

# Information for non-Swiss nationals

This overview gives only a rough overview due to the differences in status of citizens from different countries. It is advisable to consult the competent authorities in individual cases or to seek expert advice.

## Residence and employment

### Enforcement agency

State Secretariat for Migration SEM  
[www.sem.admin.ch](http://www.sem.admin.ch) and cantonal offices  
(for business and work; migration)

### Introductory remarks

Health and economic policy regulations and the respective requirements for professional practice (eg, authorisation requirements) must always be observed, irrespective of nationality and the residence permit.

**Swiss citizens and those with a C permit:**  
no work permit required

### EU-28/EFTA member states

*in employment relationship with Swiss employer (employment of more than three months)*

Receive a L or B residence permit (depending on duration of the contract); a right to claim exists; compulsory registration before the start of work at the resident control of the municipality (required documents: valid passport and employment contract or work confirmation)

*in employment relationship with a foreign employer (employment of more than three months)*

Regarded as a seconded person or service provider, even if temporarily resident in Switzerland; the employer must obtain a work permit for them (conditions to be fulfilled: economic interest, salary and working conditions, personal prerequisites and existing quotas). Only when this is available can registration be made before the start of work at the resident control of the municipality (required documents: valid passport and employment contract or work confirmation).

*with residence abroad (cross-border commuter permit)*

In the case of gainful employment of more than three months per calendar year, receive a border permit (G permit) on submission of a work certificate. The cantonal migration office is responsible for this.

### *short stay for employment*

Max. 90 working days per calendar year without work in Switzerland. However, this is subject to a compulsory declaration of employment of more than eight days. The obligation to notify exists as of the first working day for: construction and allied industries, catering, cleaning, security services. The notification must be made no later than eight days before the start of work.

### *Croatian nationals*

According to Protocol III on the free movement of persons, specific maximum numbers and labour market regulations apply to Croatian nationals concerning access to employment from 2017 until the probable end of 2023.

### Citizens of third countries

Possible only with appropriate visa and immigration papers; limited to specialists, executives and other skilled workers

*employment relationship with Swiss employer*

Conditions to be fulfilled: overall economic interest, priority given to indigenous people, salary and working conditions, personnel requirements and existing quotas

*employment relationship with foreign employer*

See EU-28/EFTA citizens; conditions to be fulfilled: economic interest, salary and working conditions, personnel requirements and existing quotas

### *Special features of residence permits*

#### *residence permit (B permit)*

Stays of more than one year; for certain purpose; limited time; can be extended if no grounds for revocation

#### *short-term residence permit (L permit)*

Stays up to one year; for certain purposes; limited time; can be extended to max. 24 months

### Short stay permit

(permit L)  
Stays of up to one year; maximum extendable up to 24 months

### Residence permit

(permit B)  
Stays of more than one year; limited time

### EFTA

Principality of Liechtenstein, Iceland, Norway, Switzerland

### EU-28

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Sweden, Slovakia, Slovenia, Spain, UK

### Nationality priority

The applicant employer must provide evidence that it has not been able to find a qualified person (in terms of training and professional experience) in Switzerland or the EU/EFTA region.

### Salary and working conditions

The employer must comply with the local, employment and industry salary and working conditions.

### Quotas

Annual allocation of L and B permits set by the Federal Council

Self-employment: establishment of sole proprietorship, GmbH, AG	Acquisition of property	Family reunification
<p>More information:  <a href="http://www.startbiz.ch">www.startbiz.ch</a>, <a href="http://www.kmu.admin.ch">www.kmu.admin.ch</a>,  <a href="http://www.gruenden.ch">www.gruenden.ch</a>, <a href="http://www.sem.admin.ch">www.sem.admin.ch</a></p>	<p>Supervisory authority:  Federal Office of Justice,  <a href="http://www.bj.admin.ch">www.bj.admin.ch</a></p>	<p><b>Enforcement authority:</b>  State Secretariat for Migration, cantonal migration offices, <a href="http://www.sem.admin.ch">www.sem.admin.ch</a></p>
<p>EU/EFTA members as a rule can become self-employed.  Foreign nationals with C or B permit in the family estate (ie, married to</p> <ol style="list-style-type: none"> <li>1. a Swiss or</li> <li>2. a person with C permit or</li> <li>3. a person with B permit)</li> </ol> <p>can as a rule become self-employed.</p> <p>Non-resident third-country nationals or those without a permanent residence permit can become self-employed only if this is in line with overall economic interest and the necessary financial and operational conditions are met. The application documents (eg, business plan) are examined by the labour market authorities.</p>	<p><b>Acquisition free of charge of property for business purposes</b>, regardless of domicile, address or nationality</p> <p><i>Main home</i>  By all foreigners domiciled in Switzerland, if the dwelling serves as the main residence at the place of their legal and actual domicile</p> <p><i>Second home</i></p> <ul style="list-style-type: none"> <li>– EU/EFTA nationals and third-country nationals with a C permit resident in Switzerland</li> <li>– Cross-border worker with EU/EFTA citizenship in the region of the place of work</li> </ul> <p><i>Holiday home/apartment in aparthotel</i>  EU/EFTA citizens with residence in Switzerland</p>	<p><b>For Swiss nationals and foreign citizens with permit C</b>  <i>Foreign spouses, registered partners and unmarried children under 18 years of age</i> are entitled to the granting and extension of a residence permit in the case of cohabitation</p> <p><i>Children under 12 years of age</i> have the right to be issued with a residence permit</p> <p><b>For EU/EFTA citizens with a residence permit or short stay permit</b>  <i>Parents, grandparents, grandpartners, spouses, registered partners, (step)children under the age of 21 (if over 21, they must guarantee their support)</i>  A residence permit may be issued, provided that maintenance is guaranteed and that appropriate housing is available</p>
<p><b>Foundation of sole proprietorship</b>  The surname must be an essential part of the company name (OR 945 1); if applicable, commercial register entry at the place of business (depending on business activity and turnover); in the case of a commercial business with an annual turnover of at least CHF 100,000* (HREgV 36)</p>	<p><b>Purchase not possible</b></p> <p><i>Second home</i></p> <ul style="list-style-type: none"> <li>– by foreigners domiciled abroad (exception: second home at work place for cross-border commuters with EU/EFTA nationality)</li> <li>– by third-country nationals without a C permit</li> </ul> <p><i>Main home</i></p> <ul style="list-style-type: none"> <li>– by third-country nationals without a B or C permit</li> </ul>	<p><b>For foreign nationals with permit B or L</b>  <i>Foreign spouses, registered partners and unmarried children under the age of 18 can be granted a B or L permit if</i></p> <ul style="list-style-type: none"> <li>– cohabitation</li> <li>– availability of suitable accommodation</li> <li>– non-dependence on social assistance</li> </ul>
<p><b>Foundation of GmbH</b>  <i>Basically</i>  One founder (OR 775); at least one representative of the managing director or director with Swiss domicile (OR 814 (3)); entry in the commercial register at company headquarters (OR 778)</p> <p><i>Additionally</i>  Authorisation according to the Federal Act on the acquisition of property by persons abroad (BewG) for persons abroad, pursuant to BewG Art. 5, who are involved in the GmbH*</p>	<p><b>Required for</b></p> <p><i>Holiday apartment/aparthotel in aparthotel</i></p> <ul style="list-style-type: none"> <li>– Foreign nationals resident abroad</li> <li>– Third-country nationals without a C permit</li> <li>– Companies based abroad; companies headquartered in Switzerland but controlled by persons abroad</li> </ul>	
<p><b>Foundation of AG</b>  <i>In principle</i>  One founder (OR 625); at least one member of the Board of Directors who is entitled to act as a representative or a director with Swiss domicile (OR 718 (4)); entry in the commercial register at the registered office of the AG (OR 640)</p> <p><i>Additionally</i>  Authorisation according to the Federal Act on the acquisition of property by persons abroad (BewG) for persons abroad, pursuant to BewG Art. 5, who are involved in the AG*</p>		
<p>* for further conditions, see overview, pp 68-73 or <a href="http://www.gruenden.ch">www.gruenden.ch</a></p>		<p>This data was compiled in cooperation with MSM Group AG (<a href="http://www.msmsgroup.ch">www.msmsgroup.ch</a>) and Kellerhals Carrard (<a href="http://www.kellerhals-carrard.ch">www.kellerhals-carrard.ch</a>).</p>