

ASO news

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Legislation for the Swiss Abroad (Auslandschweizergesetz)

Over the past few months, I have been approached several times and asked if I could give a brief rundown of the proposed new Federal Council Law for the Swiss Abroad (Auslandschweizergesetz) which has been talked and written about over the past few years.

The following is a summary of the proposed legislation for the Swiss Abroad, currently under review by the Swiss Parliament.

According to the Swiss Constitution, the Swiss authorities are obliged to formulate a set of rules applying to Swiss Persons and Institutions Abroad.

In the main, the proposed legislation encompasses the following matters:

- ◇ Distribution of information to the Swiss Abroad
- ◇ Communication between the Swiss Abroad
- ◇ Political Rights and Duties of the Swiss Abroad
- ◇ Social Assistance which can be obtained by the Swiss Abroad
- ◇ Moreover, a set of laws regarding the Swiss Schools Abroad will form part of this new legislation, as well as Consular Protection and Consular Services Abroad.

More specifically, the following is noteworthy:

1. Information and Networking: The Federal Government informs the Swiss Abroad on their rights and duties either in electronic or printed form. The Federal Government fosters close relationships between the Swiss Abroad, between Switzerland, and its institutions and the Swiss Organisations Abroad.
2. Registration of the Swiss Abroad: Swiss Citizens who have no registered domicile in Switzerland can register abroad in their Consular area. Registration is a condition for exercising their Rights and Duties by the Swiss Abroad, even to receive certain services by the Swiss Representation abroad. Minors can be registered, but once they reach 18 years, they are obliged to confirm their registration within 30 days, otherwise they risk being eliminated from the register. Any change in personal status has to be communicated to the Swiss Representation abroad.
3. Political Rights: These are the same as for the Swiss living in Switzerland unless excluded from the legislation. All Swiss Abroad, having reached 18 years, can participate in Swiss Federal Elections and vote on Referenda. In order to participate in Federal votes and Elections, Swiss Abroad can register in the

Canton / Local Council of their latest domicile in Switzerland or in their "place of origin". The Cantons keep a register of those Swiss Abroad who are registered to vote, as Federal Elections or Referenda are organized by the Cantons.

4. Social Assistance: The Federal Government and its Representatives abroad can assist the Swiss Abroad where possible. However, Swiss Abroad are advised that they first have to seek assistance from their local diplomatic agencies and/or help themselves. Swiss Representatives Abroad however, will evaluate any request for assistance based on merit. If assistance is granted, it may be under the condition that it is repaid once the personal situation has been alleviated.
5. The Federal Authorities will also endeavor to have a department at Federal level, coordinating and being the contact point for all matters regarding the Swiss Abroad, a so-called "guichet unique".

General comment: This particular new legislation doesn't encompass other areas of interest such as issuance of passports or old age insurance. These are matters which are dealt with by other legislation.

By Peter Ehrler, Elected Council Member of the Swiss Abroad representing New Zealand.

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