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# Citizenship Campaign

Lucien Paillard

As we announced in one of the recent issues of this publication, we are now able to give you the result of the enquiry regarding the citizenship campaign started in December 1977 and repeated in January 1979 by the Secretariat of the Swiss Abroad.

## Starting-point

On 1st January 1977, a new regulation based on the Federal Law on Citizenship came into force. It is with regard to Article 44, fig. 3 of the Federal Constitution. It grants Swiss citizenship to children of Swiss mothers and foreign fathers, provided the parents were resident in Switzerland at the time of birth, and the mother was Swiss by origin.

A retroactive clause enabled children born earlier to make use of this regulation, provided they were not yet over 22 and the application was made before the end of 1978.

## Effect of the new regulation

By the end of septembre 1979, 35 000 applications were made to the Federal Department of Justice and Police. The result has greatly surpassed previous expectations.

## The position of Swiss women abroad

As long as the element of the parents' residence in Switzerland at the time of the child's birth is missing, children born abroad cannot take any advantage of the new regulation. This motivated the Organization of the Swiss Abroad to launch a first enquiry in December 1977. This has led to an avalanche of reactions from individual Swiss women abroad, but also from Swiss societies and umbrella organizations all of whom championed the rights of Swiss women abroad and their children. Some *ad hoc* groups formed by women compatriots

abroad did some excellent work for which we should like to express our thanks hereby publicly.

## Remarks which appeared in most of the letters and messages received

### *Problem of residence*

– Some bitter complaints were raised about the requisite of residence in Switzerland of the parents; numerous children would have been able to become Swiss citizens if their parents had been resident in Switzerland at the time of birth.

### *Discrimination*

– Article 44, fig. 3, of the Federal Constitution is considered discriminating in view of the new regulation regarding children, which came into force on 1st January 1978.

– To limit the transmission of Swiss nationality by Swiss women solely to mothers of Swiss origin seems exaggerated.

– An impressive number of concrete examples prove that many cases are on the borderline of the possibilities envisaged by the law in force as from 1st January 1978.

– The retrospective clause about the limitation to the completion of the 22nd year in order to profit of the regulation in force from 1st January 1978 disappointed many people; one would have liked a clause without time limit.

### *Equality*

– Equality between man and woman regard to transmitting citizenship has been demanded.

– The regulation of 1st January 1978 was considered progress in the direction of equality between man and woman, but it was deemed insufficient.

– Very few answers only gave a hint that the father as foreign national was in agreement that his

child or children should also take out an additional citizenship, i.e. Swiss.

### *Education*

– Since the bringing up of children usually falls to the mother more than to the father, it was considered justifiable that transmission of nationality should be through the mother.

– It is not at all appreciated that foreign women marrying a Swiss national should become Swiss citizens automatically, especially with regard to the children's education, since they know nothing about customs and mentality in our country.

– The wish for transmitting Swiss citizenship was often tied to the problems which children of mixed marriages have when it comes to schooling and vocational training in Switzerland, specially when this is not at private schools.

### *Unity in the family*

– The new law no longer keeps to the principle of unity in the family. In case of frequent changes of residence by the parents, it may happen that some children have a different nationality from that of their brothers and sisters.

– In case of divorce, children are generally entrusted to the mother who will bring them up according to Swiss principles without, however, being able to pass on Swiss nationality to them automatically.

– A large number of Swiss women stress that they could have passed on Swiss citizenship to their children if they had forgone marriage and had lived with the father simply in an unmarried relationship.

### *Personal ties with Switzerland*

– Many Swiss women abroad maintain that they keep very close

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ties with their country of origin and their family there even after marriage abroad.

– Many Swiss women abroad have very close ties with their homeland. Undoubtedly, part of these relationships is passed on automatically to their foreign children.

– It would be too complicated to mention all individual remarks and proposals which have been sent to us from over 60 countries. We have noticed, however, that there should be a solution in a slightly different form from that proposed in Switzerland, i.e. a *voluntary* possibility of acquiring Swiss citizenship should be instituted for children born abroad as quite a number of countries do not accept dual nationality. In other countries, very strict rules are adhered to regarding the distribution of tasks between husband and wife, which would hardly allow any possibility of passing on the nationality from mother to child.

### Present position

Considering the general agreement and the resolution passed by the Commission of the Swiss Abroad on 25th August 1978 (published in this paper in October 1978), the President of the Commission of the Swiss Abroad, National Councillor Alfred Weber submitted a Parliamentary Initiative to the Presidents of both Houses on 23rd March 1979, in which he requests a change in Art. 44, fig. 3 of the Federal Constitution and proposes the following wording:

«Federal legislation may decree the conditions under which a child of a Swiss mother who is a Swiss citizen by origin, may acquire Swiss nationality at birth.»

Such a regulation would allow the legislator to decide whether new norms for the acquisition of citi-

### Results in figures

Country	Individual letters all in favour of a new opening	Questionnaire			
		Swiss societies for	Swiss societies against	Individual answers for	Individual answers against
Algeria	4				
Argentina	43	34	1		
Australia	12	1	0		
Austria	2	4	0		
Belgium	831	12		103	8
Brazil	8		1		
Cameroons	4				
Canada	50	11	0		
Chile	26	4			
Columbia	101	3			
Cyprus	15				
Denmark	1				
Egypt	4	1	1		
Ethiopia	0	1	0		
Finland	1	2	0		
France	250	41	0	350	28
Germany (East)	2				
Germany (West)	238	19	0	75	1
Great Britain	190	30		2	0
Greece	127	1	0		
Guyana	2				
Haiti	2				
India	0	1	0		
Irak	1				
Iran	2				
Ireland	2				
Israel	15	1	0		
Italy	271	7	0	18	5
Ivory Coast	1				
Japan	43	1	0	17	2
Kenya	1	1	0		
Laos	1				
Lebanon	4	2	0		
Liechtenstein	1	1	0		
Luxembourg	1				
Madagaskar	2	1	0		
Malaysia	1				
Mali	1				
Mauritius	1				
Morocco	11	0	1		
Mexico	21	1	0		
Namibia		1			
Netherlands	22	3	22	2	
New Guinea	1				
New Caledonia	1				
New Zealand	2				
Nigeria	1				
Norway	1	1	39	0	
Panama	1				
Peru	1				
Portugal	8				
Rhodesia	4				
Rumania	1				
Rwanda	1				
Salvador El	3				
Saudi Arabia	2	1	0		
Senegal		1		13	3
Singapore	5	1	0		
South Africa	22	2	0	21	0
Spain	35	6	0	296	2
Sri Lanka	3	0	1		
Sweden	3	0	1		

Country	Individual letters all in favour of a new opening	Questionnaire			
		Swiss societies for	Swiss societies against	Individual answers for	Individual answers against
Switzerland	9				
Syria	2				
Thailand	2				
Trinidad and Tobago	1				
Tunesia	2				
Turkey	5	1			
United Arab Emirates	2				
United States of America	113	14	2	103	4
Upper Volta	2				
Uruguay	10	1	0		
Venezuela	4	1			
Virgin Islands	1				
Yugoslavia	15				
<b>Total</b>	<b>2566</b>	<b>214</b>	<b>7</b>	<b>1059</b>	<b>65</b>

zenship and facilitated naturalization should be fixed in law. It would enable the federal legislation also to establish the limits deemed necessary in order to prevent an unnecessary increase in the number of dual nationals. This could be done for instance by introducing the right of option as already established in certain countries, which could be made use of at a certain age and which leave no doubt whatever with regard to the prevailing citizenship. This would be a limitation which lies in the interest of the Swiss abroad themselves and of their image in Switzerland. If no use is made of this right, it would mean that the other nationality is considered as the more important one, whether it came from the father or was acquired on the basis of *ius soli* in the country of residence. Every child who comes from a mixed marriage must be made aware of the consequences following a separation. The fact that many States do not allow that children of their citizens accept another nationality whilst on their territory, should not deter us from finding a more generous solution.

### Present state

A parliamentary commission was formed, of which our President, Dr. Alfred Weber, is a member.

It met for the first time on 3rd September 1979. It began by examining the entire field of questions which have recently been brought up in connection with Swiss citizenship. As soon as the Commission has presented its report to the two Chambers, we shall let you know their findings.

Lucien Paillard

## Pro Juventute 1979

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