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Federal Act on Swiss Citizenship (Swiss Citizenship Act, SCA)

of 20 June 2014 (Status as of 15 February 2018)

*The Federal Assembly of the Swiss Confederation,
based on Article 38 of the Federal Constitution¹,
and having considered the Federal Council Dispatch dated 4 March 2011²,
decrees:*

Title 1 Acquisition and Loss of Citizenship by Law Chapter 1 Acquisition by Law

Art. 1 Acquisition by descent

¹ The following persons are Swiss citizens from birth:

- a. a child whose parents are married to each other and whose father or mother is a Swiss citizen;
- b. the child of a female Swiss citizen who is not married to the child's father.

² The minor foreign child of a Swiss father who is not married to the child's mother acquires Swiss citizenship as if at birth on establishing filiation with the father.

³ If a minor child who acquires Swiss citizenship under paragraph 2 has children, they also acquire Swiss citizenship.

Art. 2 Cantonal and communal citizenship

¹ On acquiring Swiss citizenship, a child acquires the Swiss parent's cantonal and communal citizenship.

² If both parents are Swiss, the child acquires the cantonal and communal citizenship of the parent whose surname the child uses.

AS 2016 2561

¹ SR 101

² BBl 2011 2825

Art. 3 Foundlings

¹ A minor child of unknown parentage who is found in Switzerland acquires citizenship of the canton in which he or she was abandoned, and thus acquires Swiss citizenship.

² The canton decides where the child holds communal citizenship.

³ Citizenship acquired in this way lapses if it is established who the parents of the child are, provided the child is still a minor and will not become stateless.

Art. 4 Adoption

Where a minor foreign child is adopted by a Swiss citizen, the child acquires the cantonal and communal citizenship of the adoptive parent and thus acquires Swiss citizenship.

Chapter 2 Loss of Citizenship by Law**Art. 5** Loss by termination of filiation

If filiation is terminated with the parent who has conferred Swiss citizenship on the child, the child loses Swiss citizenship provided the child does not become stateless thereby.

Art. 6 Loss by adoption

¹ If a minor Swiss citizen is adopted by a foreign national, he or she loses Swiss citizenship on adoption if he or she acquires the nationality of the adoptive parent thereby or already holds that nationality.

² Swiss citizenship is not lost if filiation with a Swiss parent is established on adoption or such filiation remains following adoption.

³ If adoption is annulled, loss of Swiss citizenship is deemed not to have taken place.

Art. 7 Loss by being born abroad

¹ A child born abroad to a Swiss parent who is a citizen of another country forfeits Swiss citizenship on reaching the age of 25, unless his or her birth has been notified to a Swiss authority abroad or in Switzerland or he or she has declared in writing that he or she wishes to remain a Swiss citizen.

² If a child forfeits Swiss citizenship by virtue of paragraph 1, then his or her children also forfeit Swiss citizenship.

³ Notification in terms of paragraph 1 is constituted in particular by any notification by parents, relatives or acquaintances with a view to the child's entry in registers in Switzerland, matriculation or the issuing of identity documents.

⁴ Any person who, against his or her will, has been unable to provide notification or a declaration in terms of paragraph 1 in time, may still do so validly within one year of the reason for their failure to do so ceasing to apply.

Art. 8 Cantonal and communal citizenship

Any person who loses Swiss citizenship by law loses cantonal and communal citizenship at the same time.

Title 2 **Acquisition and Loss of Citizenship by Official Decree**

Chapter 1 **Acquisition by Naturalisation**

Section 1 **Ordinary Naturalisation**

Art. 9 Formal requirements

¹ The Confederation shall grant a naturalisation licence only if the applicant:

- a. holds a permanent residence permit when the application is made; and
- b. can prove that he or she has been resident in Switzerland for at least ten years, three of which have been in the five years prior to making the application.

² When calculating the length of residence mentioned in paragraph 1 letter b, the period that the applicant has lived in Switzerland between the ages of 8 and 18 counts as double. The actual length of residence must however amount to at least six years.

Art. 10 Requirements in the case of a registered partnership

¹ If the applicant has entered into a registered partnership with a Swiss citizen, on making the application, he or she must prove that he or she:

- a. has resided for at least five years in Switzerland, and for one year immediately prior to making the application; and
- b. has lived for three years with this person in a registered partnership.

² The shorter length of residence in paragraph 1 letter a also applies in the event that one of the two partners acquired Swiss citizenship after registration of the partnership through:

- a. reinstatement of citizenship; or
- b. through simplified naturalisation based on descent from a Swiss parent.

Art. 11 Material requirements

The Confederation shall grant the naturalisation licence if the applicant meets the following requirements:

- a. he or she is successfully integrated;

- b. he or she is familiar with the Swiss way of life; and
- c. he or she does not pose a risk to Switzerland's internal or external security.

Art. 12 Criteria for integration

¹ Successful integration is demonstrated in particular by:

- a. showing respect for public security and order;
- b. respecting the values enshrined in the Federal Constitution;
- c. being able to communicate in a national language in everyday situations, orally and in writing;
- d. participating in economic life or by acquiring an education; and
- e. encouraging and supporting the integration of one's wife or husband, registered partner or the minor children for whom one has parental responsibility.

² Appropriate account must be taken of the situation of persons who, due to disability or illness or other significant personal circumstances, are unable or only able with difficulty to meet the criteria for integration set out in paragraph 1 letters c and d.

³ The cantons may provide for additional criteria for integration.

Art. 13 Naturalisation procedure

¹ The canton shall designate the authority to which the application for naturalisation must be submitted.

² If the canton and, if cantonal law so provides, the commune agree in principle to naturalisation, they shall forward the application for naturalisation to the State Secretariat for Migration (SEM) once the applicant has passed the cantonal examination.

³ Once all the formal and substantive requirements have been fulfilled, the SEM shall grant the federal naturalisation licence and send it to the cantonal naturalisation authority for the decision on naturalisation.

⁴ The federal naturalisation licence may be amended retrospectively in order to include the applicant's children.

Art. 14 Cantonal naturalisation decision

¹ The competent cantonal authority shall make the decision on naturalisation within one year of the granting of the federal naturalisation licence. On expiry of this period, the federal naturalisation licence ceases to be valid.

² It shall refuse the application for naturalisation if matters come to light after the federal naturalisation licence is granted which would have given grounds for not agreeing in principle to naturalisation.

³ The applicant acquires communal, cantonal and Swiss citizenship when the cantonal naturalisation decision becomes legally binding.

Art. 15 Procedure in the canton

¹ The procedure in the canton and in the commune is governed by cantonal law.

² Cantonal law may provide that an application for naturalisation may be submitted to the vote of the communal electorate at a communal assembly.

Art. 16 Obligation to state reasons

¹ Reasons must be given for rejecting an application for naturalisation.

² The communal electorate may reject an application for naturalisation only if a reasoned motion has been made that they should do so.

Art. 17 Protection of privacy

¹ The cantons shall ensure that the privacy of applicants is respected in cantonal and communal naturalisation procedures.

² The communal electorate shall be given the following particulars of applicants:

- a. nationality;
- b. length of residence;
- c. information required to assess whether the applicant meets the naturalisation requirements, and in particular the requirement of integration.

³ When selecting information under paragraph 2, the cantons shall take account of the persons to whom the information is to be given.

Art. 18 Cantonal and communal length of residence

¹ The cantonal legislation shall provide for a minimum length of residence of between two and five years.

² In the event that the applicant moves to another commune or another canton, the canton and the commune in which an application for naturalisation is made remain responsible if they have concluded their assessment of the naturalisation requirements in Articles 11 and 12.³

Art. 19 Honorary citizenship

The awarding of honorary citizenship to a foreign national by a canton or a commune without federal authorisation for naturalisation does not have the effects of naturalisation.

³ Corrected by the Federal Assembly Drafting Committee (Art. 58 para. 1 ParIA; SR 171.10).

Section 2 Simplified Naturalisation

Art. 20 Substantive requirements

¹ In the simplified naturalisation procedure, the criteria for integration set out in Article 12 paragraphs 1 and 2 must be met.

² Simplified naturalisation also requires that the applicant does not pose a risk to Switzerland's internal or external security.

³ For applicants who do not live in Switzerland, the requirements of paragraphs 1 and 2 apply *mutatis mutandis*.

Art. 21 Wife of a Swiss man or husband of a Swiss woman

¹ Any foreign national may apply for simplified naturalisation following marriage to a Swiss citizen if he or she:

- a. has lived for three years in marital union with his or her wife or husband; and
- b. has resided for at least five years in Switzerland, including one year immediately prior to making the application.

² Any person who lives or has lived abroad may also apply provided he or she:

- a. has lived for six years in marital union with his or her wife or husband; and
- b. has close ties with Switzerland.

³ A foreign national may also apply for simplified naturalisation under paragraphs 1 or 2 if his or her wife or husband acquires Swiss citizenship after their marriage through:

- a. reinstatement of citizenship; or
- b. simplified naturalisation based on descent from a Swiss parent.

⁴ The naturalised person acquires the cantonal and communal citizenship of his or her Swiss spouse. If the spouse is a citizen of two or more cantonal or communes, the naturalised person may decide to acquire citizenship of only one canton or commune.

Art. 22 Persons who erroneously believe they are Swiss citizens

¹ Any person who has believed in good faith for five years that he or she is a Swiss citizen, and has in practice been treated during this period by the cantonal or communal authorities as a Swiss citizen, may apply for simplified naturalisation.

² The naturalised person acquires the cantonal citizenship of the canton responsible for the error. This canton shall decide which communal citizenship the person acquires at the same time.

Art. 23 Stateless children

¹ A minor child who is stateless may apply for simplified naturalisation if he or she can prove at least five years' residence in Switzerland, including one year immediately prior to making the application.

² Any period of residence in Switzerland in accordance with the regulations on foreign nationals will be taken into consideration.

³ The naturalised child acquires the citizenship of his or her commune and canton of residence.

Art. 24 Children of a naturalised parent

¹ A foreign child who was a minor at the time his or her parent applied for naturalisation and who was not included in the naturalisation application may apply for simplified naturalisation before the age of 22 if he or she can prove at least five years' residence in Switzerland, including at least three years immediately prior to making the application.

² The naturalised child acquires the citizenship of the Swiss parent.

Art. 24^{a4} Third generation immigrants

¹ The child of foreign parents may on application be naturalised according to a simplified procedure if he or she meets the following requirements:

- a. at least one grandparent was born in Switzerland or it is credibly demonstrated that he or she acquired a right of residence;
- b. at least one parent has obtained a permanent residence permit, has been resident in Switzerland for at least ten years, and attended compulsory schooling in Switzerland for at least five years;
- c. the child was born in Switzerland;
- d. the child holds a permanent residence permit and has attended compulsory schooling in Switzerland for at least five years.

² The application must be submitted before the child reaches the age of 25.

³ The naturalised child acquires the citizenship of his or her commune and canton of residence at the time of naturalisation.

Art. 25 Jurisdiction and procedure

¹ The SEM decides on simplified naturalisation applications; it shall consult the canton concerned before approving an application.

² The Federal Council regulates the procedure.

⁴ Inserted by No I of the FA of 30 Sept. 2016 (Simplified Naturalisation for Third Generation Immigrants), in force since 15 Feb. 2018 (AS 2018 531; BBl 2015 769 1327).

Section 3 Reinstatement of Citizenship

Art. 26 Requirements

¹ Reinstatement of citizenship requires that the applicant:

- a. is successfully integrated if he or she lives in Switzerland;
- b. has close ties with Switzerland if he or she lives abroad;
- c. shows respect for public security and order;
- d. respects the values enshrined in the Federal Constitution; and
- e. does not pose a risk to Switzerland's internal or external security.

² For applicants not resident in Switzerland, the requirements of paragraph 1 letters c–e apply by analogy.

Art. 27 Reinstatement of citizenship following forfeiture, relief or loss of citizenship

¹ Any person who has lost Swiss citizenship may apply within ten years for that citizenship to be reinstated.

² On expiry of the period mentioned in paragraph 1, a person may apply for citizenship to be reinstated only if he or she has been resident in Switzerland for three years.

Art. 28 Effect

Through reinstatement of citizenship, the applicant acquires the cantonal and communal citizenship that he or she held previously.

Art. 29 Jurisdiction and procedure

¹ The SEM decides on the reinstatement of citizenship; it shall consult the canton concerned before granting an application.

² The Federal Council regulates the procedure.

Section 4 Common Provisions

Art. 30 Inclusion of children

The applicant's minor children are normally included in the naturalisation application if they live with the applicant. In the case of children over the age of 12, compliance with the requirements of Articles 11 and 12 must be verified independently and autonomously and in a manner appropriate to the age of the child.

Art. 31 Minor children

¹ Minor children may only apply for naturalisation through their legal representative.

² Minor children over the age of 16 must also declare in writing their wish to become a Swiss citizen.

Art. 32 Majority

Majority and minority in terms of this Act are governed by Article 14 of the Swiss Civil Code⁵.

Art. 33 Residence

¹ The length of residence in Switzerland is calculated based on residence as evidenced by the following residence documents:

- a. a residence or permanent residence permit;
- b. temporary admission; half of the period of residence is credited; or
- c. a legitimisation card or comparable residence document issued by the Federal Department of Foreign Affairs.

² Leaving Switzerland for a short period with the intention of returning does not interrupt a period of residence.

³ A foreign national is deemed to have stopped residing in Switzerland on leaving Switzerland if he or she has deregistered with the responsible authority or has actually lived abroad for more than six months.

Art. 34 Cantonal enquiries

¹ If an application is made for ordinary naturalisation, the competent cantonal authority shall, if the formal requirements of Article 9 have been met, assess whether the requirements of Article 11 letters a and b have been met.

² The SEM shall instruct the cantonal naturalisation authority to conduct the enquiries required to assess whether the requirements for simplified naturalisation, reinstatement of citizenship, declaring a naturalisation null and void or withdrawing Swiss citizenship have been met.

³ The Federal Council shall regulate the procedure. It may issue uniform guidelines on drawing up enquiry reports and provide for deadlines for conducting the enquiries mentioned in paragraph 2.

Art. 35 Fees

¹ The federal, cantonal and communal authorities may charge fees in connection with naturalisation procedures or procedures for declaring naturalisations null and void.

⁵ SR 210

² The fees may not amount to more than is required to cover costs.

³ For the procedure under its jurisdiction, the Confederation may request an advance payment of fees.

Art. 36 Declaration of nullity

¹ A naturalisation decision may be declared null and void by the SEM if it has been obtained by using false information or by concealing material facts.

² The naturalisation decision may be declared null and void within two years of the SEM becoming aware of the legally relevant circumstances, and at the latest within eight years of the naturalised person acquiring Swiss citizenship. A new two year limitation period begins after each investigative act that has been notified to the naturalised person concerned. The limitation periods are suspended during appeal proceedings.

³ Subject to the same requirements, a naturalisation decision under Articles 9–19 may also be declared null and void by the cantonal authority.

⁴ Nullity extends to all children whose Swiss citizenship is based on the naturalisation decision that has been declared null and void. Exempted therefrom are children who:

- a. at the time of the decision on the declaration of nullity are over the age of 16 and who meet the residence requirements of Article 9 and the personal requirements of Article 11; or
- b. would become stateless as a result of the declaration of nullity.

⁵ After the declaration of nullity of a naturalisation becomes legally binding, two years must elapse before a new application for naturalisation may be made.

⁶ The waiting period in paragraph 5 does not apply to children included in the declaration of nullity.

⁷ The forfeiture of the identity documents shall be ordered when the declaration of nullity is issued.

Chapter 2 Loss by Official Decree

Section 1 Relief of Citizenship

Art. 37 Request for relief and decision

¹ Swiss citizens shall on request be relieved of their Swiss citizenship if they are not resident in Switzerland and hold or have been assured of another nationality. Article 31 applies *mutatis mutandis*.

² Relief of citizenship is granted by the authority in the canton of origin.

³ Loss of cantonal and communal citizenship and thus of Swiss citizenship take effect on service of the certificate of relief of citizenship.

Art. 38 Inclusion of children

¹ Relief of citizenship also applies to minor children who:

- a. are under the parental care of the person relieved of citizenship;
- b. are not resident in Switzerland; and
- c. hold or have been assured of another nationality.

² Minor children who are over the age of 16 years are only included in the relief of citizenship if they give their written consent.

Art. 39 Certificate of relief of citizenship

¹ The canton of origin shall issue a certificate of relief of citizenship in which every person covered by the certificate is listed.

² The SEM shall arrange for the certificate of relief of citizenship to be served and shall notify the canton when the certificate has been successfully served.

³ It shall postpone service if it is not expected that the person relieved of citizenship will be granted the foreign citizenship of which he or she has been assured.

⁴ If the place of residence of the person relieved of citizenship is unknown, notice of relief of citizenship may be published in the Federal Gazette. Such publication has the same effect as service of the certificate of relief of citizenship.

Art. 40 Fees

The cantons are entitled to charge fees to cover the costs of the procedure for relief of citizenship.

Art. 41 Multiple cantonal citizenships

¹ Swiss citizens with citizenship of two or more cantons may submit their application to any one of their cantons of origin.

² If one canton of origin decides on the application for relief of citizenship, Swiss citizenships and the citizenship of all the cantons and communes concerned is lost on formal service of the decision.

³ The canton that has decided on relief of citizenship shall notify the other cantons of origin *ex officio*.

Section 2 Revocation**Art. 42**

The SEM may, with consent of the authority in the canton of origin, revoke the Swiss, cantonal and communal citizenship of a person holding dual nationality if his or her conduct is seriously detrimental to the interests or the reputation of Switzerland.

Title 3 Declaratory Procedure

Art. 43

¹ If there is doubt as to whether a person holds Swiss citizenship, the authority in the canton of which the citizenship has been called into question decides, on request or ex officio.

² The SEM may also request a decision.

Title 4 Processing of Personal Data and Administrative Assistance

Art. 44 Data processing

In order to fulfil its duties under this Act, the SEM may process personal data, including personality profiles and particularly sensitive data on religious beliefs, political activities, health, social assistance measures and administrative or criminal proceedings and penalties. It shall maintain an electronic information system for this purpose in accordance with the Federal Act of 20 June 2003⁶ on the Information System for Foreign Nationals and Asylum Matters.

Art. 45 Administrative assistance

¹ In response to a written and justified request relating to a specific case, the authorities responsible for implementing this Act shall disclose to each other the data required to:

- a. decide on an application for ordinary naturalisation, simplified naturalisation or reinstatement of citizenship;
- b. declare a naturalisation null and void;
- c. decide on an application for relief of Swiss citizenship;
- d. issue a withdrawal of Swiss citizenship;
- e. issue a declaratory ruling about a person's Swiss citizenship.

² In response to a written and justified request relating to a specific case, other federal, cantonal or communal authorities are required to disclose to the authorities responsible for implementing this Act the data required to carry out their duties pursuant to paragraph 1.

⁶ SR 142.51

Title 5 Rights of Appeal

Art. 46 Appeal to a cantonal court

The cantons shall appoint judicial authorities to act as the ultimate cantonal courts of appeal in relation to decisions to refuse ordinary naturalisation.

Art. 47 Appeal at federal level

¹ Appeals against final rulings by the cantons and against decisions by the federal administrative authorities are governed by the general provisions on the administration of federal justice.

² The cantons and communes concerned also have a right of appeal.

Title 6 Final Provisions

Chapter 1

Implementation and Repeal and Amendment of Other Legislation

Art. 48 Implementation

The Federal Council is responsible for implementing this Act.

Art. 49 Repeal and amendment of other legislation

The repeal and amendment of other legislation are regulated in the Annex.

Chapter 2 Transitional Provisions

Art. 50 No retrospective effect

¹ The acquisition and loss of Swiss citizenship are governed by the law in force at the time that the relevant circumstances occurred.

² Applications made before this Act comes into force shall be processed in accordance with the previous law applicable up to and including the decision on the application.

Art. 51 Acquisition of Swiss citizenship under the transitional law

¹ A foreign child of a marriage between a Swiss mother and a foreign father whose mother held Swiss citizenship prior to or at the time of the child's birth may apply for simplified naturalisation if he or she has close ties with Switzerland.

² A foreign child born to a Swiss father before 1 January 2006 may apply for simplified naturalisation provided he or she meets the requirements of Article 1 paragraph 2 and has close ties with Switzerland.

³ A foreign child born to a Swiss father before 1 January 2006 whose parents marry acquires Swiss citizenship as if from birth if he or she meets the requirements of Article 1 paragraph 2.

⁴ The child acquires the cantonal and communal citizenship that the Swiss parent holds or last held, and thus Swiss citizenship.

⁵ The requirements of Article 20 apply *mutatis mutandis*.

Art. 51a⁷ Transitional provision to the Amendment of 30 September 2016

Third generation immigrants who are over the age of 25 but have not yet reached the age of 35 when the Amendment of 30 September 2016 to this Act comes into force and who meet the requirements of Article 24a paragraph 1 may apply for simplified naturalisation within five years of the said Amendment coming into force.

Chapter 3 Referendum and Commencement

Art. 52

¹ This Act is subject to an optional referendum.

² The Federal Council shall determine the commencement date.

Commencement date: 1 January 2018⁸

⁷ Inserted by No 1 of the FA of 30 Sept. 2016 (Simplified Naturalisation for Third Generation Immigrants), in force since 15 Feb. 2018 (AS 2018 531; BBl 2015 769 1327).

⁸ FCD of 17 June 2016

Annex
(Art. 49)

Repeal and Amendment of Other Legislation

I

The Federal Act on Citizenship of 29 September 1952⁹ is repealed.

II

The following federal acts are amended as follows:

...¹⁰

⁹ [AS 1952 1087, 1972 2819 No II 2, 1977 237 No II 2, 1985 420, 1991 1034, 2000 1891 No IV 1, 2003 187 Annex No II 1, 2005 5233 5685 Annex No 1, 2006 2197 Annex No 2, 2008 3437 No II 2 5911, 2011 347 725 Annex No 1, 2012 2569 No II 1]

¹⁰ The amendments may be consulted under AS 2016 2561.

