



English translation of the original version in French

## **GUIDELINES**

### **regarding the issuance of legitimization cards of the Federal Department of foreign affairs (FDFA) to staff members of international organisations**

**Entry into force on 15 July 2015**

**Amended on 30 June 2023**

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## **1. Entry into force**

These guidelines enter into force on 15 July 2015. Effective that date, they supersede the *Recueil de directives concernant les organisations internationales et les fonctionnaires internationaux de la Mission suisse du 1er avril 1987* ("Code of practice for international organisations and international staff members of the Swiss Mission, dated 1 April 1987").

The guidelines set out the conditions for entering Switzerland for the staff members, as well as for their family members, of international organisations benefiting from an agreement on the privileges, immunities and facilities (headquarters agreement) concluded with the Swiss Federal Council and: ACWL, ALIPH, BIS, CERN, EFTA, GAVI, GCERF, Global Fund, IBE/UNESCO, ICDO, ICRC, IFRC, ILO, IOM, IPU, ITU, OSCE Court, OTIF, Secretariat of the Arms Trade Treaty, South Centre, UNO, UPOV, UPU, WHO, WIPO, WMO and WTO. The guidelines also set out the conditions for the issuance and withdrawal of FDFA legitimization cards to these persons.

## **2. Categories of individual beneficiaries of a legitimization card**

The persons designated by the international organisation as staff members, persons called to act in an official capacity and family members may be allowed to enter Switzerland and be issued an FDFA legitimization card.

A legitimization card serves as a residence permit, certifies the holder's possible privileges and immunities, and exempts the holder from any visa requirements for entering Switzerland. A valid legitimization card allows the holder to travel within the Schengen Area <sup>1</sup> for a period of up to three months (with no gainful activity).

Each person receives the type of legitimization card corresponding to the functions held within the international organisation.

Family members are generally issued the same type of legitimization card as the principal beneficiary (the person employed to perform official duties).

<sup>1</sup> Schengen Area Member States (27): Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland.

## 2.1. Staff members

- Members of senior management: type “B” legitimization card,
- High-ranking officials: type “C” legitimization card,
- Professional officials: type “D” legitimization card,
- General services officials: type “E” legitimization card,
- Short-term staff members: type “G” legitimization card (see section 5),
- ICRC employees: type “I” legitimization card,
- IFRC employees: type “L” legitimization card,
- Swiss staff members/employees: type “S” legitimization card.

## 2.2. Other persons called to act in an official capacity

- Seconded staff members: type “G” legitimization card (see section 7),
- Non-staff members: type “H” legitimization card (see section 6),
- CERN scientific staff members: type “P” legitimization card.

## 2.3. Family members

The principal beneficiary’s family members may be allowed to enter Switzerland on the grounds of family reunification. They must in principle live in the same household as the principal beneficiary (see section 2.5).

Under the Agreement on the Free Movement of Persons (AFMP) <sup>2</sup>, family members who are nationals of a Member State of the European Union (EU) <sup>3</sup> or European Free Trade Association (EFTA) <sup>4</sup> and who are allowed to enter Switzerland on the grounds of family reunification may ask the Population Office of their canton of residence to be issued with a residence permit (B permit) instead of a legitimization card <sup>5</sup> (for family members of locally recruited staff members, see section 4.1). Family members who hold a permit are subject to Swiss law and are not entitled to privileges or immunities.

In these guidelines, the term “spouse” means:

- the spouse who is married to the principal beneficiary,
- the opposite sex cohabitant who is not married to the principal beneficiary,
- the same-sex partner of the principal beneficiary.

The family members listed below are issued with the same type of legitimization card as the principal beneficiary:

- the spouse married to the principal beneficiary,
- the cohabitant (spouse) of the principal beneficiary who is recognised by the international organisation as the official partner or as a dependant within the meaning of the Staff regulations,
- the partner (spouse) who is in a partnership that was registered in Switzerland or under an equivalent foreign legislation with the principal beneficiary,
- the partner (spouse) who is not in a registered partnership with the principal beneficiary, but who is recognised by the international organisation as the official partner or as a dependant within the meaning of the Staff regulations,

<sup>2</sup> Agreement on the Free Movement of Persons (AFMP) (in French, German or Italian): <https://www.admin.ch/opc/fr/classified-compilation/19994648/index.html>

<sup>3</sup> EU Member States (27): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

<sup>4</sup> EFTA Member States (4): Iceland, Liechtenstein, Norway and Switzerland.

<sup>5</sup> Instructions of the State Secretariat for Migration (Immigration sector, chapter 7) (in French, German or Italian): <https://www.sem.admin.ch/sem/fr/home/publiservice/weisungen-kreissschreiben/auslaenderbereich.html>

- the single children, under the age of 25, of the principal beneficiary or of their spouse. If a child is a minor (under the age of 18) and the principal beneficiary is not accompanied by the other parent, the international organisation must provide the Swiss Mission with an official document stating that the child is in the custody of the principal beneficiary or, depending on the case, with the written consent of the other parent. The same rule applies to a minor who is the child of the spouse and if the principal beneficiary is not the father/mother.

Family members of short-term staff members are issued a legitimization card provided that the international organisation recognises them as dependants within the meaning of the Staff regulations. The same rule applies to other family members of short-term staff members (see section 2.6).

Family members of non-staff members are not issued a legitimization card and are not allowed to enter Switzerland on the grounds of family reunification. The same rule applies to other family members of non-staff members (see section 2.6).

Family members of French staff members and French family members of foreign staff members, who are living in France, are not issued a legitimization card.

Family members of German staff members and German family members of foreign staff members, who are living in Germany, are not issued a legitimization card.

Only family members of staff members and scientific staff members of CERN, who are living in Switzerland, are issued a legitimization card.

Family members of Swiss staff members and Swiss family members of foreign staff members are not issued a legitimization card. The same rule applies to other family members of Swiss staff members (see section 2.6).

#### 2.4. Adopted children

Children adopted before the arrival in Switzerland of the principal beneficiary or of their spouse are allowed to enter Switzerland on the grounds of family reunification under the same conditions as biological children, provided that the adoption complies with the legislation of the State where the adoption was granted and that it is not contrary to Swiss public order.

If the adoptive parents reside in Switzerland and wish to adopt a child in Switzerland or abroad, they must first obtain an authorisation (suitability certificate) issued by the central cantonal authority responsible for adoptions. They must then contact this authority before taking administrative steps to adopt in the child's country of origin. This obligation also applies if the adoption has to be granted in the country where one or both of the future adoptive parents are citizens. This authorisation is issued by the competent authority of their place of residence pursuant to the regulations in force <sup>6</sup>.

The adoption procedure differs depending on whether or not the child's country of origin is a State Party to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. This procedure is described in the brochure "Adoption in Switzerland" published by the Federal Office of Justice <sup>7</sup>.

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<sup>6</sup> Hague Convention (in French, German or Italian): <http://www.admin.ch/opc/fr/classified-compilation/19994569/index.html>  
 Swiss legislation on the application of the Hague Convention: <http://www.admin.ch/opc/fr/classified-compilation/19994566/index.html> (webpage available in French, German or Italian)

Adoption Ordinance (OAdo) (in French, German or Italian): <https://www.admin.ch/opc/fr/classified-compilation/20091244/>

<sup>7</sup> Publication "Adoption in Switzerland": <https://www.bj.admin.ch/dam/data/bj/gesellschaft/adoption/bro-adoption-e.pdf>

## **2.5. Exception to rule requiring family members to live in the same household as the principal beneficiary**

Family members must in principle live in the same household as the principal beneficiary to be issued with a legitimization card. An exception to this rule can however be made in the following three cases and in favour of family members of the principal beneficiary who lives in Switzerland:

### **2.5.1. *Children studying abroad***

Unmarried children under the age of 25 who are studying abroad may be issued a legitimization card. Children studying abroad are not required to live in the same household as the principal beneficiary in order to be issued or continue to hold a legitimization card.

When an international organisation requests a legitimization card for such a child, it must inform in writing the Swiss Mission in what country and city the child is studying and how long their studies are likely to take. If the child subsequently moves in with the principal beneficiary, the international organisation must inform in writing the Swiss Mission. The same rule applies to children who are living in the same household as the principal beneficiary and subsequently move abroad for purposes of study.

Exceptions to the rule requiring children to live in the same household must be requested using the form provided for this purpose <sup>8</sup>.

### **2.5.2. *Proceedings for separation/divorce or dissolution of registered partnership***

In the case of divorce or separation proceedings, protection of marital union proceedings or proceedings for the judicial dissolution of a registered partnership, the spouse of the principal beneficiary may keep their legitimization card or Ci permit <sup>9</sup> until the end of the proceedings, respectively for a reasonable period of time. The provisions of Swiss tax law are reserved.

In this case, the international organisation must immediately inform in writing the Swiss Mission that the principal beneficiary and their spouse have separated and judicial proceedings are under way. It must also indicate the spouse's private address or, if necessary, the private address of the principal beneficiary. The same rule applies to the children if they are living with the spouse during the proceedings.

Once the divorce or dissolution of the registered partnership is granted, the international organisation must immediately inform in writing the Swiss Mission and return the legitimization cards of the spouse and of the children if the spouse has official custody of them or, in the case of adult children, if they are still living with the spouse so that the Swiss Mission can cancel the legitimization card. In the case of shared custody, the official domicile of the minor children is decisive.

Upon written request from the international organisation, the spouse and their children may be granted a courtesy period of two months from the date of the divorce decree or the judgment dissolving the registered partnership (see section 11).

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<sup>8</sup> Form "Children - Exception to live in the same household": [https://www.dfae.admin.ch/dam/mission-onu-omc-aele-geneve/en/documents/Derogation-enfants-menage-commun-OI\\_EN.pdf](https://www.dfae.admin.ch/dam/mission-onu-omc-aele-geneve/en/documents/Derogation-enfants-menage-commun-OI_EN.pdf)

<sup>9</sup> Information note on the Ci permit: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-family/access-labour-market-family-staff.html>

### **2.5.3. *Transfer of principal beneficiary to a deployment location where family reunification is not possible***

If the principal beneficiary is transferred by the international organisation to a deployment location where the continuous presence of family members is not possible or advisable for security reasons, the family members may keep their legitimization card or Ci permit <sup>10</sup> for a period of up to maximum one year.

The international organisation must submit a detailed request to the Swiss Mission before the principal beneficiary is transferred stating the new deployment location and the reasons why a family reunification is not an option.

Nevertheless, as stipulated in section 10, as soon as the principal beneficiary is transferred, the legitimization card must be returned by the international organisation to the Swiss Mission for cancellation.

## **2.6. Other family members**

In exceptional cases and depending on the circumstances, other family members of the principal beneficiary or of their spouse are allowed to enter Switzerland on the grounds of family reunification. They must live together with the principal beneficiary in the same household in Switzerland and be in the principal beneficiary's sole care.

Such requests must be justified and they must be submitted by the international organisation to the Swiss Mission before the persons concerned arrive in Switzerland. The requests for relatives in ascending line must be made using the form provided for this purpose <sup>11</sup>.

On decision of the Swiss Mission, the persons listed below may be issued a type "H" legitimization card:

- the cohabitant (spouse) of the principal beneficiary if they are not recognised by the international organisation as the official partners or as dependants within the meaning of the Staff regulations; the international organisation must provide the Swiss Mission with proof that the couple is in a stable and long-term relationship,
- the partner (spouse) who is not in a registered partnership with the principal beneficiary if they are not recognised by the international organisation as the official partners or as dependants within the meaning of the Staff regulations; the international organisation must provide the Swiss Mission with proof that the couple is in a stable and long-term relationship,
- the single children over the age of 25 of the principal beneficiary or of their spouse,
- the relatives in the ascending line of the principal beneficiary or of their spouse,
- other single family members, generally minors, of the principal beneficiary or of their spouse, who cannot be entrusted to the care of a third party in the country of origin (for example, a brother, sister, grandchild, nephew, niece or a child under guardianship or wardship); the international organisation must provide the Swiss Mission with proof that the principal beneficiary or their spouse is authorised to host the minor child (under the age of 18).

If the Swiss Mission accepts the request, the person concerned will be issued a type "H" legitimization card allowing them to reside permanently in Switzerland with the principal beneficiary for the duration of the employment of the latter. This card does not permit the

<sup>10</sup> Information note on the Ci permit: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-family/access-labour-market-family-staff.html>

<sup>11</sup> Form "Relatives in ascending line - Family reunification": [https://www.dfae.admin.ch/dam/mission-onu-omc-aele-geneve/en/documents/Regroupement-familial-ascendants-personnel-OI\\_EN.pdf](https://www.dfae.admin.ch/dam/mission-onu-omc-aele-geneve/en/documents/Regroupement-familial-ascendants-personnel-OI_EN.pdf)

holder to reside part of the time in their country of origin and part in Switzerland. In such a situation the person must apply for a short-stay visa (visit) at the competent Swiss representation.

The holder of an "H" legitimization card is subject to ordinary Swiss law, in particular to social security and tax legislations <sup>12</sup>. The Swiss Mission will first issue a legitimization card for an initial period of three months from the date of entry into Switzerland. This period allows them to take the necessary steps to regularise their situation with regard to the above-mentioned legislations. It is the responsibility of the principal beneficiary to ensure this.

Before the end of the three-month period and upon presentation by the international organisation of a Swiss health insurance certificate in the name of the person or of the exemption decision obtained by the competent cantonal authority, the Swiss Mission will issue a new legitimization card valid for one year, renewable if necessary (see section 9).

Each year, the international organisation must enclose a Swiss health insurance certificate or the exemption decision with the application for renewal of the legitimization card. The Swiss Mission also reserves the right at any time to request confirmation that the person has registered, according to their age, with the AHV/AVS Cantonal Compensation Office and the Cantonal Tax Authority in accordance with their obligations.

## **2.7. Private household employees**

The conditions for entering Switzerland and the terms of employment for private household employees, and their rights and obligations are laid down in the Ordinance on Private Household Employee <sup>13</sup>, which should be referred to. Private household employees are issued a type "F" legitimization card.

## **3. Entry into Switzerland for persons recruited abroad**

Depending on their nationality, persons recruited abroad are subject to the visa requirement to take up employment and their family members to the visa requirement for family reunification, even if they are exempted from the visa requirement for a short stay <sup>14</sup>. The visa must be request from the Swiss representation.

The Swiss Mission can only issue legitimization cards to persons who are in possession of a visa when they enter Switzerland.

Nationals of the States listed below are not subject to the visa requirement to take up employment or for family reunification: Australia, Brunei Darussalam, Japan, Malaysia, New Zealand, Principality of Andorra, Principality of Monaco, San Marino, Singapore, United Kingdom, Vatican, as well as the Member States of the EFTA <sup>15</sup> and of the EU <sup>16</sup>.

<sup>12</sup> Information note on social and taxation legislation: <https://www.eda.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/Manuel-personnes-sans-privileges-et-immunites-carte-H/Autres-membres-de-famille-OI-MP-legislation-en-matiere-impot-et-sociale.html>

<sup>13</sup> Ordinance on Private Household Employees and appendices: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/private-household-employees-ordinance.html>

<sup>14</sup> Information note on visas: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-visas/schengen-visas-entry-exit-travel.html>

<sup>15</sup> EFTA Member States (4): Iceland, Liechtenstein, Norway and Switzerland.

<sup>16</sup> EU Member States (27): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.



Nationals of third States, holders of a valid residence permit issued by a Schengen State <sup>17</sup> and a recognised and valid travel document, are not subject to the visa requirement to take up employment and for family reunification. The same rule applies to those who hold a valid D visa issued by a Schengen State and a recognised and valid travel document.

### **3.1. Persons with refugee status in a third country**

Persons with refugee status in a third country may, by way of exception, be allowed to enter Switzerland to work for an international organisation, provided that the legislation of the State which admitted them as refugees permits such persons to freely leave and return to the territory of that State at any time, and that they are holders of a valid travel document. The validity of their legitimisation card is limited to the duration of the residence permit issued by the State concerned.

The same rule applies to family members. However, those living in Austria, France or Germany with the principal beneficiary do not receive a legitimisation card.

## **4. Persons recruited locally**

Foreign nationals recruited locally must prove they legally reside in Switzerland in order for the international organisation to be able to recruit them and for the Swiss Mission to be able to issue them a legitimisation card.

A person has legal residence in Switzerland provided that they:

- hold a valid residence permit (permit or legitimisation card) <sup>18</sup>,
- hold a valid visa,
- are nationals of a country which is not subject to the visa requirement for a short stay, and have been in Switzerland for less than 90 days.

The following persons may under no circumstances be recruited by the international organisation:

- illegal immigrants,
- persons who have a pending application for a permit at the Cantonal Population Office,
- asylum seekers still in the process of the asylum procedure (holders of an N permit) or those who have been provisionally admitted (holders of an F permit), and those whose application has expired or was denied.

It is the responsibility of the international organisation to verify before signing a contract whether the person meets the conditions to work for it and to be issued a legitimisation card. If necessary, the Swiss Mission is available to assist with such verification.

Family members must also prove they legally reside in Switzerland to qualify for a legitimisation card <sup>19</sup>.

<sup>17</sup> Schengen Area Member States (27): Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland.

<sup>18</sup> Persons authorised by the Cantonal Population Office of their place of residence to live temporarily in Switzerland while waiting to get married may, on a case by case basis, be employed temporarily by an international organisation; the validity of the legitimisation card issued will, however, be strictly limited to the duration of the residence permit authorised by the Cantonal Population Office.

<sup>19</sup> Persons authorised by the Cantonal Population Office of their place of residence to live temporarily in Switzerland while waiting to get married may not be issued a legitimisation card as spouses until the marriage takes place and the Cantonal Population Office issues them a permit.



#### 4.1. Foreign nationals holding a residence permit or permanent residence permit <sup>20</sup>

Staff members who live in Switzerland and who hold a residence permit or permanent residence permit (permit) at the time they are hired, are required to exchange their permit for a legitimization card. At the end of their period of service for the international organisation, they may recover the permit they previously held. The number of years spent in Switzerland with a legitimization card is taken into account in determining the right to obtain a permanent residence permit (C permit).

If family members who are not EU <sup>21</sup> or EFTA <sup>22</sup> nationals opt for a legitimization card issued to them in exchange for their permit, this choice is definitive and must be made within two months of the principal beneficiary taking up their duties. As long as they fulfil the conditions to remain holders of a legitimization card, they cannot request that their card be exchanged for a permit. They may only recover the permit they previously held at the end of the principal beneficiary's duties and provided that there are no grounds for revocation within the meaning of ordinary Swiss law. However, the time spent in Switzerland with a legitimization card is not considered for the granting of a permanent residence permit (i.e. for the granting of a C permit).

Family members who are EU or EFTA nationals may at any time apply for a residence permit instead of their legitimization card, provided that the provisions of the AFMP <sup>23</sup> or the Foreign Nationals and Integration Act (FNIA) <sup>24</sup> allow so. However, the time spent in Switzerland with a legitimization card is not considered for the granting of a permanent residence permit (i.e. for the granting of a C permit).

### **5. Staff members with a short-term contract**

Foreign nationals employed under a short-term contract are treated as short-term (temporary) staff members. The duration of the short-term contracts depends on the provisions of the Staff regulations of the international organisation. They are issued a type "G" legitimization card provided the term of their contract is at least three weeks long. Those employed for a shorter period are not issued a legitimization card, but the international organisation must register them at the Swiss Mission (see section 9), which will certify their status, if necessary.

Swiss nationals employed as short-term staff members will usually not be issued a legitimization card. The international organisation must, however, register them at the Swiss Mission (see section 9), which will certify their status, if necessary. Those who are compulsorily affiliated to the social security scheme and the health/accidents insurance scheme and subject to the internal wage withholding tax system set up by the international organisation qualify for a type "S" legitimization card. The international organisation applying for the issuance of a legitimization card must specify in writing to the Swiss Mission that the applicant is a Swiss short-term staff member who is compulsorily affiliated to its social security scheme and to its the health/accidents insurance scheme and subject to its wage withholding tax system.

<sup>20</sup> Instructions of the State Secretariat for Migration (Immigration sector, chapter 7) (in French, German or Italian): <https://www.sem.admin.ch/sem/fr/home/publiservice/weisungen-kreisschreiben/auslaenderbereich.html>

<sup>21</sup> EU Member States (27): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

<sup>22</sup> EFTA Member States (4): Iceland, Liechtenstein, Norway and Switzerland.

<sup>23</sup> Agreement on the Free Movement of Persons (AFMP) (in French, German or Italian): <https://www.admin.ch/opc/fr/classified-compilation/19994648/index.html>

<sup>24</sup> Foreign Nationals and Integration Act (FNIA): <https://www.fedlex.admin.ch/eli/cc/2007/758/en>

## **6. Non-staff members**

### **6.1. Consultants**

Foreign nationals who are not staff members and who are hired by the international organisations as consultants are issued a type “H” legitimisation card provided that the duration of their contract is equal to at least three weeks. Those who are hired for less than three weeks do not receive a legitimisation card but the international organisation must register them with the Swiss Mission.

Foreign nationals already residing in Switzerland at the time they are hired and who possess a permit are not issued a legitimisation card, and the international organisation does not need to register them at the Swiss Mission. The same applies to Swiss nationals.

The above are subject to Swiss law, in particular, legislations covering social security and taxation <sup>25</sup>.

### **6.2. Interns and volunteers**

Foreign nationals who are not staff members and who are hired by the international organisations as paid or non-paid interns or volunteers are issued a type “H” legitimisation card provided that they are hired for more than 90 days <sup>26</sup>. They are automatically granted a courtesy period of two weeks from the exact date of the end of their internship or volunteer activity.

Those who are hired for less than 90 days do not receive a legitimisation card but the international organisation must register them with the Swiss Mission.

Foreign nationals already residing in Switzerland at the time they are hired and who possess a permit are not issued a legitimisation card, and the international organisation does not need to register them at the Swiss Mission. The same applies to Swiss nationals.

Foreign students who hold a B permit for their studies must contact the Population Office of their canton of residence to check whether and under what conditions they are permitted to do an internship in an international organisation.

The above are subject to Swiss law, in particular, legislations covering social security and taxation <sup>27</sup>.

## **7. Seconded staff members**

For the purposes of these guidelines, “seconded staff members” is understood to mean staff members who are seconded to an international organisation based in Switzerland by a State or by an intergovernmental organisation based abroad.

Seconded staff members remain employed and continue to be paid by their original employer (State or intergovernmental organisation). They remain insured under the social security scheme of their original employer.

<sup>25</sup> Information note on legislation covering social security and taxation: <https://www.eda.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/Manuel-personnes-sans-privileges-et-immunitites-carte-H/Non%20fonctionnaires%20et%20stagiaires.html>

<sup>26</sup> The persons who are subject to the visa requirement to take up employment (see section 3) are authorised to live in Switzerland for maximum 90 days or for the duration of their visa. The persons who are not subject to the visa requirement to take up employment (see section 3) are authorised to live in Switzerland for maximum 90 days.

<sup>27</sup> Information note on legislation covering social security and taxation: <https://www.eda.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/Manuel-personnes-sans-privileges-et-immunitites-carte-H/Non%20fonctionnaires%20et%20stagiaires.html>

They are issued a type “G” legitimization card regardless of the position held. In principle, the period of secondment cannot exceed five years, and the number of seconded staff members within the international organisation must be reasonably proportionate.

The spouse and the single children under the age of 25 of seconded staff members are allowed to enter Switzerland on the grounds of family reunification and are issued a type “G” legitimization card. They do not, however, have access to the Swiss labour market under the simplified procedure of the Ci permit <sup>28</sup>.

The international organisation applying for the issuance of a legitimization card must confirm in writing to the Swiss Mission that the seconded staff member remains insured under the social security scheme of their original employer and has health and accidents insurance coverage for medical care and hospitalisation in Switzerland. The organisation must also confirm in writing that the seconded staff member has sufficient financial resources to satisfy the needs of their family members, and that these family members have health and accidents insurance coverage for medical care and hospitalisation in Switzerland.

#### **7.1. Staff members seconded by a State**

The permanent mission of the State that employs the staff members who are seconded to an international organisation may also register these staff members with the Swiss Mission. In this case, they are treated as members of the permanent mission, which entitles them as well as their family members to a legitimization card. The Swiss Mission defines the type of legitimization card based on the person's official passport. The permanent mission must inform the Swiss Mission which international organisation the staff member has been sent to on secondment, specifying the period of secondment.

### **8. Employment hours of foreign staff members**

Staff members are generally required to work full time for their international organisation. The legitimization card they are issued as staff members does not permit them to work at the same time for another international organisation, nor on the Swiss labour market.

Staff members living in Switzerland are nevertheless permitted under certain conditions to engage in a (non-commercial) gainful activity on the Swiss labour market. This type of activity is limited to ten hours per week and is subject to prior authorisation from the Population Office of their place of residence <sup>29</sup>, which consults the Swiss Mission before approving the application.

Staff members may be authorised by the Swiss Mission to work part time. They must, however, undertake in writing to not engage in any other type of gainful employment in Switzerland and must certify that they have adequate financial resources to meet their own needs and those of their family members. Family members of staff members who are employed part time are not in principle issued a legitimization card.

Such requests must be submitted by the international organisation using the form provided for this purpose <sup>30</sup>.

### **9. Registration process**

<sup>28</sup> Information note on the Ci permit: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-family/access-labour-market-family-staff.html>

<sup>29</sup> Host State Ordinance, Article 21, Paragraph 2: <https://www.admin.ch/opc/en/classified-compilation/20072457/index.html>

<sup>30</sup> Form “part time work”: [https://www.eda.admin.ch/dam/mission-onu-omc-aele-geneve/en/documents/Formulaire-Demande-autorisation-travailler-temps-partiel-version-anglaise\\_EN.pdf](https://www.eda.admin.ch/dam/mission-onu-omc-aele-geneve/en/documents/Formulaire-Demande-autorisation-travailler-temps-partiel-version-anglaise_EN.pdf)

As soon as staff members and persons called to act in an official capacity take up their duties and as soon as their family members arrive in Switzerland, the international organisation must register them with the Swiss Mission, provide the Swiss Mission with all information and documents needed to issue a legitimization card and fill in the form entitled "Application for an FDFA legitimization card"<sup>31</sup>.

The legitimization card is issued for the duration of the employment contract or, in the case of permanent contracts, for no more than five years. Family members are issued a legitimization card valid for the same period of time as the legitimization card issued to the principal beneficiary. Other family members will first receive a legitimization card valid for three months and then a legitimization card valid for one year and renewable (see section 2.6).

Persons who have not been duly registered by the international organisation with the Swiss Mission are not permitted to work for the organisation and are not entitled to claim any privileges or immunities.

#### **9.1. Renewal of legitimization cards**

The international organisation will return any legitimization cards of staff members, persons called to act in an official capacity and their family members, which are about to expire, to the Swiss Mission for renewal. A recent photograph of each person, and, if necessary, a copy of any new passports issued to a person since the issuance of the previous legitimization card must be enclosed with the renewal application.

The Swiss Mission regularly deletes any legitimization cards in its database which have expired and which the international organisation has not requested to renew.

#### **9.2. Changes in the personal status of holders of a legitimization card**

The international organisation must inform the Swiss Mission without delay of any changes in the personal status of staff members, persons called to act in an official capacity and their family members, namely: a change in marital status<sup>32</sup>, a marital separation involving spouses living apart, a change of address, a change of nationality or the acquisition of Swiss nationality.

#### **9.3. Loss or theft of a legitimization card**

In the event of the loss of a legitimization card, cardholders must immediately notify their international organisation, indicating the circumstances surrounding the loss.

They are required to immediately report the theft of their legitimization card to the relevant police authorities (the theft can also be reported at the police station). If the card was stolen abroad, the theft must be reported to the relevant foreign police authorities.

The international organisation must send the report of loss or the theft report, along with an application for the renewal of a legitimization card, to the Swiss Mission.

#### **9.4. Registration with residents' registry in the place of residence**

Persons holding a legitimization card who are not Swiss nationals are exempted from the obligation to register with their residents' registry in their place of residence. They may

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<sup>31</sup> Form "Application for a FDFA legitimization card": [https://www.eda.admin.ch/dam/mission-onu-omc-aele-geneve/en/documents/Demande-de-carte-de-legitimation-OI\\_EN.pdf](https://www.eda.admin.ch/dam/mission-onu-omc-aele-geneve/en/documents/Demande-de-carte-de-legitimation-OI_EN.pdf)

<sup>32</sup> As a result of marriage, the conclusion of a registered partnership, divorce, the dissolution of a registered partnership or the death of the spouse.

however register voluntarily. If they wish to do so, they must provide the resident's registry with the necessary information <sup>33</sup>.

#### **9.5. Taking up residence in France or Germany**

Staff members and persons called to act in an official capacity must first contact the competent authorities of the States concerned to verify whether and under what conditions they are allowed to live in France or in Germany.

This rule does not apply to nationals of EU Members States <sup>34</sup> who have a right of establishment in an EU country.

### **10. End of the period of service**

The international organisation is required to notify the Swiss Mission without delay of the end of the period of service of its staff members and persons called to act in an official capacity, indicating the exact date of the end of the period of service. The same procedure applies to family members who permanently leave Switzerland before the end of the principal beneficiary's period of service.

When a staff member takes unpaid leave for more than two months, the international organisation is also required to notify the Swiss Mission without delay of the exact starting date granted for the unpaid leave. For an unpaid leave under two months or equal to two months, the international organisation is not required to notify the Swiss Mission since staff members are automatically granted a courtesy period of two months (see section 11).

The international organisation must return the legitimisation cards of the persons concerned to the Swiss Mission for cancellation on or before the expiry date of the courtesy period (see sections 6.2 and 11).

#### **10.1. Continuation of the working relationship beyond the age of retirement**

If the international organisation would like to continue to employ a staff member beyond the statutory retirement age set out in the Staff regulations, the staff member may keep the same type of legitimisation card only if they continue to be employed at the same level. In such cases, family members may also keep their legitimisation card. The international organisation is required to notify the Swiss Mission and indicate the duration of the continuation of employment.

When a staff member is given a short-term or consultant contract, the international organisation is required to return the old legitimisation card to the Swiss Mission for cancellation and apply for the issuance of a new legitimisation card type for the new contract ("G" or "H"). The Swiss Mission accepts to issue a legitimisation card to family members of the staff member hired with a short-term contract even if they are not recognised as dependants within the meaning of the Staff regulations, since they were holders of a legitimisation card before. The same rule applies to family members of a staff member hired with a consultant contract, provided that the staff member and their family members live in Switzerland.

<sup>33</sup> The Population and Migration Office of the Canton of Geneva published online a registration form for persons holding a legitimisation card living in the Canton ("formulaire OI" in French) : <https://www.ge.ch/annoncer-mon-arrivee-office-cantonal-population-migrations/annonce-arrivee-geneve-detenteurs-carte-legitimation>

<sup>34</sup> EU Member States (27): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

## 11. Courtesy periods

Staff members and persons called to act in an official capacity, except the interns and volunteers (see section 6.2), are automatically granted a courtesy period of two months from the exact date of the end of their period of service. Family members are granted the same courtesy period.

This period gives those concerned time to organise their final departure from Switzerland, to make arrangements if they decide to stay on in Switzerland <sup>35</sup>, or to find a new job in an international organisation or a foreign representation.

The international organisation is required to notify the Swiss Mission without delay of the end of the period of service of its staff members and persons called to act in an official capacity, in accordance with section 10. It may not wait until the courtesy period expires to do so.

During the courtesy period, those concerned may keep their legitimation card, which they will be required to return through the international organisation to the Swiss Mission at the latest on expiry of the courtesy period. If the legitimation card of a person concerned expires before the end of the courtesy period, the Swiss Mission will renew the card for the necessary period upon prior request by the international organisation.

Those who are not nationals of a Member State of the Schengen Area <sup>36</sup> must leave Switzerland while their legitimation card is still valid and before the courtesy period expires. They must show their legitimation card to the Swiss border police and to the foreign border police when travelling through a Schengen State to reach their destination country. They must return their legitimation card to the Swiss Mission through the international organisation or the local Swiss representation upon arrival in their destination country.

Staff members who have a private household employee <sup>37</sup> working for them must terminate the employment contract of the employee on or before the date of end of their period of service. During the courtesy period granted to the employer, the private household employee is no longer permitted to work for them.

### 11.1. Courtesy period granted to retiring staff members

Retiring staff members may request a courtesy period of three months for themselves and their family members to organise their final departure from Switzerland or to make arrangements if they decide to stay on in Switzerland <sup>38</sup>. This request must be submitted by the international organisation to the Swiss Mission while the staff member is still employed and in accordance with the simplified procedure provided for this purpose <sup>39</sup>.

### 11.2. Other courtesy periods granted to family members

Depending on the circumstances, a courtesy period exceeding two months may be granted to family members upon a detailed request in writing by the international organisation to

<sup>35</sup> Information note on staying in Switzerland beyond the end of the period of service: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-stay/staying-end-functions.html>

<sup>36</sup> Schengen Area Member States (27): Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland.

<sup>37</sup> Ordinance on Private Household Employees and appendices: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/private-household-employees-ordinance.html>

<sup>38</sup> Information on staying in Switzerland beyond the end of the period of service: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-stay/staying-end-functions.html>

<sup>39</sup> Form "Courtesy period": [https://www.dfae.admin.ch/content/dam/mission-onu-omc-aele-geneve/en/documents/OI-delai-de-courtoisie\\_EN.pdf](https://www.dfae.admin.ch/content/dam/mission-onu-omc-aele-geneve/en/documents/OI-delai-de-courtoisie_EN.pdf)

the Swiss Mission, for example, in the event of the principal beneficiary's death or if the latter is transferred abroad.

In the event that the principal beneficiary is transferred abroad, the Swiss Mission may grant a courtesy period of up to six months, allowing children to complete the current school year and the spouse to stay with them (see section 2.5.3).

#### **11.3. Status of persons with diplomatic status during the courtesy period**

During the courtesy period, holders of a type "B" or "C" legitimation card no longer have customs privileges. This means they no longer have access to the duty-free shop, no longer have the right to import goods free of duty and must return their duty-free petrol card to the competent UNOG service.

They must return the "CD" diplomatic licence plates of their private vehicle/s to the Cantonal Department of Motor Vehicles of their place of residence by the expiry date of the courtesy period or at the latest by the date specified by said department.

#### **11.4. Family members holding a Ci permit**

During the courtesy period, holders of a Ci permit <sup>40</sup> no longer have access to the Swiss labour market under this simplified procedure. They must return their permit to the Population Office of their place of residence. However, they may request authorisation from the Population Office to end their gainful employment within a reasonable period.

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<sup>40</sup> Information note on the Ci permit: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/manual-family/access-labour-market-family-staff.html>