

(January 2021)

## **Family Reunification at a glance**

*Many people living in Switzerland would like their family members from abroad to join them in Switzerland to live together. Depending on the residence status of the person living in Switzerland, different requirements apply to the reunification of the foreign family member. In addition, family reunification must be applied for in due time.*

### **Legal foundation**

For citizens of the EU/EFTA, family reunification is governed by the Federal Act on the Free Movement of Persons (FMPA), while family reunification for persons from other countries is regulated by the Foreign Nationals Act (AIG). In principle, family reunification for third-country nationals with a B or C permit is subject to stricter conditions. In the case of Swiss nationals, the requirements for family reunification also differ according to whether a person with or without the right of residence in an EU/EFTA country is to be reunited.

#### **Note**

The conditions under which a foreign family member can be brought to Switzerland depend to a large extent on the residence status of the applicant and differ greatly in some cases. In the case of Swiss citizens, the residency of the family member to be brought to Switzerland is also relevant. When examining and asserting the claim to family reunification, it is therefore important to consider which constellation is given.

### **Reunification of spouses or partners**

Swiss nationals may bring their spouses or registered partners to join them if they have a suitable place to live; the spouses must also live together if the person joining them comes from a third country (not EU/EFTA). Furthermore, there must be no abuse of rights (e.g. no fictitious marriage) and no grounds for revocation (e.g. no violation of public order).

For citizens of the EU/EFTA, an adequate but not necessarily shared home is a prerequisite. Here, too, there must be no abuse of rights; in addition, there must be no current threat to public safety and order.

Third country nationals with a C or B permit who wish to bring a family member to join them, there are further requirements in addition to shared accommodation, the absence of abuse of rights and grounds for revocation. The reunification of family members must not result in a risk of social welfare dependency, and the person to be reunited must have elementary German language skills or be enrolled in a language course.

### **Reunification of children or other relatives in the ascending line**

Swiss nationals can reunite children up to the age of 12 within a period of five years, thereafter and up to the age of 18 within a period of one year. In the case of reunification from an EU/EFTA state, however, no time limits apply and reunification is possible up to the age of 21.

Citizens of the EU/EFTA also have an unlimited right to reunification for children up to 21 years of age or in the case of dependent children (alimony).

Third country nationals who hold a C or B permit may bring children up to the age of 18 to join them, provided that the time limit for joining them has been complied with, there is a suitable accommodation

available and there is no risk of dependency on social welfare.

In all constellations, relatives in the ascending line can in principle only be brought to Switzerland if there is a special dependency (e.g. serious illness).

### **Deadlines**

The deadline refers to the period within which family reunification can be applied for.

In principle, the right to family reunification must be asserted within five years; this period applies to the reunification of both spouses and children. In the case of children over 12 years of age, however, it should be noted that the application must be filed in within 12 months. Depending on the constellation, the period begins with the entry, the granting of the residence or settlement permit or the establishment of the family relationship (e.g. marriage, birth of the child).

No time limit applies to the reunification of foreign family members of EU/EFTA citizens or Swiss nationals if they have a permanent residence permit from an EU/EFTA state.

If the deadline is missed, the prerequisite for family reunification is missing and this can only be granted if there are important family reasons. It is therefore worthwhile to apply for family reunification at an early stage.

### **Competence**

In the canton of Zurich, the cantonal migration office is responsible for processing applications for family reunification. Depending on the family situation, a number of documents must be submitted with the application, which must also be translated into a national language (e.g. identity documents, tenancy agreement, wage statement, marriage certificate or birth certificate, excerpt from the criminal and

debt enforcement register, etc.). It is therefore advisable to start collecting the necessary documents in due time.

### **Granting family reunification**

In principle, family members who have joined their family in Switzerland receive a residence permit with the same period of validity as the permit of the person who brought them in.

Foreign children under the age of 12 who are brought to Switzerland by Swiss citizens or persons with a permanent residence permit are granted a permanent residence permit directly; all other relatives are granted a temporary residence permit for one year.

*Do you have any further questions about family reunification or would you like legal assistance so that your family member can enter Switzerland and stay here? I will be pleased to advise and represent you!*



MLaw Dinah Hetata  
Rechtsanwältin

Schaub Hochl Rechtsanwälte,  
Theaterstrasse 29, 8400 Winterthur  
Tel: 052 213 35 35

**hetata@schaubhochl.ch**

www.schaubhochl.ch