

# Factsheet on proof of language skills when granting a residence permit (B) or permanent residence permit (C) to citizens of third countries

#### Language requirements

The Foreign Nationals and Integration Act (FNIA) and the Ordinance on Admission, Period of Stay and Employment (ASEO) have been revised, and now specify the integration criteria to be met by foreign persons in Switzerland. Language skills form part of these requirements (Art. 58a FNIA). The revised legislation came into force on 1 January 2019. The provisions in question refer to *minimum language requirements* (see esp. Art. 77d ASEO). The Confederation is permitted to conduct controls in the approval procedure (for granting residence or permanent residence permits) and to intervene if the minimum conditions provided for in federal law are not met. A foreigner entering Switzerland for the first time usually first receives a residence permit (B). A permanent residence permit (C) can only be issued after the person has lived in Switzerland for a certain period of time established by domestic law or an international agreement.

Issuing or extending a residence permit (B) for citizens of a third country or including them in a decision on temporary admission

Situation	Requirement
<b>Family reunification</b> for a third country national who holds a B, C or F permit	Knowledge of the national language spo- ken at the place of residence: spoken A1
	or
	<ul> <li>enrolment in a language course that will allow this level to be acquired.</li> </ul>
Following <b>family break-up</b> (after at least three years of marriage; integration criteria are met)	Knowledge of the national language spoken at the place of residence: spoken B1, written A1
Admission of <b>teachers or religious in-</b> structors	Knowledge of the national language spoken at the place of work: spoken B1, written A1

## Issue of permanent residence permit (C):

Situation	Requirement
<b>Ordinary granting</b> of <b>permanent residence</b> <b>status</b> after a regular and uninterrupted stay in Switzerland of 5 years, or after 10 years.	Knowledge of the national language spoken at the place of residence: spoken A2, written A1
Citizens of the following countries are ex- empted from the language requirements: <sup>1</sup> Austria, Belgium, Denmark, France, Germa- ny, Greece, Italy, Liechtenstein, Nether- lands, Portugal, Spain.	
<b>Reissue</b> of a permanent residence permit after downgrading <sup>2</sup> or following a stay abroad. <sup>3</sup>	Knowledge of the national language spoken at the place of residence: spoken A2, written A1
<b>Fast-track granting of permanent resi- dence status</b> after a regular and uninter- rupted stay in Switzerland of 5 years.	Knowledge of the national language spoken at the place of residence: spoken B1, written A1

#### Proof of language skills (Art. 77d ASEO)

- a) Language skills are regarded as proven if the applicant
  - speaks and writes the national language spoken at their place of residence as their mother tongue;
  - has attended compulsory schooling in a national language for a minimum of three years; or
  - has completed education or training in a national language at upper secondary level (e.g. an apprenticeship, baccalaureate school (*Gymnasium*) or upper secondary specialised school (*Fachmittelschule*)) or tertiary level (e.g. university, university of applied sciences). The applicant need not have studied or trained *in Switzerland*. The language of instruction is the determining factor.
- b) In all other situations, the applicant must provide <u>recognised proof</u> of language proficiency that certifies that they have the required language skills (Art. 77d para. 1 let. b ASEO). The following are recognised as proof of the required language skills:
  - the *fide* test <sup>4</sup> or
  - the *fide* dossier <sup>5</sup>
  - a recognised language certificate which features on the SEM list<sup>6</sup>;
  - These certificates meet the quality standards required under ASEO.

<sup>&</sup>lt;sup>1</sup> Switzerland has concluded residence agreements with these countries.

<sup>&</sup>lt;sup>2</sup> See Art. 63 para. 2 FNIA

<sup>&</sup>lt;sup>3</sup> See Art. 61 OASA

<sup>&</sup>lt;sup>4</sup> fide: Proof of language competency / The fide test (fide-service.ch)

<sup>&</sup>lt;sup>5</sup> <u>fide: Proof of language competency / Submitting a fide dossier (fide-service.ch)</u>

<sup>&</sup>lt;sup>6</sup> fide: Proof of language competency / Recognised language certificates (fide-service.ch)

#### Exceptions

If the applicant is unable to meet the language requirements or can only do so with difficulty, an exemption may be granted. This may be because of serious personal circumstances such as a physical or mental disability, learning difficulties or a serious or chronic illness. The person must submit proof of their inability to meet the legal language requirements.

# Entry procedure

When someone applies to a Swiss representation abroad to enter and remain in Switzerland for the purpose of family reunification, the representation merely establishes that the conditions for entry into Switzerland are met, without taking account of the person's language skills. Once the foreign national has arrived in Switzerland, the authority in the cantonal where they are domiciled assesses their language skills and may require certain language requirements to be met. Several options are available, such as issuing a conditional permit or a recommendation for integration, which clearly explains to the person concerned that they must reach the language level required (in principle A1) in order for their permit to be renewed. Enrolment in a language course may suffice for a residence permit to be issued but is not sufficient for entry into Switzerland.<sup>7</sup> In such a case, the competent cantonal authority contacts the person once they are in Switzerland and sets the terms of their conditions of residence.

## **Further informations**

- FAQs on proof of language skills
- SEM Directives for foreigners (Section 3.3 not available in English)
- FNIA https://www.fedlex.admin.ch/eli/cc/2007/758/en
- ASEO (not available in English) <u>RS 142.201 Ordonnance du 24 octobre 2007 relative</u> à l'admission, au séjour et à l'exercice d'une activité lucrative (OASA) (admin.ch)
- Fide fide: Home (fide-service.ch)

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<sup>&</sup>lt;sup>7</sup> Entry procedure

https://www.sem.admin.ch/dam/data/sem/rechtsgrundlagen/weisungen/visa/bfm/weis ungen-bfm-national-f.pdf