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Federal Offices and the Swiss Abroad

The Service for the Swiss Abroad in the Federal Department of Foreign Affairs

Various authorities in Switzerland at federal, cantonal and communal level are concerned with the Swiss living abroad. The reason for this is that those authorities who are in charge at home, remain responsible for the problems of our compatriots abroad. This arrangement has its advantages but also its drawbacks: advantages inasmuch as cases concerning Swiss abroad are largely dealt with according to the viewpoints prevailing in Switzerland; disadvantages inasmuch as the special situation of our compatriots abroad is not always appreciated sufficiently. This does not facilitate the coordination of the Confederation's policy regarding the Swiss abroad.

In the years after the last world war, a Service for the Swiss Abroad was created as part of the Federal Department of Foreign Affairs, the new name of the Federal Political Department since 1st June 1979. Its task is to prepare the Federal Council's policies regarding the Swiss abroad and to establish the necessary coordination between the various federal offices and other organizations which are concerned with the Swiss communities abroad.

In the past, the Service for the Swiss Abroad made great efforts to deal with the settlement of war damages. It also contributed to the foundation of the Solidarity Fund for the Swiss Abroad. Within the administration, it made the necessary preliminary preparations for

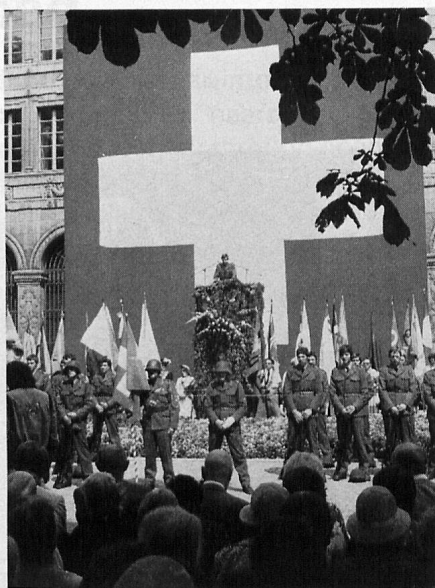
the realization of the Constitutional Article 45bis of the Swiss Abroad and subsequently helped in working out the various relevant decrees, such as the following federal laws: Social Assistance to the Swiss Abroad of 1973, Military exemption tax of the Swiss Abroad of the same year, Assistance to Swiss Schools Abroad of 4th October 1974, and Political rights of the Swiss Abroad of 19th December 1975. In future, too, the Service will have to deal with difficult problems. In the first place are the revision of the Civil Code and connected with it the legislation on citizenship. New developments regarding political rights will also require careful study. There are complicated questions relating to social insurance and the voluntary OAI/DI for Swiss abroad. The whole

administrative apparatus and especially the embassies and consulates abroad should be relieved by increased use of technical facilities; on the other hand, the question is being examined whether the special circumstances of the Swiss abroad could be taken into account more fully by making structural changes. The military control system of the Swiss abroad is being examined, which means long and difficult negotiations not only with the federal offices concerned, but also with the cantons. Measures to be taken by the Confederation in the financial sector, in the economic field – for example the policy regarding the sale of Swiss real estate to foreign nationals – are geared as far as possible to the interests of the Swiss abroad.

In all these undertakings, information of the Swiss living abroad plays a significant role. That is the reason why the Service for the Swiss Abroad cooperates closely with the Nouvelle Société Helvétique's Secretariat of the Swiss Abroad and publishes a bulletin four times a year especially for the Swiss resident abroad – the «Review» (see page 32).

Nevertheless it is important to remember that the Service for the Swiss Abroad is by no means a body representing the interests of our citizens residing outside of Switzerland, but an official office which tries to play a stabilizing part in the policies regarding the Swiss compatriots abroad. The aim is to create a balanced and

The Swiss National Day on 1st August



healthy relationship between the interests of the Swiss at home and those abroad, so that neither side could be considered privileged. The Swiss abroad do not live in the same circumstances as the Swiss

at home; thus they cannot be treated in the same way. If different solutions from those valid for the Swiss at home have to be found for them, it is not a matter of favouritism. As the constitutional

article concerning the Swiss abroad clearly states, their special situation has to be taken into account. To attain this aim is the main purpose of the Service for the Swiss Abroad.

Other Federal Offices in the Service of the Swiss Abroad

1. Apart from the Service for the Swiss Abroad, one has to mention the **Federal Department of Foreign Affairs** as a whole, which looks after the interests of the Confederation abroad. It carries out this task in conjunction with the Swiss diplomatic and consular representations.

The activities of the consulates in this matter are of special interest to the Swiss abroad. The Consul is the mediator between the Federal Council and the Swiss citizens of a consular district. As far as possible, he looks after the interests of the Swiss living there and has to further all efforts designed to strengthen relationships amongst them and the ties with their homeland. The Consul supports all institutions created by and for the Swiss living abroad. Where possible, the Consulate has to assist Swiss citizens in legal matters. It has to apply regulations regarding military service, military exemption tax, issuing of passports and legalization of documents as well as the voluntary Old-Age and Survivors Insurance/Disability Insurance scheme (OAI/DI). The Consulate assists in settling problems of civil law and inheritance. It looks after welfare cases and promotes Swiss benevolent societies. In other words, the consulates have a great variety of tasks for which specialised administrative offices are competent in Switzerland.

2. The **Federal Office of Industry, Crafts and Labour**

(BIGA/OFIAMT) maintains a service for emigration, which, on application, gives information on labour and working conditions, requirements for immigration as well as on living standards abroad. The Office is also at the disposal of repatriated Swiss looking for work, and it is entrusted with carrying out the international agreements regarding the exchange of student trainees (stagiaires).

3. The **Federal Office of Culture** of the Federal Department of the Interior is concerned with support of the Swiss schools abroad.

4. The **Federal Office of Social Insurance** supervises the voluntary Old-Age and Survivors Insurance / Disability Insurance scheme OAI/DI (AHV/IV in German and AVS/AI in French) for the Swiss abroad and, in conjunction with the Federal Department of Foreign Affairs, issues the necessary instructions for its execution. The Federal Office also prepares any revision of the laws on social insurance and negotiates international agreements on social insurance. Up to the present, 18 such agreements have been concluded.

For the technical administration of the voluntary OAI/DI scheme, the Swiss Compensation Office in Geneva is responsible.

5. The **Federal Office of Personnel Matters** of the Federal Military Department is in charge of military matters concerning Swiss citizens and dual nationals living abroad. This agency is responsible for the military control of the Swiss abroad and carries out the agreements with the USA, France, Argentina and Columbia regarding military service for dual nationals.

6. The **Federal Office of Justice** of the Federal Department of Justice and Police is concerned with matters of international private law, which are obviously most relevant to Swiss citizens abroad. Its activities, however, are confined to legal cases in which the administration is competent; in matters under dispute, the Courts have to decide. Frequently the

The Chambers of the Council of States in the Federal Parliament Buildings



Office is consulted in cases of inheritance, where either the testator or the heirs are Swiss living abroad.

The **Federal Bureau of Civil Status** of the Federal Department of Justice and Police insures communication between the competent cantonal authorities and the Swiss diplomatic and consular representations abroad; it supervises all matters concerning civil status. Births, marriages, deaths and all other facts pertaining to personal and family status, are recorded in the registers at home. These records are the basis for issuing Swiss passports and other identity papers.

The Federal Office of Justice also supervises acquisition of real estate by persons resident abroad. Special mention must be made of the fact that Swiss citizens abroad,

although they live outside of Switzerland, do not require any permit.

7. The **Federal Office of Police Matters** and its subsidiary Offices of Welfare and Swiss Nationality of the Federal Department of Justice and Police look after interests of Swiss citizens abroad in various ways: such as legislation regarding nationality, issuing of Swiss passports, assistance to Swiss abroad who are in need, preparing and carrying out relief and welfare agreements.

8. The **Federal Office of Matters relating to Foreigners** of the Federal Department of Justice and Police is responsible for preparing and applying international agreements on entry and departure, as well as on permitting foreigners to stay temporarily or

permanently in our country. These treaties have implications not only for foreigners in Switzerland, but also for Swiss abroad. The Office keeps statistics of the Swiss abroad.

9. Under certain conditions, Swiss citizens abroad have to pay military exemption tax. Its collection by the cantons is supervised by the **Federal Tax Administration**.

The Tax Administration is also empowered to levy withholding tax (Verrechnungssteuer/impôt anticipé) and refunding it to Swiss residing abroad in virtue of double taxation agreements which Switzerland has concluded with other countries.

In addition, the Tax Administration is concerned with carrying out existing and preparing new agreements relating to the prevention of double taxation.

Who is a Swiss Citizen Abroad?

The Swiss Abroad and the Regulations regarding Acquisition and Loss of Swiss Nationality

I

This is an extremely complex subject which reflects in its dispositions the evolution of basic Swiss attitudes. In the course of decades, one repeatedly finds changes in the law which are closely connected with the problem of equality of man and woman. The new rules may not yet be completely satisfactory, and one will have to await the revision of the Civil Code, at present under way, before the options become clear, on which the Swiss people will have to decide in the years to come.

According to the principle at present in force, children of a Swiss married to their mother acquire Swiss nationality at birth. This also applies to children of a Swiss woman not married to their father. Since 1st January 1978, children of a Swiss mother and a foreign father acquire Swiss citizenship at birth (as well as the nationality of the father), provided the parents fulfil the two following conditions:

- the parents must have their legal **residence** in Switzerland at the time of the birth of the child

- the mother must be a Swiss citizen by origin

The Federal Law on Citizenship, in force since 1st January 1953, allows a Swiss woman who marries a foreigner to keep her Swiss nationality on condition that she makes a written declaration when the marriage is officially announced or celebrated. In addition, there are various regulations which enable Swiss women who lost their Swiss nationality on marriage, to regain Swiss citizenship. These regulations were supplemented in 1956 by