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Marriage of a Swiss woman

A Swiss woman wishing to retain her Swiss nationality on marrying a foreign national **must** make a declaration in writing to that effect, **before the marriage**, on a form obtainable from the Swiss diplomatic and consular missions abroad.

Citizenship Campaign

With the answer of the Federal Council regarding the parliamentary Initiative of our president, Dr Alfred Weber, the citizenship campaign which is intended to enable Swiss women abroad to pass their citizenship onto their children has reached a new stage. To keep you informed we publish the government statement and the communiqué the Organisation of the Swiss Abroad released in reaction to it in full.

Government statement

18th 2. 1981

1. In its report, the Commission recommends an alteration of Article 44, Paragraph 3 of the Federal Constitution, whereby a child of Swiss parents receives Swiss citizenship automatically at birth. If only one parent is Swiss, federal legislation shall define the provisions required by the child to obtain Swiss citizenship. With this, the legal basis will be created also for Swiss women married to foreigners and residents abroad to pass on their Swiss nationality to their children, a desire which is fully justified in view of equality of rights between men and women. As far as the administration is competent, we have already agreed in principle to the realization of this wish. This is why we doubly welcome that the Initiative proposes this solution and that the Commission too, supports it unanimously.

2. We are in agreement with the substance of the constitutional change, but we cannot agree to the procedure. The Commission would like to have Art. 44, Par. 3 of the Constitution treated on its own, and that all other questions of citizenship which are still open and which require further changes in the said Article should be submitted to Parliament separately (Report: Nr. 33, last paragraph.)

3. As is well known, we have been considering these citizenship questions for some time, and we have announced our report on the guide-lines of the Government's policy for the first half of the present legislative period, i.e. by the end of 1981. We shall be able to do this, as the preparatory work is nearly completed. The problems concerned and their significance are as follows:

a) With the new wording of the family law, equality of the sexes with regard to Swiss citizenship should be realized. Man and wife should have equality in law not only with regard to passing on Swiss citizenship by origin to their children as in the changed constitutional Article proposed by the Com-

mission, but also when marrying a foreigner. The Federal Council is of opinion that this should be realized by explicitly empowering the federal legislator in Article 44 to determine acquisition and loss of Swiss citizenship by marriage, origin and adoption. With regard to this, acquisition by naturalization could replace the automatic right to acquire it, in which case the prerequisites would be greatly simplified as compared with ordinary naturalization. Article 54, Paragraph 4 of the Constitution, which states that the wife acquires the citizenship of her husband automatically by marriage, would then be dropped.

b) Another urgent problem is that regarding naturalization of young foreigners who have been living in our country since birth or have at least spent most of their youth in Switzerland. It is in the interest of the State that these young foreigners who have become part of our public life and who have alienated themselves from their countries of origin, should be naturalized more easily and thus become fully integrated into our society. For this reason, too, Article 44 should be altered by empowering the federal legislator to facilitate such naturalization. The fact that a good quarter of a million of these young foreigners live in Switzerland and will remain here shows plainly the importance of this proposal. At the same time, too, the way to obtain Swiss citizenship should be made easier for the refugees and stateless persons who have been received into our country. This has been recommended by international agreements ratified by Switzerland. With such proposed changes which would include these types of naturalization, the Federal Council would complete its task which has been assigned to it in the form of several parliamentary resolutions.

4. In order to realize this innovation, Article 44 should read as follows:

«1 The Confederation regulates acquisition and loss of citizenship rights by marriage, origin or adoption, as well as loss and re-acquisition of Swiss citizenship.

2 The Cantons are responsible for naturalization. The Confederation sets up the basic