Access to procedures and non-refoulement - Switzerland

Overview

Content updated on: 18/06/2025

Relevant EU legislation

Switzerland is not bound by the recast Asylum Procedures Directive. A similar national legal framework applies, Asylum Act | Loi sur l'asile, (26 June 1998).

National legislation

The relevant national legislation is the Asylum Act | Loi sur l'asile, (26 June 1998)

Competent authority and stakeholders

Area	Competent national authority	Assistance to competent authority (if applicable)
Screening at the external border	Information currently not available.	
Biometric data	Information currently not available.	

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Area	Competent national authority	Assistance to competent authority (if applicable)
Making an application	**At the border:** Border control point at a Swiss airport or open border crossing point **On the territory:** One of the 6 federal reception centres with processing facilities, managed by the State Secretariat for Migration | Staatssekretariat für Migration | Secrétariat d'Etat aux migrations | Segreteria di Stato della migrazione **In detention:** The cantonal authority from the canton that has ordered the detention or the execution of a sentence.	
Registering an application	Swiss legislation does not make a distinction between making, registering and lodging an asylum application.	
Lodging an application	One of the 6 federal reception centres with processing facilities, managed by the State Secretariat for Migration, except for minors under the age of 14 and applicants in detention.	
Information provision	Swiss legislation does not foresee any information provision activities at this stage of the asylum procedure. Information is provided after filing the application.	

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Access to the territory

Official external border-crossing points

Switzerland has 18 external air border crossing points.

Switzerland has no external sea border crossing points.

Emergency measures in cases of mass arrivals

In cases of increased international tension, the outbreak of an armed conflict where Switzerland is not involved, or exceptionally large influxes of asylum seekers during peaceful times, Switzerland's national law provides that the country shall grant asylum to refugees as long as the circumstances permit (Article 55 of the Asylum Act).

The Federal Council has the authority to take the necessary measures during such times, including issuing special procedural provisions and restricting asylum requirements. In cases of exceptional influxes, asylum may be granted temporarily, and Switzerland will seek international cooperation to reallocate refugees to other countries. A report on these measures must be submitted to the Federal Assembly immediately.

In the event of mass arrivals or the application of emergency measures, asylum seekers may access the procedure by approaching border guards at one of Switzerland's designated external border-crossing points. The asylum process would typically begin with an initial registration by the authorities, which usually operates within standard working hours. However, during periods of mass arrivals, these working hours may be extended to accommodate the increased number of applications.

Protection from refoulement

The principle of protection from *refoulement* is enshrined in Article 5 of the Asylum Act.

Protection from *refoulement* at external air borders

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In the procedure at the airport, an applicant would be allowed entry into Switzerland when the latter is responsible for the asylum procedure where it is obvious that the applicant comes from a country where he would be at risk of *refoulement* if returned. If such allegations are not demonstrated, the entry might be denied. As per article 22 of the Asylum Act, entry is also allowed if the asylum seeker is at risk of inhumane treatment or forced return to a country where they face such risks, in violation of the principle of non-*refoulement*.

Protection from *refoulement* at external land borders

Switzerland has no external land borders

Protection from *refoulement* at external land borders

Switzerland has no external sea borders

Protection from *refoulement* in case of emergency measures related to mass arrivals

Article 55 of the Asylum Act provides that asylum seekers may access the procedure by approaching border guards at one of Switzerland's designated external border-crossing points. Article 22 of the Asylum Act guarantees protection from *refoulement* at border and applies also in case of emergency measures.

Border procedure

Switzerland is not bound by the Asylum Procedures Directive/Regulation and no border procedures are envisaged in the national law.

A special airport procedure applies to persons making an application at the international airports in Zurich or Geneva (Articles 22 and 23 of the Asylum Law). Federal police at the airport register the applicant's personal data and take fingerprints and ID photo. Biometric data may also be required and the reasons for leaving the country of origin and the travel route clarified. The data are then transmitted to the State Secretariat for Migration (SEM), that verifies whether Switzerland is responsible for processing the asylum application, considering the Dublin Association Agreements. If Switzerland is determined to be responsible, the asylum seeker’s entry into the country may be authorized.

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If entry is denied, SEM ensures that asylum seekers are provided with appropriate accommodation at the airport, with the costs borne by the government. Airport operators are responsible for providing reasonably priced accommodation. Additionally, the Confederation guarantees free legal counselling and representation for asylum seekers, similar to the provisions available to those seeking asylum in other parts of Switzerland. Asylum seekers must be informed of the decision regarding entry denial and the allocation of a place to stay within two days of their application. They are also informed of their rights to appeal the decision. Prior to this, they are given a hearing to ensure that their case is heard.

Asylum seekers may be held at the airport or, in exceptional cases, at another location for up to 60 days. If a return decision is legally binding, they may be transferred to a facility for deportees. If the asylum application is still being processed, SEM can allocate the asylum seeker to a canton or a federal centre.

If SEM denies entry, it may dismiss or reject the asylum application, and the decision must be communicated to the applicant within 20 days of filing. If the process takes longer, SEM will allocate the individual to a canton or federal centre to continue the procedure.

Procedural aspects

Swiss law does not differentiate among the making, registering and lodging of an application. The Asylum Law, Article 19 uses the term "filing" the application (*dépôt de la demande*), which corresponds more to making an application under the terminology of the recast APD and involves only the expression of the wish to apply for asylum and the recording of this act by the competent authorities.

Making an application

Responsible authority and place

Any statement from a person indicating that they are seeking protection in Switzerland from persecution elsewhere is considered by law as an application for asylum. (Asylum Act, Article 18)

An asylum application can be made at the Swiss border (open border crossing, border control point of an international airport in Switzerland) or within the Swiss

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territory (federal asylum centres with processing facilities operated by the SEM). (Asylum Act, Article 19)

Possibility to apply from outside the territory

Asylum applications cannot be filed at Swiss representations abroad (Asylum Law , Article 19) since September 2012: a visa on humanitarian grounds may be granted at a Swiss diplomatic representation abroad if a foreigner applies for this type of visa and is considered to be in imminent and serious danger of bodily harm in the country of origin or country of habitual residence.

Formal requirements for making an application

Applications are filed in person. (Article 19 of the Asylum Act). Persons applying for asylum at the border or following their detention for illegal entry in the vicinity of the border shall be assigned to a federal centre by the competent authority and the SEM verifies its competence to carry out the asylum procedure according to the Dublin III Regulation. (Article 21 of the Asylum Law). Persons in administrative or criminal detention may apply for asylum at a cantonal authority.

Registering an application

Responsible authority and place

The registration of the application typically takes place in one of the six federal reception centres with processing facilities. The airport police register the applicant's personal data and take fingerprints and photos in the framework of the airport procedure. Other biometric data may be required and the reasons for leaving the country of origin, and the travel route may need to be clarified.

When the registration does not take place in a federal reception centre with a processing facility, the competent cantonal or federal authority registers the applicant's personal data, assigns them to a federal reception centre with processing facilities and delivers a *laisser-passez* to the applicant.

Applicants must present themselves at the assigned reception centre with a processing facility within 24 hours. The competent cantonal or federal authority transmits the data to the SEM (Asylum Act, Articles 19 and 21). No specific time limits are laid down in law for applicants to file their application. If the application is not filed soon after entry, the SEM may request reasonable

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justification for the delay.

Practical steps to register the application

Applications are filed in person. (Article 19 of the Asylum Act). Personal data and biometric information are recorded by the competent authority. If necessary, the travel route and reasons for leaving the country are clarified. Data is transmitted to SEM for further processing.

There are no opening hours for the place where a third-country national can lodge and register an asylum application because the federal reception centres are open 24/7.

Third-country nationals cannot apply outside of working hours. According to the O rdinance of the FDJP on the on the management of federal reception centres in the field of asylum and accommodation at airports of 1 March 2019, the SEM could agree to extend the working hours in cooperation with the cantons where the centres are located.

Third-country nationals who submit an application outside of working hours are accommodated at federal reception centres until SEM representatives start the working shift.

Data collection

Information is collected during the preparatory phase, after the application for international protection has been submitted. The competent authority records personal data, fingerprints and photographs, biometric data and documents and evidence submitted by the applicant. (Article 26 of Asylum Act). Fingerprints of all fingers as well as photographs shall be taken of asylum seekers and persons in need of protection. The Federal Council may provide for exceptions in the case of minors under the age of 14 (Article 99 of the Asylum Act).

The Automatic Fingerprint Identification System (AFIS) has been in use in Switzerland since 1984. It stores fingerprints of all applicants, among other profiles.

If the origin of applicants is unknown, the specialised LINGUA unit investigates their origin. Investigations about regions of origin, countries of origin or the social background of a person are necessary. There are numerous foreigners in Switzerland who do not submit papers proving their identity and/or origin to the authorities and whose country of origin is therefore uncertain. With the help of

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independent external experts, LINGUA can ascertain the applicant's socialisation region and record the results of the investigations in a report. LINGUA reports are based on a linguistic analysis of the language and on an analysis of the applicant's knowledge of the country and its culture. The Lingua staff is composed of 7 persons.

Documentation

Documentation is provided to the applicant once the application has been lodged.

Lodging an application

Responsible authority and place

One of the 6 federal reception centres with processing facilities, managed by the State Secretariat for Migration, except for minors under the age of 14 and applicants in detention.

Formal requirements to lodge an application for international protection

Persons can file an application for international protection without any formal requirement, both orally and in writing. The applicant must provide information on their identity and to prove it, to the extent possible, by providing official documents. The applicant is also expected to present the reasons for which they left their country of origin and to provide relevant evidence, as much as possible.

The lodging of an application is the beginning of the preparatory phase of the asylum procedure (Asylum Act, Article 26(1)). Exceptions for lodging an application in a federal reception centre with a processing facility:

- children under 14 years of age joining their parents in Switzerland; and
- applicants in prison (administrative detention or execution of a sentence).

An applicant is entitled to free legal assistance and interpretation. No special arrangements are in place to assist applicants with the filing itself, given that filing the application rather corresponds to making an application under the recast APD terminology.

Documentation

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The competent federal or cantonal authorities deliver a *laisser-passez* to applicants, allowing them to reach the assigned federal asylum centre within 24 hours (Article 8(1) and (2) of the Asylum Ordinance No 1 on procedural aspects). The cantonal authority (of the canton where the parents live) directly issues them an “N permit” (which certifies that an asylum application has been lodged and allows the applicant to remain in Switzerland until the end of the asylum procedure), after having confiscated the travel and identity papers. The cantonal authority then informs the SEM about the asylum application (Article 8(3) and (4) of the Asylum Ordinance No 1 on procedural aspects).

Information provision

Article 26(3) of the Asylum Act guarantees the right of the applicant to receive information of their rights and obligations in the asylum procedure. The competent authority providing information is the SEM.

Passport and other documents

Obligation to surrender original documents

Requirement to submit original documents

According to Article 8(1b) of the Law on Asylum (AsylA) and Article 2a of the Asylum Ordinance no1 on procedural aspects (OA1), the asylum applicant must show any travel documents and identity cards or any other document containing information on his/her identity.

Consequence of a refusal to surrender documents

What happens in the case of a refusal or non-existence of a passport (also with regard to the duty to cooperate)?

Return of original documents to the applicant

According to Article 2b(3) of the Asylum Ordinance No 1 on procedural aspects (OA1), the documents must be kept during the asylum procedure and after its final closure as long as the person concerned does not have a residence or settlement permit in Switzerland. In addition, a rejected asylum seeker will only receive their travel documents when their return from Switzerland is carried out.

Other documents

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Asylum Ordinance No 1 on procedural aspects, Articles 2b(1) and (2) underline that the competent federal or cantonal authorities are obliged to seize all travel documents, identity documents and other documents issued in another country or by the representation of another country, namely: civil status documents, proof of family ties, baptism certificates, proof of nationality, refugee cards, driving licenses and military cards. These documents are then transferred to the SEM.

A distinction is made between identity/travel documents and original evidence documents. Original documents are required. However, photocopies are accepted, and their value is analysed. An asylum applicant's identity will not be questioned solely for the reason of filing a photocopied document. A set of factors are considered (incomplete knowledge and/or substantial errors about the country, speaking a language other than the one(s) spoken in the country, etc.) during the interview, which may lead to questioning the origin of an asylum applicant.

Requirement to read digital data

Under Article 8 of the Asylum Act, the authority may require an applicant to temporarily surrender digital devices such as mobile phones, laptops, USB sticks, SD memory cars and other electronic data carriers as part of the duty to cooperate. This measure applies only where the applicant’s identity, nationality, or travel route cannot be established on the basis of identity documents or by other means. Before ordering such a measure, SEM must assess its necessity and proportionality on a case-by-case basis. If devices are handed over, any processing of personal data is ruled by Article 8a, which establishes a detailed data-protection framework. Pending analysis, personal data may be temporarily stored on a secure server operated by the Federal Department of Justice and Police (FDJP). When requesting the surrender of electronic data carriers, SEM must inform the asylum seeker in advance about the intended procedure, including its purpose, form, the categories of data analysed, the methods of analysis and storage and the rules on data deletion.

According to Article 8a of the Asylum Act, the analysis is generally carried out during the preparatory phase of the procedure and is conducted by SEM personnel in the presence of the asylum seeker, unless the applicant waives or refuses this right; the analysis must be documented in a report. After the

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analysis, the temporarily stored personal data must be deleted, and all personal data are automatically deleted at the latest one year after storage. Data that are relevant and analysed are stored in the asylum file, and the asylum seeker has the right to comment on the results. The Federal Council is empowered to specify which data may be collected and to regulate access to and the detailed conduct of the analysis.

If an applicant refuses to cooperate without valid reason, including refusing to surrender a digital device when lawfully requested, or fails to make themselves available to the authorities for the prescribed periods, the asylum procedure may be discontinued.

The provisions on electronic data carriers and data processing were inserted by No. I and paragraph 1 of No. III of the Federal Act of 1 October 2021 and have been in force since 1 April 2025 (AS 2024 189; BBl 2020 9287; 2021 137).

Guarantees for applicants

Confidentiality principle

Article 26 of the Asylum Act guarantees the confidentiality principle for federal personnel, and any third parties delegated to perform the same tasks of SEM, on data collected during the registration phase. This includes personal data, fingerprints and photographs, biometric data and documents and evidence submitted by the applicant. Additionally, Switzerland is bound by the Information Security Act of 18 December 2020 that guarantees confidentiality principle on personal data.

Information provision

Swiss legislation does not foresee any information provision activities at this stage of the asylum procedure. According to Article 26(3) of the Asylum Act, applicants receive multilingual information brochures, watch a video about the procedure and its steps and are entitled to free legal assistance only after filing the application, at the start of the preparatory phase, when arriving to the assigned federal asylum centre with processing facilities.

There are no specific brochures at the airport or in detention facilities about the right to file an asylum application.

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Interpretation

According to Article 29 of the Asylum Act, SEM must interview asylum seekers on their grounds for asylum and if necessary, an interpreter may be required. SEM may have interpreters and translators assessed about their trustworthiness. If the interpreters or translators undergo personnel security screening in accordance with the Information Security Act at the same time, both procedures shall be combined.

Legal assistance and representation

According to Art. 102 of the Asylum Act, from the beginning of the procedure, each asylum seeker is assigned a legal representative, unless the applicant explicitly waives this right.

Following the allocation of asylum seekers to a canton, they are entitled to contact a legal advice agency or a legal representative who is provided free of charge, unless they receive assistance already by the federal centre they are assigned to. The Swiss Confederation is responsible for paying the legal advice agencies for the work they carry out on behalf of asylum seekers. The payment is typically done as a lump sum, which is agreed upon between the Confederation and the legal advice agency. In exceptional cases, the payment may be based on actual expenditure, especially if there are non-recurring or specific costs involved in providing legal assistance.

The Federal Council establishes the requirements for authorisation as a legal advice agency. Legal advice agencies must meet certain standards to provide legally valid support and guidance to asylum seekers.

The Federal Council also determines the procedural steps relevant to the asylum decision-making process where legal advice is required.

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