Information Sheet for Asylum Seekers at the Airport

Did you flee from another country and are you seeking refuge in Switzerland? The Swiss Refugee Council (SFH/OSAR) has written this information sheet. It explains the most important stages in the process of seeking asylum.

The Swiss Refugee Council is an organisation independent of the government which supports the rights of asylum seekers and refugees. Our website: www.fluechtlingshilfe.ch. On www.fluechtlingshilfe.ch/hilfe, you can find further Information for asylum seekers and refugees in many languages.

1. Submitting an application for asylum

1.1 Asylum application at the airport

You submitted your asylum application at a Swiss International Airport.

→ During the asylum procedure (maximum 60 days) you are accommodated in the transit area of the airport.
   Attention: You can file an appeal against the decision to stay in the transit area.

→ You have to hand in your identity and travel documentation. You are interviewed.

1.2 Registration

After applying for asylum you are registered, your photograph and fingerprints are taken. The Swiss officials then check if your fingerprints are already registered in the «Eurodac» database by a European country, Norway, Liechtenstein or Iceland. If yes, then this country is responsible for handling your request for asylum; an exception is made if your husband/wife or your children are already living in Switzerland. The Swiss authorities will try to send you back to the responsible European country. You are only allowed to request asylum one time in one of the European countries (DUBLIN procedure). Only the first country is obliged to handle and check your request for asylum. If you have registered for asylum in another European country and you feel that this country didn’t give you a fair hearing, immediately request legal assistance.

Request to remain in Switzerland if you feel, for instance, the European country you are obliged to return to will extradite you to your home country without examining your request for asylum despite the fact that you fulfill the requirements of the refugee convention. You should request to stay in Switzerland if, for example, you are afraid that Switzerland will send you back to a European country which will extradite you to your home country where you risk being tortured or exposed to inhuman or degrading treatment or punishment.
1.3 **First, short interview**

During a first short interview, the authorities clarify if an asylum application according to Swiss law has been made and if this application is sufficiently reasoned. Should this not be the case and you decide to withdraw your asylum application it will be dismissed without a formal decision and your return will be initiated.

At the airport of Zurich this first interview is conducted by the airport police. At the airport of Geneva it is conducted by the State Secretariat for Migration (SEM).

The authorities will ask you questions about your identity and the identity of your family, about your travel route, about the reasons for fleeing and on your state of health. At this interview an official and if necessary a translator are present.

- State all important reasons why you have left your country.
- Say if you have experienced something which you cannot speak about in the presence of a man or a woman.
- Explain the reasons, if you aren’t able to hand in your personal documents.
- Say if you don’t understand something.
- Mention your health problems if you have any. A medical examination can then take place.

You are required to sign a record of this interview. Check carefully whether your answers have been noted down correctly, and whether everything you have said has been written down.
1.4 Documents / Evidence
→ Submit material which supports your case if you have any.
→ Keep photocopies of all documents which you hand over.

1.5 Further clarifications
If necessary additional clarifications are undertaken:
→ If doubts exist about your origin, you can be questioned by a language expert and your knowledge of your country of origin is checked.
→ If doubts exist about your age, you might have to take a medical exam.

1.6 What happens then?
→ You are given an N-identity card (identity card for asylum seekers).
→ You are interviewed thoroughly by an official of the asylum authority, the State Secretariat for Migration (SEM) at the airport and receive one of the following:
  • A decision of dismissal without entering into the substance of the case – you have the right to appeal this decision.
  • A negative decision on your claim – you have a right to appeal this decision.
  • The permission to enter Swiss territory in order to complete the asylum procedure in-country.
2. (Second) Interview

The interviews of the applicant are very important. You are interviewed once or several times. The authorities assess your asylum application on the basis of the interviews and the records of these interviews as well as the evidence provided by you.

2.1 Who takes part?

→ An official conducts the interview.
→ A translator must make a complete translation; your statements must not be assessed or summarised. The person can remain anonymous. You can be accompanied by a translator of your choice, but he/she cannot himself/herself be an asylum seeker.
→ A representative of a social aid organisation (a person belonging to a non-governmental organisation) observes the procedure. This person can ask further questions and will submit a report of the interview to their organisation.
→ You can arrange to be accompanied by an adult person of your choice (this person cannot himself/herself have an asylum application pending), or by a legal representative whom you have mandated yourself.

2.2 The questions

Generally, an interview is conducted as follows:

First, everybody introduces themselves. Then you get informed about the proceedings and your rights and duties. After that the official asks you brief questions about your personal situation:

→ identity and documents which prove your identity;
→ family and relatives;
→ military service;
→ route by which you travelled from the place of origin to Switzerland;
→ gainful employment in the country of origin and in Switzerland;
→ periods of residence abroad;
→ legal representation in the country of origin and in Switzerland.

After that you have the possibility to explain why you are seeking protection in Switzerland. It is very important that you mention all the reasons for your asylum application in detail and at full length.
In accordance with the law (extract of Article 3 Asylum Law)
refugees are granted asylum:

Refugees are persons who in their country of origin or in the country in which they last lived, because of their race, religion, nationality, membership of a specific social group, or because of their political views are exposed to serious disadvantages or have justified fear of being exposed to such disadvantages. Regarded as serious disadvantages are in particular threat to life, limb or freedom, and measures which cause intolerable psychological pressure.

Reasons for seeking refuge specific to women must be taken into account.

2.3 Presenting the reasons for fleeing

During the interview you must outline all the reasons why you have fled and wish to be granted asylum. You can speak freely and without fear. All those present are subject to a strict duty of secrecy and may not pass on what you say to anyone.

This part of the interview is very important. You will be asked to explain what caused you to leave your country of origin.

➔ Your answer must set forth all the facts truthfully. Explain the details.
➔ Speak about your emotions. Say if you have experienced something which you cannot speak about in the presence of a man or a woman.
➔ Bring forth all documents which relate to your persecution (police summons, court verdicts, prison documents, threatening letters, doctors' certificates, newspapers, photographs etc. – keep the copies!)
➔ Have you previously been in a European country and are you afraid that this country will extradite you to your country of origin where you will be exposed to inhuman treatment, persecution or torture. If this is the case, explain your situation and the dangers you will be exposed to.

Maybe you will be asked questions to clarify a misunderstanding, a contradiction or an issue that is not yet clear.

2.4 Interview of families

Family members are questioned individually. When an adult family member is questioned, the others must wait in another room. Normally, children should be questioned in the presence of their parents.
2.5 Record

Every interview is recorded in writing. After the interview the record will be translated to you. You will be asked to sign each page.

→ Make a comment if you did not understand something. Make corrections, if the record does not correspond exactly to what you wished to say. Make sure that errors are corrected and unclear points clarified.

Finally you will be asked whether you have any additional reasons why you wish to stay in Switzerland which have not been mentioned so far. You must confirm by your signature that you have said everything and that the record taken corresponds to the truth.

3. The decision of the State Secretariat for Migration (SEM)

Asylum procedures at the airport can be done very fast. Sometimes within only a few days or weeks. If the State Secretariat for Migration (SEM) doesn’t take a decision within 20 days, you are allowed to enter Swiss territory. You can be obligated to stay at the airport for a maximum of up to 60 days. Be sure to contact the responsible legal aid office at the airport as early as possible. They provide free advice on your asylum procedure and its prospects and provide further support if they feel it’s necessary.

Addresses of legal aid offices at the airports.

Zürich-Kloten
SRK, Sozial-, Rechtsberatung,
Transit ZH-Airport
Tel. 043 816 57 82, Fax 043 816 57 83

Genf-Cointrin
ELISA, Permanence Aéroport
Case postale 110, 1211 Genève 7
Tel. 022-733 82 62, Fax 022-733 82 47

Addresses in the Cantons see: https://www.fluechtlingshilfe.ch/assets/hilfe/160225-rbsadr-extern-04-04.pdf
Normally you receive a written decision in German, French or Italian from the State Secretariat for Migration (SEM). In the airport procedure you may receive the following decisions:

3.1 Positive Decision

3.1.1 Permission to enter Swiss territory
The asylum authority has decided to continue your asylum procedure in the country. This doesn’t represent a final decision in relation to your request for asylum, but simply the possibility to leave the airport and to enter the country.

3.2 Negative Decisions

1.1.1 Reasoned decision rejecting your claim
Your application is rejected and you will have to leave Switzerland within a defined period of time. Such a decision is taken if according to the authorities you are not in need of protection because your reasons for the flight are judged to be insufficient or if you could not substantiate or prove them.

1.1.2 Dublin decision
If – before your arrival at a Swiss airport – you have been to a country of the European Union, in Iceland, Liechtenstein or Norway, your application will be dismissed after a short interview on your travel route (without social aid representation) and transferred to the country responsible. You will therefore have to return to this country.

1.1.3 Third-country decision
If you resided in another country for a long period of time before your entry into Switzerland or have a visa for another country, your application will be dismissed after the first, short interview and you have to leave Switzerland immediately.

1.1.4 Other negative decisions
Your application will also be dismissed and you have to leave Switzerland if
- You are not seeking refuge in Switzerland, but have come exclusively for other reasons (medical or economic problems);
- You fail to cooperate for example by concealing your true identity (false name, false date of birth) or by providing falsified evidence;
- You fail to cooperate with the Swiss authorities for example by not attending the interview or fail to make yourself available for more than 20 days;
- You have submitted multiple applications or an application for re-examination without a statement of grounds or repeat applications that state the same grounds.
4. Appeal

If you do not agree with the decision of the State Secretariat for Migration, you may submit a written appeal to the

Federal Administrative Court (Bundesverwaltungsgericht)
Postfach, CH-9023 St. Gallen
Telefon +41 (0)58 705 26 26
Fax +41 (0)58 705 29 80

In the asylum procedure at the airport you only have 5 working days to file an appeal.

Legal aid offices and lawyers can help you. The addresses of the different legal aid offices can be found at https://www.fluechtlingshilfe.ch/assets/hilfe/160225-rbsadr-extern-04-04.pdf.

Additionally the Swiss Refugee Council provides information sheets and an instruction on how to file an appeal in 20 languages at www.fluechtlingshilfe.ch/hilfe/informationsblaetter.

The appeal has to be written in an official language (German, French or Italian). The appeal has to be signed and two copies have to be submitted, with available evidence and a copy of the decision. Be sure to make a copy for yourself and keep it with your files.

Caution: If you don’t file an appeal within the given time or if your appeal is rejected your stay in Switzerland is illegal.

Depending on the reason of the rejection of your application, you may be taken into custody right after receiving the decision.

If you file an appeal, you can normally stay in Switzerland until the court decides your case. There is however an exception: If you have received a negative Dublin decision. In this case you can still request to be allowed to stay in Switzerland until the court decides your case. You will however have to argue very carefully and based on your personal situation. Examples might be that you request to stay in Switzerland because you fear that the European country will not consider your asylum application even though you fulfill the requirements of the refugee convention and/or that the responsible country will send you back to your home country where you risk being tortured or exposed to inhuman or degrading punishment or treatment.

Even if you are sent back to the responsible European country, your appeal will still be decided in Switzerland. If you have a legal representative, be sure to stay in contact with him/her even if you are abroad. Only then can you be informed of a positive decision with the possibility to return to Switzerland.
5. General information

Legal representation (lawyer)
You must organise a legal representation yourself. The legal aid offices («Rechtsberatungsstellen», RBS) financed by aid organisations can be found at https://www.fluechtlingshilfe.ch/assets/hilfe/160225-rbsadr-extern-04-04.pdf

Family reunion
Asylum seekers have no right to have members of their family follow them from their home country.

Financial aid
If necessary you will get financial aid during the asylum procedure.

The Swiss Constitution (Art. 12) states that everybody living in Switzerland has a right to assistance in an emergency situation. After a negative decision, rejected asylum seekers have the right to such assistance, even if their stay is illegal. This emergency assistance covers food, shelter, clothes and medical support. You have to contact the Swiss authorities for this aid. Be aware that you risk being detained if you present yourself to these authorities, which are also responsible for deportations. For further information: www.fluechtlingshilfe.ch/asylrecht/das-asylverfahren/nothilfe.

Work
Asylum seekers are not allowed to work during the first three to six months. After that, work can be permitted, but only in certain sectors. Swiss citizens and other foreigners have priority on the labour market.

Accommodation
You must inform the authorities immediately of any change of address. In general a change of canton is not possible.

Detention/ Arrest
You can be arrested, if:
→ your asylum application is dismissed without entering into the substance of the case;
→ you refuse to cooperate with the authorities;
→ your asylum application is considered abusive;
→ you have committed a criminal offence;
→ there is definite evidence that you will refuse to comply with being returned to your home country.

Going abroad
You are not allowed to leave Switzerland during the asylum procedure, or to contact the consulate or the authorities of your country of origin.