

Zeitschrift: Swiss review : the magazine for the Swiss abroad
Herausgeber: Organisation of the Swiss Abroad
Band: 11 (1984)
Heft: 1

Rubrik: Official communications

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Official Communications

The Federal Authorities in 1984:

President of the Confederation:
Leon Schlumpf

Born on 3rd February 1925, his places of origin being Felsberg and Mönchaltorf. Grammar school in Chur, studied law in Zurich. From 1951 to 1965 lawyer and notary in Chur. From 1966 to 1974 member of the Cantonal Government. From 1974 to 1978 Federal Council's Controller of Prices. National Councillor from 1966 to 1974. Member of the Council of States from 1974 to 1979. Elected to the Federal Council on 5th December 1979.

President of the National Council:
André Gautier

President of the Council of States:
Edouard Debétaz

President of the Federal Court:
Otto Konstantin Kaufmann

President of the Federal Insurance Tribunal:
Giordano Beati



Mr. Leon Schlumpf, President of the Confederation (Photo Ringier)

Composition of the Federal Council and allocation of the Federal Departments:

Department of Foreign Affairs:
Pierre Aubert

Department of the Interior:
Alphons Egli

Department of Justice and Police:
Rudolf Friedrich

Military Department:
Jean-Pascal Delamuraz

Finance Department:
Otto Stich

Department of Public Economy:
Kurt Furgler

Department of Transport, Communications and Energy:
Leon Schlumpf

The revision of the nationality right in the Federal Constitution

The positive result of the plebiscite of 4th December 1983 provided an occasion for the Service of the Swiss Abroad to talk to Mr René Imstepf, a member of the Swiss Nationality Section of the Federal Office of Police of the Federal Department of Justice and Police.

The revision of the constitutional provisions on Swiss nationality is aimed at ensuring equality between men and women

in the acquisition of citizenship and its transmission to their children. This aim must now be realized by means of legal provisions. What are the next steps?

Mr Imstepf: The objectives of this modification of the Constitution must be realized by a revision of the relevant law. Federal Councillor Friedrich has decided that priority should be given to the question of the transmission of Swiss nationality, by descent, to children of marriages between

Swiss women and foreigners. The two constitutional obstacles, namely that the mother must be Swiss by descent and both parents legally domiciled in Switzerland at the time of the birth, have been removed. The first step will therefore be to change the provisions of the nationality law which concern the transmission of Swiss nationality by the mother's descent. The timetable envisages that this will come into force on 1st January 1985, always provided that the procedure goes off without a hitch. Only a small revision of the nationality law is involved in this case. At the same time there will be a total revision of the law so that in future identical



rights will apply in the case of a Swiss man marrying a foreign woman and in that of a Swiss woman marrying a foreign man. This question and others linked to an extensive revision of the nationality law will require the appointment of a commission and a consultation procedure to enable the cantons and interested circles to express an opinion on the draft of the new law. According to the programme, it should come into force on 1st January 1988.

So will children of marriages between Swiss women and foreigners automatically acquire Swiss nationality in future, as already happens in the case of children of marriages between Swiss men and foreign women?

Mr Imstepf: Yes, men and women will be equal in this respect. These children will by law be Swiss from birth. Entering the birth of a Swiss woman's child in the registers of her commune of origin will establish the acquisition of Swiss nationality. I ought to point out here that children whose mother acquired Swiss nationality through a previous marriage and is married to their fo-

reign father will only acquire their mother's citizenship on certain conditions.

How will equality between men and women be realized with respect to the acquisition of citizenship by marriage?

Mr Imstepf: Marriage will no longer have a direct effect on Swiss nationality. The total revision will remove all inequalities. In future, therefore, the foreign wives of Swiss nationals will no longer become Swiss automatically. Like the foreign husbands of Swiss women, they will have, within a legal time-limit which has yet to be fixed, to submit a request for naturalization.

Very important:

No steps must be taken before the new legislation on the transmission of Swiss nationality and on naturalization comes into force. A communiqué on this subject will be published in the «Review» in good time.

Federal Ballots in 1984

May we remind you that these will take place on the following dates:

26th February
20th May
23rd September
2nd December

On 26th February there will be ballots on three subjects (heavy vehicle tax, motorway discs and civilian service for conscientious objectors), while on 20th May there will be only two matters to vote on: the Social Democrats' initiative on the banks and the National Campaign's initiative against «selling off our homeland».

Voluntary Insurance (OAI/DI)

Late entry opportunity for Swiss women who are or have been married to compulsorily insured men

Even though many Swiss abroad know about the voluntary OAI/DI, they often do not know that certain of their compatriots, despite residence abroad, are compulsorily insured as if they were working in Switzerland. This category includes, in particular, federal officials who belong to Swiss diplomatic or consular staffs or represent abroad other official or semi-official services (Swiss Federal Railways, Swiss National Tourist Office, Customs etc.). It also covers Swiss who work abroad for private firms with head offices in Switzerland and who are paid by them (staff of Swissair, newspaper correspondents, representatives, technicians etc.). There are also some foreign nationals and stateless

persons among those who, on the strength of international agreements, continue to be compulsorily insured with the Swiss OAI/DI while working abroad.

As the Federal Insurance Tribunal confirmed in an adjudication not very long ago, the insured status «of persons compulsorily insured abroad» does not extend to the wife as long as she herself does not fulfil the legal conditions for inclusion in the OAI/DI. If the wife wishes to be insured like her husband or to maintain the insured status she acquired before leaving Switzerland, she must join the voluntary OAI/DI for Swiss abroad. Often such women have not been – or are not – fully aware of their position. Of those who have understood and who have applied to join the insurance scheme, some have been rejected because they had passed the age-limit; others have been admitted but

without retroactive effect, so that there are gaps in their insurance. The legislators are concerned over the fate of those Swiss women who are to some extent the victims of inaccurate or contradictory information. On 7th October 1983, following a Message from the Federal Council, the Federal Assembly approved the addition of a transitional provision to the Federal OAI Act. This provision permits the wives of Swiss citizens compulsorily insured abroad with the OAI/DI to join the voluntary OAI/DI late and with retroactive effect. The same opportunity is open to those Swiss women abroad who are married to foreigners or stateless persons compulsorily insured with the Swiss OAI/DI.

Wives who would like to take advantage of this exceptional opportunity to join the vo-

luntary OAI/DI must apply to do so within the two-year period beginning on 1st January 1984, i.e. by 31st December 1985 at the latest.

Applicants who live abroad must apply to the Swiss mission (embassy, consulate general or consulate) with which they are registered. Applications can also be submitted by Swiss women who now live in Switzerland but who have lived abroad once or several times with husbands compulsorily insured with the Swiss OAI/DI. In these cases the application refers only to those years abroad, recognized retrospectively as insurance years. The women concerned should contact the Swiss Compensation Fund, 18 Avenue Edmond Vaucher, 1211 Geneva 28, directly. They can apply for retroactive membership even if they are already drawing an OAI pension, but in that case they must do so to the compensation fund which pays their pension. The exceptional opportunity to join late is also open to all these women if they are now widowed or divorced.

For women who apply for membership on the strength of the law of 7th October 1983 any contribution obligations begin on 1st January 1984 at the earliest. Housewives who are not gainfully employed do not have to pay contributions, nor do widows who are not gainfully employed. An opportunity has been provided for divorced women to make late payments of unpaid contributions. Those interested must state their wishes on this point when filling up their application forms. Wives who take advantage of this exceptional opportunity to join will enjoy the following advantages:

If they become or have become invalids they are eligible, where appropriate, for an ordinary DI pension, which would otherwise be

withheld (no insured status at the relevant time). The years spent abroad no longer count as contribution gaps which might appreciably reduce old age pensions in the case of women reaching pensionable age before their husbands or if there is a divorce.

The Federal Office for Social Insurance has issued a leaflet entitled «Communication aux Suissesses qui sont mariées ou qui ont été mariées à l'étranger avec une personne obligatoirement assurée à l'AVS et à l'AI fédérale» («Mitteilung an die Schweizerinnen, die im Ausland mit einem obligatorisch in der schweizerischen AHV/IV versicherten Mann verheiratet sind oder waren»). This is given to all interested persons together with an application form. It contains all the necessary information. Further details can be supplied by the Swiss embassies and consulates abroad, by the Swiss

Compensation Fund in Geneva and by the other compensation funds in Switzerland.

*Federal Office
for Social Insurance*

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