Federal Council defines the criteria for temporarily restrict the freedom of movement as a safeguard clause

The Federal Council outlined the national implementation of the safeguard clause under the Agreement on the Free Movement of Persons with the EU. This clause allows Switzerland to temporarily restrict the free movement of EU/EEA citizens if net immigration, unemployment, or social assistance usage surpass certain thresholds, or if other economic or social indicators reveal serious difficulties. Cantons can also request activation in specific regions.

The Federal Council establishes indicators and thresholds for immigration, cross-border workers, unemployment, and social aid. If limits are exceeded, it examines whether to activate the clause and propose appropriate protective measures, which may include setting maximum immigration numbers, prioritising local workers, limiting residence for involuntarily unemployed persons, or restricting job-seeking periods. Measures can apply nationally or regionally.

Decisions involve consultation with parliamentary committees, cantons, and social partners. If disagreements arise, the mixed committee or an arbitral tribunal may intervene, and the EU may implement proportional rebalancing measures within the free movement framework.

The safeguard clause is part of a broader protection system ensuring immigration is primarily linked to employment. Switzerland retains rights to expel criminal foreigners, limit permanent residence to working EU citizens after five years, and enforce job-seeking and employment notification requirements.

Source(s)

- Federal Council | Der Bundesrat | Conseil fédéral | Consiglio federale (14 May, 2025), Clause de sauvegarde : le Conseil fédéral définit les critères d’application [Safeguard clause: Federal Council defines application criteria], https://www.news.admin.ch/fr/newnsb/58NJ5_TX70hMHo_SaSW7L

Date of development
14.05.2025
Country
Switzerland

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Document generated on 25-11-2026
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Thematic area(s)

General asylum and migration development

Development type

Legislation

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