



Report of exchange program in Switzerland

Return Assistance for the asylum seeker.

By: Daniel Mogren

27 September – 4 October 2008

Contents

RETURN ASSISTANCE FOR THE ASYLUM SEEKER.....	1
BY: DANIEL MOGREN.....	1
PARTICIPANT DATA.....	1
ITINERARY (LIST OF PLACES AND PEOPLE VISITED).....	2
1 INTRODUCTION	3
1.1 Facts about Switzerland.....	3
1.2 Governance.....	4
2 RETURN ASSISTANCE.....	5
2.1 Founder of the return assistance in Switzerland.....	5
2.2 When an alien apply for asylum.....	5
2.3 Voluntary return from a reception center.....	6
2.4 Voluntary return when accomodated in a canton.....	7
2.5 Reintegration project.....	8
2.6 Structural Aid.....	9
2.7 Exclusion from the right to return assistance.....	10
2.8 Application for return assistance when being in the country of origin	10
3 CONCLUSION.....	11
4 ANNEX	13
4.1 Country Profile Switzerland.....	13

Participant Data

Name(s)	Daniel Mogren	
Organisation	Migration Board	
Country	Sweden	
Host country	Switzerland	
Contact person Host country & e-mail	Evelina Colavita, evelina.colavita@bfm.admin.ch	

Itinerary (List of places and people visited)

Federal Office for migration - Head Office, Bern

- Asylum division;

Mathias Keusch, Legal Adviser to the Head of the Direction Sector Asylum Procedure.

- Entry and exit division;

Fabio Pisanello, Section Return assistance

Kay-Nina Forrer, Repatriation Division

Reception and Procedure Centers Division, Chiasso

Evelina Colavita, Decision Making Officer

Return assistance - IOM, Chiasso

Jean Quartarolo, Return Counselor, Station in Vallorbe

Legal assistance – Lugano

Mirka Studer, Head of Return Consulting Services for refugees, Swiss Red Cross in Lugano

1 Introduction

I first came in contact with the Enaro exchange program when our unit, the spring of 2008, agreed to be host for a person from Malta. This woman from Malta thought us a lot about the asylum-process in Malta. Hopefully she also got some good experience about the asylum-process in Sweden. I was very glad and had a lot of expectations when Enaro and the Migration Board gave me this opportunity to learn about the asylum-process in Switzerland and how they empower the asylum seekers to return voluntary. With my background and what I work with at the Migration Board, I thought that the program's focus was perfect for me.

1.1 Facts about Switzerland

Switzerland has a long tradition of political and military neutrality, but also of international cooperation as it is home to many international organizations. It is a member of the United Nations since 2002 and the UN also has its headquarters in Geneva.

Switzerland is located in Central Europe and are mostly located in the Alpine region. The country is one of Europe's smaller states with an area of 41 285 km² and has no coast. The country bordering Austria and Liechtenstein in the east, Germany to the north, in western France and Italy to the south.

Switzerland is divided into 26 cantons, however, it is only 23 significant of which 3 are divided in half cantons. The oldest is the cantons of Schwyz, Unter Walden and Uri, which together formed the confederation of Switzerland in the 1 of August 1291. Switzerland's system of cantonal division has been the same since 1815 except for the canton of the Jura, which broke away from Bern in 1979.

Switzerland is divided into seven regions.

- Ostschweiz - consisting of the cantons of St. Gallen, Thurgau, Appenzell, Glarus, Schaffhausen and Graubünden
- Zurich - consisting of the canton of Zurich
- Central Switzerland - consisting of the cantons of Lucerne, Schwyz, Unter Walden, Uri and Zug
- Northwest Switzerland - consisting of the cantons of Basel, Aargau
- Mittelland - consisting of the cantons of Bern, Friborg, Jura, Neuchâtel and Solothurn
- Tessin - consisting of the canton of Ticino
- Lémanique - consisting of cantons Geneva, Vaud and Valais

Switzerland has four national languages German, French, Italian and Romansh. Three of these four languages¹ are considered to be the official languages of Switzerland. All the laws are written in the Italian language.

1.2 Governance

Switzerland is a federation with an extensive autonomy of the cantons. Cantons have their own constitutions, parliaments and government. The power is exercised by a government, the Federal Council², consisting of seven ministers appointed. Federation is a republic with a president and a two-chambers parliament, the Federal Assembly³. The Federal Assembly is divided into the Senate⁴ and the National Council⁵.

The cantons in Switzerland are guaranteed a generous autonomy. The Constitution only requires that the cantons remain republics and that they respect equality and human rights. Despite the cantons wide freedom in stipulating their own laws and governance, the greatest differences seems to be in municipal autonomy and in the use of referendum in the decision-making.

The current constitution was established in 1848 and has since been revised twice, 1874 and 1999.

All adult citizens in Switzerland are entitled to attend council meetings and in local referenda in the municipal decision. Cantons of Glarus and Innerrhoden in Appenzell have a civic assembly consisting of all voting citizens. The meetings are held in a square in the city once a year. Decisions are taken through people puts their hand up on the proposals they vote for⁶. Switzerland has had the largest number of referendums in the world.

¹ German, French and Italian.

² Ger Bundesrat, fr. Conseil Federal.

³ Ger Bundesversammlung, fr. Assemblée Federal.

⁴ Ger Ständerat, fr. Conseil des États, it. Consiglio degli Stati.

⁵ Ger ationalrat, fr. Conseil national, it. Consiglio nazionale.

⁶ Direct democracy.

2 Return assistance

2.1 Founder of the return assistance in Switzerland

For about 15 years ago Urs Betschart, Deputy Director and Head of the Department for asylum seekers and refugees of the Federal Office for Migration, came up with the idea to offer some support for the asylum seekers who wants to return voluntary to their country of origin. Return assistance was finally founded about 10 years ago to encourage them to voluntary return to their country of origin. This because of the large increase of refugees in Switzerland and that it's more economical for Switzerland and better for the asylum seekers to return voluntary than by force.

Return assistance is governed by the Asylum Act⁷ and by the Asylum Decree 2 on Financial Issues⁸. The Federal Office for Migration is competent for the implementation in Switzerland.

The asylum seeker can benefit from the return assistance in the 5 different reception centers⁹ or in the cantons where they might be accommodated for the first 60 days. The amount of return assistance is the same in all the reception centers. When the first 60 days has passed, without any decision, an asylum seeker is placed in a canton until he gets an decision. In the canton he will have the possibility of getting a larger support if he wants to returning voluntary. All asylum seekers can be subject to the return assistance in some way, as long as they are returning voluntary.

2.2 When an alien apply for asylum

When an alien applies for asylum in Switzerland, he will be transferred to a reception unit where his reason for asylum will be investigated. He will be accommodated at the reception center until he gets a decision or for at most 60 days. If the asylum seeker hasn't got a decision before the end of the 60 days, he will be sent to one of the 26 cantons where he will be accommodated at a center until he get a decision.

At the reception center the asylum seeker will be informed about the process, his possibility of withdraw his application for asylum and the possibility of getting in contact with a Return Counselor for the planning of his return to the country of origin. The information is given both orally and

⁷ specifically in Article 93.

⁸ specifically in chapter 6.

⁹ Vallorbe, Chiasso, Basle, Geneva and Kreuzlingen.

in form of documentation and there is also a DVD with a film about return assistance. The asylum seeker will be informed that he can anytime in the process change his mind and withdraw his application for asylum if he wants to return voluntary to his country of origin.

All the consultation about return assistance with a return counselor is individual and confidential. The organization of the return aims to be as safe as possible and to preserve the asylum seekers dignity as far as possible.

2.3 Voluntary return from a reception center

If an asylum seeker, when accommodated at the reception center;

- changes his mind and withdraw his application for asylum,
- gets a decision that dismisses an application without entering into the substance of the case¹⁰, or
- gets a definitive negative decision that he accepts,

can contact a Return Counselor¹¹ and discuss about return assistance.

The help the asylum seeker is offered is a start aid, the organization of the flight, the ticket costs, travel allowance, medical return assistance, project for vulnerable persons¹² and travel assistance for vulnerable returnees¹³. The financial aid¹⁴ is only for non EU returnees.

The financial aid that the asylum seeker can get when he's accommodated at the reception center is 500 CHF per adult and 250 CHF per child in starting aid and 100-500 CHF in travel allowance at most 1.000 CHF for a family for covering traveling expenses.

If the asylum seeker don't have any travel documents or money for the flight ticket, IOM can help out with arranging travel documents and booking a flight to the country of origin. IOM will arrange so that the asylum seeker can return as a tourist without any escort. There will be no stamps in the passport that could reveal what he's done in Switzerland. The authorities or police in the country of origin will not be informed about that the person applied for asylum in Switzerland or that he's returning.

The medical return assistance includes medical care in the country of origin and/or medication for the person's illness. The medical return assistance

¹⁰ A formal decision.

¹¹ When an asylum seeker is in a reception center, it's always a counselor from IOM that helps him with the return assistance.

¹² This is about persons who have been subject for trafficking. This is the first time that others then asylum seeker to get the return assistance.

¹³ This is help that the asylum seeker can get under the flight.

¹⁴ Start aid and travel allowance.

will be prepared before the asylum seeker return to his country of origin, so that he can feel calm before the journey back home¹⁵.

Arranging the return assistance will go quickly if the asylum seeker has a valid travel document, between 1 to 3 weeks. If IOM have to arrange a travel document it might take some time. It can take as long as 1 year, depending on which country that the asylum seeker comes from.

2.4 Voluntary return when accomodated in a canton

When an asylum seeker has moved out from the reception center after 60 days and he has his accommodation out in a canton, the support through the return assistance will increase. The amount of support for returning to the country of origin increases against what the asylum seeker would be offered in the reception center.

Asylum seekers that can benefit from the return assistance is;

- a regular asylum seeker,
- one whom is temporarily admitted or
- a recognized refugee, that wants to return voluntary to his country of origin.

Out in the canton the asylum seeker will have contact with the Return Counseling Services which is a network of partners whom are competent for the return assistance. Depending on the canton, these may be an administrative agency, such as a cantonal migration department, or a nongovernmental organization, such as the Red Cross or Caritas. Return counseling includes information and counseling to potential returnees and other institutions or cantonal services involved. Funding and activities of the Return Counseling Services are ruled by the directive 14.1 on return counseling.

The Return Counseling Services are supposed to serve asylum seekers as a point of contact. Discussing problems and plans for the future directly with those concerned, the Return Counseling Services both assist in preparing the return of migrants to their countries of origin and define the assistance necessary. IOM helps establish country-specific information, such as the costs for housing or the availability of medication. Accompanied return may be provided to vulnerable people willing to return to their native country. The Return Counseling Services in charge submits requests for assistance to the Federal Office for Migration for approval, implementation, and co-ordination on location.

¹⁵ In some vulnerable cases the support can be as long as one year, but in ordinary cases the period of medical aid is maximum 6 months.

The return assistance is individual and a service meant for all aliens, regardless of their nationality, who have applied for asylum. The assistance granted and the way they are allocated are governed by directive 14.2 on individual return assistance. An asylum seeker whom is willing to return to its country of origin can benefit from counseling, organization of the trip home, financial aid, medical aid, individual business project¹⁶ and of training¹⁷.

The financial aid that the asylum seeker can get when he's accommodated in a canton is 1.000 CHF per adult and 500 CHF per child in starting aid and a traveling allowance of 100-500 CHF in travel allowance at most 1.000 CHF for a family for covering traveling expenses. This allowance can be increased up to 500 CHF for a single person, and up to 1.000 CHF per family.

The asylum seeker can also benefit from the same medical return assistance mentioned above.

Arranging the return assistance will go quickly if the asylum seeker has a valid travel document, between 1 to 3 weeks. If the asylum seeker don't have any travel document it might take a some time. It can take as long as 1 year, depending on which country that the asylum seeker comes from. If the asylum seeker applies for a reintegration project it can the travel with 2 weeks or more depending on what the projects about and in which country it's intended for.

2.5 Reintegration project

The Federal Office for Migration, together with the Swiss Agency for Development and Cooperation and the IOM, implement country-specific return assistance programs. These programs are specifically designed to fit the needs of the returnees, while taking into account the political and economical situation in their country of origin.

The Interdepartmental Steering Group on Return Assistance both decides on the implementation of return assistance programs and coordinates them. For return assistance program to be considered necessary, various criteria must be considered, such as the number of asylum applications, the political situation in the country of origin, the current situation regarding the enforcement of removal orders, and the willingness of the authorities in the native countries to cooperate with readmission.

Depending on the program proposed, the contents of assistance granted to individuals may vary. As a rule, however, substantive financial aid and a project for social and professional reintegration are part of the support package.

¹⁶ See under Reintegration project.

¹⁷ See under Reintegration project.

The asylum seekers can benefit from a program if they are going back to their country of origin which is either¹⁸; Afghanistan, Armenia, Ethiopia, Georgia, Iraq, Maghreb¹⁹, Nigeria, West Africa²⁰ or Western Balkans²¹.

The support that an asylum seeker can get from the project must be an income-generating project, training/education, temporary accommodation²² or help for special vulnerable cases.

If an asylum seeker wants to apply for the project he will have to present his idea to the Return Counselor whom will contact the officer in charge at the Federal Office for Migration and explain about the returnee's idea. The officer will look at the project and see if it's possible to do this in the specific country. If the application is for an income-generating project the officer will even investigate if there is a chance for success for the asylum seeker to make a living on it.

If the asylum seeker gets his project approved, he can collect help/money up to an amount of 5.000 CHF²³ from a specific organization that is responsible in that country. The money will only be paid out if he can show the organization that it's for an expense for his project.

The IOM offices and the Swiss diplomatic missions are regularly involved in assisting returnees on location, paying out return money, doing project follow-up supervision or assessing social and medical settings, among other things.

2.6 Structural Aid

In addition to the assistance granted to individual returnees through return assistance, structural aid projects are funded in certain countries. These projects are implemented by the Swiss Agency for Development and Cooperation and must contribute to improve infrastructural settings in these countries and prevent further irregular migration. The funded projects should even be beneficial for the resident populations or the local administration. It may include the reconstruction of schools and medical facilities, or educational support and job development.

¹⁸ These countries was subject for a reintegration project in October 2008.

¹⁹ Algeria, Libya, Mauritania, Morocco and Tunisia.

²⁰ Burkina Faso, Guinea, Mali and Sierra Leone.

²¹ Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia.

²² this includes even help with housing.

²³ This is what they can get in 2008. It is said that all project shall have a limit of 3.000 CHF in 2009.

2.7 Exclusion from the right to return assistance

There are reasons that can exclude the asylum seeker from the right to get return assistance. A asylum seeker can be denied if he;

- has committed delinquency,
- has committed repeated offences,
- has sufficient financial means available,
- hasn't cooperated or supported enough to his voluntary return, or
- that there is a readmission to another European country.

If the asylum seeker when he gets a negative decision don't want to return, he's subject for forced return by the police and he will not be granted the return assistance. If the asylum seeker changes his mind/attitude about returning voluntary, before the police executes the decision, he will be given the right to apply for the return assistance.

2.8 Application for return assistance when being in the country of origin

In some cases, the asylum seeker hasn't decided or have to think some more about the return assistance, before he can decide what or if he wants to apply. In these cases the asylum seeker is given a chance to apply for return assistance after entering the country of origin. The asylum seeker have to apply for it within 3 months after the voluntary return. If he doesn't the Federal Office for Migration will interpret the behavior as that the returnee has satisfied with the amount of help he got. This will result in that the opportunity to apply for a wider return assistance is lost.

3 Conclusion

Return assistance has since it was established become an essential element of current Swiss asylum policy. It encourages asylum seekers to return to their country of origin voluntarily rather than by force, which is decidedly preferable for all actors involved. Besides, it is the only option, if forced return can't be carried out.

By offering return assistance and implementing return assistance programs in these countries, will results in a better acceptance from the foreign authorities to welcome their nationals.

The benefit that the return assistance gives the returnee when he's voluntary returning, might result that more asylum seekers see the positive effect of it and reconsider to return voluntary. This might in the future give a positive effect, so that more countries that is taking care of refugees might give the returnee a chance to benefit economically or educationally by returning voluntary. In the future it might make a great difference for the countries that the asylum seekers are fleeing from. The asylum seekers bring with them economical, educational and medical support and even experience that they got from other countries which the country of origin can benefit from.

Sweden don't have as wide help that Switzerland does. The support that the Migration Board in Sweden is offering the returnees who voluntary return to their country of origin is expanding.

The support that the returnees can get from the Migration Board is;

- with arranging travel document,
- with the expenses for the flight ticket,
- reestablishment support²⁴,
- an employment-project "return to Employment in Iraq" for people who voluntary returns to Iraqi Kurdistan regions, and also
- a project for returnees to Somalia to educate themselves in a craftsmanship that will give the person a possibility to make a living of his work in Somalia.

The reestablishment support is expanding from approximately 2.000 € per adult to 3.000 €, from 1.000 € per child to 1.500 € and from 5.000 € as maximum for a family to 7.500 €. The asylum seekers from Somalia that voluntary returns will also get a tool kit for their craftsmanship so that they can start working and be self-supporting from the day one.

It's hard to say which country has the best support for the asylum seekers or which country support is to prefer. To be able to compare the two country's²⁵ differences and what effect they might have for the asylum

²⁴ for the moment to three countries, Afghanistan, Iraq and Somalia

²⁵ Switzerland and Sweden

seeker, one have to be well informed in both country's asylum process, how they return the asylum seeker and what the asylum seeker can gain from voluntary returning. One thing you could say is that it's good for the asylum seeker that some countries are willing to help them economically, educationally or medically in hope to make it better for them or a chance to change their life in the country of origin.

4 Annex

4.1 Country Profile Switzerland

Last update; Fall 2007

General Information:	
Country:	Switzerland
Organisation, address, website:	Federal Office for Migration Quellenweg 6 CH-3003 Bern Wabern T+41(0)31 325 11 11, Home page: info@bfm.admin.ch
Governing institution:	Department of Justice and Police
Total number of employees:	605
Annual budget (EUR):	506 mill Euro
Daily accommodation costs per one asylum seeker (EUR):	12 Euro for food about 18 Euro other expenses except administration
Asylum grant proceedings:	
Legal duration of asylum grant proceedings:	Depending on the cases
Organisation liable for asylum grant proceedings (if other than above)	Same as above
Legal regulations governing asylum grant proceedings, their last amendment	01.01.2007 Not entering in the substance of the case if no passport or ID documents To reopen your case you have to pay 1.200 SF After 5 years stay in the country, your canton could apply for your permanent stay. 01.01.2008: stop in financial aid for asylum seekers with negative answer. Are still receiving assistance in special aid centres, not only for asylum seekers. Once the second part of the revised asylum legislation comes into force in 2008, this form of emergency assistance will be extended to all rejected asylum seekers.
Total number of asylum applications during: (indicate numbers and year)	The last 3 years it was 10.000 each year
Total number of granted asylum in accordance with the Geneva Convention during: (indicate numbers and year)	15-17% the last 3 years. This includes family reunions and births
Total number of provided subsidiary forms of protection: (indicate numbers and year)	About 2.000 in 2007
5 top countries of origin of asylum seekers: 01.01.-31.08.2007	1.Ethiopia 990 2.Serbia 689 3.Iraq 655 4.Romania 535 5.Turkey 440
Accommodation of asylum seekers	
Total of accommodation capacity (number of beds):	Reception centres: Vallorbe 217

Definition of vulnerable groups – please indicate the categories which are considered vulnerable in the reception system:	<input checked="" type="checkbox"/> Unaccompanied minors <input checked="" type="checkbox"/> Single women <input checked="" type="checkbox"/> Pregnant women <input checked="" type="checkbox"/> Families with children, not the men <input type="checkbox"/> Elderly <input checked="" type="checkbox"/> Incomplete families (single women with minor children) <input type="checkbox"/> Mentally handicapped <input type="checkbox"/> Physically handicapped/disabled <input type="checkbox"/> Victims of trauma and other people with mental health problems <input checked="" type="checkbox"/> Others, specify: for mentally and physically sick persons the cases were treated as quick as possible
Please indicate number of asylumseekers for each category a) the whole country b) the reception facility – when available - not available.	
Unaccompanied minors	Vallorbe: If family in local area, they live with family, not in centres. Special centres for these group in canton Vaud. Chiasso: If family in the area, at family. Else they stay with the adults – and they try to give them a quick case.
Single women	Gathered in their own corridors in the centres at reception centre Vallorbe Canton centre in Sate. Croix, they mix families and singles in same corridors. In centre Chiasso they mix families and singles in same corridors.
Families with children	Vallorbe: 10 families Chiasso: 4 families
Elderly	None information
Incomplete families (single women with minor children)	Chiasso: Single women with minors lives in same rooms as other women,
Mentally handicapped	None information - the cases were treated as quick as possible
Physically handicapped/disabled	None information- the cases were treated as quick as possible
Victims of trauma and other people with mental health problems	None information - the cases were treated as quick as possible
Others, specify	None information