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Changes in citizenship rights for persons of Swiss origin

On 26 September, 2004, voters and a clear majority of cantons decisively rejected a proposal to revise the constitutional provisions governing the acquisition and loss of citizenship. However, the revision of the law on citizenship, which also affects acquisition of citizenship by persons of Swiss origin, will come into force at the beginning of 2006.

As a result of the rejection of both citizenship proposals, young second-generation foreign nationals still have to follow the statutory procedure to acquire citizenship. This also applies to third-generation foreign nationals since Swiss voters denied them the right to automatically acquire Swiss citizenship at birth. However, a majority of the cantons support facilitated naturalisation for such persons.

By contrast, the revision to the law on citizenship, which governs

the acquisition of citizenship by persons of Swiss origin and related fees, is scheduled to come into force at the beginning of 2006.

What will change for persons of Swiss origin?

– Children born out of wedlock to a Swiss father and foreign mother can now automatically acquire Swiss citizenship by birth provided paternity is acknowledged by their Swiss father before they reach majority age.

Under the present law, chil-

dren born out of wedlock to a Swiss father and foreign mother are not automatically entitled to Swiss citizenship. In certain circumstances, however, naturalisation is facilitated.

– Children who were or will be born out of wedlock to a Swiss father and a foreign mother before the revision comes into force can apply for facilitated naturalisation before completing their 22nd year, if paternity is legally acknowledged by their Swiss father.

AHV pension: apply in good time

Swiss Abroad who are insured under the voluntary AHV scheme are dealt with by the relevant AHV service of the Swiss Compensation Office. Insured persons are automatically informed about the procedure for withdrawing a Swiss AHV pension several months before reaching the pensionable age.

Swiss Abroad who are not insured or no longer insured under the voluntary AHV scheme but have previously paid voluntary or obligatory contributions to the AHV for at least one year, are not automatically informed. In this case, the following procedure must be followed:

– Persons resident in an EU member state* or EFTA state (Iceland, Liechtenstein and Norway) must submit an application to the responsible social security authority in their country of residence. Swiss Abroad who have never been registered under the social security system of their country of residence, must submit an

application to the national social security authority with whom they were last registered.

Swiss Abroad who were obliged to pay only the Swiss Old Age and Survivors' Insurance (AHV) must request application forms for an old age pension directly from the Swiss Compensation Office in Geneva, indicating that they have never been insured in an EU/EFTA state.

– Persons who are resident outside the EU/EFTA must contact the Swiss Compensation Office in Geneva, which will issue the requisite forms. Swiss Abroad who have never been insured in an EU/EFTA state should mention this in their request.

At present, the statutory retirement age for men is 65. Women are entitled to an old age pension on reaching the age of 63 (from 2005, on reaching the age of 64). It is advisable to submit an application for an old age pension roughly six months before reaching pensionable age. For further information, contact

the relevant AHV services and the Swiss Compensation Office in Geneva.

* EU member states: Austria, Belgium, Denmark, Finland, France, Germany,

Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, UK. (Social security regulations are not yet applicable for the 10 new EU member states.)

BDK



Old age pensions must be applied for in good time: Ernst Denzler is a member of the Swiss Yodlers & Alphorn Group in Sydney, Australia.



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www.aso.ch

Beyond age 22, such persons can submit an application for facilitated naturalisation if they have close ties with Switzerland. The new ruling will replace the more restrictive provisions of the current law.

- Naturalisation can be facilitated for foreign children whose parents (or one of whose parents) have lost Swiss citizenship prior to their birth, provided they have close ties with Switzerland (for example, if the mother has lost Swiss citizenship as a result of marriage and was not subsequently renaturalised).
- In future, foreign children born before 1 July, 1985, to a Swiss mother can also apply for facilitated naturalisation if they have close ties with Switzerland and

the mother has acquired Swiss citizenship through marriage, and was Swiss before or on the date of birth of their child.

- Women who have lost Swiss citizenship through marriage to a foreigner prior to 1 January, 1992, can apply for renaturalisation provided they have close ties with Switzerland. This rule largely corresponds to the current practice but will be extended to include women who were formerly Swiss and acquired Swiss citizenship through marriage to a Swiss national. The current law permits renaturalisation for them only under much stricter conditions.
- Facilitated renaturalisation is also granted to persons who have forfeited Swiss citizenship

Higher AHV/IV pensions

In September 2004, the Federal Council decided to adjust AHV and IV pensions on 1 January, 2005, in line with economic trends.

AHV/IV pensions are adjusted every two years according to the wage and price index – the so-called mixed index. Pensions were last increased on 1 January, 2003. In 2003 the price index rose by 0.6 percent and the wage index by 1.4

percent. Both the price and wage indices are expected to rise by 0.8 percent by December 2004. This trend has necessitated an adjustment of 1.9 percent to AHV/IV benefits. The minimum monthly pension will therefore be raised from CHF 1,055 to CHF 1,075, and the maximum monthly pension from CHF 2,110 to CHF 2,150. The adjustments will result in additional costs of around CHF 722 million. For more information, visit www.bsv.admin.ch. *BDK*

or relinquished it voluntarily. In cases where the current law stipulates a place of residence in Switzerland, renaturalisation is now also possible if there are close ties with Switzerland.

For questions concerning Swiss citizenship or the naturalisation procedure, your Swiss representation will be glad to help.

*Service for the Swiss Abroad/DFA
Gabriela Brodbeck*

INTERNET

www.imes.admin.ch
(key word "Naturalisation")

New initiatives

The following new people's initiatives have been launched and are open for signature:

"Yes to complementary medicine" (until 21.03.06)

Initiativkomitee "Ja zur Komplementärmedizin",
Postfach 1415, 8031 Zürich

"Initiative for the abolition of hunting"

(until 01.03.06)

Anti-Jagd-Forum Schweiz,
General-Guisan-Strasse 11,
3303 Jegenstorf

"For the abolition of statutory limitations on pornographic crimes against children"

(until 01.03.06)

Blanche Merz, Postfach 1122,
1001 Lausanne

You can download signature forms for current initiatives from www.bk.admin.ch/ch/d/pore/vi/vis10.html. *BDK*

Electronic voting for Swiss Abroad: silver lining in sight

Electronic voting is slowly gaining ground: Swiss Abroad will be able to take part in pilot trials, but not before 2007.

According to the Federal Chancellery (FC), a revision of the federal law on the rights of Swiss Abroad is required, and this process will take several years. A public consultation procedure is to be launched this year.

If the project is accepted, cantons will need to concentrate electoral rolls for Swiss Abroad in a central location or deposit them

with the administration. This will be necessary even at the pilot phase in order to ensure equal treatment of Swiss Abroad voters in the various cantons, according to the FC.

Parliament is also planning to introduce e-voting throughout Switzerland in 2007. If the go-ahead is given, this too will necessitate some legal reforms, says Daniel Brändli, federal project manager for e-voting.

The solutions designed by pilot cantons Geneva, Neuchâtel and

Zürich will then be made available to the other Swiss cantons, says Michel Chevallier, Assistant Secretary of the Canton of Geneva State Chancellery. As of now, all cantons are invited to join the working group in Berne and in the pilot cantons.

Swiss Abroad welcome these plans and hope that they will soon come to fruition, because only e-voting will allow them to vote under the same conditions as their compatriots at home. *ASO/C.G.*

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