Management Summary (in English)

The Swiss Red Cross (SRC) [5] advocates for vulnerable people under the Red Cross Fundamental Principle of Humanity. People with an asylum background ask the SRC for support when they would like their relatives to join them in Switzerland. They encounter various difficulties.

Legal framework

The right to respect for family life is enshrined in numerous international and national legal foundations, including the Universal Declaration of Human Rights (UDHR, Art. 12 [6]), the European Convention on Human Rights (ECHR, Art. 8 [7]) and the Swiss constitution (BV, Art. 13 and 14 [8]) Under Swiss asylum legislation, recognised refugees are entitled to family reunification if the family unit already existed before the asylum-seeker left their home country and the family was separated by this act. Temporarily protected persons may request family reunification after a waiting period of three years and if they meet certain criteria. In recent years, the rules governing family reunification have been subject to various restrictions.

Practical obstacles

Family reunification is made even more difficult by certain obstacles, such as a lack of information and support, long procedures and waiting periods, a loss of contact with family members, difficulty obtaining documents, access to diplomatic missions, and the procedural and travel expenses.

Social factors

Family reunification does not simply mean bringing the family together. It is more of a process that can be roughly divided into three stages: before, during and after family reunification. All three of these stages involve changes to roles within the family. How family members deal with separation or reunification is also important. The expectations of the individual family members, the pressure on the initial asylum-seeker and the challenge of reunification after years of separation in a new living environment are significant.

Survey of specialists and migrants

A survey of various families and professionals highlighted various challenges and revealed how much support is needed by people who have been reunited with relatives. The discussions showed that there are enormous differences between the families' individual situations and experiences during family reunification, depending on the residence permit of the initial asylum-seeker and on the canton and care organization involved. But the challenges of family reunification are not limited to the application procedure. The complexity of family reunification is just as much determined by how long the families have been separated, the expectations of the individual family members and the difficulties of starting a completely new life in unfamiliar surroundings. Migration and family reunification must be seen as a challenging process at various levels, during which families have to rediscover themselves and redefine their roles, expectations and duties.

For the families, the time spent apart from the asylum-seeker was particularly stressful. Often several specialised institutions were involved in the family reunification procedure and the family members concerned were referred from one to another. Almost all candidates also had to travel to a third-party country to claim family reunification because there was no Swiss mission in their country of origin. This is an additional burden on them. Although many families had important and helpful family networks available to them during their stay in the third-party country, they still faced various dangers and the associated burdens.

Need for action and recommendations

Legal, administrative and financial conditions (7.1)

– The concept of family in the Asylum Act should be adapted in such a way that family members can also be systematically taken into account if they depend on the initial asylum-seeker financially, physically, legally, emotionally, socially or for their security.

– Until this happens, dependent persons need to be granted a humanitarian visa in order to receive an entry permit for family reunification.

– A confirmation of social assistance should be sufficient to have the entry costs covered by the authorities after family reunification has been approved, without any additional receipts.

– Official procedures and waiting periods should be simplified and shortened.

– The rules for family reunification for temporarily protected persons should be aligned with those for recognized refugees.

– Anyone who does not meet the criteria for family reunification under Swiss law, but whose family reunification rights under international law have been violated, should receive free legal assistance so that they can assert their rights.

Raising awareness (7.2)

– Society at large, political circles and the authorities should take into account that family reunification is not only important for the families concerned themselves, but is also highly significant for the host community. Although, in a short-term perspective, it is often calculated that refusing family reunification can save costs, in the longer term, there is actually an added value for everyone due to

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5   This needs assessment is published by the SRC headquarters. For reasons of simplicity, we will refer to the ‚SRC' throughout this document.

6   Art. 12 UDHR: Right to legal protection from arbitrary interference or attacks on family life.

7   Art. 8 ECHR: Right to respect for private and family life.

8   Art. 13 and 14 BV: Right to privacy (respect for family life) and Right to marry and to have a family.

the stabilising and positive effect on integration when asylum-seekers are also able to live with their close family. It is therefore important to take greater account of all factors, and not just the potentially negative economic aspect.

Information and advice (7.3)

- Clear information about family reunification must be regularly drafted, updated and made available in different languages to meet the needs of various target groups: the families themselves, professionals and volunteers.

- Social services and legal aid centres should be given greater resources to enable them to provide support for family reunification.

- A single specialized body should handle the cases so that the family has a single point of contact throughout the whole process.

- All competent bodies should network more, exchanging information regularly and providing continual training for professionals and volunteers.

Assistance with administrative procedures (7.4)

- Throughout the family reunification process, families should be given administrative support both in Switzerland and in the country of origin. This can even be done by volunteers with professional support.

Preparation for people in Switzerland (7.5)

- Advice centres should take people who would like family members to join them in Switzerland step by step through the administrative and emotional aspects of the process and answer their questions.

Preparation and support for people abroad (7.6)

- The family members abroad must be given the opportunity to obtain information about the family reunification procedure to help them better understand the long waiting periods. Local partners can be involved in this. Special attention must be paid to the assistance of unaccompanied minors and particularly vulnerable persons throughout their journey to Switzerland.

Support for the family after arrival (7.7)

- Too little attention is often paid to this part of the process. Once the relatives arrive, the families must be given support, such as from socio-educational professionals (sozialpädagogische Familienbegleitung) but also from volunteers based on a relationship of trust.

Family reunification as a comprehensive process (7.8)

- Although family reunification may be seen in its individual steps, the competent authorities should treat it as a comprehensive process. It is also important to take account of the family unit as a whole, not only the individual family members concerned, and involve them wherever appropriate.