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Applied Legislation in favour of the Swiss Abroad

Social Assistance and the Swiss Abroad

Up to the end of 1973, cantons and communes supported needy Swiss abroad to varying degrees without legal obligation. By the Federal Law on Social Benefits to Swiss Abroad of 21st March 1973 their rights have been substantially improved. It is the purpose of the law to render assistance which results in equal treatment for all Swiss abroad.

According to this law, Swiss citizens who are resident or have lived abroad for over three months, receive welfare assistance if they cannot meet their living expenses through their own efforts and from their own means, contributions from private sources or social benefits from the country of residence.

The benefits provided by the Confederation may consist in cash sums towards living expenses in the country of residence, or in

meeting the cost of repatriation if a return to Switzerland is in the true interest of the person requiring help or his family. Accommodation and care of the repatriated Swiss are incumbent on the cantons. The Confederation, however, refunds them the cost of assistance for a maximum of three months, provided the repatriated Swiss was abroad for at least three months. Dual nationals in need have to apply in the first place to the authorities of the country with which they have the closer relations.

Anyone who wishes to claim social benefits from the Confederation, should apply to his Swiss Embassy or Consulate who will pass on the application with a report to the Federal Office of Police. In urgent cases, the Swiss representations can grant temporary help without reference to Berne.

Like most cantonal laws on social assistance the federal law contains provisions regarding refunds. Payments are refundable from the moment the assisted person no longer needs help and is assured of a reasonable livelihood for himself and his family. Assistance received before the age of 20 is not repayable. Furthermore, repayment of social welfare benefits lapses after 10 years.

Switzerland has concluded with France and the Federal Republic of Germany agreements on social assistance which are not affected by the new law, and under which the country of residence gives to nationals of the other state the same assistance as to its own citizens. It bears the cost for the first 30 days. Further expenses are refunded by the homeland.

Federal Law on the Political Rights of the Swiss Abroad

Early History

The question of voting rights at federal level for the Swiss abroad first emerged during the deliberations on the Federal Constitution of 1848. At that time it hardly aroused much interest. In 1965 the Federal Council explicitly mentioned voting rights in its message to Parliament about the proposed constitutional article on the Swiss abroad. Once the people and the cantons had accepted the amendment in October 1966 the

road was clear to enact regulations on these political rights.

The federal law of December 1975 states in article 1 that a Swiss living abroad can make use of his political rights only in Switzerland. In other words, he has the so-called *Aufenthalterstimmrecht* (droit de vote au lieu de séjour).

How to use the political rights at federal level

To be able to vote the citizen who

lives abroad must fulfill the following conditions:

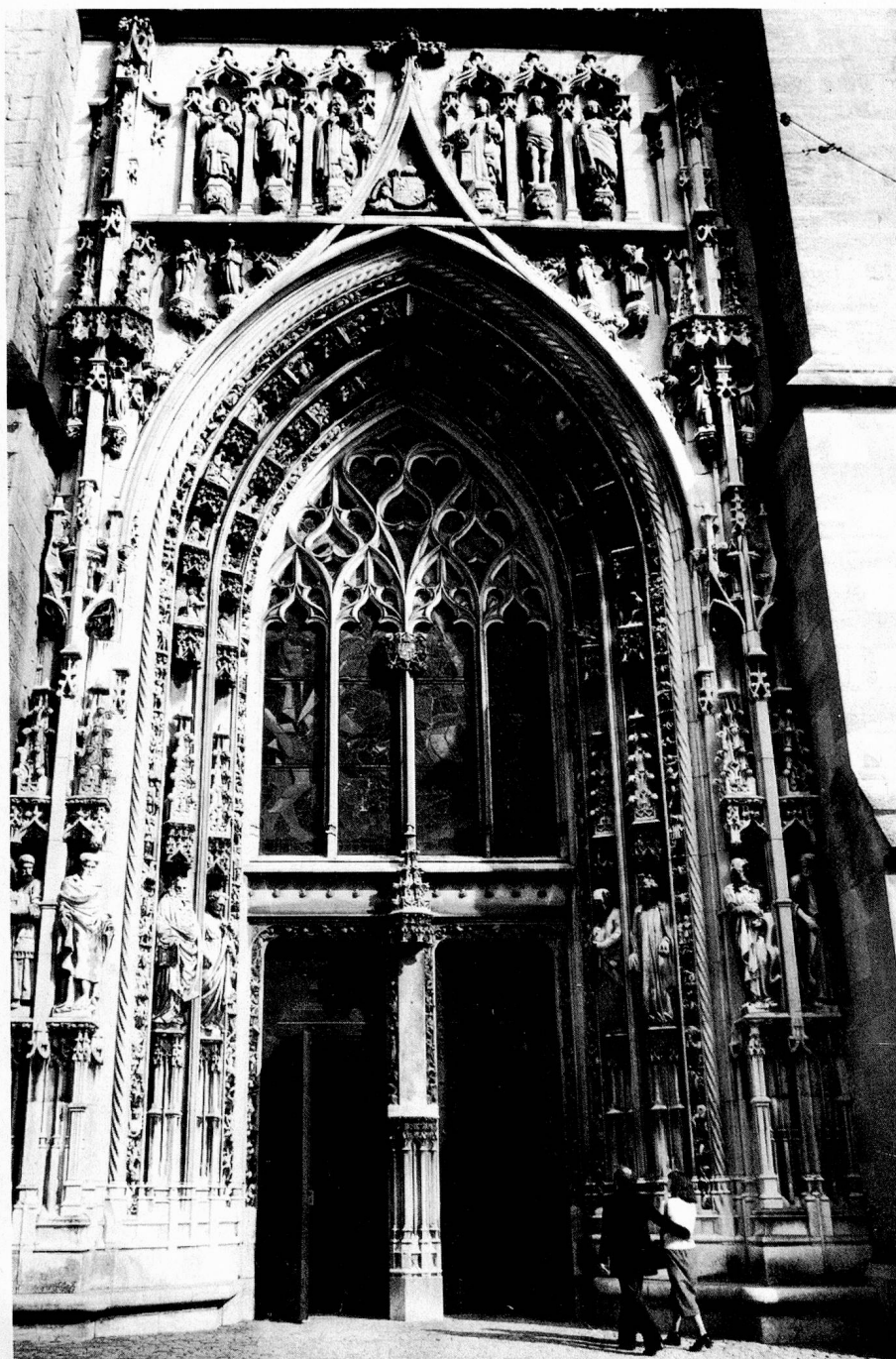
- have Swiss citizenship
 - have no legal domicile in Switzerland
 - be registered with a Swiss Embassy or Consulate, and
 - be of sound mind (under terms of art. 369 of the Swiss Civil Code)
- To participate in federal elections and referendums he takes the following steps in this order:
- notify the Swiss Embassy or Consulate where he is registered,

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in writing, by telephone or personal call. It is advisable to use for the purpose the application form attached to the leaflet «Voting Rights for Swiss Abroad» and to complete it carefully

- read with great care the confirmation received from the voting commune regarding entry in the voting register, collection times of voting papers, and the address of polling station

The West Gate of Lausanne Cathedral



- within three weeks before the referendum or election, call at the registry office of the voting commune or the commune where he is staying (commune of presence) to collect the voting papers

- fill in the voting or election slip
a) put in the ballot box if the commune of presence and the voting commune are one and the same, or

- b) post it in the commune of presence to the voting commune

Please note

- The application to take part in federal referendums and elections need be made only once.

- It is afterwards not possible to change the voting commune.

- It is however possible to change the commune of presence by informing the appropriate Embassy or Consulate at least three months before a federal referendum or election.

- It is advisable to follow closely the dates of the federal elections and referendums published in the «Review», so that if possible voting can be combined with a stay in the homeland.

- In view of the availability of the postal vote inside Switzerland the voter from abroad is well advised to call at the registry office of the commune of presence within three weeks before the poll but not later than the Thursday before.

The Swiss abroad are entitled to sign referendum or initiative petitions so long as they do so on the lists of their voting communes.

The Swiss from abroad who is registered in a voting commune and is temporarily in Switzerland, can vote in the three weeks before a federal poll either at the polling station of his voting commune or by mail from his commune of presence.

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The Swiss Abroad and Military Obligations

1. Reporting

Please produce every time the military service book (Dienstbüchlein/livret de service) or the registration card (Erfassungskarte/carte de recensement).

1.1. Before leaving the country the Swiss citizen who has been granted leave to go abroad must

a) return his personal equipment to the arsenal;

b) notify the *Sektionschef/chef de section* of his impending departure, either personally or in writing;

c) follow the instructions on form 2.47 (in German) or 2.48 (in French) or 2.49 (in Italian), which is pasted inside the back cover of the military service book.

1.2. Once abroad the citizen under obligation to report must

a) register with the nearest Swiss Consulate **within one month** of arrival at the new place of residence;

b) notify any change of address to the same Swiss representation or that nearest to his new place of residence.

1.3. While abroad during military service age:

According to a Federal Council decree of 17th November 1971, the Swiss citizen living abroad should inform the appropriate Swiss consulate in writing whether he wishes to do military service in Switzerland on a voluntary basis, including basic military training (*Rekrutenschule/Ecole de recrues*).

1.4. On returning to Switzerland to resume residence the Swiss citizen under obligation to report must

a) give notice to the appropriate Swiss representation before leaving the foreign country, and

b) report within **eight days** of arrival in Switzerland to the head of section in the place where he takes up residence.

1.5. Swiss seamen:

A Swiss citizen of military service age employed on an ocean-going ship belonging to a Swiss company must report within **eight days** after the start of employment to the district commander (*Kreis-kommandant/commandant d'arrondissement*) in Basle.

1.6. Temporary stay in Switzerland (maximum three months):

Swiss citizens from abroad liable to call-up for basic training or military service who stay in Switzerland for more than a month without taking up permanent

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residence must apply **within a month** to the district commander of their place of temporary residence for exemption from their military obligations.

2. Military Exemption Tax

2.1. Principle:

A Swiss citizen who performs his military duties only partly or not at all by personal service has to pay military exemption tax.

2.2. Exemption:

The Swiss resident abroad is released from paying military exemption tax if he has been abroad for over three years.

2.3. Collection of military exemption tax:

The tax is levied yearly by the cantons, under federal supervision, and collected by the Swiss representations abroad.

2.4. Refund:

Should military service be performed for a year for which military exemption tax has already been paid, application for a refund may be made to the military exemption tax administration of the canton on whose account the tax has been levied. The application must be accompanied by the military service book. The right to claim a refund lapses five years after that in which service was carried out.

3. General Mobilization of the Swiss Army

According to a decree issued by the Federal Council on 26th December, 1961, the Swiss citizen who is abroad on leave from the *Auszug/élite* (20 to 32 years of age) or the *Landwehr* (33 to 42) and remains under obligation to obey mobilization orders must return to Switzerland by the quickest possible way. He reports to the nearest arsenal for re-equipment and further orders. The mobilization order will be sent to all concerned.

Swiss Citizens Abroad and their Rights in Personal and Family Matters

In personal and family matters the Swiss abroad come as a rule under the law and jurisdiction of their country of residence. Questions of inheritance are generally dealt with according to the law of the **last** place of residence of the deceased. However, it can happen that the country of residence decides not to apply its own laws to foreigners, for instance as regards adoption, divorce, change of name, or succession; the Swiss abroad then come under Swiss law.

It is also possible that the courts of the country of residence simply consider themselves incompetent in such matters, when a Swiss citizen is involved. He can then call on the judge or other proper authority of his place of origin and the matter will be dealt with in Switzerland, a succession for instance at the deceased's place of origin.

Civil Capacity

In countries which put questions of personal legal status like civil

capacity, capacity to contract, coming of age, etc, under the law of the country of residence, Swiss citizens are subject to it. In the other cases, Swiss living abroad, are treated according to Swiss law.

Change of Name

Until a short time ago, only the canton of origin could authorize a change of name. According to a new trend the Swiss abroad can, in principle, register with the Swiss Civil Registry a change of name duly authorized by the legal authorities of his/her country of residence. Nevertheless, it must be pointed out that a simple declaration of change of name before a foreign notary public (as is possible for instance under Anglo-Saxon law) is not recognized in Switzerland.

In general, the national law of the husband's country is adhered to in determining the married wife's name. A Swiss or foreign woman

who marries a Swiss resident abroad takes her husband's name, as is customary in Switzerland. Whether a Swiss woman abroad takes her foreign husband's name ultimately depends on the law of his country, even if she keeps her Swiss nationality.

The question of a divorced woman's name is rather complex and would require a special analysis. It may be said that often the law of the country of residence is applicable.

Marriage

If two Swiss citizens marry abroad according to the law of that country the validity of the marriage is recognized in Switzerland, even if the requirements of Swiss law have not been fulfilled. The marriage, however, would not be recognized, if it had been arranged abroad entirely in order to circumvent the grounds for annulment provided in the Swiss law.

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Divorce and Separation

In principle, the foreign courts in the country of residence of the defendant are competent in a divorce case.

Nevertheless, the Swiss spouse residing abroad can at any time bring an action for divorce at his Swiss commune of origin. In this case, only Swiss law is applicable. If the divorce of a Swiss couple residing in a foreign country has been duly pronounced there, the divorce is recognized in Switzerland even if it is not entirely according to federal legislation. It must, however, not offend against Swiss public policy, that is to say the fundamental principles of the federal law. The Swiss dual nationals residing in their second homeland also have the right to bring an action for divorce in their Swiss commune of origin. The Swiss spouse – even if dual national – can get a divorce from a foreign partner, whether the foreign state recognizes the divorce or not.

Property Rights between Spouses

According to Swiss law the property rights between husband and wife are subject to the law of the couple's first place of residence. If that place is abroad and the law of the respective country is for any reason not applicable the matter comes under the law of the Swiss homeland.

When residence is taken up abroad the matrimonial property system hitherto valid in Switzerland remains unchanged, unless the law of the new place of residence goes to the contrary.

Similarly, Swiss couples who had their first place of residence abroad and then return to Switzerland remain under the law regarding property rights between spouses as previously applicable,

except in relation to third parties where Swiss law prevails. By common declaration, to the guardianship authorities (Vormundschaftsbehörde/autorité tutélaire) they may put property rights between them under Swiss law.

Filiation

An action for establishing or contesting paternity has, in principle, to be brought to a court at the place of residence of the parties or one party, either at home or abroad.

If the foreign country of residence of the child or of the father or the mother assumes no jurisdiction, an action for establishing or contesting filiation can be brought to a judge of the commune of origin of the child, or one of the parents. The law of the joint place of residence is applicable, and if there is no joint place of residence Swiss law applies.

Adoption

In principle, adoptions have to be obtained in the country of residence. If adoption by a Swiss citizen or Swiss spouses is not possible at the place of residence (because there is no competent

court or because the necessary conditions at that place have not been fulfilled) an adoption can be pronounced by the authorities at home. Should such an adoption not be recognized in the country of residence and it is evident that grave disadvantages will arise for the child, the adoption authorities have to reject the application. Conditions and effects of an adoption pronounced in Switzerland are under Swiss law

Inheritance

Generally speaking, succession matters are governed by the law of the country of a deceased's last residence. Swiss law is applicable only where the law of that country refers to it. An exception exists with regard to real estate in Switzerland, to which Swiss law is invariably applied.

In a similar light the question of jurisdiction must be seen. The applicable law need not necessarily be the one of the place where probate is granted. Many countries may assume jurisdiction over the estate of a Swiss citizen resident there, but apply Swiss law in questions of legal succession and validity of last dispositions (testament, agreement regarding inheritance).

View of St Gall Cathedral



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The Swiss Abroad and Taxation

The obligation to pay taxes is subject to the laws of the place of residence. The Swiss living abroad are therefore taxable in their countries of residence and in Switzerland only if they stay there for any length of time (defence tax: generally six months; if living in one's own house, three months). With one exception, nationality therefore plays no part in Swiss tax matters: According to the fiscal law of the canton Ticino, Ticinesi abroad are fully subject to taxation on assets and revenue.

Economic interests in Switzerland of Swiss living abroad carry a limited liability to taxation by the Confederation and cantons. This is the case notably as regards real estate in Switzerland, claims secured by mortgage, industrial or commercial enterprises, participation in non-limited companies (such as ordinary partnerships), the profits thereof and income

from temporary employment in Switzerland.

In this connection one has to mention the withholding tax. It is levied at source on income from capital (dividends of Swiss companies, interest on Swiss bonds, savings accounts with Swiss banks). Residents in Switzerland will be credited with this tax, or have it refunded if they declare these assets and any income thereof on their tax returns. But the tax is not refunded to persons residing abroad, except where provided otherwise in double taxation agreements signed by Switzerland, as such persons are not liable to taxation in Switzerland on their Swiss assets or bank accounts or any revenue thereof. This is basically also true for Swiss citizens living abroad. Thus, by paying withholding tax they contribute towards the Confederation's expenditure. Repeated

proposals from Swiss abroad that the withholding tax should be refunded to them or used for specific purposes concerning them could not be accepted by the Federal Council, for reasons of international law or because of international commitments.

As a rule a Swiss abroad must declare to the country of residence for tax purposes his whole income and all his assets, including any Swiss capital and revenue thereof. Assets in Switzerland may, as explained before, also be subject to Swiss taxation. Similar situations may arise with regard to inheritance. The federal authorities try to avoid or at least substantially alleviate such double taxation, by concluding international agreements.

To date comprehensive agreements on double taxation are in force with Austria, Canada, Denmark, Finland, France, the Federal Republic of Germany, Great Britain, Hungary, Ireland, Italy, Japan, Malaysia, the Netherlands, Norway, Pakistan, Portugal, Singapore, South Africa, Spain, Sweden, Trinidad and Tobago, and the United States of America. They either allocate the various taxable items exclusively to one of the two signatories, or provide that the country of residence gives credit for taxes levied elsewhere at source or the location of taxable items. Thus, Swiss residents abroad who declare their Swiss revenue and assets to the foreign tax authorities may demand from them that allowance be made for the non-refundable Swiss withholding tax. Many Swiss abroad who have assets in Switzerland, and are accordingly liable to withholding tax, may apply to their country of residence for refunds if they fulfil the conditions laid down.

Sale of a giant Mortadella in Lugano



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The Swiss Abroad and Possibilities for Foresight and Provision

Possibilities to Invest in Switzerland, and especially to Acquire Real Estate

The Swiss working abroad may attach importance to being able to transfer part of their income to Switzerland with a view to investment. Also from a psychological point of view it may be important to own real estate in Switzerland as a concrete expression of one's attachment and as a security when returning to the homeland.

Unfortunately, there are still a great many countries with strict regulations limiting or even pro-

hibiting currency exports in order to protect their own money.

The situation in Switzerland became rather complicated when for well-known reasons she saw herself compelled to take certain legal measures to prevent excessive sales of land to foreigners and restrict the enormous influx of foreign capital. On both counts the authorities were forced to treat foreign and Swiss nationals alike because of international commitments; no exceptions in particular

could be made for Swiss nationals resident abroad. Thanks to the close cooperation between the authorities and the Organization of the Swiss Abroad it has nevertheless always been possible to find pragmatic solutions which take into account the interests of the Swiss abroad.

From the Swiss side there are at present no legal restrictions preventing compatriots abroad from making any kind of investments in Switzerland.

The Swiss Abroad and OAI/DI

(AHV/IV in German and AVS/AI in French)

On 6th July, 1947, the Swiss people accepted the Federal Law on Old-Age and Survivors Insurance (OAI) with an overwhelming majority and an 80% voting participation. As to the law pertaining to Disability Insurance (DI), it came into force on 1st January, 1960.

The Swiss living abroad were not forgotten in the law. They may join on a voluntary basis while the OAI/DI is compulsory for the inhabitants of Switzerland.

In 1979 the OAI/DI may look back with satisfaction on the 31 years of its existence. The law has gone through no fewer than nine revisions, two of which enable the Swiss abroad to join on a special

basis. The 1973 revision resulted in about 13 000 more Swiss abroad joining.

Present Situation

Our social insurance system made a modest beginning, the benefits in 1948 ranging between 480 and 1500 francs a year. The eighth revision brought about a decisive change, when benefits were doubled while contributions rose by only 50%. The ninth revision introduced a new valuable element, adjusting ordinary benefits to wages and cost of living indexes. This adjustment of benefits is carried out every two years – to take effect at the beginning of

the following calendar year – provided that wages and cost of living have varied beyond the limit set down in the law. The limit of maximum income to which the decreasing scale of contributions applies (an important point for the Swiss resident abroad!) was stepped up to 25 200 francs. These measures have in many cases lessened the effect of increased contributions.

For insured persons who pay the whole contribution themselves, that is to say without an employer's help – also for the voluntarily insured Swiss abroad – premiums were increased by 0,5% (from 8,3 to 8,8% of their earned income). The age limit of the mar-

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ried woman for the receipt of an old-age pension for a married couple was increased from 60 to 62, and that of supplementary benefits from 45 to 55.

Joining the OAI/DI

Every Swiss citizen abroad can join the voluntary OAI/DI provided he has not yet completed his 50th year or hands in his application within a year of no longer being compulsory insured, and provided the husband is not over 64 and the wife over 61.

When registering with a Consulate Swiss nationals can ask to join the voluntary OAI/DI. Swiss representations are empowered to accept applications, assess contributions and pay out pensions. The benefits themselves are worked out by the Swiss Compensation Office in Geneva, Rue Rothschild 14, CH-1211 Genève, Switzerland. It administers the files of all members of the voluntary OAI/DI scheme.

Full Pensions – Partial Pensions

Members of the voluntary OAI/DI can claim a full pension if the period of contributions matches that of the same age-group in Switzerland. If this period shows any gaps there will be a reduced pension.

As part of the 9th revision which came into force on 1st January 1979, a scale of benefits was introduced in which there are 44 grades instead of only 25. This new arrangement strengthened the existing principle of adjusting the pension rate to the contribution period. The previous system allowed for a full pension at grade 25 even with a few years' gap in the contribution period, provided the contributions had remained unpaid for only short periods at a

time. Under the new rules even a small gap results in a reduction in the full pension, although the insured person may have paid contributions over a comparatively long period.

For a person living alone, for instance a non-married man or woman, the full pension today may vary between 525 and 1050 francs a month, the exact amount depending on the insured's average earnings on which contributions were paid. Since the partial pension is calculated on the same basis, it can in some cases be higher than the lowest full pension.

OAI/DI Benefits

Here is a summary of the benefits available, which however does not list in detail the conditions required to get them:

- single old-age pension (from 65 for men, from 62 for women)
- pension for a married couple (husband 65, wife 62 or at least semi-invalid)
- supplementary pension for the wife (after completion of her 55th year)
- child benefit
- pension or single payment for widows
- orphan's single benefit if only one parent is dead, double benefit if both parents are dead
- benefits for the helpless
- supplementary assistance.

Swiss returning home, even those who have never contributed to the OAI/DI, may claim an extraordinary pension if their income is below a legal limit.

Disability Insurance (DI)

Everyone joining the voluntary OAI is insured also against disa-

bility risk (DI). The following benefits are provided:

- rehabilitation to improve present or future earning capacity; when rehabilitation proves impossible or insufficient to reach the level aimed at the following monetary benefits will be granted:
- single disability pension
- married couple's disability pension where the husband is invalid and the wife is over 62, or sooner if she suffers from at least a 50% disability
- additional benefits for the wife
- benefits for each child
- benefits for the helpless.

As a rule rehabilitation treatment takes place only in Switzerland, but exceptionally also abroad. To claim a disability or OAI pension the insured Swiss abroad applies to the Embassy or Consulate with which he is registered. Invalidity pensions are calculated on the same basis as old-age pensions, with which they are in fact replaced when the age-limit is reached.

Emergency Assistance Benefits

Emergency Assistance may be granted to Swiss abroad who have joined the voluntary OAI/DI in good time but become dependent on benefits because of the occurrence of insured events (old-age, death or disability) before the first full year of contributing has elapsed.

Swiss Women Abroad and the OAI

Fundamentally, Swiss women abroad are subject to the same rules as men. Certain situations, however, call naturally for different solutions:

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a) If immediately before her marriage to a Swiss citizen a Swiss woman abroad belonged to the OAI she can continue the insurance provided she makes the relevant declaration within a year after marriage and provided her husband is not a member of the OAI.

b) A Swiss woman married to a Swiss living abroad who does not himself wish to belong to the insurance, cannot join on her own account.

c) If a Swiss woman has been separated from her husband for at least one year and there is no prospect of resuming marital relationship, she can join the voluntary OAI. If over 50 on separating she must declare her wish to join within a year from the time the separation takes place.

d) Widows or divorced wives of Swiss citizens can join the voluntary OAI if the husbands had not been members. Enrolment is possible within one year of widowhood or divorce. This time limit applies only to Swiss women who were over 50 when widowed or divorced; younger women can wait longer before joining, but the insurance will then not be retrospective and therefore a gap in the contribution will have to be considered.

e) Swiss women abroad married to foreigners can join the voluntary OAI up to the age of 50. If they have no earned income they pay an annual contribution between 188 and 9400 francs, calculated on the basis of their assets, their unearned income, and financial support from their husband.

f) Wives and widows of insured Swiss need not contribute so long as they are not gainfully active.

g) Swiss women abroad are entitled to a single ordinary old-age pension on reaching the age of 62,

provided they have paid contributions on their own account for at least a year. For married women the right to such a pension exists only if the husband is not entitled to a pension (married couple's old-age pension).

h) In Switzerland, the Swiss woman who is insured with the OAI through her husband and consequently has never paid contributions herself is entitled to a single extraordinary pension at the age of 62; this non-contributory pension corresponds to a single minimum pension so long as her husband has not reached the age of 65, and therefore cannot claim an ordinary full pension. The granting of an extraordinary pension to the wife is nevertheless conditional on the insured being resident in Switzerland. If she lives **abroad** she is not entitled to one, as non-contributory pensions may not be exported.

Some Figures

At the end of 1977, 67 385 Swiss living abroad belonged to the voluntary AOI, 36 509 of whom as contributors and 30 876 as pensioners. The sums paid in amounted to 31.2 million francs, the benefits paid out to 206.8 millions, or 6.6 times more than the contributions. The difference of 175.6 millions was carried by the compulsory OAI.

* * *

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to join the voluntary
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Solidarity Fund for the Swiss Abroad

Preface

A co-operative whose statutory compensation sums are guaranteed by the Confederation. Founded in 1958 thanks to the co-operation with the Nouvelle Société Helvétique and the Confederation.

Membership

Joining is advisable for all Swiss abroad whose livelihood depends on an income abroad: self-employed people and employees, but also pensioners and retired people.

Important: more than one member of the same family may join independently, i.e. marriage partners and children without an income of their own, who are dependent on the livelihood of another member of the family.

Aims and Objects

a) **Savings investment** in stable currency (Swiss Francs); free of withholding tax (35%); improved savings opportunities if several members of a family join.

b) speedy payment of **lump sum compensation** in case of loss of livelihood of a member due to political events (war, internal unrest, general political coercive measures like nationalization, expulsion, withdrawal of work permit, etc.). In such cases there exist practically no other insurance possibilities.

Important: a) and b) do not exclude each other. Whoever receives lump sum compensation keeps the right to have his savings repaid. Thanks to the combination of savings investment and insurance, **joining the Fund is advantageous.**

Members' Contributions

Two possibilities:

- either a single savings deposit of SFr. 450.– to SFr. 36 000.–
- or annual savings deposits of SFr. 25.– to SFr. 2000.–

Choice of Three Risk Categories

According to whether more importance is put on saving or on lump sum compensation (in case of loss of livelihood). This choice and length of membership determine the amount of repayment.

Repayment

When a member resigns and taking into account the risk contribution:

Single savings payments with capitalized interest (2 to 3½%); annual savings payments at growing percentage from 60% (after one year) to for instance 175% (after 30 years), etc.

Although investments serve two different purposes, the yield can be compared to that of ordinary savings books, especially because they are exempt from Swiss withholding tax.

Please note: The **heirs** of a member of the Fund are entitled to a repayment of the savings investment to the full amount which have been at the disposal of the member at the time of his death.

Duration of Membership

Unlimited. Members may at all times declare their wish to resign and to demand repayment of their savings investment. Unlike the OAI/DI, the Solidarity Fund stipulates no age limit.

Qualifying Periods

a) Qualifying period with regard to lump sum compensation. For

Swiss abroad who join within the first five years after their emigration: one year. After five years: the qualifying period is two years. b) Repayment of single payment with compound interest: at the earliest after three years.

Additional Obligations

1) Contribution towards the cost of administration:

for single payments: none

for annual contributions: according to risk category, 2½ to 10%.

2) Once, on joining:

Purchase of a membership certificate of SFr. 25.– (non-repayable).

As a Sign of Solidarity

The best method is an annual deposit of SFr. 100.– in risk category III. Of advantage to the member and the Fund alike. Please note: One may also take out gift certificates without joining.

With the Solidarity Fund every new member counts double: for you and for the Fund!

Solifund – a must

Information and Documentation:

Diplomatic and Consular Representations of Switzerland or direct from the

Solidarity Fund for Swiss Abroad, Gutenbergstrasse 6, 3011 Berne, Switzerland.



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The Swiss Abroad and other Insurance Possibilities, especially against Sickness and Accident

General Remarks

In Switzerland, sickness insurance is still on a voluntary basis, since electorate and cantons rejected on 8th December 1974 a much-discussed initiative proposing that it should be compulsory for everyone. Thus nobody is insured automatically against sickness, unless cantonal or communal regulations provide for a compulsory insurance for certain categories of inhabitants (for instance people in modest circumstances), or if there is a collective insurance scheme subscribed by a company for its staff.

Furthermore, Swiss sickness insurance is individual, inasmuch as insurance of the head of the family does not cover the other members of the family; these have to be insured separately. Finally, sickness insurance is administered by a large number of insurance companies whose conditions of acceptance may vary to a great extent. Their constitutions and regulations have to conform to the Federal Act on Sickness and Accident Insurance of 13th June 1911 (KUVG/LAMA) which, however, contains no more than minimal rulings.

Anyone who transfers his residence from abroad back to Switzerland, has to take the necessary steps himself in order to join an insurance of his choice. A «List of Insurance Companies Recognized by the Confederation» may be had from the Federal Office for Printed Matter and Material in Berne.

The statutory regulations of insurance companies may stipulate a qualifying period (an interval of three months during which the insured cannot receive any benefits; in maternity insurance it suf-

fices to have been a member of an insurance company for nine months without membership having been interrupted for more than three months), a possible reservation (exclusion from the insurance during five years due to an illness which existed at the time of joining), and finally an upper age limit at the moment of applying. Nevertheless, several insurance companies have abolished qualifying periods, and several of them no longer have an age limit (as for instance *Schweizerische Christlichsoziale Kranken- und Unfallversicherungskasse/la Caisse maladie et accidents chrétienne sociale suisse* and the *Krankenkasse/Caisse maladie* for the Canton of Berne and that of Zurzach). Furthermore, Swiss abroad can benefit with various companies from the agreements concluded by Switzerland regarding social insurance, as well as from a private deal obtained by the Organization of the Swiss Abroad. More of this later. Private insurance companies in Switzerland also practise sickness insurance without, however, being subject to the above-mentioned law of 1911.

Liberal Treatment for the Swiss Abroad

Up to now Switzerland has concluded 18 bilateral agreements on social insurance which provide for liberal passage between the sickness insurance of a foreign state and a Swiss insurance company. The Swiss abroad who wishes to make use of this arrangement must not overlook that he has only three months in which to join an insurance company after his return. Negotiations to increase the num-

ber of bilateral agreements on social insurance are going on. So far the majority of European States have signed such agreements. They are the following: Austria, Belgium, Denmark, France, Federal Republic of Germany, Great Britain, Greece, Italy, Liechtenstein, Luxembourg, Netherlands, Portugal, Spain, Sweden, Turkey, the USA and Yugoslavia. Practically 80% of all the Swiss abroad live in these countries.

The Organization of the Swiss Abroad began negotiating with the Union of Swiss Insurance Companies in 1974. The result was the signing of a treaty on 6th March 1976, which enabled Swiss abroad to join the majority of these companies up to the age of 70, provided this is done within six months after returning to Switzerland. There is no lump sum payment on joining. The age limit of 70 was asked for by the insurance companies, the majority of Swiss who return to Switzerland on retirement being between 62 and 67 years of age. The main advantage of this agreement is that it

In the Canton of Appenzell



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enables every Swiss abroad, whether previously insured or not, to join a Swiss insurance scheme, even if there is no bilateral agreement between the country of residence and Switzerland.

Thus great progress has been made in the field of sickness insurance, even though the Swiss insurance companies still can make reservations with regard to illnesses from which the newly assured person is or has been suffering. The same ruling applies to Swiss living in Switzerland, who join an insurance company or change from one to another.

Limited Sickness and Accident Insurance

For reasons of supervision, Swiss insurance companies cannot give permanent cover outside Switzerland. That is why the Secretariat of the Swiss Abroad has negotiated ways and means by which Swiss abroad can conclude a sickness and accident insurance agreement for the duration of their stay in Switzerland with the companies below. It is a kind of «travel insurance» which gives not only medical cover, but insures also against loss of luggage and other risks which might arise after arriving in Switzerland. Such contracts may be agreed for a minimum of one week and a maximum of one year. Naturally, the premiums are rather high. For this reason, the Secretariat of the Swiss Abroad would be willing to consider collective agreements against sickness and accident if the need for such schemes arose.

The four companies which offer travel insurance policies to Swiss abroad for temporary stays in Switzerland are: Elvia Insurance Company, Zurich branch; European Travel Insurance AG Basel; Intertours-Winterthur; Zurich-Insurances, General Agency in Berne.

- **In order to join a Swiss sickness insurance scheme, one has to be resident in Switzerland.**
- **Every Swiss from abroad under 70 can join one of many sickness insurance companies within six months after arriving in Switzerland.**
- **Thanks to the liberal passage arrangements in the bilateral agreements on social insurance, many Swiss abroad can transfer from a sickness insurance scheme abroad to a Swiss sickness insurance company in Switzerland.**
- **For a temporary stay in Switzerland, Swiss residents abroad may take out a limited sickness and accident insurance policy.**

Preparing to Return to Switzerland

Once a Swiss abroad decides to return to his homeland, he is confronted with a great many administrative questions which he ought to solve before he is compelled to deal with them by long and tiresome written procedure. It has been proved of practical value to have a special file with all personal documents and family papers, so as to be able to produce those particulars that various authorities ask for: passport, birth certificate, marriage certificate, permits of stay or residence, «family book», tax declaration, military book, OAI/DI identity card, employment references, school reports and qualification documents, vaccination certificates, insurance policies, driving licenses, etc.

Abroad

One should not only say good-bye to friends and acquaintances, but should also visit two administrative offices in order to inform them of one's impending departure:

- a) the authorities of the country of residence and
- b) the Swiss representation where one is registered.

It is of advantage to ask of the latter authority the form «personal

declaration for removal goods», for this facilitates Swiss customs formalities.

In Switzerland

Within 14 days of his arrival in Switzerland, the Swiss returning from abroad has to call at the residents' registry office of the Commune in which he wishes to take up residence or in which he is staying on a temporary basis, preferably equipped with the above-mentioned file. Those liable to military service have **8 days** only to report to the head of section (Sektionschef / chef de section) of the new Commune of residence, and to the district commandant (Kreiskommandant / commandant d'arrondissement). The new lease as well as the permit of residence or permit to stay are necessary to get possible exemption from paying customs duty on household effects and removal goods brought from abroad.

Some Advice

It is advisable to prepare repatriation most carefully and to start nice and early with the arrangements. Although no two cases are alike, the following points may be

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of use to all Swiss returning from abroad:

1. Looking for a new job
2. Choice of housing accommodation
3. Children's education
4. Removal (transport, customs formalities for household goods and furniture, and motor vehicles)
5. Insurance, sickness, life, accident, OAI/DI, etc.
6. Military obligations (reporting return, repetition courses, compulsory shooting, inspection, etc.)
7. Questions of transfer of assets
8. Questions of unemployment insurance or social welfare benefits
9. Tax liabilities
10. Regulations regarding the import of domestic animals.



The Swiss Abroad and Unemployment Insurance

On 1st April 1977, the provisional regulations for a Swiss Unemployment Insurance came into force for the duration of five years.

The most important innovation of this provisional law consists in the duty of all persons compulsorily insured on the basis of the OAI law and who are paid by an employer, to make contributions to the Unemployment Insurance for that income. The OAI compensation offices are instructed to collect the contributions to the Unemployment Insurance from the employers who are themselves liable to contribute.

Anyone who wants to claim benefits from the Unemployment Insurance must have been employed and have paid contributions for at least 150 days during the 365 days before applying.

Important: As long as Swiss citizens stay abroad they cannot claim from the Unemployment Insurance in Switzerland. On return-

ing, however, they may claim benefits provided they fulfil certain conditions (for daily workers from across the frontiers see under no 6).

First Case

A Swiss citizen who has been abroad for more than one year and can prove to have been employed for a full 150 days, may claim from the Unemployment Insurance a maximum of Fr.52.- a day for a single person and Fr.62.- for a married couple. Regarding qualifying periods the right to claim unemployment benefit remains in force for one year after the date of repatriation. No benefits are paid for the first 25 days of unemployment, that is for the qualifying period which applies to everyone who has paid no contributions. In addition, the Swiss who has returned from abroad, has to be at

the disposal of the Labour Exchange without reservation.

Second Case

If the stay abroad, either in employment or for the purpose of studying, has lasted not more than one year, the applicant has to prove that he worked for 150 days and paid contributions during the 365 days prior to his departure. The daily benefit will be worked out on the basis of the wage or salary the applicant earned before leaving Switzerland. In this case, the unemployed person receives benefits without any qualifying period.

Third Case

Persons who, on completing their vocational training abroad, return to Switzerland or are compelled to take up employment due to di-

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voce, death or invalidity of the marriage partner, are subject to the same regulations as if they had lived in Switzerland. From the moment of the new situation they are freed during one year from proving occupation liable to premium payments. Benefits are paid according to the economic situation of the persons concerned; though they can never be higher than those mentioned under case one and are subject to the same conditions mentioned there.

Fourth Case

Nobody is entitled to benefits who cannot fulfil the conditions mentioned in the three previous cases. This applies to all those Swiss who were self-employed abroad or who went abroad for travelling or holiday purpose only.

General Remarks

Once a Swiss intends to return home he must not forget to ask his employer abroad for a certificate regarding the duration of employment and wage or salary or, as a student, to get a certificate from the school or college regarding the courses attended.

When out of work, he must immediately call at the Labour Office of his Swiss place of residence.

Unemployment benefits are paid out by every unemployment pay-office; the choice of office is left to the repatriated Swiss.

Regulations for Daily Workers from across the Frontiers

The rules regarding daily workers from abroad are being established in their final form by means of bilateral agreements between

Switzerland and the neighbouring countries.

Negotiations with Austria, France, Italy and the Principality of Liechtenstein have already led to agreements which have still to be ratified by the Federal Assembly. A similar treaty should be achieved with the Federal Republic of Germany.

The agreements provide for unemployment insurance contributions to be paid by the workers from across the border in the country in which they work. They also determine that the country of residence will cover the risk of full unemployment, whilst the State in which they work will take care of the effects of partial unemployment. The agreements entitle the signatories to claim lump sum indemnity from one another.

Until these agreements come into force, probably by the beginning of 1980, the daily worker from across the frontiers will be treated as follows with regard to the Swiss Unemployment Insurance:

- If he works in Switzerland, he pays contributions to his employer and is entitled to ask for benefits if he is partially unemployed. When fully unemployed, his claims will have to be made in his country of residence according to its laws.
- If he lives in Switzerland and works abroad, he cannot insure against unemployment in Switzerland.

land. Nevertheless he may claim some benefits if he was a member of a Swiss unemployment insurance between 1st January and 31st March 1977, if he is a Swiss citizen or is in possession of a Swiss permit of residence and can prove previous employment abroad. He is entitled to unemployment benefits only if he has no claim on any unemployment insurance abroad.

Recapitulation

A Swiss abroad cannot insure against unemployment on a voluntary basis in Switzerland.

Once a Swiss returns home from abroad, he is entitled to unemployment benefits under certain conditions.

In order to claim Swiss benefits, any applicant has to produce certificates of employment or studies from the country of residence abroad.

Anyone who is unemployed on returning to Switzerland, has to call immediately at the Labour Office of his commune of residence.

The choice of unemployment pay office is at the discretion of the claimant.

Special regulations for daily workers from across the frontiers are being prepared under bilateral treaties.

The Landsgemeinde remains the same in good as in bad times



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Educational and Vocational Training Possibilities for the Swiss Abroad

The Swiss Schools Abroad

There are Swiss schools in the following countries and towns:
Italy: Milan, Luino, Ponte S. Pietro (Bergamo), Genoa, Florence, Rome, Naples and Catania;
Spain: Barcelona and Madrid;
Ghana: Accra;
Thailand: Bangkok
The Republic of Singapore:
Singapore;
Mexico: Mexico-City;
Brazil: Rio de Janeiro and Sao Paulo;
Chile: Santiago;
Columbia: Bogota;
Peru: Lima.

Some of the Swiss schools in Italy have been in existence already for more than 100 years, whilst the majority of these institutions, above all overseas, were created after the Second World War only.

All these 19 schools owe their origin to private initiative and are run by local school societies. The first aim is the tuition of the pupils in a Swiss spirit. From the point of view of encounter between nations, the Swiss schools are open also to pupils of the country of residence and of other nationalities. Most schools also teach a number of children of the country of residence, whose parents are unable to afford school fees. In virtue of their tasks as educational establishments in a Swiss sense and of passing on cultural values, the Swiss Confederation gave the Swiss schools abroad financial support for the first time in 1922, and since 1947 based on a special federal decree. Since 1976, a new federal law is in force regarding support of Swiss

schools abroad, which allows relatively generous financial assistance and, on the other hand, clearly defines the prerequisites for such contributions. This support, however, does not affect the private character of the schools, nor does it release the responsible Swiss communities from their own efforts.

On 1st January 1979, a total of 5580 pupils were being taught in the 19 schools, of whom 2000 Swiss children with Swiss fathers or mothers. 340 full time teachers were employed, of whom 220 were Swiss men or women.

The creation of new schools is hardly possible due to the modest financial assets of the Swiss communities carrying the schools and of the Confederation as the subsidizing party.

Educational and Vocational Training Possibilities in Switzerland

For various reasons, young compatriots turn more and more to schools and educational establishments in Switzerland for their tuition and training. There are, however, serious difficulties particularly in two fields: inadequate knowledge of Switzerland's official languages and insufficient standards in foreign matriculation certificates.

Lack of proficiency in one or two Swiss languages is of particular disadvantage on changing over to

a Swiss elementary or secondary school. These schools with relatively large classes and great demands put on teachers allow only in very few cases enough individual teaching to make up for missing knowledge.

Generally there is only one way out, by attending a private school, but that is usually an expensive, even a very costly matter. It is therefore highly advisable for every Swiss family abroad that at least one of the Swiss languages

should be cultivated and the children's performance at school well supervised, all in view of a possible move to Swiss schools later on.

Of equal importance is a secondary education which is as near as possible to that provided at Swiss schools, if future studies in Switzerland are considered a possibility. Especially for the study of medicine, the federal regulations are extremely stringent. The two Federal Insti-

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tutes of Technology in Zurich and Lausanne, too, have special conditions for accepting students from abroad. In a great many cases, candidates have to sit additional examinations in certain subjects before being accepted. Not only the Swiss universities,

but also the various vocational training colleges of our country are very popular with young Swiss from abroad, for very often there are no comparable training establishments in their countries of residence. In some types of occupation, the training colleges are

popular to such an extent that they have a long waiting list. So for instance with some nursing colleges and hotel schools. Very early application, possibly several years in advance, is therefore essential.

The Swiss Abroad and Information

«echo» – the Up-to-Date Periodical with Tradition

«echo», the monthly magazine for Swiss abroad, is in its 59th year, and thus it is one of the oldest services of the Nouvelle Société Helvétique's Organization of the Swiss Abroad. Its editorial staff is at the Secretariat of the Swiss Abroad in Berne, and the paper is completely independent, both politically and financially.

«echo» appears eleven times **per annum**, and month after month, it brings reports – with descriptive and rich illustrations – on topical events in Switzerland, its institutions, culture, customs and history, as well as matters which affect Swiss living abroad personally. A column is devoted to sport, and crossword puzzles and competitions with prizes for children cater for pastime activi-

ties. Three or four times a year, the supplement «Der junge Welt-schweizer» treats subjects of particular interest to young Swiss all over the world.

«echo» is published in four languages, mainly in German and French, and with every text appears a synopsis in the other language. In every issue there are two or three contributions in Italian. Rhaeto-Romansh is rare, but is represented nevertheless every now and then.

«echo» readers appreciate the colourful cover, for it reminds them every time of their beautiful homeland.

«echo» subscriptions are relatively low – according to country 26 or 30 Francs a year, a reasonable amount at any time. A gift sub-

scription is a popular thing, available not only to Swiss who have relatives and friends in Switzerland, but also to Swiss abroad who would like to make a friendly gesture.

«echo» gift support subscriptions from 40 Francs onward enable needy Swiss compatriots abroad to receive the magazine gratuitously.

«echo» specimen copies are obtainable free of charge from the NSH Secretariat of the Swiss Abroad, «echo» Administration, Alpenstrasse 26, 3000 Berne 16.

«Review»

The need to supply every Swiss abroad with information of general interest and official news from the Federal Administration and diplomatic and consular representations had been felt for a long time. For this reason, the Nouvelle Société Helvétique's Organization of the Swiss Abroad decided at its 47th Assembly to publish the «Review» in conjunction with the

Federal Department of Foreign Affairs. The various organizations of the Swiss communities abroad and their already existing colony papers were to be considered in the scheme.

Structure

First, various decisions had to be made regarding form, format and

number of pages, in which financial considerations played no mean part. It was resolved that the new periodical should be sent to all Swiss abroad free of charge, a principle followed by the Swiss in Italy since 1968. Regarding the cover, it was modelled on the «Messager Suisse de France» which, in 1970, could look back on no fewer than 14

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years. The «Review» itself began in June 1970 with a small edition for Swiss in Paris, followed by an issue for all Swiss living in France in December of the same year. Based on the experience with this pilot scheme, advance became possible, and in 1972, the «Revue» appeared in German for the Swiss in Austria and the Federal German Republic. An English version followed in 1973; it was autumn 1974 when a Spanish – and for the local pages in Brazil – a Portuguese edition was published. After four years of hard work and sustained effort, the first issue could be sent to all registered Swiss in the whole world in December 1974. It has since appeared four times a year.

Organization

It is administered by a committee of management of the Commission on Information. Its task consists of deciding which articles should appear in each issue and to edit them on receipt. The coordinator on the committee is in charge of instructions to the printers and of acquiring advertisements. He compiles the local pages for those Swiss organizations abroad not in a position to supply news for five local pages in every issue. Of a total circulation of about 200 000 copies, some 75 000 are printed in Switzerland at the moment. For issues published in other countries, the offset films are sent to the local editors who are responsible for compiling the five local pages. The Swiss diplomatic and consular representations abroad see to the dispatch of the «Review» to all registered compatriots, for they alone are in possession of all addresses, always provided that changes of addresses are notified.

Co-operation

The «Review» enabled a noticeable gap to be closed in most

countries in the world, although many a Swiss organization already had its own information sheet, some of which appeared even monthly. Great care was taken not to endanger these regional periodicals by this new publication, but rather to strengthen their distribution and to co-operate with them.

In order to reach this goal, a solution was found in a tripartite agreement, whose partners in Switzerland are the Secretariat of the Swiss Abroad and the Federal Department of Foreign Affairs, and abroad the umbrella organizations of Swiss communities together with the most important representatives of the existing publications.

This procedure has proved a success: it allows revising the agreement at any time if one of the three partners so wishes; thus freedom of manoeuvre is secured and the possibility, at least to a certain degree, to take into account special wishes of one or the other of Swiss groups abroad. Such an organization naturally means increased expenditure which is carried to a large part by the Federal Department of Foreign Affairs.

On the other hand, this written method of information has allowed the said Department to stop publishing the former consular bulletins.

Contents

The «normal» issue of the «Review» generally consists of 24 pages. These under the following sections:

13 pages with articles of general interest and advertisements,
3 pages of official communications issued by the Federal Administration in general and by the Service for the Swiss Abroad of the Federal Department of Foreign Affairs, which is responsible for this section,

3 pages of information issued by the Organization of the Swiss Abroad and its Secretariat, as well as

5 pages with local news, which are at the free disposal of Swiss societies abroad and the respective consular and diplomatic representations.

Special stamps II 1979

Day of issue: 6 Sept. 1979



20 c.
Centenary of Swiss Numismatic Society



40 c.
UN Year of the Child



70 c.
50 Years of Swiss Shortwave Amateurs



80 c.
European Space Agency

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The jet fountain in Geneva, 140 m high

(Photos SNT0)

Names of Periodicals which Form the «Review»

Europe: Schweizer Revue, Messenger Suisse, Swiss Observer, Gazzetta Svizzera, Revue Suisse, Swiss Review.

Africa: Messenger Suisse, Revue Suisse, Schweizer Revue, Swiss Review.

Asia: Revue Suisse, Schweizer Revue, Swiss Review.

America: Helvetia, Revue Suisse, Revue Suisse-Canada, Swiss American Review, Panorama Suizo, Swiss Canadian Review.

Australia: Swiss Review, Helvetia.

It is in the interest of every registered Swiss abroad to read the «Review» in order to learn of all official communications and information by the Secretariat of the Swiss Abroad.

Swiss Radio International

Immediate, direct, world-wide

There is no quicker or more direct method of world-wide communication than by shortwave radio. In terms of Swiss Radio International, that means that as soon as news breaks, 12 transmitters broadcast the information to every part of the globe. World news, European news, Swiss news – it all goes faster by shortwave. Anyone who has ever lived in one of the world's crisis areas can bear witness to the value of this direct and uncensored source of information and opinion.

An inquiry by Swiss Radio International revealed that about 75 per cent of Swiss listeners living in other countries considered it of extreme importance that links be maintained between Swiss abroad and their home country. The inquiry also showed that about 70 per cent of these people were very interested in SRI's news coverage

of international events. In other words, Swiss Radio International should strike a balance between the importance of Swiss news in its information service and – bearing in mind the widespread interest in international affairs – world news. In order to keep up to date with news and to help establish a regular link between the Swiss abroad and their homeland, Swiss Radio International supplies at least 30 minutes of information a day for its listeners in all parts of the world. This information includes international and Swiss developments, in the form of brief news commentaries, reviews of the Swiss press, interviews and eyewitness accounts. Swiss Radio International is not helped in its task by technical conditions which prevail in the world of shortwave radio at present. Competition from other, more powerful transmitters,

sometimes make it impossible for SRI to broadcast on the frequencies officially allotted to it.

A World Administrative Radio Conference (WARC) is now due to be held this coming autumn in Geneva, when new regulations should be introduced on the distribution of shortwave frequencies. Swiss Radio International hopes that such a move will help ensure a regular daily contact – in spite of the inevitable occasional technical interference – especially for listeners who live in regions where there is no reliable local information service.

Write for a copy of SRI's free programme guide to: Swiss Radio International, 3000 Berne 15, Switzerland.

Swiss Radio  International