INTERNATIONAL APPROACHES TO INTEGRATION: THE SWISS CASE*

ABSTRACT

This article is an overview of immigration issues in Switzerland, and specifically of recent changes in admission policies, integration policies, and naturalization. It sheds light on the Bilateral Agreement on the Free Movement of Persons between Switzerland and the EU member states, on a more restrictive admission policy applicable to third-country nationals, as well as on differences in the implementation of Swiss immigration policies. It focuses on the discretional power of the institutions, which appear to be a constitutive trait of Swiss federalism and its political culture, and on the challenges currently faced by Switzerland given national and international variables with regards to migration.

Throughout the 20th century, Switzerland has known one of the highest immigration rates on the continent, despite the often-remarked suspiciousness towards foreigners after World War I. According to the 2000 census, 22.4% of the total population of 7.4 million are foreign-born, and 20.5%, or nearly 1.5 million, are foreigners, defined as persons with a foreign nationality. This figure is twice as high as that of the US, and considerably higher than that of Canada, two classic countries of immigration. However, in opposition to its internal plural character, Switzerland does not consider itself a country of immigration and until the 1990s did not possess an immigrant policy at the federal level (Mahnig and Wimmer 2003). Since then, admission and integration policies have been developed and implemented.

Recent changes in admission policies

Regarding regular immigration, there have been two major changes in the last few years: firstly, the entry into force in June 2002 of the Bilateral Agreement on the Free Movement of Persons between Switzerland and the EU member states; secondly, the admission policy applicable to third-country nationals that will be more restrictive than the policy that Switzerland has pursued thus far. "Only urgently required qualified workers" will be admitted from outside the EU/EFTA area. Work permits are only issued to executives, specialists and other highly qualified workers from outside the EU/EFTA area, and only if no Swiss or EU nationals meet the requirements. When issuing residence permits, the authorities will further take into consideration the professional qualifications, the ability to adapt to professional requirements, the language skills and the age of the candidate. If a person meets the criteria established in these fields, she or he should be able to achieve sustainable integration into the Swiss labour market and the social environment (Efionayi-Mäder et al. 2003).

The draft for a new immigration law has been discussed in 2005 in both chambers of Parliament and will probably have to be submitted to a referendum in 2006. In quantitative terms, the new Bill, just as the old Law, lays the foundation for the authorities to pursue, if necessary, a more permissive or more restrictive admission policy. For the authorities, the decisive factors for determining the number of people to be admitted from outside the EU/EFTA are the economic situation in Switzerland and the need for labour in certain segments of the labour market. The authorities will continue to have the possibility to adopt a quota solution for third-country nationals (*Kontingentierung*).

The basic principle of the policy is that admission has to occur in the interest of the entire economy and not based on particular interests, whereas professional qualifications and the ability to integrate should play a decisive role. Additionally, admission has to take the social and demographic needs of Switzerland into consideration. In contrast to today's regulation, a controlled opening of the market to self-employed people is foreseen in the Law if the activity is "desirable to stimulate competition." Increased competition is intended to promote the efficiency of the economy, and in the long run, guarantee the international competitiveness of Swiss companies. Labour market assessment needs were revised in the 1990s, identifying the post-war migration policy as one of the main reasons for reduced investments and the decline of Swiss competitiveness in different new industrial branches (Blattner and Sheldon 1989, Sheldon 1998).

GIANNI D'AMATO
Swiss Forum for Migration and Population Studies, University of Neuchâtel (Switzerland).

Altogether, on the one hand, the new immigration law constitutes a higher barrier for nationals of non EU/EFTA States to enter Switzerland. On the other, the situation for foreigners who lawfully and permanently reside in Switzerland will be improved through better opportunities to change occupations, jobs and cantons. The subsequent immigration of families of short-term residents and students is also to be permitted, provided that residential and financial requirements are met. These measures facilitate integration, simplify procedures for employers and for the authorities, and ensure a uniform application of the law. In the above-mentioned areas, the law aims at harmonizing the rules applicable to third-country nationals with those applicable to EU/EFTA nationals (Efionayi-Mäder et al. 2003). The specific architecture of the future integration scheme is discussed in the following section.

Integration policies

When the Swiss government dropped its rotation policy in the early 1960s, it recognized that the alternative could only be a policy of integration. However, the belief was that integration takes place naturally in the labour market and in the schools, as well as in associations, labour unions, clubs, churches, neighbourhoods, and through other informal networks (Niederberger 2004). Since the 1970s, the Confederation's main integration policy has been trying to improve the legal status of immigrants, reunite families more quickly, and grant immigrants a more secure status. To facilitate foreigners' integration and to respond to the public's concerns about foreigners, the government established the Federal Commission for Foreigners (FCF) in 1970. The commission, which promotes the coexistence of the foreign and native populations, includes municipalities, communities, cantons, foreigners' organizations, employers and employees, and churches. The FCF cooperates with cantonal and communal authorities, immigrant services, and immigration actors, such as charities and economic associations. It also publishes opinions and recommendations regarding general issues of migration, and provides testimony when the legislature debates migration-related policy.

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After the strong lobbying of the cities during the economic crisis of the 1990s, the Swiss alien policy adapted to the new realities, considering the integration of foreigners as a prerequisite for achieving a politically and socially sustainable immigration policy. At that time, the Federal Commission on Foreigners submitted a Federal Program on Integration (*Integrationsförderung*) to be funded by the Confederation that was thought to support already existing efforts in order to enhance the integration of migrants in different social and cultural spheres. In particular, it was meant to promote all activities promoting the participation of former excluded migrants to public life, enforcing an orientation towards shared values and, above all, increasing the ability to interact and communicate to each other. Hence, "integration" was understood to be the participation of foreigners in economic, social and cultural life. Already, Integration Article 25a, found in the old *Aliens' Law* (ANAG), which was passed in 1999, paved the way for a more proactive federal integration policy; it also strengthened the FCF's position. Since 2001, the government has spent between 10 and 16 million Swiss francs (US$8 million to US$13 million) per year to support integration projects, including language and integration courses and training for integration leaders. Cantons and larger municipalities also have their own integration and intercultural cooperation committees and offices, which offer language and integration courses. In many communities, foreigners participate in school boards and, in some exceptional cases, the municipal government. Larger communities, with the support of consulates and the local education department, offer courses in immigrant children's native languages and cultures. Although churches proved to be among the first institutions to promote the co-existence of Swiss citizens and the foreign population, other organizations have been interested in the process, too.

The aforementioned new immigration law (AuG) foresees that immigration candidates have to fulfil certain integration criteria if they wish to be admitted as permanent residents. The goal of the new law no longer appears to be the prevention of foreign cultural hegemony (*Überfremdung*), but affirms the necessity of mutual respect and tolerance (Art. 4 AuG). However, it also requires that foreigners deal with Swiss customs and learn one of the official languages. A government integration decree issued in 1999 and reconfirmed at the beginning of 2006 is very specific in this regard: the government wants migrants to base their sojourn in Switzerland on common values, to adapt to the Swiss lifestyle, to respect all laws and democratic principles, and to express the will to participate economically and through education to their integration into Swiss society.

This demanding and restrictive component corresponds to the criterion of "qualitatively high standard immigration." The level of education and the professional qualifications should improve the integration of foreigners and guarantee their vocational reintegration in the case of unemployment. The restriction aims at avoiding the

errors that were committed in the past, i.e. granting seasonal work permits to low-qualified seasonal workers. The new immigration law abolishes the status of seasonal worker. Furthermore, it explicitly foresees that the immigrant has the duty to make every effort necessary to facilitate integration. Permanent residents and their families are required to integrate into the Swiss workplace as well as in Swiss society (Efionayi-Mäder et al. 2003).

Therefore, the degree of integration (or the assumed ability to integrate) will in the future be decisive for all non-EU immigrants who want to reside in Switzerland. And the interpretation of this capacity will foremost be delegated to local and cantonal officials of the foreigners' police, who will be empowered to measure the "degree of integration." The appreciation of officials, which may vary from one canton to the other, will be decisive in assessing the qualifications and language proficiency of future migrants, defining their right to enter the country and receive an immigration permit (Art. 23 AuG). Issuing a residence permit is also linked to the integration capability of migrants: if they possess excellent knowledge of the language, the migration office is enabled to issue such a permit after five years of legal residence, halving the legal duration of ten years. But the degree of integration always needs to be taken into account (Art. 34 AuG). A particular "integration agreement" (Art. 54 AuG) between the State and immigrants can make the issuance of immigration and residence permits conditional on the successful completion of a language and integration course.

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In order to encourage and assist the integration of migrants, the government earmarked funds to support necessary measures. New instruments have been adapted to coordinate the schemes at the federal and cantonal levels. Cantons have had to establish integration offices and to launch projects that promote linguistic, professional and other forms of integration. A first round of projects to promote integration has already been implemented, aiming at giving support to already present State and private social commitments in this field. Consequently, the first program, established in 2001-2003, gave priority to six different focal points at the local and regional levels. The first was dedicated to the promotion of language and communication skills, the second to the education and training of key persons in the integration sphere. The third focus was laid on projects, which favoured migrants' participation within Swiss society, lending particular support to immigrant associations and encouraging their expertise to act in the public sphere. The other main points were covering national projects and strengthening already existing institutions.

At the end of the first program period, an evaluation was conducted in order to detect the strengths and shortcomings of the promoted projects (see www.eka-cfe.ch/f/doku/eval_f.pdf). A preliminary assessment recorded the accomplishments of the first phase. Among other things, it stated that the network of organizations able to offer language, communication, and political skills at the regional level had visibly been strengthened. Of the 34 million spent in the first period, 22 million were dedicated to these three focal points. Half of all sponsored organizations included Swiss members only, one-third included migrants only, and the rest were mixed. The German part of the country received 79% of all resources; the French part 18%, and the Italian Ticino-speaking part 8%.

The assessment also made it clear that without the sponsorship of the Confederation, many of these projects would not have come to fruition. Further funding was contingent on the capacity of the projects to favour their own sustainability with regard to third-party funds, but also to prove that the newly created networks would continue to be stable. The quality of the funded projects were deemed to be excellent, but an insufficient coordination of the different offers at the organizational level and with regard to their content was observed. Nevertheless, in a general assessment, the program was deemed to have succeeded in improving communication skills, in supporting key immigrant individuals, in creating better conditions for empowering migrants in Switzerland, and in building the foundation for an innovative integration approach.

The evaluation of the first program led to the following recommendations, further developing the integration policies at an interdepartmental level, strengthening quality controls in the program, and proposing more professional project management by introducing quality certifications. It was also estimated that in the future local leaders should be given a larger role and that empowerment projects should be adapted to the requirements of the targeted groups.

Following the evaluation assessment, a new focus program has been developed for the years 2004-2007 (www.eka-cfe.ch/f/doku/IF/po_aus07_f_web.pdf). Continuity and further development of the former program has been emphasized. Moreover, the perception that processes of integration have to be assisted and encouraged, throughout the State, has gained general support. The new program reaffirmed the task of the Swiss authorities to create the general framework that gives one and all equal access to important social and economic resources. With this new perspective, integration crosses all levels of the State and should be enhanced at structural (education, job-market), political (citizenship) and cultural (communication) levels.

The efforts in promoting integration converged in an attempt to reconfigurate the Swiss citizenship law in order to facilitate the access of migrants to citizenship. However, the effort was not successful, as the next section shows.

Naturalization

People who have resided in Switzerland for 12 years – the years spent between the completed 10th and 20th years are counted twice for this purpose – may apply for naturalization. The Federal Office for Migration examines whether applicants have successfully integrated into the Swiss way of life, are familiar with Swiss customs and traditions, comply with the Swiss rule of law, and do not endanger Switzerland's internal or external security. In particular, this examination is based on cantonal and communal reports. If the requirements provided by federal law are satisfied, applicants are entitled to obtain a federal naturalization permit from the Federal Aliens Office (Wanner and D'Amato 2003).

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Naturalization proceeds in three stages. Thus the federal naturalization permit only constitutes the Confederation's "green light" for the acquisition of Swiss nationality. The cantons and communities have their own, additional residence requirements that applicants must satisfy. Those applicants who, after obtaining the federal naturalization permit, have also been naturalized by their communities and cantons, only acquire Swiss citizenship. As a rule, there is no legally protected right attached to being naturalized by a community and a canton. The cantons' criteria, as well as the way in which cantons decide who gets citizenship, vary greatly. For example, in the canton of Nidwalden, applicants must have spent all the generally required 12 years in this canton. In Geneva, two years' residence is sufficient. In addition, the requirements at the communal level can vary greatly within the limits of cantonal legislation.

In three referendums over the last 20 years (1983, 1994 and 2004), Swiss voters have rejected laws that would have made it easier for the children of immigrants to naturalize. The referendum in 2004 would have allowed the Swiss-born grandchild of a foreign resident to automatically gain Swiss citizenship at birth; 51.6% of the voters rejected this proposal. The main reason was that "automatic" naturalization would have eliminated the community's decision making role, which many Swiss consider to be an important political process. Over the last 40 to 50 years, naturalization rates have stayed below the level desired by the federal authorities because many immigrants probably thought they would return to their home countries after working in Switzerland. In 1992, Switzerland decided to permit dual citizenship. Between 1991 and 2001, the number of naturalizations increased from 8,757 to 37,070. Nationals from the former Yugoslavia, mostly from Kosovo and Bosnia, have been the quickest to naturalize. They have little interest in returning "home" because of the unstable political situation in their country of origin. Obtaining Swiss citizenship means they can never be forced to return. Yet citizenship is not always necessary for voting in local elections. In several cantons in the French-speaking part of Switzerland, foreigners who have lived in the area for many years have the right to vote on the community level and, in a few cantons, even on cantonal matters.

Conclusion

As some critics point out, the danger that Switzerland will continue with an assimilationist practice of their integration efforts even if the new *Aliens' Law* has introduced to a certain extent a liberal terminology is a real one. Indeed, Swiss institutions at various levels have opened their structures to migrants, finally accepting the fate to be, as many other industrialized parts of the world, a country of immigration. With its integration programs, Switzerland undeniably offers opportunities to migrants, in particular to EU immigrants, and to a lesser degree to non-EU citizens. The implementation of these policies will obviously vary according to the political culture of the cantons and municipalities in which the migrants live. This discretional power of the institutions can't be changed in the near future and has to be accepted as a constitutive trait of Swiss federalism and its political culture. But one question remains: what happens in Switzerland, when in a near future a large part of the immigrants are structurally, socially and culturally integrated, but politically excluded? The quest for citizenship has still not been satisfied in one of the oldest democracies of the world and will remain until a response has been found.

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Note

* This text is a shortened and adapted version of a talk given at the IMISCOE C9 (Network of Excellence) conference on the making of migratory policies in Europe, held March 19, 2006 in Turin (Italy).



Canadian Issues
Thèmes canadiens

Metropolis, the Political Participation Research Network and the Integration Branch of Citizenship and Immigration Canada collaborated with the Association for Canadian Studies to produce a special issue of the ACS magazine, *Canadian Issues / Thèmes canadiens*, on the subject of "Newcomers, Minorities and Political Participation in Canada: Getting a Seat at the Table." Guest edited by John Biles and Erin Tolley (Metropolis Project Team), this issue includes interviews with the leaders of all major federal Canadian political parties (except the Bloc Québécois, which declined an interview), and twenty-two articles by researchers, policy-makers and practitioners from across the country.

Metropolis, le Réseau de recherche en participation politique et la Direction générale de l'intégration de Citoyenneté et Immigration Canada (CIC) ont collaboré avec l'Association d'études canadiennes (AÉC) à la réalisation d'un numéro spécial de la revue *Thèmes canadiens / Canadian Issues* (« La participation civique des nouveaux arrivants et des minorités au Canada : Se tailler une place à la table »). John Biles et Erin Tolley (Équipe du projet Metropolis) ont dirigé la réalisation de ce numéro, qui comprend des entrevues avec les chefs de tous les principaux partis politiques fédéraux du Canada (à l'exception du chef du Bloc Québécois, qui a refusé une entrevue) et vingt-deux articles préparés par des chercheurs, des décideurs et des intervenants provenant de diverses régions du Canada.

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