



10 Residence Permits for non-EUEFTA Citizens

Procedure regarding residence permits for non-EU/EFTA citizens:

- Entry as **Retiree**. Conditional upon the following (according to Art. 34 of the Regulation on the limitation of the number of foreign nationals); that the non-EU/EFTA citizen has reached the age of 55, has close relations with Switzerland, is employed neither in Switzerland nor in a foreign country, will relocate the center of livelihood to Switzerland and has the financial resources necessary to do so → for further details www.bfm.admin.ch.
- Entry as **Investor** who founds an enterprise (through an attorney or notary public). The investor, as owner of an enterprise, must in addition to a residence permit also obtain a permit for self-employment in Switzerland. Before any approval is granted in such a case, further details must definitely be known. For example, whether the investment corresponds with general macroeconomic interest, whether the necessary financial and operational prerequisites are fulfilled, and whether personal qualifications are also met.
- Entry as **Employee**. This requires however an employer who submits an application on the person's behalf. Such a permit can only be granted in the case of a specialist position, for which a qualified applicant cannot be found either in Switzerland or in the EU/EFTA countries. In this case the employment market and foreign national regulatory conditions must be fulfilled (compare Art. 7 Regulation of domestic employees; Art. 8 Priorities in recruitment and Art. 9 Conditions of employment; employment contract according to federal regulation) and the Federal Office for Migration must grant the permit antecedent to entry within the framework of approval proceedings, based on the forwarding of our dossier and motion of the Federal Office.
- The non-EU/EFTA citizen **transacts „merely“ an investment**. This means that if the non-EU/EFTA citizen travels to Switzerland for regular business meetings, these occurrences would be regulated according to the Regulation on entry and registration of foreign nationals (compare Art. 11 Length of residence and residence purpose found under www.admin.ch, documentation in the systematic collection of federal law SR 142.211).

An important proviso is that a case can only then be validly examined and judged after all application documents are in timely possession of the Migration Office.

On the basis of the submitted application documents, an employment market and foreign national regulatory pre-examination will first be conducted in accordance with the foreign nationals directive as per ANAG (Federal Act on Residence and Location of Foreign Nationals) and the BVO (Regulation on the limitation of the number of foreign nationals). The Federal Office for Migration (BFM) examines the application in a second step within the framework of approval proceedings. The dossier must be submitted to the Federal Office for Migration (BFM). This condition is valid throughout all of Switzerland! In the case of non-EU/EFTA citizens, a processing time of at least four weeks must be calculated, always in consideration that all application documents have been submitted.

Further information on this topic can be found at www.ag.ch/migrationsamt.

In addition we recommend you the code of practice on personal freedom of movement, which can be downloaded at www.ag.ch/migrationsamt/de/pub/allgemeines/migrationsamt.php.

Hint: As of 1.1.2008 the new Foreign Nationals Act (AuG) will come into effect with new executive regulations, e.g. the Regulation on Admission, Residence and Integration (VZAI). In future decisions these documents will also be considered.