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Autor: Lenzin, René
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Dual system entrenched in asylum law

An immigration policy that has been practised in Switzerland for several years is now to become law. EU and EFTA citizens have unrestricted access to the Swiss labour market, while immigrants from countries outside these regions have to be well-qualified. A referendum on the bill will be held on 24 September. Voters will also be asked to decide on tougher asylum legislation and a campaign to transfer Swiss National Bank profits to the AHV fund. By René Lenzin

The electorate may be voting separately on foreigners and the asylum bill, but the two issues are closely linked. Firstly, they both deal with the rights of foreigners to live and work in Switzerland. Secondly, certain issues necessary for enforcement of the asylum law are covered by Swiss immigration legislation.

The Foreigners' Law codifies the two-level immigration policy already widely practised in Switzerland. The Agreement on Free Movement of Persons with the European Union grants citizens of EU member states free access to the Swiss labour market. The same regulations apply to citizens of EFTA nations. The new law therefore only relates to so-called "third countries" and stipulates that only well-qualified people from these countries may enter Switzerland. However, once here, more is to be done to assist their integration than is presently the case. If they can integrate successfully, they would be allowed to bring their family and have their residence permit extended. These rights are, however, formulated as discretionary, which would lead to different practices in the various cantons.

No provisions for "sans-papiers"

The Federal Council and the centre-right CVP, FDP and SVP parties support the law.

The bill was approved by 106 votes to 66 in the National Council, and 33 to 8 in the Council of States. It was rejected by the Social Democrats and Greens, who had unsuccessfully demanded a more generous immigration policy for citizens of third countries and a special ruling for immigrants with no official papers ("sans-papiers"). They had called for legal residential status for well-integrated foreigners living in Switzerland without official permission but unable to return to their native country. Their opposition to tougher custodial sentences for asylum seekers also proved unsuccessful. Asylum seekers who fail to cooperate with the authorities could face up to two years in prison. Because of the failure to amend the bill in Parliament, the Greens and various foreigners' associations tabled a referendum against the asylum act and gathered the requisite number of signatures.

Asylum ruled out for illegal immigrants

There's even more widespread opposition to the amended asylum act. This is rejected not only by the Social Democrats and Greens, but also by ecclesiastical bodies as well as cities governed by "red-green" coalitions. Opponents say the act constitutes a breach of international law and conflicts with

Switzerland's humanitarian traditions. The reforms would, indeed, tighten the existing regulations to the detriment of asylum seekers since immigrants without valid papers would no longer have the right to seek asylum in the first place. Exceptions would only be made for asylum-seekers who could give a credible explanation for their lack of official papers. The bill also aims to cut off welfare payments to all rejected asylum seekers. At present this applies only to applications that the authorities refuse to even consider. The right to emergency assistance would also be restricted. This would now only be granted to failed asylum seekers who cooperated with their extradition.

In the original bill presented by Federal Councillor Ruth Metzler, this tougher stance was cushioned by the introduction of "humanitarian refugee status". According to this, asylum seekers whose applications had been rejected but who could not be expected to return to their country of origin could work and bring their families to Switzerland. In accordance with a motion by Metzler's successor, Christoph Blocher, parliament reduced the rights of these temporary residents to a number of labour market reforms to facilitate employment.

The asylum bill was approved by 108 votes to 69 in the National Council, and 33 votes to 12 in the Council of States. The Federal Council and the majority of MPs say the tougher regulations are designed to combat abuse of the system. Genuine refugees have nothing to fear, they say, and Switzerland's humanitarian traditions remain intact.

NATIONAL BANK PROFITS FOR THE AHV?

■ The AHV (Old Age and Survivors' Insurance) fund should be given part of the Swiss National Bank's profits. This is the demand made by a people's initiative launched by the Social Democrats to be put to the people and the cantons on 24 September. At present, one-third of the SNB's profits flow into federal coffers and two-thirds go to the cantons. The proposal is for the first billion francs to be given to the cantons and the rest to the AHV. According to an agreement between the Federal Government and the SNB, an annual CHF 2.5 billion a year in profits will be handed over until 2012. If the initiative were approved, the AHV would thus stand to get CHF 1.5 billion a year.

How much the fund would receive after 2012 is still under debate. The

initiators of the campaign assume that the SNB's profits would be so high thereafter that the AHV could receive CHF 1-2 billion annually. They therefore consider the initiative an important tool for stabilising the pension system in the medium term. However, the SNB and opponents warn about overestimating the bank's profits. They estimate average future profits of CHF 1 billion. That would leave nothing for the AHV. They are also concerned about the SNB losing its independence because it would have to work for maximum profits for the AHV's benefit.

The initiative is backed by the Social Democrats and Greens, but has been opposed by both the Federal Council and the Christian Democrats, Free Radical Democrats and Swiss People's Party. The National Council and Upper Chamber have rejected it. (RL)