



## Information concerning the Swiss Asylum Procedure

### I. PURPOSE OF THIS LEAFLET

This leaflet informs you of your rights and obligations during the asylum application procedure. You must read it carefully and keep it until the procedure is completed.

### II. STAY

Once you have submitted an application for asylum, you are in principle allowed to remain in Switzerland until the asylum process is completed. The documents issued by the Swiss authorities serve as proof of your alleged identity throughout Switzerland; however, you are not allowed to use them for leaving the country. You are not permitted to cross borders.

If, during the asylum application process, you return to the country that you came from, the SEM will consider that you are not exposed to persecution or threats there.

If you have already stayed in Switzerland or in another country in the past, you must inform the authorities about it. Members of your family are not authorised to come to Switzerland without an entry visa.

### III. ACCOMODATION

At present, you are in a Federal Asylum Centre (BAZ). Generally, your period of stay at the BAZ may last for up to 140 days. During your stay, you must follow the house rules and make yourself available to the authorities. You must not leave the BAZ without permission. For any additional questions you may have regarding your stay at the Centre, please consult the house rules displayed or contact the responsible staff.

#### **IV. SOCIAL SECURITY AND WORK**

You are not allowed to work during your stay at a BAZ. However, you may participate in employment generation programmes.

After being assigned to a canton, you may take up paid work, provided the Canton you are assigned to permits you to do so. If you are unable to provide for your needs while your application is being processed, you will receive the necessary social security benefit from the Canton to which you have been assigned. However, you will be obliged to repay this social security benefit when you are authorised to take up paid work later.

As soon as a decision to reject your application or not to consider it becomes effective, and on expiry of the time allowed for you to leave Switzerland, your social security benefit will be stopped. You will receive only emergency aid. If you are authorised to take up paid work, it will expire at this time.

#### **V. RIGHT TO CONFIDENTIALITY**

All proceedings in the asylum application process are confidential, that is, everyone involved in processing your application for asylum is strictly forbidden from disclosing any information about it to anyone other than officials of the competent authorities. Therefore, you may speak freely and without fear during the interviews. Statements and information pertaining to your application for asylum will not be passed on to the authorities in your home country. If you report on gender-based violence or persecution you have experienced, a team of the same sex as you will be provided to you for the hearing.

#### **VI. OBLIGATION TO COOPERATE DURING THE APPLICATION PROCESS**

##### **1. Making yourself available to the authorities**

You must comply with the instructions given by the Swiss authorities and obey the summons and every order to cooperate in the procedure. If you are found to have breached your obligation to cooperate, you will in principle have no opportunity to rectify the breach.

##### **2. Establishing your identity**

You must give the asylum authorities accurate information about yourself and disclose your true identity. The authorities can verify your information. You will be photographed and

fingerprinted. Your fingerprints will be electronically checked against those in the SEM and police database as well as with those stored in the databases of other European countries. The SEM may collect and examine other biometric data from you.

Your fingerprints will be stored in the European fingerprint database, Eurodac, and compared to those already stored by other EU member states in the Dublin Regulation under the existing legal provisions. This enables the authorities to quickly determine which member state is responsible for processing your asylum application.

### 3. Handing in travel and identity documents

You are required to hand in all your travel and identity documents, as well as any electronic data carriers that you might have. If upon arrival you do not hand in any identity document meeting the legal requirements, the SEM will request that you do so. If you do not comply with instructions from the authorities without justifiable grounds, you breach your obligation to cooperate.

You will get the submitted documents back when you exit Swiss territory after passing through security screening. If Switzerland recognises you as a refugee, your travel and identity documents will remain deposited with the SEM.

You are not allowed to destroy or falsify documents or tamper with them so as to make them illegible. The immigration authorities can check the authenticity of your documents.

### 4. Ascertaining facts

It is your responsibility to prove or at least satisfy the authorities that you are a refugee. You must give full and truthful facts in support of your asylum claim. In addition, you must answer all the written or oral questions put to you by the Cantonal or Federal authorities.

### 5. Medical information

You must report any significant health impairment known to you at the time you submit your application for asylum without delay and no later than when the hearing into your grounds for asylum is held. Otherwise these cannot be considered in the context of examining your asylum application.

### 6. Postal mail and change of address

The SEM or the Canton decides the place where you will stay during your asylum application process and arranges for your accommodation. You cannot change your place of stay without prior permission of the authorities. If you change your address, you must inform the

competent authorities.

Letters sent to your address by the authorities must be retrieved by you from the post office within 7 days. If you do not retrieve a letter sent to the last known address within the time limits, it is still considered as having been delivered.

If you have appointed someone to represent you in the asylum application process and have informed the SEM of this, the authorities will send their letters to that person.

If you breach the aforementioned obligations or cannot be reached by the authorities, this can have prejudicial consequences for you. In particular, if you are not aware of the decision regarding your application for asylum and, as a consequence, the time limit for appeal expires, you will not be able to appeal against that decision.

## **VII. CONSEQUENCES OF FAILING TO COMPLY WITH THE OBLIGATION TO COOPERATE**

If you fail to comply with any of the obligations mentioned above, you run the risk of having your asylum application rejected even without your grounds for asylum being heard. This is the case, in particular, if you:

- deceive the authorities about your identity;
- base your application significantly on forged or falsified evidence;
- culpably commit a gross violation of your obligation to cooperate in any other way.

You also run the risk of having your asylum application rejected, if you make untrue or incomplete statements during the asylum hearing.

If you breach your obligation to cooperate or if you fail to make yourself available to the asylum authorities for more than 5 days—or more 20 days while staying in a Canton—your application will be rejected. You may then submit a new application, subject to the Refugee Convention, only after three years.

## **VIII. STAGES IN THE APPLICATION PROCESS**

At BAZ, you will be asked to provide information on your identity and the route you took to travel to Switzerland.

Like other European countries, Switzerland is a part of the "Dublin System". This system regulates which state is responsible for examining an application for asylum. If, while comparing the data collected from you, it is found that another European country might be responsible for conducting your asylum application procedure under the Dublin Convention, you will be granted the right to be heard on your return to the Dublin Member State that is responsible for your asylum application procedure.

If Switzerland is responsible for processing your asylum application, you will be given the opportunity to state in detail your grounds for asylum during your stay at the BAZ.

A record will be kept of all interviews and hearings and the record will be translated back to you at the end of the interview. By signing this record, you confirm that all of your statements have been taken down correctly and fully.

If all the relevant information concerning your application for asylum could be collected and examined at BAZ from the interviews and hearings conducted with you, you will get the decision of the SEM on your application delivered or handed to you via your legal representative.

The following decisions on your applications are possible:

- The SEM dismisses your application or rejects it. You must leave Switzerland within the departure deadline mentioned in the decision.
- The SEM admits you temporarily into Switzerland, though your application for asylum is rejected, but your removal cannot be enforced because it is inadmissible, unreasonable or impossible.
- The SEM grants you asylum in Switzerland.

If you disagree with the decision, your legal representative can inform you about possible further steps, for instance, filing an appeal against it.

If you are temporarily admitted or granted asylum, the Canton you are assigned to is responsible for determining the details of the place you will stay.

If a conclusive assessment and final decision on your application for asylum cannot be made during your stay at the BAZ, you will be assigned to a Canton for further examination of your application. In that case you may be summoned later to additional hearings. After leaving the

BAZ you will continue to stay in the Canton you are assigned to while the procedure lasts.

If you are assigned to a Canton, you will receive notice of this decision in advance. The decision assigning you to a Canton mentions the date, time and place where you have to report in that Canton. You must strictly comply with these instructions.

You cannot choose the Canton you want to be assigned to. In the decision assigning you to a Canton, the SEM ensures that close members of the family (i.e. spouse and under-age children) are assigned to the same Canton and stay together. If this is not the case, as soon as you arrive in the Canton to which you are assigned, you can appeal against this decision on the grounds that it violates the principle of family unity.

Change of cantons is possible only if the authorities of both cantons give their consent.

## **IX. MULTIPLE APPLICATIONS**

If your last asylum procedure had resulted in the final decision to dismiss your application for asylum and to order you to leave the country, you must submit a new application with grounds in writing within five years of the last, final decision. While this new application is being examined, the Canton you were last assigned to is responsible for your accommodation. You will no longer be given access to a BAZ. You will also not be authorised to take up paid work. Applications without or with repeatedly similar grounds will be rejected without further ado.

## **X. ASSISTANCE DURING THE ASYLUM APPLICATION PROCESS**

During your stay at the BAZ, you have access to free legal advice on your asylum application process. The advice includes information on your rights and obligations during the asylum application procedure.

For the entire duration of the asylum procedure at the BAZ, you will also be assigned a free-of-charge legal representative, who will advise you and represent you, unless you expressly choose to waive the right to legal representation. The legal representative assigned to you will inform you as soon as possible about your changes in the asylum application process. The legal representative will also accompany you to the interviews and hearings that are held at the BAZ. The legal representation also informs you comprehensively about the

consequences of an asylum decision issued at the BAZ and about the possible further legal steps in this regard.

The legal representation provided to you lasts until the final decision is taken in the accelerated and Dublin procedure or until the decision on conducting an extended asylum procedure has been taken. In the extended asylum procedure, you can contact the legal advisory office of the Canton you are assigned to in order to get legal representation in the decision-related stages of the process of the first instance (i.e. a hearing). In certain cases, your previous legal representative at the BAZ can remain responsible for your representation in the extended asylum procedure. The legal representative at the BAZ will give you more information on this. You can also engage a legal representative of your choice at any time at your own expense.

If you are an unaccompanied minor, the same legal representative, who is representing you in the asylum procedure, will represent your interests as person of trust for the duration of your stay at the BAZ.

If you prefer to have an external legal representative of your choice instead of the legal representative provided to you, you must bear the cost of their services yourself. The external legal representative engaged by you must not also be seeking asylum in Switzerland. Before he or she can represent you, you must grant that person written authority (power of attorney). This power of attorney must be sent to the SEM without delay.

Your legal representative can deal with certain matters concerning your asylum application, even in your absence. There are, however, things only you can do. Your legal representative can be present with you at an interview or hearing, but it is you alone who must answer the questions put to you.

If necessary, an interpreter will be present at the discussions, interviews and hearings at the BAZ during the asylum procedure. If you wish, you can appoint your own interpreter, at your own expense, and a person of trust to be present during interviews and hearings. Again, none of these persons must be an asylum seeker in Switzerland.

## **XI. OFFICIAL INQUIRIES**

Inquiries will be made about you and the facts regarding your asylum application. You will also be obliged to submit to fingerprinting. The asylum authorities may seek expert opinion, analysis to establish your provenance, in oral or written form, or order you to undergo a

medical examination. If you pass yourself off as a minor but the indications suggest that you have reached the age of majority, an expert examination to determine your age can be ordered.

Furthermore, the asylum authorities are authorised to make inquiries with official authorities in European countries, Swiss diplomatic representations abroad, and seek the opinion of the U.N. High Commissioner for Refugees.

However, the Swiss authorities have no right to make contact, particularly with a view to your repatriation, with the authorities of your country of origin or from whence you came or with countries where there is a risk that your country will be informed, before your application has been rejected by the SEM or the SEM has decided not to consider it.

## **XII. CONSULTATION OF RECORDS AND RIGHT OF APPEAL**

Once inquiries have been concluded, you or your representative has the right to see your file upon request. The legal representative assigned to you is also involved in every stage of the process. With the of initiation of an asylum decision, in which the enforcement of deportation is ordered, you or your legal representative will be sent the case files ex officio at the same time.

You also have the right to appeal to the Federal Administrative Tribunal against an unfavourable decision. If your application for asylum is rejected, the period for filing an appeal in the accelerated asylum procedure is 7 working days, and 30 days in the extended asylum procedure. If the SEM has decided not to consider your application for asylum, the time limit for appeal is 5 working days.

## **XIII. RETURN AND COERCIVE MEASURES**

If the SEM has decided not to consider your application or has rejected it, a reasonable time limit will be set, within which you must leave Switzerland. Shortly after serving the decision, a pre-departure meeting will be held with you. You must take the necessary steps to arrange for your return. Please contact the advisory office of return assistance at the BAZ (see below). If you do not leave Switzerland within the deadline set for you, you may be deported by the authorities using coercive means.

if you fail to give sufficient cooperation in obtaining documents necessary for your departure, or if there is reason to believe that you are trying to avoid deportation, the Swiss authorities can hold you in administrative detention under international law until you can be deported. This period of detention can be up to 18 months.

The authorities can also keep you in detention during and after your asylum application procedure, in particular if you refuse to disclose your identity, if you submit several applications for asylum under different identities or if you repeatedly fail to respond to summons without sufficient reason.

If you are notified at the BAZ that a deportation order has been initiated and if the time you are due to be repatriated is foreseeable, the authorities may order your detention for a maximum of 30 days.

If you are a threat to security and public order or if you have not left Switzerland within the departure deadline set for you, the authorities can allocate a place for you to stay and bar you from entering a specific region (containment or exclusion).

#### **XIV. RETURN ADVICE AND RETURN ASSISTANCE**

If you wish to return to your home country or require information about this, you may contact the advisory office of return assistance at the BAZ. Any advice has no influence on the outcome of your asylum procedure. The amount of return assistance will depend on the time of your departure: The earlier you leave, the more return assistance you will receive, and the longer you wait, the lesser the return assistance you will receive. The return advisory at the BAZ will be happy to provide you more information in a confidential and non-binding discussion.

## **XV. FINAL COMMENTS**

Postal address of the State Secretariat for Migration:

Staatssekretariat für Migration SEM  
Quellenweg 6  
3003 Bern-Wabern

If you have any other questions on the asylum procedure, please contact the asylum authorities concerned.

During your stay at the BAZ, legal advice or a legal representation will be available to you for information on the asylum procedure.