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Permanent Mission of Switzerland to the United Nations and other international organisations in Geneva

English translation of the original version in French

GUIDELINES
regarding the issuance of legitimation cards of the Federal Department of foreign affairs (FDFA) to staff members of quasi-governmental international organisations and other international bodies

Entry into force on 1st January 2016

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1. Entry into force

These guidelines enter into force on 1st January 2016.

The guidelines set out the conditions for entering Switzerland for the foreign staff members and for their foreign family members who do not have their permanent residence in Switzerland of quasi-governmental international organisations and other international bodies benefiting from a tax agreement or an agreement on privileges and immunities concluded with the Swiss Federal Council and: Afghan Fund, DNDi, FIND, GAIN, GARDP, GICHD, HD Centre, IATA, ICoCA, IEC, Interpeace, IOC, ISO, IUCN, JRR, MMV, MPP, WADA and WEF. They also set out the conditions for the issuance and withdrawal of FDFA legitimation cards to these persons.

In these guidelines, the term “organisations” means quasi-governmental international organisations and other international bodies.

2. Categories of individual beneficiaries of a legitimation card

The persons designated by the organisation as staff members, interns and family members may be allowed to enter Switzerland and be issued an FDFA legitimation card.

A legitimation card serves as a residence permit, certifies the holder’s possible privileges and immunities, and exempts the holder from any visa requirements for entering Switzerland. A valid legitimation card together with a passport allows the holder to travel within the Schengen Area [1] for a period of up to three months (with no gainful activity).

Only the foreign persons hired abroad or the persons who can be hired in Switzerland but who do not have a valid stay permit [2] can receive a legitimation card (see section 3 – entry into Switzerland). The same rules apply to family members.

The following persons may under no circumstances receive a legitimation card:
- Swiss nationals,
- foreign nationals holding a valid stay permit [2],
- illegal immigrants,
- foreign nationals who entered Switzerland with a short-stay visa (visit),
- foreign nationals who are not subject to the visa for a short stay [3] and who are temporarily in Switzerland (tourists, visitors),
- foreign nationals who have a pending application for a permit at the Cantonal Population Office,
- foreign nationals authorised by the Cantonal Population Office to live temporarily in Switzerland while waiting to get married.

Legitimation cards are issued on the basis of a person’s duties in the organisation. Family members are generally issued the same type of legitimation card as the principal beneficiary (the person employed to perform official duties).

2.1. Types of legitimation cards

- Employees: type « R » legitimation card,
- Interns: type « H » legitimation card.

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1 Schengen Area Member States (29): Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland.

2 Residence permit (B permit), permanent residence permit (C permit) and short-term residence permit (L permit).

3 Information note on visas: https://www.mission-geneve.dfae.admin.ch/en/visas-and-procedures-for-entering-switzerland

2.2. Family members

The principal beneficiary's family members may be allowed to enter Switzerland on the grounds of family reunification. They must live generally in the same household as the principal beneficiary (see section 2.4 – exception to rule requiring family members to live in the same household).

Under the Agreement on the Free Movement of Persons (AFMP) [4], family members who are nationals of a Member State of the European Union (EU) [5] or European Free Trade Association (EFTA) [6] and who are allowed to enter Switzerland on the grounds of family reunification may ask the Cantonal Population Office of their canton of residence to be issued with a residence permit (B permit) instead of a legitimation card [7].

In these guidelines, the term "spouse" means:
- the spouse who is married to the principal beneficiary,
- the opposite sex cohabitant who is not married to the principal beneficiary,
- the same-sex partner of the principal beneficiary.

The family members listed below are issued with the same type of legitimation card as the principal beneficiary:
- the spouse married to the principal beneficiary,
- the cohabitant (spouse) of the principal beneficiary who is recognised by the organisation as the official partner or as a dependant within the meaning of the Staff regulations,
- the partner (spouse) who is in a partnership that was registered in Switzerland or under an equivalent foreign legislation with the principal beneficiary,
- the partner (spouse) who is not in a registered partnership with the principal beneficiary, but who is recognised by the organisation as the official partner or as a dependant within the meaning of the Staff regulations,
- the unmarried children, under the age of 25, of the principal beneficiary or of their spouse. If a child is a minor (under the age of 18) and the principal beneficiary is not accompanied by the other parent, the organisation must provide the Swiss Mission with an official document stating that the child is in the custody of the principal beneficiary or, depending on the case, with the written consent of the other parent. The same rule applies to a minor who is the child of the spouse and if the principal beneficiary is not the father/mother.

Swiss family members or those holders of a valid permit [8] of staff members do not receive a legitimation card. The same rule applies to other family members of staff members (see section 2.5 – other family members).

Family members of French staff members and French family members of foreign staff members, who are living in France, are not issued a legitimation card.

Family members of interns are not issued a legitimation card. The same rule applies to other family members of interns (see section 2.5 – other family members).

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4 Agreement on the Free Movement of Persons (AFMP): https://www.fedlex.admin.ch/eli/cc/2002/243/fr (in French, German and Italian)

5 EU Member States (27): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

6 EFTA Member States (4): Iceland, Liechtenstein, Norway and Switzerland.

7 Instructions of the State Secretariat for Migration, "Domaine des étrangers", Chapter 7 (available in French, German or Italian): https://www.sem.admin.ch/sem/fr/home/publiservice/weisungen-kreisschreiben/auslaenderbereich.html

8 Residence permit (B permit), permanent residence permit (C permit) and short-term residence permit (L permit).

2.3. Adopted children

Children adopted before the arrival in Switzerland of the principal beneficiary or of their spouse are allowed to enter Switzerland on the grounds of family reunification under the same conditions as biological children, provided that the adoption complies with the legislation of the State where the adoption was granted and that it is not contrary to Swiss public order.

If the adoptive parents reside in Switzerland and wish to adopt a child in Switzerland or abroad, they must first obtain an authorisation (suitability certificate) issued by the central cantonal authority responsible for adoptions. They must then contact this authority before taking administrative steps to adopt in the child's country of origin. This obligation also applies if the adoption has to be granted in the country where one or both of the future adoptive parents are citizens. This authorisation is issued by the competent authority of their place of residence pursuant to the regulations in force [9].

The adoption procedure differs depending on whether or not the child's country of origin is a State Party to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. This procedure is described in the brochure “Adoption in Switzerland” published by the Federal Office of Justice [10].

2.4. Exception to rule requiring family members to live in the same household as the principal beneficiary

Family members must in principle live in the same household as the principal beneficiary to be issued with a legitimation card. An exception to this rule can however be made in the following two cases and in favour of family members of the principal beneficiary who lives in Switzerland:

2.4.1. *Children studying abroad*

Unmarried children under the age of 25 who are studying abroad may be issued a legitimation card. Children studying abroad are not required to live in the same household as the principal beneficiary in order to be issued or continue to hold a legitimation card.

When an organisation requests a legitimation card for such a child, it must inform the Swiss Mission in what country and city the child is studying and how long their studies are likely to take. If the child subsequently moves in with the principal beneficiary, the organisation must inform the Swiss Mission. The same rule applies to children who are living in the same household as the principal beneficiary and subsequently move abroad for purposes of study.

Exceptions to the rule requiring children to live in the same household must be requested using the form provided for this purpose [11].

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9 Hague Convention (in French, German or Italian): https://www.fedlex.admin.ch/eli/cc/2003/99/fr
Swiss legislation on the application of the Hague Convention (in French, German or Italian): https://www.fedlex.admin.ch/eli/cc/2002/639/fr
Adoption Ordinance (OAdo) (in French, German or Italian): https://www.fedlex.admin.ch/eli/cc/2011/505/fr

10 Publication “Adoption in Switzerland”: https://www.bj.admin.ch/dam/en/sd-web/mMAycU7GZQwU/bro-adoption.pdf

11 Form “Children - Exception to live in the same household”: https://www.mission-geneve.dfae.admin.ch/dam/en/sd-web/qvNgcUM8SSd3/D%C3%A9rogation%20m%C3%A9nage%20commun%20OI%20anglais%202025.pdf

2.4.2. *Proceedings for separation/divorce or dissolution of registered partnership*

In the case of divorce or separation proceedings, protection of marital union proceedings or proceedings for the judicial dissolution of a registered partnership, the spouse of the principal beneficiary may keep their legitimation card or Ci permit [12] until the end of the proceedings, respectively for a reasonable period of time.

In this case, the organisation must immediately inform the Swiss Mission that the principal beneficiary and their spouse have separated and judicial proceedings are under way. It must also indicate the spouse's private address or, if necessary, the private address of the principal beneficiary. The same rule applies to the children if they are living with the spouse during the proceedings.

Once the divorce or dissolution of the registered partnership is granted, the organisation must immediately inform the Swiss Mission and return the legitimation cards of the spouse and of the children if the spouse has official custody of them or, in the case of adult children, if they are still living with the spouse so that the Swiss Mission can cancel the legitimation card. In the case of shared custody, the official domicile of the minor children is decisive.

Upon written request from the organisation, the spouse and their children may be granted a courtesy period of two months from the date of the divorce decree or the judgment dissolving the registered partnership (see section 9 – courtesy periods).

2.5. Other family members

In exceptional cases and depending on the circumstances, other family members of the principal beneficiary or of their spouse are allowed to enter Switzerland on the grounds of family reunification. They must live together with the principal beneficiary in the same household in Switzerland and be in the principal beneficiary's sole care.

Such requests must be justified and they must be submitted by the organisation to the Swiss Mission before the persons concerned arrive in Switzerland. The requests for relatives in ascending line must be made using the form provided for this purpose [13].

On decision of the Swiss Mission, the persons listed below may be issued a type "H" legitimation card:

- the cohabitant (spouse) of the principal beneficiary if they are not recognised by the organisation as the official partners or as dependants within the meaning of the Staff regulations; the organisation must provide the Swiss Mission with proof that the couple is in a stable and long-term relationship,
- the partner (spouse) who is not in a registered partnership with the principal beneficiary if they are not recognised by the organisation as the official partners or as dependants within the meaning of the Staff regulations; the organisation must provide the Swiss Mission with proof that the couple is in a stable and long-term relationship,
- the unmarried children over the age of 25 of the principal beneficiary or of their spouse,
- the relatives in the ascending line of the principal beneficiary or of their spouse,
- other unmarried family members, generally minors, of the principal beneficiary or of their spouse, who cannot be entrusted to the care of a third party in the country of origin (for example, a brother, sister, grandchild, nephew, niece or a child under guardianship or

[12] Information note on the Ci permit: https://www.mission-geneve.dfae.admin.ch/en/manual-members-of-family

[13] Form "Relatives in ascending line – Family reunification": https://www.mission-geneve.dfae.admin.ch/dam/en/sd-web/BHB0aAnZSGBu/Regroupement%20familial%20ascendants%20OI%20anglais%202026.pdf

wardship); the organisation must provide the Swiss Mission with proof that the principal beneficiary or their spouse is authorised to host the minor child (under the age of 18).

If the Swiss Mission accepts the request, the person concerned will be issued a type “H” legitimation card allowing them to reside permanently in Switzerland with the principal beneficiary for the duration of the employment of the latter. This card does not permit the holder to reside part of the time in their country of origin and part in Switzerland; in such a situation the person must apply for a short-stay visa (visit) at the competent Swiss representation.

The holders of a type “H” legitimation card are subject to Swiss law, in particular, legislations covering social security [14] and taxation. The Swiss Mission will first issue a legitimation card for an initial period of three months from the date of entry into Switzerland. This period allows them to take the necessary steps to regularise their situation with regard to the above-mentioned legislations. It is the responsibility of the principal beneficiary to ensure this.

Before the end of the three-month period and upon presentation by the organisation of a Swiss health insurance certificate in the name of the person or of the exemption decision obtained by the competent cantonal authority, the Swiss Mission will issue a new legitimation card valid for one year, renewable if necessary (see section 7).

Each year, the organisation must enclose a Swiss health insurance certificate or the exemption decision with the application for renewal of the legitimation card. The Swiss Mission also reserves the right at any time to request confirmation that the person has registered, according to their age, with the AHV/AVS Cantonal Compensation Office and the Cantonal Tax Authority in accordance with their obligations.

3. Entry into Switzerland for persons recruited abroad

Depending on their nationality, persons recruited abroad are subject to the visa requirement to take up employment and their family members to the visa requirement for family reunification, even if they are exempted from the visa requirement for a short stay [15]. The visa must be requested from the Swiss representation.

The Swiss Mission can only issue legitimation cards to persons who are in possession of a visa when they enter Switzerland.

Nationals of the States listed below are not subject to the visa requirement to take up employment or for family reunification: Australia, Brunei Darussalam, Japan, Malaysia, New Zealand, Principality of Andorra, Principality of Monaco, San Marino, Singapore, United Kingdom, Vatican, Member States of the EFTA [16] and of the EU [17].

Nationals of third States, holders of a valid residence permit issued by a Schengen State [18] and a recognised and valid travel document, are not subject to the visa requirement to take up

[14] Social security insurance (Old Age and Survivors’ Insurance) and health/accidents insurance. Persons without gainful employment are required to pay social insurance contributions from 1 January following their 20th birthday until the normal retirement age (64 for women and 65 for men).

[15] Information note on visas: https://www.mission-geneve.dfae.admin.ch/en/visas-and-procedures-for-entering-switzerland

[16] EFTA Member States (4): Iceland, Liechtenstein, Norway and Switzerland.

[17] EU Member States (27): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

[18] Schengen Area Member States (29): Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland.

employment and for family reunification. The same rule applies to those who hold a valid D visa issued by a Schengen State and a recognised and valid travel document [19].

3.1. Persons with refugee status in a third country

Persons with refugee status in a third country may, by way of exception, be allowed to enter Switzerland to work for an organisation, provided that the legislation of the State which admitted them as refugees permits such persons to freely leave and return to the territory of that State at any time, and that they are holders of a valid travel document. The validity of their legitimation card is limited to the duration of the residence permit issued by the State concerned.

The same rule applies to their family members. However, those living in France with the principal beneficiary do not receive a legitimation card.

4. Interns

Foreign nationals who are hired by the organisation as interns are issued a type "H" legitimation card provided that they are hired for more than 90 days [20].
Those who are hired for less than 90 days do not receive a legitimation card but the organisation must register them with the Swiss Mission.

The above are subject to Swiss law, in particular, legislation covering social security [21] and taxation.

5. Employment hours of foreign staff members

Staff members are generally required to work full time for their organisation. The legitimation card they are issued as staff members does not permit them to work at the same time for another organisation, nor on the Swiss labour market.

Staff members living in Switzerland are nevertheless permitted under certain conditions to engage in a (non-commercial) gainful activity on the Swiss labour market. This type of activity is limited to ten hours per week and is subject to prior authorisation from the Cantonal Population Office of their place of residence [22], which consults the Swiss Mission before approving the application.

Staff members may be authorised by the Swiss Mission to work part time. They must, however, undertake in writing to not engage in any other type of gainful employment in Switzerland and must certify that they have adequate financial resources to meet their own needs and those of their family members. Family members of staff members who are employed part time are not, in principle, issued a legitimation card.

Such requests must be submitted by the international organisation using the form provided for this purpose [23].

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19 Information note on visas: https://www.mission-geneve.dfae.admin.ch/en/visas-and-procedures-for-entering-switzerland

20 The persons who are subject to the visa requirement to take up employment (see section 3) are authorised to live in Switzerland for maximum 90 days or for the duration of their visa. The persons who are not subject to the visa requirement to take up employment (see section 3) are authorised to live in Switzerland for maximum 90 days.

21 Social security insurance (Old Age and Survivors' Insurance) and health/accidents insurance.

22 Host State Ordinance, Article 21, Paragraph 2: https://www.fedlex.admin.ch/eli/cc/2007/861/en

23 Form "part time work": https://www.mission-geneve.dfae.admin.ch/dam/en/sd-web/010uVhSoSBuy/Formulaire-Demande-autorisation-travailler-temps-partiel-version-anglaise_EN.pdf

6. Domicile in neighboring France

The persons must first contact the Consulate General of France in Geneva to check whether and under what conditions they are allowed to live in France. This rule does not apply to nationals of EU Member States [24].

7. Registration process

As soon as staff members take up their duties and as soon as their family members arrive in Switzerland, the organisation must register them with the Swiss Mission, provide the Swiss Mission with all information and documents needed to issue a legitimation card and fill in the form entitled “Application for an FDFA legitimation card” [25].

The legitimation card is issued for the duration of the employment contract or, in the case of permanent contracts, for no more than five years. Family members are issued a legitimation card valid for the same period of time as the legitimation card issued to the principal beneficiary. Other family members will first receive a legitimation card valid for three months and then a legitimation card valid for one year and renewable (see section 2.5).

Persons who have not been duly registered by the organisation with the Swiss Mission are not permitted to work for the organisation.

7.1. Renewal of legitimation cards

The organisation will return any legitimation cards of staff members and their family members, which are about to expire, to the Swiss Mission for renewal. A recent photograph of each person, and, if necessary, a copy of any new passports issued to a person since the issuance of the previous legitimation card must be enclosed with the renewal application.

The Swiss Mission regularly deletes any legitimation cards in its database which have expired and which the organisation has not requested to renew.

7.2. Changes in the personal status of holders of a legitimation card

The organisation must inform the Swiss Mission without delay of any changes in the personal status of staff members and their family members, namely:

- a change in marital status [26],
- marital separation involving spouses living apart,
- a change of address,
- a change of nationality.

7.3. Loss or theft of a legitimation card

In the event of the loss of a legitimation card, cardholders must immediately notify their organisation, indicating the circumstances surrounding the loss.

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24 EU Member States (27): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

25 Form “Application for an FDFA legitimation card”: https://www.mission-geneve.dfae.admin.ch/dam/en/sd-web/58mT7zoEj9ij/Demande-carte-de-legitimation-autres-Organisations_EN.pdf

26 As a result of marriage, the conclusion of a registered partnership, divorce, the dissolution of a registered partnership or the death of the spouse.

They are required to immediately report the theft of their legitimation card to the relevant police authorities (the theft can also be reported at the police station). If the card was stolen abroad, the theft must be reported to the relevant foreign police authorities.

The organisation must send the report of loss or the theft report, along with an application for the renewal of a legitimation card, to the Swiss Mission.

7.4. Registration with residents' registry of the place of residence

Persons holding a type "H" or type "R" legitimation card are exempted from the obligation to register with the residents' registry of the place of residence; they may however register voluntarily. In order to do so, they must contact the residents' registry of their place of residence and provided the requested information [27].

8. End of the period of service

The organisation is required to notify the Swiss Mission without delay of the end of the period of service of its staff members indicating the exact date of the end of the period of service. The same procedure applies to family members who permanently leave Switzerland before the end of the principal beneficiary's period of service.

When a staff member takes unpaid leave for more than two months, the organisation is also required to notify the Swiss Mission without delay of the exact starting date granted for the unpaid leave. For an unpaid leave under two months or equal to two months, the organisation is not required to notify the Swiss Mission since staff members are automatically granted a courtesy period of two months (see section 9 – courtesy periods).

The organisation must return the legitimation cards of the persons concerned to the Swiss Mission for cancellation on or before the expiry date of the courtesy period (see section 9 – courtesy periods).

9. Courtesy periods

Staff members are automatically granted a courtesy period of two months from the exact date of the end of their period of service. Family members are granted the same courtesy period. Generally interns do not enjoy a courtesy period.

The courtesy period gives those concerned time to organise their final departure from Switzerland, to make arrangements if they decide to stay on in Switzerland, or to find a new job in an organisation, an international organisation or a foreign representation.

The organisation is required to notify the Swiss Mission without delay of the end of the period of service of its staff members, in accordance with section 8. It may not wait until the courtesy period expires to do so.

During the courtesy period, those concerned may keep their legitimation card, which they will be required to return through the organisation to the Swiss Mission at the latest on expiry of the courtesy period. If the legitimation card of a person concerned expires before the end of the courtesy period, the Swiss Mission will renew the card for the necessary period upon prior request by the organisation.

[27] The Population and Migration Office of the Canton of Geneva published online a registration form for persons holding a legitimation card ("formulaire OI") : https://www.ge.ch/en/announcing-my-arrival-ocpm/arrival-announcement-legitimation-card-holder

Those who are not nationals of a Member State of the Schengen Area [28] must leave Switzerland while their legitimation card is still valid and before the courtesy period expires. They must show their legitimation card to the Swiss border police and to the foreign border police when travelling through a Schengen State to reach their destination country. They must return their legitimation card to the Swiss Mission through the organisation or the Swiss representation upon arrival in their destination country.

9.1. Courtesy period granted to retiring staff members

Retiring staff members may request a courtesy period of three months for themselves and their family members to organise their final departure from Switzerland or to make arrangements if they decide to stay on in Switzerland [29]. Such requests must be justified and they must be submitted by the organisation to the Swiss Mission while the staff member is still employed.

9.2. Other courtesy periods granted to family members

Depending on the circumstances, a courtesy period exceeding two months may be granted to family members upon a detailed request in writing by the organisation to the Swiss Mission, for example, in the event of the principal beneficiary's death or if the latter is transferred abroad.

In the event that the principal beneficiary is transferred abroad, the Swiss Mission may grant a courtesy period of up to six months, allowing children to complete the current school year and the spouse to stay with them.

9.3. Family members holding a Ci permit

During the courtesy period, holders of a Ci permit [30] no longer have access to the Swiss labour market under this simplified procedure. They must return their permit to the Cantonal Population Office of their place of residence. However, they may request authorisation from the Cantonal Population Office to end their gainful employment within a reasonable period.

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[28] Schengen Area Member States (29): Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland.

[29] Information on staying in Switzerland beyond the end of the period of service: https://www.mission-geneve.dfae.admin.ch/en/manual-stay-in-switzerland

[30] Information note on the Ci permit: https://www.mission-geneve.dfae.admin.ch/en/manual-members-of-family