

## Immigration - Switzerland

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### Agreement on Free Movement of Persons extended

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#### Agreement extended to Croatia Unilateral preferential treatment EU-2 nationals

On July 1 2013 Croatia became the 28th member state of the European Union. However, Croatia's accession to the European Union has had no bearing on the Agreement on the Free Movement of Persons between Switzerland and the European Union. In each case of enlargement of the European Union, the agreement must be amended first (additional protocol).

#### Agreement extended to Croatia

The extension of the agreement to Croatia was negotiated in a new Protocol III which was initialled in 2013. Protocol III provides for the free movement of persons after a transition period of 10 years.

However, as a consequence of the popular initiative, which aims at stopping mass immigration (adopted by the Swiss electorate on February 9 2014), the Swiss government could no longer sign the already negotiated Protocol III. As such, the protocol would not be compliant with the new provision of the Swiss Constitution regarding mass immigration.

#### Unilateral preferential treatment

The admission of Croatian nationals to Switzerland is still governed by the Foreign Nationals Act. However, Switzerland grants unilaterally preferential treatment for Croatian nationals who want to come to Switzerland to work. As of July 1 2014, Croatian nationals will be subject to a separate quota system (separate from the quota system applicable for other third state nationals). For B-permits (long-term permits) the quota is 50, and for L-permits (short-term permits) the quota is 450.

In principle, the procedure for obtaining a work permit for Croatian nationals is in principle the same as for other non-EU and non-European Free Trade Association nationals. The Swiss authorities will issue official directives in the upcoming months in order to outline how work and residence permit applications for Croatians shall be handled by cantonal authorities in practice.

#### EU-2 nationals

On May 28 2014 the Federal Council decided to extend the transitional status of Romanian and Bulgarian nationals (EU-2 nationals) for two further years (until May 31 2016). Consequently, status quo shall apply for EU-2 nationals, whereas priority of local workers is still applicable for local new hires.

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