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Unemployed after returning home from a third country

So far, Swiss citizens returning from a non-EU/EFTA country could claim unemployment benefits in Switzerland, provided they had worked 12 months within the previous 24 months. It was irrelevant where these months were spent working. Since July 1st, 2018, modified regulations apply.

If a Swiss citizen returns to Switzerland from a non-EU/EFTA country and is unemployed, he or she can register with an unemployment insurance within one year following the return. The key requirement is that the registration with the unemployment insurance take place at the latest 12 months after the return. A confirmation from the employer is required, proving that the person concerned had worked for at least twelve months during the past 24-month period. If these twelve months were spent working in Switzerland, the person is entitled to unemployment benefits. To this extent, the regulations remain the same.

What is new, is that returning citizens who have worked abroad for at least 12 months are obliged to pay contributions. In addition, they must be able to prove that they were gainfully employed (other than self-employed) in Switzerland for six months within the stated 24-month period.

For persons who have spent more than 18 months abroad that means that after their return they need to work at least six months in Switzerland before they are entitled to unemployment benefits. That can lead to difficulties for some returning citizens. It is therefore advisable to have a financial cushion.

Background

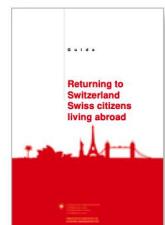
The amendment came about as part of the implementation of the so-called "Mass Immigration Initiative" (article 121b of the Federal Constitution). The article stipulates, among other things, that entitlement to social benefits by persons who immigrate to Switzerland can be limited. Within the framework of this legislation, the Unemployment Insurance Act was also changed for Swiss citizens who return from outside the EU/EFTA, and who wish to receive daily allowances with contribution waivers from the unemployment insurance.



Register with the unemployment insurance within 12 months of returning home

How many months were spent working within the past 24 months and where?

Further information about emigrating and returning can be found at www.swissemigration.ch and in our publications.



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Federal referendums

These three examples help to illustrate the new legislation.

Example 1:

Ms Meier was in South Africa for eight months working in a hotel. Before she left, she was a hotel director in Switzerland. After the eight months she returned to Switzerland. But she has not found any work yet. Can she apply for unemployment benefits?

Answer: Yes, because Ms Meier can claim 12 months of employment subject to contributions in Switzerland. However, she needs to apply within four months of her return. Otherwise, the 12 months of work will no longer be within the 24-month period.

Example 2:

After 30 years of working as a teacher, Ms Muster decides to go on a trip around the world. She travels throughout South America for one year, ultimately settling down in Argentina. There she takes up work as a teacher. After 10 months she returns to Switzerland and is now looking for a job. On her return, does Ms Muster fulfill the prescribed conditions of the unemployment act?

Answer: No, since there were not enough months of gainful employment abroad within the past 24 months. Ms. Muster would only be entitled to unemployment benefits, if she had been working twelve months in Argentina, and in addition to that – either before her trip or after her return – if she was employed for six months in Switzerland.

Example 3:

Mr Müller lived in Brazil. He had been working there for three years. Now he has decided to return to Switzerland. The job search is proving difficult, and Mr Müller cannot find a job immediately. Can he claim unemployment benefits?

Answer: Not immediately. Mr. Müller needs to have employment subject to contributions in Switzerland for at least six months within a year of his return and prior to registering with the unemployment insurance.

Proposals submitted to a popular vote are determined by the Federal Council at least four months before the voting date. The following proposals will be put to the vote on 25 November 2018:

- Popular initiative of 23 March 2016 “For the dignity of agricultural animals (The Horned Cow Initiative)”
- Popular initiative of 12 August 2016 “Swiss law instead of foreign judges (Self-Determination Initiative)”
- Amendment of 16 March 2018 to the Federal Act on General Aspects of Social Security Law (GSSLA) (Statutory basis for monitoring claimants)

Voting dates in 2019:

10 February, 19 May, 20 October, 24 November

All information on the proposals (voting pamphlets, committees, recommendations by parliament and the Federal Council, electronic voting, etc.) can be found at www.admin.ch/votes.

Popular initiatives

The following federal popular initiatives had been launched at the time of going to press (deadline for the collection of signatures in brackets):

- “No to factory farming in Switzerland (Factory Farming Initiative)” (12 December 2019)
- “Occupational pensions – work instead of poverty” (10 January 2020)

The list of pending popular initiatives can be found in German at www.bk.admin.ch > Politische Rechte > Volksinitiativen > Hängige Volksinitiativen

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