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Ordinance on Swiss Persons and Institutions Abroad (Swiss Abroad Ordinance, SAO)

of 7 October 2015 (Status as of 1 November 2015)

The Swiss Federal Council,

based on Articles 50 paragraph 2 and 63 paragraph 2 of the Swiss Abroad Act of 26 September 2014¹ (SAA),

ordains:

Title 1 Swiss Nationals Abroad **Chapter 1 Networking and Information**

Art. 1 Networking (Art. 9 para. 1 SAA)

The representations shall maintain contacts with the institutions referred to in Article 38 paragraph 1 SAA (Swiss Abroad institutions), and with other associations in the fields of business, science, culture, society and other areas that have ties with the relevant local community of the Swiss abroad.

Art. 2 Information (Art. 10 SAA)

¹ The Confederation shall inform the Swiss Abroad in an appropriate manner about upcoming elections and referendums. For this purpose it shall in particular make use of the magazines and other media published by the Organisation for the Swiss Abroad and other Swiss Abroad institutions.

² The Federal Department of Foreign Affairs (FDFA) shall provide a compilation on its website of the most important legislation affecting the Swiss Abroad. It shall also publish links to other websites containing relevant information, particularly on Swiss politics.

³ The representations shall regularly inform the Swiss Abroad and Swiss Abroad institutions in their consular district about issues affecting them.

AS 2015 3879

¹ SR 195.1

Chapter 2 Register of the Swiss Abroad

Art. 3 Competent representation

(Art. 12 para. 2 SAA)

¹ The competent representation is determined based on the consular district in which an individual has established domicile.

² If an individual has not established domicile, their usual place of residence is the determining factor.

³ The consular districts are determined by the FDFA, subject to the approval of the receiving state.

Art. 4 Registration

(Art. 12 para. 1 SAA)

¹ Persons who move abroad from Switzerland must register with their competent representation within 90 days from the announcement of departure to a foreign country. They must prove that they have given notice of departure to their last commune of residence in Switzerland.

² In order to register, Swiss nationals living abroad must provide identification and proof of their Swiss citizenship. The FDFA designates which documents may be used for this purpose.

³ Persons with multiple nationalities must disclose their foreign nationalities when they register.

Art. 5 Registration *ex officio*

(Art. 11 para. 2 SAA)

¹ If a representation provides urgent social assistance to an individual who is not entered in the Register of the Swiss Abroad, the representation shall enter the individual in the Register of the Swiss Abroad *ex officio*.

² The competent representation shall then ask the individual entered on the Register to confirm the registration.

Art. 6 Notification of changes

(Art. 13 para. 1 SAA)

¹ Any person who is entered in the Register of the Swiss Abroad must notify the competent representation of the following changes in particular:

- a. events, declarations and decisions that affect civil status;
- b. changes of address or contact details;
- c. the acquisition or loss of a foreign nationality.

² The obligation to notify the competent representation of any foreign events, declarations or decisions affecting civil status (Article 39 of the Ordinance of 28 April

2004² on Civil Status) applies, irrespective of whether the person is entered in the Register of the Swiss Abroad.

Chapter 3 Political Rights

Section 1 Entry in and Removal from the Electoral Register

Art. 7 Registering to exercise political rights
(Art. 19 para. 1 first sentence SAA)

¹ The Swiss Abroad who wish to exercise their political rights must register with the competent representation either in writing or in person.

² Swiss nationals who are resident in the Principality of Liechtenstein must register with the authority designated by the Canton of St. Gallen; this authority performs the tasks of the representation for them. The FDFA regulates the administrative processes with the Canton of St. Gallen.

³ When they register, the Swiss Abroad must state:

- a. their surname and first names;
- b. their date and place of birth;
- c. their sex;
- d. their home address;
- e. their last commune of domicile and, if different, their last political domicile in Switzerland;
- f. all communes and cantons of origin.

⁴ The representation or, where applicable, the authority designated by the Canton of St. Gallen shall forward the registration to the electoral commune.

Art. 8 Electoral commune
(Art. 18 para. 1 and 2 SAA)

¹ The most recent commune of residence in Switzerland is deemed to be the electoral commune.

² In the case of Swiss Abroad who have never been domiciled in Switzerland, the commune of origin is deemed to be the electoral commune. If they have several communes of origin, they may select one as their electoral commune when they register.

³ If the cantonal law provides for a central electoral register in accordance with Article 20 paragraph 1 SAA, the body that manages the register performs the role of the electoral commune.

Art. 9 Entry in the electoral register
(Art. 19 para. 1 second sentence SAA)

¹ Once the electoral commune receives the registration, it enters the Swiss national living abroad in its electoral register.

² The electoral commune then confirms to the Swiss national living abroad that he or she has been entered in the electoral register.

³ If the electoral commune intends to reject the entry, it notifies the individual concerned and the competent representation stating the reasons for its decision.

Art. 10 Notification of change of residence
(Art. 13 para. 1 SAA)

If Swiss Abroad change their place of residence, they must notify the competent representation in good time before the next vote.

Art. 11 Deletion from the electoral register
(Art. 19 para. 3 SAA)

¹ The electoral communes shall delete Swiss Abroad from the electoral register if:

- a. they have been deleted from the Register of the Swiss Abroad (Art. 14 para. 1 SAA);
- b. they have been excluded from voting (Art. 17 SAA);
- c. they have renounced their political rights by declaration to the competent representation (Art. 19 para. 2 SAA); or
- d. the voting material was returned as undeliverable on three successive occasions.

² Swiss Abroad who are eligible to vote and who have been deleted from the electoral register may contact their representation and make a substantiated request to be re-entered in the electoral register.

Section 2 Exercising Political Rights

Art. 12 Sending of voting material
(Art. 18 SAA)

¹ The electoral commune or canton sends the official voting materials and the explanatory statements from the Federal Council directly to those eligible to vote at their address abroad.

² Registrations to vote and notifications of a change of address are taken into account when voting materials are sent out, provided they are received by the electoral commune at least six weeks before the vote.

³ The electoral commune or canton sends out the voting materials at the earliest one week before the official dispatch in Switzerland.

⁴ No legal claims may be made on the basis of voting materials being received late by the voter living abroad or of ballot papers arriving late at the electoral commune despite being dispatched on time.

Art. 13 Voting at the ballot box
(Art. 18 para. 3 SAA)

¹ Swiss Abroad who wish to cast their vote at the ballot box in person and collect their voting materials directly from the electoral commune should notify the electoral commune of this in writing or in person.

² The electoral commune will withhold the voting materials provided it receives the notification at least six weeks before the vote.

Art. 14 Signing federal popular initiatives
(Art. 16 para. 1 SAA)

¹ Swiss Abroad who sign federal requests for referendums or popular initiatives must state their electoral commune and canton on the signature list.

² As their place of residence they should state the address abroad (including country and municipality) to which the voting materials were sent.

Section 3 Support Measures
(Art. 21 SAA)

Art. 15

¹ The Confederation may support cantonal projects aimed at developing, procuring and assuring the quality of electronic systems designed to make it easier for Swiss nationals living abroad to exercise their political rights.

² The funding paid to the cantons shall not exceed 40 per cent of the costs directly generated by the project.

³ Operating costs are not eligible for funding. The Federal Chancellery may set maximum rates for eligible staff costs and define eligible costs directly generated by the project in more detail.

⁴ Applications for funding should be addressed to the Federal Chancellery. They must contain all the information needed for evaluation, in particular:

- a. a description of the project, including statement of goals;
- b. an action plan and schedule;
- c. a budget and financing plan.

Chapter 4 Social Assistance

Section 1 General Provisions

Art. 16 Multiple nationalities (Art. 25 SAA)

¹ If a person with multiple nationalities apply for social assistance, the Consular Directorate (CD) at the FDFA first decides which nationality takes precedence. In doing so, it takes account of the following:

- a. the circumstances under which the person acquired the foreign nationalities;
- b. the country in which the person spent their childhood and where they attended school;
- c. how long the person has already stayed in the relevant receiving state; and
- d. the persons' link to Switzerland.

² In cases of urgent social assistance, the Swiss nationality is deemed to take precedence.

Art. 17 Preventive measures (Art. 23 SAA)

¹ Preventive measures are deemed to be, in particular:

- a. providing information about particular health-related or other risks;
- b. measures to protect families and children;
- c. assistance in providing appropriate vocational training to young people;
- d. fostering educational, care or protective measures in collaboration with the competent authority in the receiving state;
- e. providing clothes, food and medicines;
- f. advising on job seeking;
- g. helping place and integrate persons with physical or mental disabilities.

² Preventive measures may be provided across the board or on an individual basis.

³ Such measures are taken by the CD after consultation with the competent representation.

Section 2 Social Assistance when Abroad (Art. 24 and 27 SAA)

Art. 18 Basic principle

¹ Social assistance benefits may be paid to Swiss Abroad on a recurring or one-off basis.

² Recurring benefits are guaranteed for a maximum of one year and this guarantee may be renewed.

Art. 19 Entitlement to recurring benefits

¹ A person is entitled to receive recurring benefits if:

- a. their eligible expenses exceed their eligible incomes;
- b. their liquid assets, with the exception of the exempt asset allowance, have been used up; and
- c. they have a legitimate reason to remain in the receiving state taking all the circumstances into account, particularly if they:
 1. have already been in the receiving state for several years,
 2. are very likely to become financially independent in the receiving state in the foreseeable future, or
 3. prove that they cannot reasonably be expected to return to Switzerland due to close family ties or other relationships.

² The issue of whether the relevant benefits would be more cost-effective in Switzerland or abroad is irrelevant.

Art. 20 Entitlement to one-off benefits

¹ A person is entitled to receive one-off benefits, if:

- a. their eligible incomes, after deduction of their eligible expenses, are insufficient to cover a one-off expense which is necessary to meet their basic needs; and
- b. no liquid assets are available that exceed the exempt allowance.

² A one-off benefit may be granted in addition to recurring benefits.

Art. 21 Eligible expenses

¹ Eligible expenses are:

- a. an allowance to cover household expenses (housekeeping allowance);
- b. other recurring expenses, such as accommodation costs, insurance premiums and mobility costs, provided they are necessary, reasonable and substantiated.

² Debts and debt interest are not recognised as eligible expenses. In exceptional cases, they may be recognised in part or in full as such if they were incurred as a result of essential expenditure, such as accommodation costs, insurance premiums, mobility or hospital costs.

Art. 22 Eligible incomes

Eligible incomes are all incomes that an applicant receives or could receive in due time.

Art. 23 Household allowance

¹ The household allowance is based on the rates applicable in Switzerland, although it is adjusted to reflect the basic cost of living in the relevant country or region.

² It is graduated based on the size of the household.

Art. 24 Exempt asset allowance

¹ The exempt asset allowance is set by the CD in such a way as not to hinder the possibility of the person concerned being able to support themselves again through their own means in the foreseeable future.

² The exempt asset allowance amounts to a maximum of:

- a. six times the household allowance for individuals;
- b. twelve times the household allowance for married couples or couples in a registered partnership.

³ If the applicant has children under 18, the exempt asset allowance is increased by a maximum of three times the household allowance per child.

⁴ If there are grounds to assume that the applicant will not be able to accumulate new assets in the foreseeable future, the exempt asset allowance may be increased to double the maximum amount set out in paragraph 2.

Art. 25 Level of recurring benefits

¹ The recurring benefits amount to the total discrepancy between the eligible expenses and eligible incomes.

² The CD sets this amount on the basis of a budget.

Art. 26 Recurring benefits due to stays in public institutions

Benefits for persons in homes, hospitals and other establishments abroad comprise the statutory or legal daily allowances for a stay in a public institution plus ancillary expenses and pocket money.

Section 3 Returning to Switzerland

(Art. 30 para. 2 SAA)

Art. 27 Entitlement

¹ Swiss Abroad who are unable to cover the costs of their return to Switzerland are entitled to claim the travel costs to return to Switzerland.

² Return to Switzerland means travelling to Switzerland with the intention of staying there permanently.

³ The travel costs are paid irrespective of whether the Swiss nationals claimed benefits while they were abroad.

Art. 28 Amount

The travel costs paid for the return to Switzerland comprise:

- a. the costs of the most appropriate and cheapest way of travelling to Switzerland;
- b. the benefits needed abroad until the time of departure;
- c. if required, the benefits needed from arrival in Switzerland until the first contact with the relevant social service authority.

Art. 29 Notification

If the CD allows a Swiss national living abroad to return to Switzerland at the expense of the Confederation, it shall notify the competent cantonal authorities.

Section 4 Procedure**Art. 30** Application

(Art. 32 SAA)

¹ Applications for social assistance benefits abroad or the payment of travel costs to return to Switzerland should be made through the competent representation. Applicants may be represented by someone else.

² A budget should be submitted with the application, showing the eligible expenses and eligible incomes. Information should be provided in the currency of the receiving state.

³ Applications for one-off benefits should also include a cost estimate.

Art. 31 Initiation of the procedure *ex officio*

(Art. 33 para. 2 SAA)

If a representation becomes aware that a Swiss national living abroad is in need, it may initiate the procedure *ex officio*.

Art. 32 Obligations of applicants

(Art. 24, 26 and 32 SAA)

¹ The applicant must:

- a. complete and sign the forms provided by the CD;
- b. provide truthful and complete information about their own situation and that of other members of their household;
- c. provide documentary evidence where possible;
- d. claim maintenance and support contributions and entitlements from third parties;

- e. notify the representation immediately of any significant changes in their circumstances.

² Where necessary, the CD or the competent representation may assist the applicant in claiming maintenance and support contributions and other entitlements from third parties.

Art. 33 Involvement of representations
(Art. 32 SAA)

¹ The representations shall draw the applicant's attention to their rights and obligations.

² They shall provide applicants with advice and support where necessary and feasible.

Art. 34 Decision
(Art. 33 SAA)

¹ The CD makes its decision based on the application documents from the representation. It may further clarify the facts if necessary.

² In urgent cases and cases of hardship, the CD may make a decision regarding a one-off benefit without a cost estimate, based on the evidence presented.

³ One-off benefits are guaranteed with a commitment to cover costs.

⁴ The representation shall notify the applicant of the decision.

⁵ If the CD rejects the application because staying in the receiving state is not justified under Article 19 paragraph 1 letter c, the representation shall advise the applicant that they have the option of having their return travel costs to Switzerland paid.

Art. 35 Conditions and requirements
(Art. 28 SAA)

If the applicant has property or other assets which it is not possible or reasonable to sell for the time being, they may be asked to provide a security.

Art. 36 Payment
(Art. 27 SAA)

¹ One-off benefits are paid according to the commitment to cover costs.

² Recurring benefits are paid into an account or paid out in cash on a monthly basis. The payment is made in the currency of the receiving state.

³ To ensure the benefits are used appropriately by the eligible person, they may be paid to a third party.

⁴ If appropriate, vouchers for the purchase of specific items may be issued, or payments made directly to third parties.

⁵ Administrative costs may not be set off against benefits.

Art. 37 Commencement of benefit payment and advance payments
(Art. 27 SAA)

¹ Recurring benefits are granted at the earliest from the date the application is submitted.

² Advance payment of recurring benefits may be granted, provided:

- a. adequate support from third parties or from the receiving state is not available in time; and
- b. the person concerned undertakes to refund the advance payments, or transfers entitlements to the Confederation.

Art. 38 Exclusion
(Art. 26 SAA)

¹ In the event of misconduct in terms of Article 26 SAA, social assistance may also simply be reduced.

² Only the person guilty of misconduct shall have their share refused, withdrawn or reduced.

³ The grounds for exclusion under Article 26 letter e SAA include the case of applicants manifestly refusing to accept suitable employment or to seek such employment.

Art. 39 Repayment obligation
(Art. 35 SAA)

Benefits must be repaid in the following currencies:

- a. if the person is resident abroad at the time of the repayment: in the currency of the receiving state;
- b. if the person is resident in Switzerland at the time of the repayment: in Swiss francs, converted at the exchange rate on the date of payment of the benefit.

Art. 40 Involvement of charitable organisations
(Art. 34 SAA)

¹ If a representation works with a Swiss charitable organisation abroad, it shall inform the CD about the arrangements made.

² The governing bodies of the charitable organisation are bound by professional secrecy if they are performing social assistance tasks. Professional secrecy does not apply vis-a-vis the competent authorities of the Confederation.

Art. 41 Procedure for urgent social assistance
(Art. 33 para. 2 SAA)

¹ Contributions to living expenses that are paid as urgent social assistance are deducted from any recurring benefits that are subsequently approved.

² If urgent social assistance is required during a temporary stay in Switzerland, it is granted by the canton of stay in accordance with cantonal law.

³ The Confederation reimburses these costs to the canton of stay, provided the following conditions are met:

- a. the person receiving assistance is a Swiss national living abroad in accordance with Article 3 letter a SAA;
- b. the need has been proven;
- c. the canton of stay has attempted to obtain reimbursement from the person receiving support or a third party, but these efforts have been unsuccessful.

⁴ The administrative costs of the canton of stay are not reimbursed.

⁵ The repayment obligation lapses three years after the costs are incurred.

Art. 42 Right of the CD to file an action

If the Confederation, on the basis of the provisions set out in this Chapter, provides social assistance to a person who is entitled to maintenance contributions in accordance with Article 276 or support in accordance with Article 328 of the Swiss Civil Code³, the CD is entitled, in accordance with Article 289 paragraph 2 and Article 329 paragraph 3 of the Swiss Civil Code, to assert the claims transferred to the Confederation from the maintenance debtor.

Chapter 5 Additional Support

Section 1 Support Fund for Swiss Nationals Abroad

Art. 43 Purpose

¹ A special fund (known as the Support Fund for Swiss Nationals Abroad) is provided for in Article 52 of the Financial Budget Act of 7 October 2005⁴. It is made up of the special funds, donations and legacies referred to in the Annex, the purposes and requirements of which remain binding.

² The Fund is designed to prevent or mitigate cases of hardship and need if Swiss nationals living abroad have no other means of support based on this Ordinance.

Art. 44 Benefits

¹ The Fund may pay benefits to:

- a. Swiss nationals living abroad and their relatives who live in the same household;
- b. Swiss Abroad institutions.

³ SR 210

⁴ SR 611.0

² Payments from the fund are for a specific purpose and are paid as one-off contributions that do not have to be repaid.

³ The CD makes decisions on granting aid from the fund. There is no legal entitlement to receive such benefits.

Art. 45 Management of the Fund

¹ The assets of the Fund are managed separately by the Federal Finance Administration.

² The return on the Fund's assets is governed by Article 70 paragraph 2 of the Financial Budget Ordinance of 5 April 2006⁵.

³ The capital gains, interest yields and other revenues are allocated to the Fund annually.

Section 2 Support for Swiss Abroad Institutions

(Art. 38 SAA)

Art. 46

¹ Financial assistance may be paid to Swiss Abroad institutions that:

- a. promote or support Swiss Abroad in specific areas and operate worldwide;
- b. provide assistance to Swiss Abroad.

² Financial assistance may be provided to the Organisation of the Swiss Abroad for the following activities in particular:

- a. safeguarding the interests of Swiss Abroad vis-a-vis the Swiss authorities;
- b. providing information and advice to Swiss Abroad.

Title 2

Consular Protection and Other Consular Services for Persons Abroad

Chapter 1 Consular Protection

Section 1 Requirements

Art. 47 Responsibility

(Art. 39 para. 1 and 40 para. 1 SAA)

Decisions regarding the provision, scope and limitation of consular protection are made by:

- a. the FDFA for natural persons;

⁵ SR 611.01

- b. the Federal Department of Economic Affairs, Education and Research in agreement with the FDFA for legal entities.

Art. 48 Natural persons

(Art. 39 SAA)

¹ In accordance with Article 39 paragraph 1 letter b SAA, consular protection may be provided to the following persons in particular:

- a. citizens of countries with which Switzerland has concluded a relevant agreement;
- b. recognised refugees;
- c. persons recognised as stateless.

² The consular protection services may also be provided to the relatives of the person concerned, particularly if the person in question is missing or dead.

Art. 49 Subsidiarity

(Art. 42 SAA)

¹ The Confederation shall only provide protection after individuals or legal entities have exhausted every means of helping themselves, either on their own or with the help of third parties.

² Before requesting assistance, individuals and legal entities must do everything that may be expected of them in terms of personal responsibility to overcome their difficulties from an organisational and financial point of view on their own. Where reasonable, use should be made of any assistance available in the receiving state.

³ Individuals and legal entities must take steps to avoid running into difficulty, in particular by complying with the national legislation of the receiving state and following the Confederation's recommendations as well as ensuring adequate insurance cover.

⁴ Swiss nationals may register their stays abroad. The FDFA provides an electronic database for this purpose.

Section 2 Assistance

Art. 50 Principles

(Art. 45–49 SAA)

¹ When providing assistance within the framework of consular protection, the FDFA shall respect the sovereignty and legal system of the receiving state.

² Natural persons and legal entities that are granted consular protection must inform the FDFA about any significant developments and cooperate constructively.

Art. 51 Illness and accident

(Art. 45 SAA)

Assistance in the event of illness and accident may comprise, in particular:

- a. providing contact details of emergency services, doctors or hospitals;
- b. notifying relatives or other persons at the request of the person concerned;
- c. clarifying insurance cover and benefits;
- d. acting as a guarantor for hospital charges, provided an advance payment has been made or a written guarantee from a third party has been submitted;
- e. hospital visits;
- f. supporting the Swiss rescue services with medical repatriations.

Art. 52 Victims of serious crime

(Art. 45 SAA)

Assistance for victims of serious crime, in particular acts of violence, may comprise:

- a. advising the victims and their relatives;
- b. providing information on the options for victim support in Switzerland and in the receiving state;
- c. clarifying matters with the authorities in the receiving state, in particular regarding the legal support options and the status of ongoing procedures;
- d. providing assistance in accordance with Articles 51 and 54.

Art. 53 Missing persons

(Art. 45 SAA)

¹ Assistance for missing persons may comprise, in particular:

- a. advising relatives;
- b. informing relatives that an official search can only be launched once a person has been reported missing to the police;
- c. clarifying whether the whereabouts of the person are known.

² The FDFA does not lead investigations.

³ Carrying out search or rescue operations abroad is the responsibility of the receiving state. Switzerland will only get involved if it is asked to do so by the receiving state or if it the receiving state gives its consent.

Art. 54 Death

(Art. 45 SAA)

¹ Assistance in the event of death may comprise, in particular:

- a. clarifying details with authorities and insurance companies;
- b. obtaining death certificates, police or autopsy reports;

- c. providing addresses of funeral directors;
- d. arranging urn or casket burials in the foreign country;
- e. assisting with the repatriation of remains;
- f. taking measures to safeguard the personal property of Swiss nationals in transit.

² The FDFA has fulfilled its duty to inform in accordance with Article 45 paragraph 3 SAA if it has notified one of the following persons about the death:

- a. the spouse or registered partner;
- b. children, parents and siblings;
- c. grandparents and grandchildren;
- d. life partners or other persons close to the deceased.

Art. 55 Child abductions

(Art. 45 SAA)

¹ In the event of child abductions, the FDFA may provide the following assistance to the parent or legal guardian concerned:

- a. advising on the support opportunities offered by the FDFA;
- b. providing information on the potential course of action in Switzerland and abroad;
- c. providing addresses of local charities, contact persons and legal professionals;
- d. working with one of the organisations operating in this area;
- e. trying to contact the abducting parent and the children;
- f. carrying out diplomatic interventions with the competent authorities in the country to which the child has been abducted.

² The provisions of the following agreements shall remain reserved:

- a. European Convention of 20 May 1980⁶ on the Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children;
- b. Convention of 25 October 1980⁷ on the Civil Aspects of International Child Abduction;
- c. Hague Convention of 19 October 1996⁸ on the Protection of Children.

⁶ SR 0.211.230.01

⁷ SR 0.211.230.02

⁸ SR 0.211.231.011

Art. 56 Foreign legal proceedings
(Art. 45 SAA)

- ¹ The FDFA does not intervene in court proceedings abroad.
- ² It does not monitor trials.
- ³ The FDFA does not cover legal or court costs, bail money or fines.

Art. 57 Imprisonment
(Art. 46 SAA)

- ¹ The representation informs a person in custody about:
 - a. their rights of defence;
 - b. the possibility of being transferred to Switzerland;
 - c. social security issues; and
 - d. health risks.
- ² At the request of the person held in custody, the FDFA notifies relatives or specific third parties of the imprisonment.
- ³ The representation visits the person held in custody at least once a year where possible and if the person concerned so wishes.

Art. 58 Providing information in crisis situations
(Art. 48 para. 2 and 3 SAA)

Swiss citizens abroad are responsible for keeping themselves updated in crisis situations, in particular via the media, notices from the local authorities and the FDFA's website.

Art. 59 Letters of Protection
(Art. 48 para. 5 SAA)

- ¹ Letters of protection may be issued for houses, apartments, offices and factories, warehouses, machines and vehicles.
- ² Persons who hold the nationality of the receiving state in addition to Swiss nationality shall not be issued with letters of protections.

Art. 60 Kidnappings and hostage-taking
(Art. 49 SAA)

Assistance provided by the FDFA to persons who are victims of a kidnapping or hostage-taking may comprise the following measures within the possibilities available to the FDFA, the political guidelines and Switzerland's international obligations:

- a. contacting and seeking solutions with the country in whose territory the kidnapping or hostage-taking occurred or in whose territory the kidnapped persons or hostages are being held;

- b. working with third countries and other third parties;
- c. supporting the immediate relatives.

Section 3 Emergency Loans

(Art. 47 SAA)

Art. 61 Application

The following persons may request an emergency loan from the competent representation:

- a. Swiss citizens who are temporarily staying outside their country of residence;
- b. refugees recognised by Switzerland who are resident in Switzerland;
- c. stateless citizens recognised by Switzerland who are resident in Switzerland.

Art. 62 Rejection of applications

¹ An application shall be rejected if the applicant can deal with their emergency situation in a timely manner on their own and with their own resources, with financial assistance from private or public sources, with insurance benefits or with assistance from the receiving state.

² Furthermore, an applications may be rejected if the applicant:

- a. has failed to pay back a previously granted emergency loan; or
- b. has seriously damaged Swiss public interests.

Art. 63 Assessment

Emergency loans shall only be granted for necessary expenses and until the next possible date to return home.

Art. 64 Responsibility

¹ The representation decides whether to grant emergency loans up to the following amounts inclusive of fees:

- a. 600 Swiss francs to return from European countries to the original place of residence or as interim aid to cover necessary expenses until the next possible date to return home;
- b. 1,200 Swiss francs to return from all other countries to the original place of residence or as interim aid to cover necessary expenses until the next possible date to return home;
- c. 2,200 Swiss francs to cover hospital or medical costs, including medicines and medical aids.

² The CD decides in all other cases, including in cases where there are grounds for refusal in accordance with Article 43 paragraph 2 SAA or if there is an arrest warrant in the computerised search system RIPOL.

Art. 65 Payment and repayment

¹ Emergency loans are paid out in the local currency.

² When loans are paid out, applicants must sign a commitment to pay back the loan within 60 days.

³ The amount due must be paid back in Swiss francs; the exchange rate on the date of payment of the loan applies.

Chapter 2 Other Consular Services

Section 1 Administrative Services

(Art. 50 SAA)

Art. 66 Legalisation of official seals and signatures

¹ The representation is authorised to legalise the official seals and signatures of the following bodies:

- a. the Federal Chancellery;
- b. the cantonal authorities responsible for legalisations;
- c. the authorities of the receiving state that are based in the consular district and whose signatures and seal are lodged with the representation;
- d. representations of foreign states located in the consular district, whose seal and signature are lodged with the representation.

² On express demand, a confirmation may be added to the document to which the legalisation is attached stating that the authority that issued it was authorised to do so.

Art. 67 Legalisation of private signatures

¹ The representation is authorised to legalise the signatures of Swiss nationals on private documents.

² Unless otherwise provided for in the law of the receiving state, the signatures of foreign nationals on private documents to be used in Switzerland or for Swiss interests, may be legalised.

³ The document must be signed in the presence of an authorised employee from the representation and there must be no doubt about the identity of the signatory.

Art. 68 Scope of legalisations

¹ Legalisations issued by the representation only refer to seals and signatures.

² The representation expressly declares on the document to which the legalisation is attached that it bears no responsibility for the authenticity or content of the document in question.

Art. 69 Rejection of legalisations

Legalisation requests will be rejected, in particular if:

- a. there is no proven Swiss interest;
- b. there is doubt about the authenticity of the seal or signature;
- c. the risk of negative implications for Switzerland's image cannot automatically be ruled out, in particular where money laundering, capital flight or tax evasion is suspected;
- d. documents with obviously dubious content are presented;
- e. the document requires legalisation by means of apostille in accordance with the Hague Convention of 5 October 1961⁹ Abolishing the Requirement of Legalisation for Foreign Public Documents.

Art. 70 Certification of foreign decisions and documents regarding civil status

The certification of foreign decisions and documents regarding civil status that are submitted to the representation to be forwarded to the competent Swiss civil status authorities for registration in the Swiss civil status register is, subject to international agreements, governed by Article 5 of the Ordinance of 28 April 2004¹⁰ on Civil Status.

Art. 71 Certificate

¹ The representation is authorised to issue certificates to the following persons about facts that have been sufficiently ascertained:

- a. Swiss nationals and legal entities in accordance with Art. 40 SAA;
- b. foreign nationals and other legal entities, provided the certificates are to be used in Switzerland or for Swiss interests.

² In the case of declarations of conformity for copies where original documents are presented, a reservation regarding the content will be made. The reservation may be dispensed with if there is no doubt about the authenticity of the original document.

Art. 72 Deposit

¹ The representation may accept cash, securities, documents and other items for temporary storage, provided:

- a. Swiss interests are at stake;

⁹ SR 0.172.030.4

¹⁰ SR 211.112.2

- b. there is no other way of keeping the items safe;
- c. it is convinced of the necessity and urgency of this measure; and
- d. the representation can provide appropriate storage.

² The representation may demand proof of ownership.

³ It shall refuse to accept items if they represent a security risk for the representation or if accepting them conflicts with Swiss national interests.

⁴ Depositing items for longer than five years requires authorisation from the FDFA. Testamentary dispositions may be stored for longer than five years without authorisation.

⁵ The representation and the FDFA accept no responsibility for damage or loss of the deposited items.

Section 2 Advice on Emigration and Returning to Switzerland

(Art. 51 SAA)

Art. 73

In relation to emigration and returning to Switzerland, the FDFA only provides general information and references to relevant sources of information.

Title 3 Final Provisions

Art. 74 Honorary consular officers, consular agents and correspondents

The FDFA may issue provisions regarding the appointment, tasks and powers of honorary consular officers, consular agents and correspondents.

Art. 75 Repeal of current legislation

The following legislation is repealed:

1. Ordinance of 16 October 1991¹¹ on the Political Rights of Swiss Nationals Living Abroad;
2. Regulations of the Swiss Diplomatic and Consular Service of 24 November 1967¹²;
3. Ordinance of 26 February 2003¹³ on Financial Support for Swiss Abroad Institutions;

¹¹ [AS 1991 2391, 2002 1758, 2007 4477 No IV 4]

¹² [AS 1967 1994, 1978 1402, 2004 2915 Art. 99 para. 2, 2007 4477 No IV 8, 2015 357 No II]

¹³ [AS 2003 505, 2009 6425]

4. Ordinance of 4 November 2009¹⁴ on Social Assistance and Loans to Swiss Citizens Abroad.

Art. 76 Amendment of other pieces of legislation

The following legislation is amended as follows:

...¹⁵

Art. 77 Transitional provision

The cantons may submit applications for the reimbursement of costs in accordance with Article 3 of the Federal Act of 21 March 1973¹⁶ on Social Assistance and Loans to Swiss Citizens Abroad until 30 April 2016.

Art. 78 Commencement

This Ordinance comes into force on 1 November 2015.

¹⁴ [AS 2009 5861, 2014 3789 No I 6]

¹⁵ The amendments may be consulted under AS 2015 3879.

¹⁶ SR 852.1

Annex
(Art. 43 para. 1 second sentence)

Support Fund for Swiss Nationals Abroad

The Support Fund for Swiss Nationals Abroad is made up of the following special funds, donations and legacies:

1. Legat Allemandi, Paris
2. «Helvetia» benevolent society, Istanbul
3. Donation from Jacques Vögeli, Sofia
4. Donation from the «former Schweizerinnenheim, Frankfurt»
5. Testamentary donation from Hugo Bachmann, Düsseldorf
6. Fund of the former Swiss association, Riga
7. Fund of the former Swiss association, Warsaw
8. Fund of the Swiss benevolent society, Prague
9. Donation from the «Hilfskasse Helvetia», Belgrade
10. Special fund of the «former Swiss Benevolent Society Helvetia, Shanghai»
11. Fund of the «former Société de Bienfaisance Laurenço Marqués», Maputo
12. Donation from the former «Association des Suisses de l'Algérie»
13. Fund of former Swiss association, Zagreb, Croatia
14. G. A. Streiff Fund, Los Angeles
15. Aid fund of the Federal Office of Justice for Swiss Abroad and those returning to Switzerland

