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Children of Swiss women

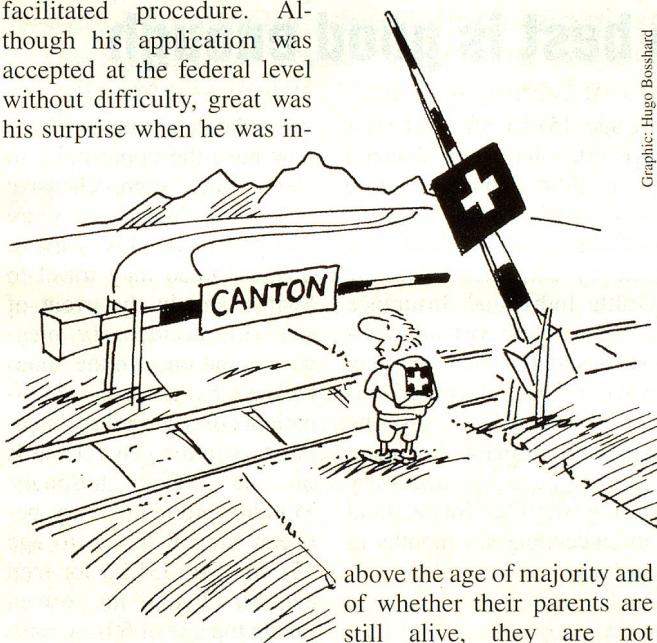
Have I the right to elect abode in Switzerland?

Since January 1 of this year, children of women possessing Swiss nationality have the right to apply to become Swiss citizens through the new procedure set up to facilitate the acquisition of Swiss nationality. Do they also have the right to "facilitated" right of abode?

At the beginning of this year, Hans M. entered Switzerland as a tourist with the intention of applying for Swiss nationality. As the son of a Swiss mother and a German father, he understood that since January 1 of this year he had the right to acquire Swiss nationality under the facilitated procedure. Although his application was accepted at the federal level without difficulty, great was his surprise when he was in-

However, in all such cases the acquisition of Swiss nationality is conditional on possession of a domicile in Switzerland.

In addition, the federal law provides that if such children obtain employment in Switzerland, irrespective of whether they are below or



formed that for the moment his right to elect abode in Switzerland had been refused by the cantonal authority.

What rights have I?

It is true that the Revised Law on Nationality permits facilitated naturalisation for the children – either below or above the age of majority – of Swiss nationals, male or female, who possess Swiss citizenship by either birth or adoption, or through naturalisation at a date prior to the birth of the child in question.

above the age of majority and of whether their parents are still alive, they are not included in the quota system which governs the number of foreign nationals allowed to work in Switzerland.

How could it happen?

In these circumstances how is the refusal of a residence permit to Hans M. by the cantonal authority to be understood, if the latter is expressly guaranteed right of abode in federal law?

Refusal of a residence permit, as experienced by Hans M., seems to be equivalent to refusal of the right of facilitated naturalisation and

indeed to the withdrawal of this right. For this reason it would appear to be in flagrant contradiction with the new Law on Nationality.

Hans M. has become a victim of Switzerland's famed federal system. A provision has been enacted at the federal level, but its implementation has for the most part been left to the appreciation of the individual cantons.

How can I avoid such a situation?

It has been stated that, although such "children" do not possess an absolute right to elect abode in Switzerland, they should in practice benefit from conditions which

will facilitate their taking up abode here.

On both legal and practical grounds, however, you would be well advised to avoid putting yourself in the position in which Hans M. found himself. While you are still abroad, you should apply to your responsible Swiss embassy or consulate for a Swiss residence permit.

Such application must be well grounded with details of your Swiss origin and information about your financial situation – in particular, whether you have a guarantee of employment in Switzerland or whether you intend to live by your own means.

GUA

Voting rights for Swiss Abroad

Who bears the risk of delay?

In advance of the next federal referendums to be held on September 27, you will for the first time be receiving your voting material at your postal address abroad.

According to the Revised Federal Law on Voting Rights for Swiss Abroad which came into force on July 1, 1992, your voting municipality will send your voting material and ballot form directly to your address abroad.

While your voting municipality will send you all you need free of charge, you yourself will of course have to pay the return postage on the envelope provided.

Although all possible care was taken in working out the revision of the law to ensure that you will receive your voting material as early as possible, the federal government can obviously take no responsibility for the efficiency of foreign postal administrations.

In order to reduce the likelihood of such delay as much as possible, you are ad-

vised to include on your registration form an alternative **correspondence address** (e.g. a relation, a friend, your bank, etc.) to which the voting municipality may on request send the material, to be picked up by you or forwarded to you.

The risk that Swiss Abroad entitled to vote may receive their voting material too late or that the ballot forms may arrive at the voting municipalities too late for postal reasons is that of the voter alone.

However, as already mentioned more than once in the Swiss Review, since July 1 this year it is no longer possible to choose the address of a Swiss municipality as correspondance address.

GUA



The voluntary old age and invalidity pension scheme

Register now

The Swiss people – which includes the Swiss Abroad – will probably be asked to approve the European Economic Area (EEA) treaty next December 6.

The EEA will provide Swiss Abroad with many advantages (particularly due to the free movement of persons); but it could also mean one disadvantage.

From the date the treaty comes into force – probably as early as January 1, 1993 –

changes may have to be made to the voluntary old age and invalidity insurance scheme and in the worst case new entries could be barred. This is because discrimination between citizens of EEA countries will be prohibited, which means that if this voluntary insurance scheme were to be continued without change it would have to be offered to citizens of all EEA countries. And the Federal Social Insurance Office has

calculated that this could involve increased expenditure for Switzerland measured in billions of francs. As a result the Federal Council is recommending that the scheme should be gradually brought to an end. But parliament will be debating the matter in its autumn session, and until then the last word has not been spoken.

However, those Swiss Abroad who are members of the scheme at this time will continue to be insured. For them there will be no change whatsoever in either benefits or contributions.

But if you want to be sure that you can be and **will remain** insured under the voluntary old age pension and invalidity scheme to the same extent as previously even if Switzerland ratifies the EEA, and if you are under 50, **we advise you to register for the scheme at your diplomatic representation before the end of this year.**

If you are under 50, entry is possible only in special cases, such as naturalisation, divorce or marital separation, widowhood, continuation of the compulsory insurance scheme, etc.

GU

The Solidarity Fund

To beat sickness, only the best is good enough

Quality has its price, and this applies to health care too. The Fund now offers a comprehensive insurance scheme for Swiss Abroad who wish to be treated in Switzerland in the event of sickness.



For a considerable time now Federal Councillor Flavio Cotti, expert committees and the federal parliament have been trying to work out a way of stemming the rise in health insurance premiums. A number of urgent decisions to combat the explosion in costs have already been taken. And now a revision of Switzerland's whole health insurance scheme is planned.

Sickness costs money

For the moment, however, health costs remain high; and they also affect Swiss Abroad in cases where these decide to come home in order to benefit from high health care standards. This is an area where figures speak louder than words: accommodation and board with nursing care in the general ward of Berne's University Hospital costs Sfr. 310 for Berne residents and Sfr. 430 for all others. The Fund/Grüttli insurance offer comes in two variants, each of which permits Swiss Abroad to be integrated into the Swiss insurance system on the same conditions as those applying to citizens living at home.

Variant 1: For when they come back

Swiss Abroad can take out a provident or "sleeping" policy, the premiums of which – from Sfr. 36 per annum (up

to age 15) to Sfr. 480 after age 60 – have not changed since 1988. This means that citizens who think they may one day retire in their own country can transfer to the Grüttli Individual Insurance Scheme at low cost and without reserves when the day comes. The "sleeping" insurance cover may also be activated earlier if treatment should become necessary during stays in Switzerland not exceeding six months in one year.

Variant 2: Comprehensive cover

Those who wish to be in a position to be treated in Swit-

zerland on a permanent basis now have the opportunity to take out comprehensive cover – as long as they are under 60. In this variant, Swiss Abroad may travel to Switzerland in the event of sickness, accident or pregnancy, and once in the country the scheme covers all outpatient costs as well as hospital stays in the general wards of all public hospitals. Monthly premiums vary between Sfr. 58.70 (up to age 15) and Sfr. 331.20 for men and Sfr. 364.20 for women (at the top age of 60). A comparison between these premiums and actual hospital costs shows very clearly the benefits of this comprehensive insurance scheme. Other opportunities for cover certainly exist in the insurance market, but none provides comparable benefits and conditions. The Fund Head Office will provide you with advice and further information without any commitment on your part. Requests may be addressed to: The Fund, Gutenbergstrasse 6, CH-3011 Berne, Tel: 41 31 25 04 94. Fax: 41 31 25 60 28.

