration' (BBl 2011 6269) to reintroduce maximum numbers and quota for immigrants. As part of this initiative, maximum numbers for immigrants in Switzerland would comprise asylum applications and immigrants would be deprived from the right to family reunification and access to social services. On 26 January 2013 the 18 months period expires to gather the 100,000 signatures to request the amendment of the Federal Law. The initiative has been criticized by Economiesuisse for its negative consequences on Swiss economy. It entails no reference to the instalment of pre-entry language tests for immigrants (Eidgenössische Volksinitiative 2011, NZZ Online 26.07.2011 and 22.08.2011).
IV National Discourses on the Migration-Integration Nexus since 2000

To convey the current Swiss discourse on the migration-integration nexus Swiss public media and parliamentary debates were analysed. Applying a mixed approach of quantitative and qualitative data analysis, three time periods were identified in which the debates on migration and integration intensified. These turning points mark different stages of the introduction of the new Law on Foreign Nationals (AuG):

- Turning point 2: Swiss citizens vote in favour of adopting the Foreign Nationals Law in a referendum on 24 September 2006.

For the public media discourse two Swiss daily newspapers, the Tribune de Genève and the Neue Zürcher Zeitung, were examined, selecting articles discussing migration and integration during the time period of one month before the turning point until one month after. According to Recherches et etudes des medias publicitaires (REMP), Tribune de Genève has a readership of 134,000 or 7% of readers in French-speaking Switzerland, while the Neue Zürcher Zeitung has a readership of 287,000 or 6.6% of readers in German-speaking Switzerland.

For the parliamentary analysis, four parliamentary debates were chosen for the high number of interlocutors and references to ‘migration’ and ‘integration’: two from May 2004, one from Autumn 2005 and one from Winter 2005, the latter of which was the final vote on the law. Due to the specificities of the Swiss case, the parliamentary debates only correspond to the first turning point. The Swiss context of strong federalism and direct democracy means that, while the parliamentary debates are extremely relevant to the public discourse surrounding the passing of the new Law on Foreign Nationals, they are not as relevant for the discourse during the referendum on the law and the entering into force of the law. However, government actors, many of whom spoke during the parliamentary debates, spoke frequently through the media, in particular during the referendum.

In the national debates, both parliamentary and media, the discussion of integration policy often paralleled the concept of ‘Fördern und Fordern’, to encourage and to demand, discussed earlier in this report. In the parliamentary debates the contingent that argued for the new Foreign Nationals Law, a centre-right coalition of the Swiss People’s Party, i.e. the Christian Democratic Party and the Liberal Democratic Party, tended to argue more on the ‘demand’ side, emphasising punishments and restrictions. The rhetoric of the leftist coalition of the Green Party and the Social Democratic Party in the parliamentary debates, on the other hand, focused more on ‘encouraging’ or

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34 For detailed information on how Swiss federalism and direct democracy impact on migration and integration policymaking in Switzerland see the introduction of this report.
‘supporting’ integration efforts through incentives or the granting of rights. These different nuances in the parliamentary debates are also carried into the media debate, with the same issues remaining prominent.

IV.1 The Foreign Nationals Law of 2005 passes the Swiss Parliament (Turning point 1)

IV.1.1 Parliamentary debate

During the parliamentary debates, the Green Party and the Social Democrats were the primary opposition to the law, arguing against the centre-right coalition of the Swiss People’s Party, the Christian Democrats and the Liberal-Democratic Party.

However, the central actor of the debate, whose statements guided the entire discussion of the law, was Christoph Blocher, Federal Councillor, Head of the Federal Department of Justice and Police and a leader of the SVP. Blocher spearheaded the new Law on Foreign Nationals, and therefore his concepts were the main catalysts of the debate, especially in the parliamentary debates but also in the media. During the parliamentary debates, he specifically focused on third-country nationals and unskilled migrants as difficult to integrate, positing that Europeans are easier to integrate than Asians and Africans and that problems such as integration, crime and unemployment are linked to the large amount of unskilled migrants from third countries, often arriving through family reunification. These claims were supported, he said, by the propositions of experts and the cantons, as well as historical experience, which has shown that persons from a different culture, speaking a different language and with little education in the host country have difficulties integrating. He capitalized on the concept that most migrants arrive in Switzerland through family reunification, by linking it with other perceived problems in Switzerland. In his view, which was supported by many other members of Parliament, children over the age of twelve (arriving through family reunification) have difficulties integrating (culturally, socially and linguistically), and therefore the new law should ensure that they arrive early, to facilitate their integration.

The issue of children and women arriving in Switzerland through family reunification figured prominently in the debate, the age limit for integration being hotly debated. For those who supported the law, they emphasised Blocher’s point that children over twelve have huge difficulties integrating, citing expert and cantonal input as supporting this point. The reasoning behind this policy is that these children would only have a limited amount of time in Swiss schools and so would not be able to learn the language or the culture, as well as would not be able to integrate professionally into the Swiss labour market, becoming the ‘unemployed of tomorrow’ and placing a greater strain on the Swiss economy. Furthermore, Representative Philipp Mueller proposed that those wanting to join their families in Switzerland should show beforehand that they want to and can integrate, and then they would be eligible for family reunification. Requiring family reunification as early as possible was cited by many interlocutors as critical to the positive integration of the migrant, not only for early exposure to Swiss language and culture, but also because a complete family unit was viewed as an important factor easing migrants’ integration into Switzerland. The majority of speakers for the law emphasised requirements rather than incentives without specifically discussing the possibility of incentives. However, Representative Ernst Schibli specifically argued
against the leftist coalition’s suggestion of incentivizing integration policy: to him, when Switzerland gives many incentives or benefits to immigrants they no longer have motivation to work harder to earn more and pay taxes, which thus necessitates a focus more on limits and demands. For the centre-right block, this issue of early requirements for family reunification was consistently repeated as necessary and related to many problems in Swiss society, especially unemployment.

Opponents of the law also focused on the amendments to the Swiss family reunification policy, arguing that these limits actually pose major obstacles to a successful integration process and that there should not only be penalties, but also incentives built into the system. Furthermore, they countered the theory that a twelve year old has fewer integration problems than an older migrant. In fact, different studies were cited that showed integration as possible later on with the availability of good opportunities and integration measures for migrants. In addition, they argued that limiting family reunification to merely the nuclear family leaves out other integral members of the family. The argument for the reunion of the stable and complete family unit as critical to positive integration was also used by opponents, but to support a more flexible policy of family reunification allowing other family members or later reunification, letting the family decide what would be in its best interest. Thus, for the opposition, the limitations and demands placed on family reunification were too rigid, not providing positive incentives for early migration to Switzerland and restricting the possibilities of decision-making within the family.

The opposition also took a rights-based approach in their arguments, emphasising the inequalities inherent in the new law. The three-tiered system of immigration itself was challenged on the basis of giving unequal rights and opportunities to EU-nationals and not third-country nationals, including third country national children of Swiss nationals, which places many good-standing third-country national residents in an insecure situation and would thus hinder their ability to integrate. Islamophobia was cited as also severely hindering migrants’ ability to integrate. Hans Joerg Vogel, in charge of the Coordination Center for Immigration and Integration Questions of the Canton of Lucerne and Editor of the magazine ‘Focus Integration’ argued that, counter to this current tendency, religious diversity should instead be promoted, as ‘Only those who strengthen their identity can be integrated in a positive way into another country.’\(^\text{35}\) Ueli Leuenberger, Vice President of the Green Party and Geneva National Councillor, together with other members of the Green party, spoke frequently through the media against the perceived xenophobia of the law. In particular, he argued during the parliamentary debates against the stipulation that residence permits be linked to language and integration courses, arguing that the new law is xenophobic towards third-country nationals, yet exempting Europeans. Several other members of Parliament also highlighted that these conditions are directed primarily towards poorer third country nationals, as rich and/or highly educated third country nationals would be exempted from these rules.

In fact, many opponents argued that the law assumes that highly-skilled workers would be better able to integrate into Switzerland, even though it was argued that the less-skilled are the ones that are more involved in Swiss society. This preference for highly skilled persons, as Anne-Catherine Menetrey-Savary (Green Party, Vaud) pointed out, also discriminates against women, who are rarely executives or highly skilled specialists.

and whose qualifications are often not recognised, giving women few chances for gainful employment.

A referendum was supported by many of the opponents of the Foreign Nationals Law in Parliament, and by the time the law was to be passed, lines were drawn between those who supported the law and those who supported the referendum, primarily between the left (Greens and Social Democrats, although the latter did not, in the end, support the referendum) and the center-right (the SVP, the Christian Democrats and the Liberal-Democratic Party). As the referendum was proposed often in Parliament as a way to counteract the new law, many members of Parliament spoke out frequently through the media during turning point two, when the referendum actually took place.

IV.1.2 Media debate

With respect to media debate of the Foreign Nationals Law during its passing, only opponents of the law spoke out through the media during this turning point, in particular Ueli Leuenberger, Geneva National Councillor and Vice President of the Swiss Green Party as well as the Zurich United Committee, a coalition of Greens, Social Democrats and trade unions. These actors based their opposition on their position that the new law would be discriminatory against foreigners, especially non-Europeans, in fact hindering their integration, and they called for Parliament to vote against the law and, in case of its passing, a referendum.

Most media debate on integration during this turning point focused on the role of education for the integration of foreigners. This was primarily due to the fact that, parallel to the debate on the Foreign Nationals Law, there was also debate concerning integration courses in Zurich, which figured prominently in the Neue Zürcher Zeitung. These education, language and professional courses were offered to foreign language speakers between the ages of fifteen to twenty who want to integrate. The Director of Education for Zurich, Regina Aeppli, emphasised the importance of these courses in aiding integration for foreigners in Zurich. In fact, Zurich citizens and the newspaper even contributed their voice to this debate, supporting the measure as a positive way to professionally integrate migrants and avoid their unemployment. These arguments fit into the larger debate of the Foreign Nationals Law by linking unemployment with an inability of migrants to integrate, requiring integration courses to counter this trend.

IV.2 The vote of the Swiss citizens on the 2006 referendum (Turning point 2)

During the debate over the Foreign Nationals Law during the referendum, many actors weighed in, including NGOs, political parties and their representatives, unions, teachers and even immigrants themselves. However, the most regular and well-versed actors speaking to the migration and integration nexus were political representatives. Due to the continued strong voice of government representatives, the debate continued to focus on the main points already highlighted in the first turning point, especially family reunification, effects on the labour market and the importance of linguistic and cultural affinity for integration, issues which were intimately entwined in the debate.

Christoph Blocher spoke through the media and was often cited for his role in proposing the new Foreign Nationals Law, reiterating his point that children arriving in Switzerland through family reunification should arrive as early as possible, to ensure successful integration, especially with respect to their professional integration later in life. Gerhard Pfister (CVP, Zug), a prominent voice in the parliamentary debates, also weighed in during the debate over the referendum, supporting Blocher’s point that foreign children coming to Switzerland through family reunification are unable to integrate professionally and culturally when they are 12 years or older. From the second turning point onward, this point is generally treated as fact, although it was contradicted by members of Parliament during the passing of the law.

In fact, the connection between integration and the labour market was crucial to the debate over the referendum, and included input from employers and experts speaking to the possibility of migrants' professional integration without sufficient language skills. The president of the Swiss Employer’s Association, Rudolf Staempfli, spoke up for the law, emphasising the point that children, in particular children from ‘countries less close to us culturally’ arriving through family reunification, should arrive before the age of twelve in order to ensure their integration into the culture and the labour market. He also called for women arriving through family reunification to be permitted to work, which would facilitate their integration by making them less isolated. In this way he emphasised the detrimental impact of late integration on the labour market but also proposed incentives for increasing employment of migrant women arriving in Switzerland through family reunification. Rupan Sivagenasam, head of an education and tutoring programme in Zurich, was also called upon as an expert to speak on children's language acquisition and subsequent integration possibilities. In his view, children do not learn German early enough, and there should be many more German lessons for foreign children even before kindergarten, creating the conditions for future educational success and opening opportunities for them in the professional market. Most employers that weighed in on the debate supported the law, as a way to prevent unemployment of migrants who were not able to professionally integrate.

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While Greens and Social Democrats worked together against the passing of the law in Parliament, during the referendum the Green party was the primary opposition to the new law, as the Social Democratic Party did not officially join the referendum action challenging the new law. On the other hand, several opponents from Parliamentary debates, both Greens and Social Democrats, spoke strongly against the law through the media, in particular Vreni Hubmann (Social Democrat, Zurich), Anne-Catherine Menetrey (Greens, Vaud) and Maria-Roth Bernasconi (Social Democrat, Geneva).\textsuperscript{44} These speakers focused more on the rights to which third-country nationals should be privy, which they contended should also be tied to integration policies. Hubmann criticized the number of punitive measures, arguing that the law should grant more rights to migrants in the country: once they have passed high hurdles to enter, they should be treated as equals to Swiss, which would better promote cohabitation between the foreign and Swiss population. Menetrey, who spoke frequently against the law in Parliament, countered that language formation is not enough to ensure integration. Rather, the state should guarantee migrants' access to education and work, which in her view would better support integration efforts. Bernasconi proposed granting migrants the right to vote as a positive way to integrate migrants. This proposition is not surprising considering she represents Geneva, which had recently granted the right to vote in local elections to migrants. This view was supported by migrants who had recently been allowed to vote, who framed their rights as a positive integration policy that finally made them feel at home in Switzerland and allowed them to position themselves within their town.\textsuperscript{45} Migrants also spoke of the new restrictions as an additional stress for those already in a precarious situation, with Arab and Muslim migrants feeling especially that the law was directed at them. They argued that this new policy focuses more on assimilation than integration, while migrants call for co-integration: migrants must adapt to their host country, but there must also be a certain amount of reciprocity on the part of the host society.\textsuperscript{46} Antonio Hodgers, President of the Green Party, built upon these arguments from migrants themselves, emphasising that the limitations placed on family reunification and the additional bureaucratic obstacles actually serve to discourage integration by making it more difficult for migrants to insert themselves into Swiss culture.\textsuperscript{47}

Yet, the responsibility to integrate was placed squarely with the migrants by those arguing for the law. The perceived problem of linguistic and cultural affinity for Switzerland was seen as primarily an issue for Muslims, and was even connected to traditional harmful practices. Karin Keller-Sutter was the head of the Department of Justice and Police of the Canton of St-Gall and also gave input to Blocher, who was looking to adapt some of her policies. She defined integration as understanding the constitution and accepting Swiss rules and laws, and spoke of a 'cultural fracture' between immigrant and Swiss cultures, referring to honour killings and forced marriages of both women and men.\textsuperscript{48} She blamed a lack of sufficient integration for


\textsuperscript{47} La Tribune de Genève, 'Des lois iniques et insensées', 09.09.2006.

these practices, and stressed that the Swiss commitment to women’s rights and gender equality calls for the passing of the new law, in order to guarantee the rights of and protect women who challenge traditional authorities at their own peril. Ueli Maurer, the President of the SVP, spoke out after the passing of the referendum, saying that the law passed due to persistent problems with foreigners in Switzerland; he believes there is a constant violation of Swiss cultural and social rules as well as Swiss democratic and Christian values, by foreigners that refuse to integrate, pointing out Muslims specifically. In fact, Muslims were characterised as the new ‘target group’ for many of the new integration requirements. Thus, proponents of the law depicted migrants as responsible for their own integration by accepting Swiss culture, with Switzerland being portrayed as a protector of rights, in particular of women.

Turning point two built upon the main issues that were present in turning point one, notably from the parliamentary debates. Family reunification policies, migrants’ professional integration and linguistic and cultural integration featured strongly, with most of the debate centring on women, children, and non-European migrants, in particular those of Muslim faith. During the referendum, the left argued for a more balanced approach to integration policy, proposing a more rights-based and incentivised approach, while the centre-right coalition focused more on the responsibilities of migrants to integrate, through strict regulations. In the end, the arguments of the centre-right coalition resonated more strongly with the Swiss population, who passed the referendum with 67.96% support.

**IV.3 The Foreign Nationals Law enters into force in 2008 (Turning point 3)**

As the Foreign Nationals Law entered into force, there was much less debate on integration of foreigners, and the debate that did occur was exclusively in the Neue Zürcher Zeitung. However, the articles that did focus on integration were much more specific about the perceived problem groups having difficulties integrating and propositions to solve the problem, especially emphasising language issues.

Christoph Meier, head of the integration support programme for the city of Zurich, mentioned women and the elderly from Portugal, Turkey and sub-Saharan Africa as having insufficient German skills, whereas men from all these cultures (say for Portugal) were perceived to speak more German. In his view, integration measures should also focus on these groups, discussing needs with community representatives in Zurich, offering mothers of young children more options (e.g. language, child care) to encourage integration of second generation immigrants, expanding courses offered in specific neighbourhoods, extending the courses available to these groups and allowing them to have speech training without the requirement of tests at the end, as many have difficulties with traditional courses.

Naxhi Selimi, an expert who started a programme devoted to encouraging language acquisition of immigrant children, was also called upon as an expert in the field. He

52 For more information on the programme see Bildungsdirektion Kanton Zürich, Schweizerischer Integrationspreis für Sprachförderung im Vorschulalter
focused on the lack of German skills and the unsuccessful integration of migrant children, in particular Albanian, Indians, Italians and Turkish, which his programme counters by training teachers specifically for language training, locating the childcare in communities with a high proportion of foreigners, keeping fees low and having consistent meetings twice a week.53

These actors gave much more detailed accounts of the specific problem groups for integration programmes, and offered remarkably similar solutions all centred on the provision of language courses. These courses are depicted as crucial for the positive integration of these problem groups, women and children especially and focus exclusively on courses and requirements after having arrived in Switzerland, rather than pre-entry.

V The Effects of European Integration on the Migration-Integration Nexus

While Switzerland is neither a member state of the European Union nor of the European Economic Area (EEA), the country has progressively moved closer to the European Union in the past decade. In particular, Switzerland has concluded several bilateral agreements with the European Union which effectively have turned Switzerland into an associated country with a status similar to countries within the EEA framework. The European Union thus now has a direct impact on policymaking through binding regulations. In addition, Europeanisation is also reflected in the travelling of ideas and the model character of individual EU countries’ approaches towards integration for Swiss policy making as well as the role of EU policymaking.

Historically, the entry into force of binding regulations, first and foremost, the bilateral agreement on the free movement of persons between Switzerland and the European Union of 1999, marked a changing point in Swiss migration policy: It entered into force on 1 June 2002 and, after a transitional period, it provided for the abolition of all quotas for EU work forces. The Free Movement Agreement resulted in a 30 per cent increase in the number of EU nationals from 853,582 in 1999 to 1,116,356 in 2009. Most of them came from Germany and Portugal (Bundesamt für Statistik 2011a, Free Movement Agreement 1999). Based on the Free Movement Agreement Switzerland installed a dual admission scheme. According to the latter, EU nationals enjoy the right of free movement and settlement within Swiss territory, while the migration and admission of non-EU nationals is restricted on the ground of their contribution to Swiss economy (qualification, investment) and linked to their potential integration performance. Within this logic, the admission of foreign nationals must serve the entire economy and society, while it lies in the duty of the non-EU migrant to prove his or her ‘integrability’. With respect to the admission of non-EU nationals to Switzerland several interview partner highlighted that this policy affects particularly (Muslim) women who enter the country for family reunification: According to them (Muslim) women from non-EU countries are the main target group for signing integration agreements which, in some cases, might lead to a situation of disadvantage when the women is requested to take care for the children and the household and comply with the requirements stipulated in the agreement, mainly to learn the local language and integrate in the labour market.54

Besides affecting Swiss admission policy, the signature of the free movement agreement between Switzerland and the European Union, indeed, also impacts on Swiss integration policy: as the impossibility to introduce compulsory integration measures for EU nationals – even if deemed desirable. Indeed, it may not necessarily be non-EU nationals who are the ‘least integrated’. Thus, in a comparative study among Tamils, Turks, Kurds and Portuguese migrants in Switzerland, Bartal shows that it is the Portuguese immigrant group who perform poorest in terms of level of integration. The representative survey was conducted among 462 families from Portugal, Sri Lanka and Turkey to explain differences in integration among various immigrant groups with regard to structural and cultural characteristics of the context of origin, opportunities for action in the context of arrival as well as social origin (Bartal 2003, Wicker 2009:

54 Interviews with CH-G2, CH-NG1 and CH-EO.
It is a paradox of Swiss migration policy that compulsory integration measures cannot be applied to the largest group of immigrants in Switzerland, EU nationals. The perceived necessity to integrate EU-nationals becomes most manifest at the cantonal and local level: In the canton of Zurich, for instance, the integration department launched an initiative where public poster invited migrants from Germany to learn and adapt to the Swiss-German way of communication (see annex II).

Even if Switzerland is not formally integrated in EU arenas where migration policymaking takes place, the European Union, and particularly European countries such as Germany and the Netherlands, are a constant frame of reference for almost all interview partners: These references range from laws on citizenship to (recent changes in) approaches on integration and the comparison of institutional settings (namely, the competences of the German Ministry for Migration and Refugees with regard to language courses in contrast to the Swiss Federal Office for Migration). According to one interviewed expert, particularly Germany and the Netherlands constitute a kind of learning mask which introduce learning processes that are taken up later as happened with the recent restriction in migration and integration policy. Interestingly though, the slogan ‘Fördern und Fordern’, to promote and to demand, which was published by the German expert commission on migration lead by Rita Süßmuth in 2001, is seen as a genuine Swiss creation and widely seen to be formulated Thomas Kessler in 2005. According to one interviewed civil servant, Swiss policymakers are regularly invited to integration summits in European neighbour states, but these invitations rather occur at the governmental level.

The study presents the results of a representative survey conducted among 462 families from Portugal, Sri Lanka and Turkey. The personal interviews were conducted in the native language of the respondents. Turkish and Kurdish-speaking people were evaluated separately. The study aimed at explaining the integration disposal/affinity (Disposition zur Integration) and the level of integration with regard to structural and cultural characteristics of the countries of origin, social origin as well as social and cultural conditions for (inter)action in the country of destination.

Interviews with CH-G1, CH-G2, CH-G3, CH-EO, CH-E1.
Interview with CH-E1.

For the first time the slogan “to promote and to demand” appears on page 14. The whole report, entitled „To manage migration, to promote integration“, can be accessed at: http://www.bmi.bund.de/cae/servlet/contentblob/150408/publicationFile/9074/Zuwanderung_gestalten__Integration_Id_7670_de.pdf

Interview with CH-G2.
VI Limited Remarks as a (brief) Conclusion

Switzerland has a long history of immigration and emigration. As a small country situated along migration routes between Southern and Northern Europe, Switzerland is known for its cultural and linguistic diversity, its flourishing economy and a decentralized (federal) government that provides Swiss cantons, municipalities and communities with strong agency and large discretionary power over a wide range of policy fields, including certain aspects of migration and integration-related policies (D’Amato 2011: pp.180, 185, Efionayi-Mäder et al. 2005).

Until 1931 when the Law on Residence and Settlement of Foreigners came into force, Swiss cantons were, in fact, mainly responsible for immigration. At that time laws and bilateral agreements with other European states were rather open towards immigration taking into consideration that even Swiss citizens would need to easily emigrate in case of labour shortages in the country. In 1931 this situation changed when the federal government obtained the power to address migration issues on the national level. With the 1931 Law, federal authorities became responsible to consider Switzerland’s economic interests, the country's moral situation and the degree of ‘over-foreignization’ (Grad der Überfremdung) in their decisions on immigration (D’Amato 2011, Efionayi-Mäder et al. 2005, Ruspini 2008). Since then, the labour market demand for foreign workers and the immigration of foreign nationals have given rise to the enactment of varies migration related policies and provisions. However, the emergence and development of Swiss migration policy is marked by inconsistencies and discontinuities and has to be read against the background of greater social and economic transformations. This also affects the evolution of Swiss integration policy: The first turning point towards greater emphasis on integration aspects occurred when the Swiss federal government dropped its ‘rotation’ model in the early 1960s. It was, in fact, the first time that the Confederation officially recognized that the only alternative could only be a policy of integration. The issue of integration has been made increasingly prominent ever since: Following the general belief that integration is a ‘natural process’ which takes place in the labour market and educational institutions as well as in terms of civic participation in the well-developed Swiss voluntary sector, in the 1970s the domestic integration policy has been marked by improving the legal status of immigrant and reuniting families more quickly.

With the instalment of the Integration Article (25a) in 1999 the federal government assumed new responsibilities and greater power to address integration-related issues at the national level which paved the way for a more proactive federal integration policy. Federal policy, however, has become increasingly affected by rising anti-immigrant sentiments in both the political sphere (parliamentary debates) and the public sphere (media debates): The results of the media analysis provided in this report and the (success of) various popular initiatives concerning the limitation of regular migration are a clear sign of national concerns on immigration. Switzerland’s overall emphasis on migration control and the costs of ‘failed integration’ acted as a catalyst for further strengthening the linkage between migration and integration policies: With the abandoning of the Swiss ‘rotation’ model in the 1960s and the coming into force of the new Law on Foreign Nationals (AuG) of 2005/2008, Switzerland has made a shift from an ‘utilitarian migration policy’ to an elitist admission policy. But, contrary to what one could expect, this policy turn brought about important rights for immigrants in Switzerland: If under the seasonal worker statute immigrants were deprived from the
right to family reunification, this right has been subsequently introduced and installed with the AuG of 2005/2008.

Furthermore, the new Law on Foreign Nationals brought several other prominent changes with regard to integration. As of 2008, when the Law entered into force, the issuance or the prolongation of a residence permit can be conditioned by the attendance of a language or integration course. This can be stipulated into an integration agreement between the authorities in the canton of residence and the migrant (with the exception of EU, EFTA citizens and foreigners who are family members of Swiss citizens). As the federal law provides the framework for the integration agreement, it is completely the choice of the cantons whether they implement it or not. While not widely approved by different Swiss policy-makers and relevant actors, and still under debate, integration agreements are to be implemented considering the cantonal specificities. By the time this research was conducted, five cantons took part to a pilot-project for the implementation of such agreements. The evaluation report of the pilot-project showed that perception, in terms of effectiveness and usefulness of such an agreement, vary largely from one stakeholder to another. Therefore, the report recommended, among others, a better communication (in terms of informing on the notion of integration, the scope of the integration agreement etc.) and also clearer criteria for determining the target groups with whom such an agreement could be made.
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Annex

*Overview qualitative interviews*

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<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>CH-G1</td>
<td>Governmental</td>
</tr>
<tr>
<td>2</td>
<td>CH-G2</td>
<td>Governmental</td>
</tr>
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<td>3</td>
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<td>Governmental</td>
</tr>
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<td>4</td>
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</tr>
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<td>5</td>
<td>CH – NG2</td>
<td>Non-governmental organisation</td>
</tr>
<tr>
<td>6</td>
<td>CH – EO</td>
<td>Economic organisation</td>
</tr>
<tr>
<td>7</td>
<td>CH-E1</td>
<td>Scientific expert</td>
</tr>
<tr>
<td>8</td>
<td>CH-E2</td>
<td>Scientific expert</td>
</tr>
</tbody>
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### Table I.1 Number of Asylum Seekers in Switzerland, 1985-2007

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985</td>
<td></td>
</tr>
<tr>
<td>1986</td>
<td>8.195</td>
</tr>
<tr>
<td>1987</td>
<td>10.680</td>
</tr>
<tr>
<td>1988</td>
<td>16.220</td>
</tr>
<tr>
<td>1989</td>
<td>24.110</td>
</tr>
<tr>
<td>1990</td>
<td>35.565</td>
</tr>
<tr>
<td>1991</td>
<td>41.240</td>
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<tr>
<td>1992</td>
<td>18.935</td>
</tr>
<tr>
<td>1993</td>
<td>25.235</td>
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<tr>
<td>1994</td>
<td>15.930</td>
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<tr>
<td>1995</td>
<td>17.160</td>
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<tr>
<td>1996</td>
<td>18.415</td>
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<tr>
<td>1997</td>
<td>23.795</td>
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<tr>
<td>1998</td>
<td>39.885</td>
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<tr>
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<td>2000</td>
<td>17.705</td>
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<tr>
<td>2001</td>
<td>19.405</td>
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<td>2002</td>
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<td>2003</td>
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<tr>
<td>2004</td>
<td>13.475</td>
</tr>
<tr>
<td>2005</td>
<td>9.350</td>
</tr>
<tr>
<td>2006</td>
<td>9.315</td>
</tr>
<tr>
<td>2007</td>
<td>9.525</td>
</tr>
</tbody>
</table>

**Source:** Bundesamt für Statistik 2011d; own elaboration
### Annex 2

#### Figure II.2 Overview on the implementation of integration agreements at cantonal level (selection)

<table>
<thead>
<tr>
<th>Understanding of integration</th>
<th>Basel-City</th>
<th>Basel-Region</th>
<th>Solothurn</th>
<th>Zurich</th>
<th>Aargau</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic integration deficit: Losses and / or debts; Un-willingness to learn = un-willingness to integrate</td>
<td>“To demand and to promote” Demand: time and financial commitment; Promote: to be allowed to integrate in CH, “to force someone a bit to happiness”</td>
<td>Peaceful coexistence marked by mutual respect; equal participation and shared responsibility in economic, social and cultural life</td>
<td>Promote the willingness and activities for integration; Comprehensive view of all those affected</td>
<td>“To demand and to promote” Promote: via framework conditions which foster integration; Demand: Adaptation to local values while maintaining own identity</td>
<td></td>
</tr>
</tbody>
</table>

| Integration agreement as | Last chance, attempt to reach jointly agreed goals | Integration and motivation assistance,preventive “for the protection of the alien him/herself” | Motivation and integration support to achieve goals, especially regarding gender equality; information and educational resources | Incentive to get an early C-permit; abbreviation of the integration process | Instrument as a tool that promotes the commitment and responsibility/obligation for integration; intended to provide guidance and assistance, as incentive |

| Target groups/Selection criteria | Persons who are unable to act autonomously in everyday matters; persons with integration deficits; persons with need for specific support measures | Newcomers without legal and international (humanitarian) entitlement; persons engaged in domestic violence, welfare-dependent and / or unemployed people who lack German skills (third countries) | Particularly mother-newcomers with poor educational background; adolescents and young adults; newcomers who are married to Swiss partners / Spouses (binational marriages) | Newcomers: the lack of German language skills, minimal education, lack of professional qualifications, with educational responsibility; Longstayers: Focus on deficits = unable to act independently in daily affairs |

| Selection procedure / Assessment | Who “is flushed to the surface”; selection for integration agreements (IntV) through review of files, not by colloquy | Depending on the debt or poverty level IntV make sense; feedback from social assistance in the municipalities and police criteria led; review of files via Migration Office (Migrationsamt) | The residents registration office, community services and education authorities in the municipalities report questionable cases; cantonal office for integration checks for issue regarding foreigners police at the Migration Office; forms for case reporting | Migration Office (Office for family reunification) reviews criteria and notifies ASO (Auslandsschweizer-Organisation - Organisation of foreign Swiss) |

46
<table>
<thead>
<tr>
<th>Measures</th>
<th>30% German courses; 20% combined language and integration course; 20% combined language course and counseling, 30% combined counseling and other</th>
<th>German and integration courses; courses on domestic violence in planning</th>
<th>German integration courses and German language courses, some advice on e.g. social assistance (use German-language media)</th>
<th>German and integration courses, usually various measures in succession; starting from the current state a kind of project plan is created</th>
<th>Especially German language courses; integration courses shall follow; agreed measure is registered in database</th>
</tr>
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<tbody>
<tr>
<td>Assessment for identification of measure</td>
<td>Recognition of deficits through civil servant who proposes measures; in determining the required language level the education of the migrant is taken into account (usually left to the schools); A database on measures is available</td>
<td>Foreigners Office of Basel-Region or other language schools conduct entry-level test; A database on offered measures is available</td>
<td>Assessment on language level by civil servant or grading by language school; A database listing the offer on measures is built</td>
<td>Assessment of level of integration by civil servant on a six-point scale; a database on measures is available</td>
<td>Free, electronically guided language test on entry-level before colloquy on integration agreement; no database on measures is available</td>
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<tr>
<td>Controlling</td>
<td>Registration at language school is sent to Immigration Office within one month</td>
<td>Note on file covers that IntV runs; for the renewal of the residence permit 2010 course attendance certificate must be shown</td>
<td>Confirmation of course attendance must be sent in unasked; In case of unfounded non-compliance with IntV or refusal the Migration Office is notified; document entry with comments on motivation, difficulties, etc. is forwarded to Migration Office which does not report back its decision concerning permits; database has been installed</td>
<td>If no confirmation on attendance is received the causes are investigated; in addition to controlling monitoring has been installed as well as other (life)support</td>
<td>Database gives feedback as to when an agreement expires; to confirm course attendance is a duty; if it is not performed, the foreigners office turn in; if this leads to no response, IntV is considered not being met and the head of office is informed; this probably is sanctioned by a reproval; criteria for extending the IntV and for non-compliance are not yet finalized</td>
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<tr>
<td>Anticipated impact on migrants</td>
<td>Pressure is predominantly; individually different reactions; resignation due to impotence</td>
<td>a) friendly, cooperative clients who are motivated b) partly, clients appear only superficially motivated</td>
<td>Hope that more gender equality is achieved; 80% value IntV as support and recognition</td>
<td>Integration process described as &quot;slowly but surely&quot; progressing; Changing perceptions from the side of the concerned parties</td>
<td>Is experienced as positive and voluntary; those involved know what is expected of them; positive consideration of IntV for issuing residence permits is motivating</td>
</tr>
<tr>
<td>Internal effect</td>
<td>Reflection on administrative practices;</td>
<td>To engage in conversation, to establish a relationship is</td>
<td>Consultative approach is seen</td>
<td>Good acceptance of procedures; good exchange</td>
<td></td>
</tr>
<tr>
<td>External effect</td>
<td>Propaganda effect</td>
<td>Oversized expectation on IntV; no mass instrument; the effectiveness of IntV depends on compliance</td>
<td>Propaganda effect; exaggerated expectations regarding IntV</td>
<td>Mostly positive coverage in various media</td>
<td>Evidence for policy that something is done; many expectations, partly misconceptions and excessive desires</td>
</tr>
</tbody>
</table>

**Source:** Tov et al. 2010: pp.75, own translation / selection
Annex 3

Graph Poster launched by the canton of Zurich to foster the integration of German migrants.