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Federal Act on Foreign Nationals and Integration (FNIA)

LINGUISTIC REQUIREMENTS for Residence permits B and domicile permits C

What, Who, When and Where

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WHAT are we talking about

In order to guarantee a successful intergration of the many foreign nationals residing or intending to reside in Switzerland with or without lucrative activity, the State Secretary of Migration (SEM) respectively the Federal Council has formalized and defined the integration requirements with regard to linguistic competences with effect 1st January 2019.

The Federal Act on Foreign Nationals and Integration FNIA (until 31.12.2018 Federal Act on Foreign Nationals) under section 2 Integration Requirements, article 58a Integration criteria defines that the following intergration criteria must be met:

Section 2 Integration Requirements

Art. 58a Integration criteria

1 When assessing integration, the competent authority shall take the following criteria into account:

- a. respect for public safety, security and order;
- b. respect for the values of the Federal Constitution;
- c. language skills;** and
- d. participation in working life or efforts to acquire an education.

2 Due account shall be taken of the situation of persons who because of disability or illness or other important personal circumstances are unable to meet or have difficulty meeting the integration requirements

3 The Federal Council shall determine which language skills are required when granting or renewing a permit

WHAT are we talking about

Article 77 lettera d of the decree (OASA) sets out that:

The linguistic competences of the language spoken in the place of residence of the foreigner are sufficiently demonstrated if:

- a) The foreigner speaks and writes such national language in so far as it is the mother tongue;
- a) Has attended at least 3 years of the Swiss compulsory school system in such language;
- a) Has attended at least 3 years of a higher formation in such language (University, etc);
- a) Is in possess of a recognized language certificate.

WHO is concerned: EU/EFTA citizens and Third State Nationals

The decree /ordinance on admission, stay and employment (OASA) sets out to whom the new provisions are applicable:

1. Ordinary release of C permit after 10 years of uninterrupted stay in Switzerland:

article 60 OASA orals skills A2 and written skills A1

applicable to EU/EFTA citizens and Third State Nationals

2. Anticipated release of C permit after 5 years:

article 62 OASA oral skills B1 and written skills A1

applicable to EU/EFTA citizens and Third State Nationals

3. Residence permit B under the family reunification system, article 73 a for the application and/or renewal of the residence permit:

The third state national spouse of a foreigner residing with a B or C permit must give prove to have minimum language skills of the national language spoken in the place of residence (oral skills A1).

In cases where **both third state national spouses apply for a residence permit B for the first time**, it must be carefully verified first with the Swiss representation (Swiss Visa Desk) in the home country of the applicant if, who of the spouses and in which form the language competences must be certificated, and secondly, with the cantonal migration office. The cantonal migration office will analyze each case separately.

WHO is concerned: EU/EFTA citizens and Third State Nationals

The decree /ordinance on admission, stay and employment (OASA) sets out to whom the new provisions are applicable:

4. Application for a C permit under the family reunification system, article 73 b:

The third state national spouse of a Swiss national and/or a foreign national with C permit must give prove of oral skills of at least A2 and written skills of at least A1

5. Application for the issuance of a B-permit:

In cases where **both third state national spouses apply for a residence permit B for the first time**, it must be carefully verified first with the Swiss representation (Swiss Visa Desk) in the home country of the applicant if, who of the spouses and in which form the language competences must be certificated, and secondly, with the cantonal migration office. The cantonal migration office will analyze each case separately

EU CITIZENS EXEMPTED

Switzerland has concluded so-called domicile and settlement agreements with certain countries that foresee a **legal right to obtain the domicile permit C after 5 years** of regular and uninterrupted stay in Switzerland

Nationals of these countries are exempted from linguistic requirements:

Belgium, Germany, Denmark, France, Principality of Liechtenstein, Greece, Italy, The Netherlands, Austria, Portugal and Spain.

Switzerland has concluded domicile and settlement agreements with other certain countries that foresee the **possibility** to grant the domicile permit **after 5 years**, though **without any legal right for nationals of such countries:**

Andorra, Finland, The UK, Ireland, Island, Canada, Luxembourg, Monaco, Norway, San Marino, Sweden, the Vatican and the USA.

These nationals and any other EU/EFTA and/or Third State National are NOT exempted.

UK citizens: UK citizens already residing in Switzerland today, according to the bilateral agreement signed between Switzerland and the UK *on citizens' rights following the withdrawal of the UK from the European Union and the Free Movement of Persons Agreement* may apply for the domicile permit C after 5 years, however do not have any legal right to obtain a C permit after 5 years.

WHEN do foreigners have to prove the language skills

EU/EFTA citizens not exempted:

Upon application for the renewal of an existing B-permit, the cantonal migration office verifies automatically if all conditions for the release of a domicile permit C are cumulatively complied with.

In this case, the cantonal migration office and the State Secretary of Migration will NOT renew the B-permit, but release a C permit.

Third State Nationals:

Upon request of renewal of an existing B-permit, the spouse immigrated under the family reunification system must give proof of the linguistic requirements attaching the language certificate released by an official institution.

Upon request of the domicile permit C, this condition applies to both spouses.

The third state national spouse under family reunification must give proof of the language skills spoken in the place of future residence when applying for the D-Visa.

WHERE can language lessons and exams be taken

The language skills assessments and language competence certifications for the Italian language recognized in Switzerland since 01.01.2018 are:

FIDE: Swiss certificate for German, French and Italian languages (national languages) recognized to obtain the so-called language passport

CELI: Italian language certificate issued by the University of Foreigners of Perugia (CELI = Certificati di Lingua Italiana)

For further information, please see:

www.fide-info.ch, see list of accredited language centers in Ticino and dates of exams, and many other practical information;

www.unistrap.it

www.scuola-club.ch

www.glossa.ch

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Basic level - A1

Can communicate in a simple way in everyday life - e.g. at home, at work or at school - as long as the interlocutors speak slowly, in a way that and show themselves to be cooperative.

He/she is able to present himself or someone else in simple words.

Can answer, with short answers, to simple questions about the him/herself, on the place of and the family.

Can express his/her needs, e.g. at home or in a shop, using sentences and memorized expressions.

Elementary level - A2

Can understand questions and messages of immediate meaning concerning important areas of his/her life, e.g. questions and information about school, training, work, health or home.

Can communicate in simple and routine situations - in offices or other public bodies - involving a direct exchange of information on family and current issues and activities.

Can describe, by simple means, their background, training and experiences and to report personal facts and experiences.

Pre-intermediate level - B1

Can understand the main points of communication of the school, the employer or of the administration, provided that a clear and standard language is used and that these are familiar matters.

He/she can cope with most everyday situations, e.g. at home or at work, in public places or on the street.

Can express himself in a simple and coherent way on familiar and related topics in the sphere of his interests, and to recount personal experiences.

He/she is able to express his opinions, goals, hopes and desires, and to provide brief reasons or explanations.