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The Swiss Abroad and Possibilities for Foresight and Provision

Possibilities to Invest in Switzerland, and especially to Acquire Real Estate

The Swiss working abroad may attach importance to being able to transfer part of their income to Switzerland with a view to investment. Also from a psychological point of view it may be important to own real estate in Switzerland as a concrete expression of one's attachment and as a security when returning to the homeland.

Unfortunately, there are still a great many countries with strict regulations limiting or even pro-

hibiting currency exports in order to protect their own money. The situation in Switzerland became rather complicated when for well-known reasons she saw herself compelled to take certain legal measures to prevent excessive sales of land to foreigners and restrict the enormous influx of foreign capital. On both counts the authorities were forced to treat foreign and Swiss nationals alike because of international commitments; no exceptions in particular

could be made for Swiss nationals resident abroad. Thanks to the close cooperation between the authorities and the Organization of the Swiss Abroad it has nevertheless always been possible to find pragmatic solutions which take into account the interests of the Swiss abroad.

From the Swiss side there are at present no legal restrictions preventing compatriots abroad from making any kind of investments in Switzerland.

The Swiss Abroad and OAI/DI

(AHV/IV in German and AVS/AI in French)

On 6th July, 1947, the Swiss people accepted the Federal Law on Old-Age and Survivors Insurance (OAI) with an overwhelming majority and an 80% voting participation. As to the law pertaining to Disability Insurance (DI), it came into force on 1st January, 1960.

The Swiss living abroad were not forgotten in the law. They may join on a voluntary basis while the OAI/DI is compulsory for the inhabitants of Switzerland.

In 1979 the OAI/DI may look back with satisfaction on the 31 years of its existence. The law has gone through no fewer than nine revisions, two of which enable the Swiss abroad to join on a special

basis. The 1973 revision resulted in about 13000 more Swiss abroad joining.

Present Situation

Our social insurance system made a modest beginning, the benefits in 1948 ranging between 480 and 1500 francs a year. The eighth revision brought about a decisive change, when benefits were doubled while contributions rose by only 50%. The ninth revision introduced a new valuable element, adjusting ordinary benefits to wages and cost of living indexes. This adjustment of benefits is carried out every two years – to take effect at the beginning of

the following calendar year – provided that wages and cost of living have varied beyond the limit set down in the law. The limit of maximum income to which the decreasing scale of contributions applies (an important point for the Swiss resident abroad!) was stepped up to 25200 francs. These measures have in many cases lessened the effect of increased contributions.

For insured persons who pay the whole contribution themselves, that is to say without an employer's help – also for the voluntarily insured Swiss abroad – premiums were increased by 0,5% (from 8,3 to 8,8% of their earned income). The age limit of the mar-

ried woman for the receipt of an old-age pension for a married couple was increased from 60 to 62, and that of supplementary benefits from 45 to 55.

Joining the OAI/DI

Every Swiss citizen abroad can join the voluntary OAI/DI provided he has not yet completed his 50th year or hands in his application within a year of no longer being compulsory insured, and provided the husband is not over 64 and the wife over 61.

When registering with a Consulate Swiss nationals can ask to join the voluntary OAI/DI. Swiss representations are empowered to accept applications, assess contributions and pay out pensions. The benefits themselves are worked out by the Swiss Compensation Office in Geneva, Rue Rothschild 14, CH-1211 Genève, Switzerland. It administers the files of all members of the voluntary OAI/DI scheme.

Full Pensions – Partial Pensions

Members of the voluntary OAI/DI can claim a full pension if the period of contributions matches that of the same age-group in Switzerland. If this period shows any gaps there will be a reduced pension.

As part of the 9th revision which came into force on 1st January 1979, a scale of benefits was introduced in which there are 44 grades instead of only 25. This new arrangement strengthened the existing principle of adjusting the pension rate to the contribution period. The previous system allowed for a full pension at grade 25 even with a few years' gap in the contribution period, provided the contributions had remained unpaid for only short periods at a

time. Under the new rules even a small gap results in a reduction in the full pension, although the insured person may have paid contributions over a comparatively long period.

For a person living alone, for instance a non-married man or woman, the full pension today may vary between 525 and 1050 francs a month, the exact amount depending on the insured's average earnings on which contributions were paid. Since the partial pension is calculated on the same basis, it can in some cases be higher than the lowest full pension.

OAI/DI Benefits

Here is a summary of the benefits available, which however does not list in detail the conditions required to get them:

- single old-age pension (from 65 for men, from 62 for women)
- pension for a married couple (husband 65, wife 62 or at least semi-invalid)
- supplementary pension for the wife (after completion of her 55th year)
- child benefit
- pension or single payment for widows
- orphan's single benefit if only one parent is dead, double benefit if both parents are dead
- benefits for the helpless
- supplementary assistance.

Swiss returning home, even those who have never contributed to the OAI/DI, may claim an extraordinary pension if their income is below a legal limit.

Disability Insurance (DI)

Everyone joining the voluntary OAI is insured also against disa-

bility risk (DI). The following benefits are provided:

- rehabilitation to improve present or future earning capacity; when rehabilitation proves impossible or insufficient to reach the level aimed at the following monetary benefits will be granted:
- single disability pension
- married couple's disability pension where the husband is invalid and the wife is over 62, or sooner if she suffers from at least a 50% disability
- additional benefits for the wife
- benefits for each child
- benefits for the helpless.

As a rule rehabilitation treatment takes place only in Switzerland, but exceptionally also abroad. To claim a disability or OAI pension the insured Swiss abroad applies to the Embassy or Consulate with which he is registered. Invalidity pensions are calculated on the same basis as old-age pensions, with which they are in fact replaced when the age-limit is reached.

Emergency Assistance Benefits

Emergency Assistance may be granted to Swiss abroad who have joined the voluntary OAI/DI in good time but become dependent on benefits because of the occurrence of insured events (old-age, death or disability) before the first full year of contributing has elapsed.

Swiss Women Abroad and the OAI

Fundamentally, Swiss women abroad are subject to the same rules as men. Certain situations, however, call naturally for different solutions:

a) If immediately before her marriage to a Swiss citizen a Swiss woman abroad belonged to the OAI she can continue the insurance provided she makes the relevant declaration within a year after marriage and provided her husband is not a member of the OAI.

b) A Swiss woman married to a Swiss living abroad who does not himself wish to belong to the insurance, cannot join on her own account.

c) If a Swiss woman has been separated from her husband for at least one year and there is no prospect of resuming marital relationship, she can join the voluntary OAI. If over 50 on separating she must declare her wish to join within a year from the time the separation takes place.

d) Widows or divorced wives of Swiss citizens can join the voluntary OAI if the husbands had not been members. Enrolment is possible within one year of widowhood or divorce. This time limit applies only to Swiss women who were over 50 when widowed or divorced; younger women can wait longer before joining, but the insurance will then not be retrospective and therefore a gap in the contribution will have to be considered.

e) Swiss women abroad married to foreigners can join the voluntary OAI up to the age of 50. If they have no earned income they pay an annual contribution between 188 and 9400 francs, calculated on the basis of their assets, their unearned income, and financial support from their husband.

f) Wives and widows of insured Swiss need not contribute so long as they are not gainfully active.

g) Swiss women abroad are entitled to a single ordinary old-age pension on reaching the age of 62,

provided they have paid contributions on their own account for at least a year. For married women the right to such a pension exists only if the husband is not entitled to a pension (married couple's old-age pension).

h) In Switzerland, the Swiss woman who is insured with the OAI through her husband and consequently has never paid contributions herself is entitled to a single extraordinary pension at the age of 62; this non-contributory pension corresponds to a single minimum pension so long as her husband has not reached the age of 65, and therefore cannot claim an ordinary full pension. The granting of an extraordinary pension to the wife is nevertheless conditional on the insured being resident in Switzerland. If she lives **abroad** she is not entitled to one, as non-contributory pensions may not be exported.

Some Figures

At the end of 1977, 67 385 Swiss living abroad belonged to the voluntary AOI, 36 509 of whom as contributors and 30 876 as pensioners. The sums paid in amounted to 31.2 million francs, the benefits paid out to 206.8 millions, or 6.6 times more than the contributions. The difference of 175.6 millions was carried by the compulsory OAI.

* * *

**It is in your own interest
to join the voluntary
OAI/DI.**

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Solidarity Fund for the Swiss Abroad

Preface

A co-operative whose statutory compensation sums are guaranteed by the Confederation. Founded in 1958 thanks to the co-operation with the Nouvelle Société Helvétique and the Confederation.

Membership

Joining is advisable for all Swiss abroad whose livelihood depends on an income abroad: self-employed people and employees, but also pensioners and retired people.

Important: more than one member of the same family may join independently, i.e. marriage partners and children without an income of their own, who are dependent on the livelihood of another member of the family.

Aims and Objects

a) **Savings investment** in stable currency (Swiss Francs); free of withholding tax (35%); improved savings opportunities if several members of a family join.

b) speedy payment of **lump sum compensation** in case of loss of livelihood of a member due to political events (war, internal unrest, general political coercive measures like nationalization, expulsion, withdrawal of work permit, etc.). In such cases there exist practically no other insurance possibilities.

Important: a) and b) do not exclude each other. Whoever receives lump sum compensation keeps the right to have his savings repaid. Thanks to the combination of savings investment and insurance, **joining the Fund is advantageous.**

Members' Contributions

Two possibilities:

- either a single savings deposit of SFr.450.- to SFr.36000.-
- or annual savings deposits of SFr.25.- to SFr.2000.-

Choice of Three Risk Categories

According to whether more importance is put on saving or on lump sum compensation (in case of loss of livelihood). This choice and length of membership determine the amount of repayment.

Repayment

When a member resigns and taking into account the risk contribution:

Single savings payments with capitalized interest (2 to 3½%); annual savings payments at growing percentage from 60% (after one year) to for instance 175% (after 30 years), etc.

Although investments serve two different purposes, the yield can be compared to that of ordinary savings books, especially because they are exempt from Swiss withholding tax.

Please note: The **heirs** of a member of the Fund are entitled to a repayment of the savings investment to the full amount which have been at the disposal of the member at the time of his death.

Duration of Membership

Unlimited. Members may at all times declare their wish to resign and to demand repayment of their savings investment. Unlike the OAI/DI, the Solidarity Fund stipulates no age limit.

Qualifying Periods

a) Qualifying period with regard to lump sum compensation. For

Swiss abroad who join within the first five years after their emigration: one year. After five years: the qualifying period is two years.
b) Repayment of single payment with compound interest: at the earliest after three years.

Additional Obligations

- 1) Contribution towards the cost of administration:
for single payments: none
for annual contributions: according to risk category, 2½ to 10%.
- 2) Once, on joining:
Purchase of a membership certificate of SFr.25.- (non-repayable).

As a Sign of Solidarity

The best method is an annual deposit of SFr.100.- in risk category III. Of advantage to the member and the Fund alike. Please note: One may also take out gift certificates without joining. With the Solidarity Fund every new member counts double: for you and for the Fund!

Solifund – a must

Information and Documentation:

Diplomatic and Consular Representations of Switzerland or direct from the **Solidarity Fund for Swiss Abroad**, Gutenbergstrasse 6, 3011 Berne, Switzerland.



The Swiss Abroad and other Insurance Possibilities, especially against Sickness and Accident

General Remarks

In Switzerland, sickness insurance is still on a voluntary basis, since electorate and cantons rejected on 8th December 1974 a much-discussed initiative proposing that it should be compulsory for everyone. Thus nobody is insured automatically against sickness, unless cantonal or communal regulations provide for a compulsory insurance for certain categories of inhabitants (for instance people in modest circumstances), or if there is a collective insurance scheme subscribed by a company for its staff.

Furthermore, Swiss sickness insurance is individual, inasmuch as insurance of the head of the family does not cover the other members of the family; these have to be insured separately. Finally, sickness insurance is administered by a large number of insurance companies whose conditions of acceptance may vary to a great extent. Their constitutions and regulations have to conform to the Federal Act on Sickness and Accident Insurance of 13th June 1911 (KUVG/LAMA) which, however, contains no more than minimal rulings.

Anyone who transfers his residence from abroad back to Switzerland, has to take the necessary steps himself in order to join an insurance of his choice. A «List of Insurance Companies Recognized by the Confederation» may be had from the Federal Office for Printed Matter and Material in Berne.

The statutory regulations of insurance companies may stipulate a qualifying period (an interval of three months during which the insured cannot receive any benefits; in maternity insurance it suf-

fices to have been a member of an insurance company for nine months without membership having been interrupted for more than three months), a possible reservation (exclusion from the insurance during five years due to an illness which existed at the time of joining), and finally an upper age limit at the moment of applying. Nevertheless, several insurance companies have abolished qualifying periods, and several of them no longer have an age limit (as for instance *Schweizerische Christlichsoziale Kranken- und Unfallversicherungskasse/la Caisse maladie et accidents chrétienne sociale suisse* and the *Krankenkasse/Caisse maladie* for the Canton of Berne and that of Zurzach). Furthermore, Swiss abroad can benefit with various companies from the agreements concluded by Switzerland regarding social insurance, as well as from a private deal obtained by the Organization of the Swiss Abroad. More of this later. Private insurance companies in Switzerland also practise sickness insurance without, however, being subject to the above-mentioned law of 1911.

Liberal Treatment for the Swiss Abroad

Up to now Switzerland has concluded 18 bilateral agreements on social insurance which provide for liberal passage between the sickness insurance of a foreign state and a Swiss insurance company. The Swiss abroad who wishes to make use of this arrangement must not overlook that he has only three months in which to join an insurance company after his return. Negotiations to increase the num-

ber of bilateral agreements on social insurance are going on. So far the majority of European States have signed such agreements. They are the following: Austria, Belgium, Denmark, France, Federal Republic of Germany, Great Britain, Greece, Italy, Liechtenstein, Luxembourg, Netherlands, Portugal, Spain, Sweden, Turkey, the USA and Yugoslavia. Practically 80% of all the Swiss abroad live in these countries.

The Organization of the Swiss Abroad began negotiating with the Union of Swiss Insurance Companies in 1974. The result was the signing of a treaty on 6th March 1976, which enabled Swiss abroad to join the majority of these companies up to the age of 70, provided this is done within six months after returning to Switzerland. There is no lump sum payment on joining. The age limit of 70 was asked for by the insurance companies, the majority of Swiss who return to Switzerland on retirement being between 62 and 67 years of age. The main advantage of this agreement is that it

In the Canton of Appenzell



enables every Swiss abroad, whether previously insured or not, to join a Swiss insurance scheme, even if there is no bilateral agreement between the country of residence and Switzerland.

Thus great progress has been made in the field of sickness insurance, even though the Swiss insurance companies still can make reservations with regard to illnesses from which the newly assured person is or has been suffering. The same ruling applies to Swiss living in Switzerland, who join an insurance company or change from one to another.

Limited Sickness and Accident Insurance

For reasons of supervision, Swiss insurance companies cannot give permanent cover outside Switzerland. That is why the Secretariat of the Swiss Abroad has negotiated ways and means by which Swiss abroad can conclude a sickness and accident insurance agreement for the duration of their stay in Switzerland with the companies below. It is a kind of «travel insurance» which gives not only medical cover, but insures also against loss of luggage and other risks which might arise after arriving in Switzerland. Such contracts may be agreed for a minimum of one week and a maximum of one year. Naturally, the premiums are rather high. For this reason, the Secretariat of the Swiss Abroad would be willing to consider collective agreements against sickness and accident if the need for such schemes arose.

The four companies which offer travel insurance policies to Swiss abroad for temporary stays in Switzerland are: Elvia Insurance Company, Zurich branch; European Travel Insurance AG Basel; Intertours-Winterthur; Zurich-Insurances, General Agency in Berne.

- In order to join a Swiss sickness insurance scheme, one has to be resident in Switzerland.
- Every Swiss from abroad under 70 can join one of many sickness insurance companies within six months after arriving in Switzerland.
- Thanks to the liberal passage arrangements in the bilateral agreements on social insurance, many Swiss abroad can transfer from a sickness insurance scheme abroad to a Swiss sickness insurance company in Switzerland.
- For a temporary stay in Switzerland, Swiss residents abroad may take out a limited sickness and accident insurance policy.

Preparing to Return to Switzerland

Once a Swiss abroad decides to return to his homeland, he is confronted with a great many administrative questions which he ought to solve before he is compelled to deal with them by long and tiresome written procedure. It has been proved of practical value to have a special file with all personal documents and family papers, so as to be able to produce those particulars that various authorities ask for: passport, birth certificate, marriage certificate, permits of stay or residence, «family book», tax declaration, military book, OAI/DI identity card, employment references, school reports and qualification documents, vaccination certificates, insurance policies, driving licenses, etc.

Abroad

One should not only say good-bye to friends and acquaintances, but should also visit two administrative offices in order to inform them of one's impending departure:

- a) the authorities of the country of residence and
- b) the Swiss representation where one is registered.

It is of advantage to ask of the latter authority the form «personal

declaration for removal goods», for this facilitates Swiss customs formalities.

In Switzerland

Within 14 days of his arrival in Switzerland, the Swiss returning from abroad has to call at the residents' registry office of the Commune in which he wishes to take up residence or in which he is staying on a temporary basis, preferably equipped with the above-mentioned file. Those liable to military service have **8 days** only to report to the head of section (Sektionschef / chef de section) of the new Commune of residence, and to the district commandant (Kreiskommandant / commandant d'arrondissement). The new lease as well as the permit of residence or permit to stay are necessary to get possible exemption from paying customs duty on household effects and removal goods brought from abroad.

Some Advice

It is advisable to prepare repatriation most carefully and to start nice and early with the arrangements. Although no two cases are alike, the following points may be

of use to all Swiss returning from abroad:

1. Looking for a new job
2. Choice of housing accommodation
3. Children's education
4. Removal (transport, customs formalities for household goods and furniture, and motor vehicles)
5. Insurance, sicknesslife, accident, OAI/DI, etc.
6. Military obligations (reporting return, repetition courses, compulsory shooting, inspection, etc.)
7. Questions of transfer of assets
8. Questions of unemployment insurance or social welfare benefits
9. Tax liabilities
10. Regulations regarding the import of domestic animals.



The Swiss Abroad and Unemployment Insurance

On 1st April 1977, the provisional regulations for a Swiss Unemployment Insurance came into force for the duration of five years.

The most important innovation of this provisional law consists in the duty of all persons compulsorily insured on the basis of the OAI law and who are paid by an employer, to make contributions to the Unemployment Insurance for that income. The OAI compensation offices are instructed to collect the contributions to the Unemployment Insurance from the employers who are themselves liable to contribute.

Anyone who wants to claim benefits from the Unemployment Insurance must have been employed and have paid contributions for at least 150 days during the 365 days before applying.

Important: As long as Swiss citizens stay abroad they cannot claim from the Unemployment Insurance in Switzerland. On return-

ing, however, they may claim benefits provided they fulfil certain conditions (for daily workers from across the frontiers see under no 6).

First Case

A Swiss citizen who has been abroad for more than one year and can prove to have been employed for a full 150 days, may claim from the Unemployment Insurance a maximum of Fr.52.- a day for a single person and Fr.62.- for a married couple. Regarding qualifying periods the right to claim unemployment benefit remains in force for one year after the date of repatriation. No benefits are paid for the first 25 days of unemployment, that is for the qualifying period which applies to everyone who has paid no contributions.

In addition, the Swiss who has returned from abroad, has to be at

the disposal of the Labour Exchange without reservation.

Second Case

If the stay abroad, either in employment or for the purpose of studying, has lasted not more than one year, the applicant has to prove that he worked for 150 days and paid contributions during the 365 days prior to his departure. The daily benefit will be worked out on the basis of the wage or salary the applicant earned before leaving Switzerland. In this case, the unemployed person receives benefits without any qualifying period.

Third Case

Persons who, on completing their vocational training abroad, return to Switzerland or are compelled to take up employment due to di-

voiced, death or invalidity of the marriage partner, are subject to the same regulations as if they had lived in Switzerland. From the moment of the new situation they are freed during one year from proving occupation liable to premium payments. Benefits are paid according to the economic situation of the persons concerned; though they can never be higher than those mentioned under case one and are subject to the same conditions mentioned there.

Fourth Case

Nobody is entitled to benefits who cannot fulfil the conditions mentioned in the three previous cases. This applies to all those Swiss who were self-employed abroad or who went abroad for travelling or holiday purpose only.

General Remarks

Once a Swiss intends to return home he must not forget to ask his employer abroad for a certificate regarding the duration of employment and wage or salary or, as a student, to get a certificate from the school or college regarding the courses attended.

When out of work, he must immediately call at the Labour Office of his Swiss place of residence.

Unemployment benefits are paid out by every unemployment pay-office; the choice of office is left to the repatriated Swiss.

Regulations for Daily Workers from across the Frontiers

The rules regarding daily workers from abroad are being established in their final form by means of bilateral agreements between

Switzerland and the neighbouring countries.

Negotiations with Austria, France, Italy and the Principality of Liechtenstein have already led to agreements which have still to be ratified by the Federal Assembly. A similar treaty should be achieved with the Federal Republic of Germany.

The agreements provide for unemployment insurance contributions to be paid by the workers from across the border in the country in which they work. They also determine that the country of residence will cover the risk of full unemployment, whilst the State in which they work will take care of the effects of partial unemployment. The agreements entitle the signatories to claim lump sum indemnity from one another.

Until these agreements come into force, probably by the beginning of 1980, the daily worker from across the frontiers will be treated as follows with regard to the Swiss Unemployment Insurance:

- If he works in Switzerland, he pays contributions to his employer and is entitled to ask for benefits if he is partially unemployed. When fully unemployed, his claims will have to be made in his country of residence according to its laws.
- If he lives in Switzerland and works abroad, he cannot insure against unemployment in Switzer-

land. Nevertheless he may claim some benefits if he was a member of a Swiss unemployment insurance between 1st January and 31st March 1977, if he is a Swiss citizen or is in possession of a Swiss permit of residence and can prove previous employment abroad. He is entitled to unemployment benefits only if he has no claim on any unemployment insurance abroad.

Recapitulation

A Swiss abroad cannot insure against unemployment on a voluntary basis in Switzerland.

Once a Swiss returns home from abroad, he is entitled to unemployment benefits under certain conditions.

In order to claim Swiss benefits, any applicant has to produce certificates of employment or studies from the country of residence abroad.

Anyone who is unemployed on returning to Switzerland, has to call immediately at the Labour Office of his commune of residence.

The choice of unemployment pay office is at the discretion of the claimant.

Special regulations for daily workers from across the frontiers are being prepared under bilateral treaties.

The Landsgemeinde remains the same in good as in bad times

