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Swiss Nationality Law

Who is Entitled to a red Passport?

On January 1, 1992, the revised Nationality Law will come into force. What changes does this bring? How can you and your children either remain Swiss or become Swiss, as the case may be, even if you have spent a substantial length of time abroad?

We are briefly recapitulating below the most important changes contained in the revised Nationality Law (see «Swiss Review» 3/90).

Simplified naturalisation for foreign spouses

From next year the Nationality Law will no longer discriminate between men and women. The foreign wife of a Swiss citizen will no longer become Swiss automatically and – an important change – the foreign spouse (either male or female) of a Swiss citizen who resides or has resided abroad may apply for simplified naturalisation to the appropriate Swiss diplomatic representation, provided he or she:

- has lived together in matrimony with a Swiss citizen for at least six years;
- has close contact with Switzerland.

In such cases, close contact will not be assumed as a matter of course. The Federal Department of Justice and Police accepts that such contact exists if the applicant is fluent in one of Switzerland's national languages, has visited Switzerland on frequent occasions, has close contact with a Swiss association and maintains good relations with people who reside in Switzerland. (Fur-

ther details will be contained in a special leaflet to be made available by Swiss diplomatic representations abroad from next December).



Marriage to a Swiss no longer automatically means Swiss citizenship for a foreign woman.
(Photo: Keystone)

No loss of nationality rights for Swiss women

Contrary to previous legal provisions, a Swiss woman resident abroad will no longer be liable to lose her right to Swiss nationality if she marries a foreigner. From January 1, 1992, she will not be required to provide prior to her marriage a declaration of intent to remain Swiss. Former Swiss citizens who lost their citizenship on such grounds before January 1, 1992, may recover it during the ensuing ten years.

Naturalisation of children

As previously, children of mothers who are Swiss citizens by

origin, adoption or naturalisation will benefit from simplified naturalisation until the age of 32. However, they must have resided in Switzerland for a total of five years and for at least one year prior to the date of application.

If a person in this category was born abroad and possesses another nationality, he or she in principle loses the right to Swiss nationality should he or she not have registered with an appropriate Swiss government authority either in Switzerland or abroad before his or her 22nd birthday. However, within a period of ten years following his or her 22nd birthday, such a person may nevertheless be naturalised provided that acceptable grounds are provided for non-registration and

The foreign husband or wife of a Swiss citizen abroad who fulfills the conditions mentioned in the Act will be able to apply from 1st January 1992 for facilitated naturalization.

provided that he or she has close contact with Switzerland. In addition, such a person may apply for naturalisation after the ten year period provided that he or she has resided in Switzerland for a minimum of three years.

Recognition of entitlement to dual nationality

Foreigners wishing to be naturalised in Switzerland may now retain their previous nationality.

GUA

Postal voting for Swiss Abroad

Things have got this far: **from 1st July 1992** you will be able to vote from abroad by post.

In due course we shall publish for you, and more particularly for any new applicants, a new **information sheet**. As we shall be keeping you informed about this matter, may we ask you not to bombard our embassies and consulates with questions yet.

For the moment we should just like to tell you that anyone who has already applied will not have to apply again. But those interested in voting by post who have not yet applied can register now at their embassy or consulate. However, as we have said, postal voting will only be possible from 1st July 1992.

A new Review from next June

From 1st July of the coming year you will be able to vote from abroad by post and thus play a bigger part in Switzerland's political life. This innovation has led the editorial staff of the Swiss Review (SR) to rethink the concept of the magazine.

After a regular Swiss Review in March, you will, **from next June 1992**, be given twice as much information: besides the usual range of topics and columns you

will be regularly informed, with an eye to elections and other ballots, about political life in Switzerland, about the results of votes and elections and about Swiss political science and European integration. You will also find a bright and more modern image. The editorial staff wish you every enjoyment in your future reading and hope to have met most of your wishes for more information and greater reader-friendliness.

Do you require additional information?

From December 1991 a leaflet published by the Federal Department of Foreign affairs will be available at your nearest Swiss diplomatic representation. It will be sent to you on application.



European integration (I)

The Swiss Road to the European Future

Next winter the Swiss people, so that means you, too, will vote on Switzerland's entry to the European Economic Area (EEA). Should Switzerland choose integration or continue to go it alone?

Because she has over a hundred individual agreements with the European Community (EC), Switzerland's present relations with the Community are closer than those of any other non-EC country. What would joining the EEA, or later eventually the EC, mean for Switzerland? In a series of short articles the Swiss Review would like, among other things, to give you a greater understanding of the European institutions and the EEA and help you to take part in next year's ballots.

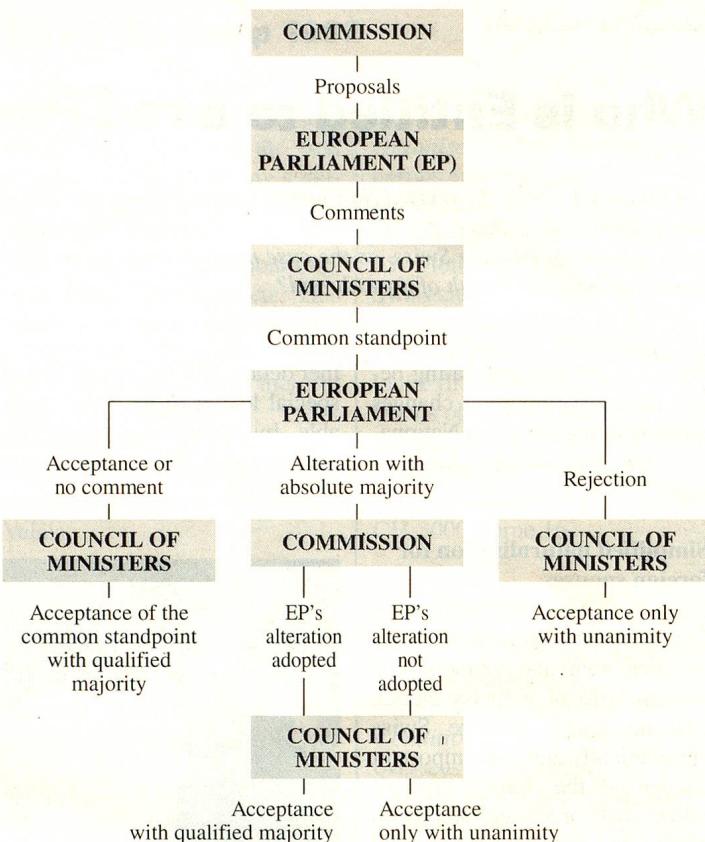
The European Community

In 1951 six European countries – Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and The Netherlands – signed the Paris Treaty and thus founded the European Coal and Steel Community. Six years later, with the two Rome Treaties, two more communities, the European Economic Community (EEC) and the European Atomic Energy Community (Euratom),

came into being. In 1973 Denmark, Ireland and the United Kingdom joined the six founder countries, in 1981 Greece arrived on the scene, and in 1986 Spain and Portugal made up the round dozen.

The institutions of the Community

● The motive power and administrator of the EC is the EC **Commission**, composed of 17 members appointed by the governments of the member states by mutual agreement. Their most important task consists in representing the interests of the Community in Brussels or Luxembourg, acting independently of the governments of their countries of origin and of the EC Council of Ministers. Above all, as the Community's executive organ they monitor compliance with the treaties on which the Community is based and the correct application of Community law.



● If a state does not comply with the rules the Commission applies to the European **Court**, whose judgment is binding on both the member state and the EC institutions. Conversely, a member state can complain to the Court about decisions of the Commission. The judgments are guidelines for national jurisdiction.

● The decision-making organ is the **Council of Ministers** (called "Council" for short), consisting of representatives of the 12 governments. Its composition changes according to the agenda. It is chaired for six months at a time by each country in turn. It decides on the proposals submitted by the Commission. Its voting procedure is arranged in such a way that the small countries cannot be systematically outvoted by the big ones.

● Since 1979 the citizens of the 12 member countries of the Community have voted their representatives into the **European Parliament** directly. It has budgetary and limited legislative

powers. It adopts or rejects the budget.

● The **Court of Auditors** inspects the Community's accounts. It can also extend its scrutiny to the member states.

Source: "Der Schweizerische Weg in die europäische Zukunft", Integration Office, Federal Department of Foreign Affairs, Berne.

The Swiss Road to the European Future

Those interested can obtain the following information free of charge from:

Integrationsbüro EDA/EVD, Sektion Information,
Bundeshaus Ost, CH-3003 Berne

Order form

Brochure

copies German No. 201.300/d
 copies French No. 201.300/f
 copies Italian No. 201.300/i
 copies Romansch No. 201.300/r

Information sheets

set No. 201.301/d
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Name _____

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Country _____

The Swiss Confederation and its Parliament...

... That is the name of a video cassette and small accompanying brochure which you can borrow from your embassy or consulate if you wish to know more about Switzerland and its political system.

This borrowing arrangement is intended primarily for groups, Swiss clubs and educational establishments.



Yes to the EEA

On 22 October in Luxembourg the Federal Council approved the results of the negotiations on the European Economic Area (EEA) and decided to sign the EEA treaty and recommend it to Parliament and the people for ratification.

At the same time the Federal Council established Switzerland's entry to the European Community (EC) as the goal of its integration policy. The EEA treaty represents a step on the way to that goal.

You will be informed about the EEA treaty in more detail in the next Review, 1/92.

Some dates:

By the end of 1991

Formulation of the Message on the EEA treaty.

27th–31st January 1992

Special session on the EEA Message.

6th December 1992

Referendum* planned on the EEA treaty (majority of the people and Cantons necessary).

1st January 1993

If the people decide in favour the EEA treaty will come into force.

* You will be able to vote by post from abroad.

Swiss citizenship – including children up to the age of 25 – will now be able to choose between the already existing "sleeping" insurance policy (available since 1988) or to take out "active" insurance which will cover on a permanent basis all medical costs, including treatment in all public hospitals, in Switzerland.

Direct entry or transfer is possible at any time

A novelty in this is that it will be possible either to enter the active insurance scheme directly or to transfer into it from the sleeping policy already available – with an age limit of 70. Those insured under the new scheme will be covered for all kinds of illness and accident – plus pregnancy – anywhere in Switzerland. In addition, those insured may at any time transfer from the active scheme back into the sleeping scheme, if for any reason they are no longer in a position to travel to Switzerland for their health care. The premiums for the active scheme are graded according to age category on entry, but they are exactly the same as those that the Grüttli provides for residents of the city of Berne.

The objective in terms of benefits now reached in the new agreement has been described by Fund Director Benito Invernizzi, the

man who initiated these new insurance schemes, in these words: "What we have been seeking is a comprehensive arrangement, so that there will in future no longer be any gaps at all in the insurance cover available in Switzerland for those of our compatriots living abroad who require it. This project may be seen as a jubilee present to the Swiss Abroad on the occasion of the 700th birthday of the Swiss Confederation".

You may obtain additional details from: The Fund, Solidarity Fund for the Swiss Abroad, Gutenbergstrasse 6, CH-3011 Berne.

Federal Ballots

16th February 1992

● Popular initiative for a financially acceptable sickness insurance (Sickness Fund Initiative).

● Popular initiative for a gradual but drastic reduction in animal experiments (Away with Animal Experimentation!)

17th May 1992

27th September 1992

6th December 1992

Subjects not yet decided.

Transit agreement for Switzerland

After hard bargaining the European Community, Switzerland and Austria have achieved a decisive breakthrough in their alpine transit negotiations.

Deviating from the 28-ton limit for lorries which the Swiss government has vehemently championed for years, the agreement negotiated in Brussels provides for a daily maximum of one hundred 40 ton lorries to be allowed to use the Swiss road network.

This provision will come into force only when the facilities for transport by rail in Switzerland are not adequate. The necessary

special permits will be issued in Berne. Linked to this agreement is a condition that the 40-ton vehicles transiting Switzerland must be either brand-new or not more than two years old, thus guaranteeing that the amount of pollutants discharged is kept to a minimum.

SM/Secretariat for the Swiss Abroad

Editor (Official Communications),
Anne Gueissaz (GUA)
Service for the Swiss Abroad
Federal Department of Foreign Affairs.

Comprehensive sickness insurance for the Swiss Abroad is now available.

During the past year, the Fund has finally decided that the Swiss Abroad should be given the chance of taking out comprehensive sickness insurance. In October, the Fund and the Swiss Grüttli Sickness Insurance signed a preliminary contract which will make today's very high-quality Swiss health care available to the Swiss Abroad.

Experience has shown that the high price of health care in Switzerland – which has a first-class reputation throughout the world – used to be a big problem for Swiss citizens living abroad who returned to Switzerland for good. The agreement reached four years ago between the Fund and the Grüttli Insurance, which allowed those returning for good to become members of a Swiss insurance scheme easily and without high cost, provided the first important bridge.

Comprehensive insurance is now on offer

After intensive preliminary consultations, it has now been pos-

sible to take the first important step in providing an altogether new and pioneering insurance product. The Swiss Grüttli Insurance has worked out a comprehensive sickness insurance scheme for the Swiss Abroad which will be available from the beginning of 1992. The low quality of health care in some countries is the catalyst which has made many Swiss citizens resident abroad feel with increasing urgency that health care in Switzerland should be available to them and to members of their families.

Swiss Abroad who contribute to the Fund and immediate members of their families possessing