



Schweizerische Eidgenossenschaft
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**Permanent Mission of Switzerland to the United Nations Office
and other international organisations in Geneva**

Reference 06/2024 - 842-05-01-01

Unofficial English translation of French circular verbal note dated 15 April 2024

The Permanent Mission of Switzerland to the United Nations Office and other international organisations in Geneva presents its compliments to the international organisations based in Switzerland and has the honour to inform them of the following, in agreement with the State Secretariat for Migration (SEM), concerning **foreign nationals benefiting from temporary protection status ("S" status)**.

"S" status granted by Switzerland

Foreign nationals, domiciled in Switzerland, who have been granted an "S" status by the SEM, competent federal authority, may be employed by international organisations as staff members with the privileges and immunities arising from headquarters agreements. The Swiss Mission issues them with a legitimisation card from the Federal Department of Foreign Affairs (FDFA) after they have renounced to their "S" status.

They must indeed renounce their "S" status before being hired and inform the SEM of this renunciation by using the intended form (see Annex). Their stay in Switzerland is then authorised by a FDFA legitimisation card, which validity is limited to the duration of their contract. The international organisation must request the issuance of a FDFA legitimisation card following the usual procedure, while enclosing a copy of SEM's confirmation letter regarding the renunciation of the "S" status.

At the end of their functions, respectively when they lose their entitlement to their FDFA legitimisation card, they may request the SEM to reinstate their "S" status, provided they are still domiciled in Switzerland. The decision of the Swiss Federal Council remains reserved as it communicated on 1 November 2023 that this status would not be lifted before 4 March 2025¹.

¹ See SEM press release dated 01.11.2023: <https://www.sem.admin.ch/sem/en/home/sem/medien/mm.msg-id-98405.html>

By e-mail

International organisations
located in Switzerland

Foreign nationals, domiciled in Switzerland, who could potentially have obtained an "S" status before taking up their functions, who lose their entitlement to their FDFA legitimization card at the end of their contract and who did not have a residence or settlement permit (B or C permit), may also apply for an "S" status. The decision of the Swiss Federal Council remains reserved as it communicated on 1 November 2023 that this status would not be lifted before 4 March 2025¹.

It remains understood that foreign nationals domiciled in Switzerland who, before taking up their functions, held a B or C permit, which they exchanged for a FDFA legitimization card, may regain their permit in accordance with the applicable rules (cf. point 4.1 of the Guidelines²).

The aforementioned rules do not apply to foreign nationals with "S" status, domiciled in Switzerland, who are employed by international organisations as non-staff members (consultants and interns). They retain their "S" status and remain subject to ordinary Swiss law. International organisations do not have to register them with the Swiss Mission (see point 6 of the Guidelines²).

Protection status (similar to "S" status) granted by a foreign State

Foreign nationals who, at the time of their hiring by an international organisation in Switzerland, hold a protection status granted to them by another country and who come to live in Switzerland, must renounce their protection status by informing the authorities of the country that granted it to them. The international organisation must provide written proof of renunciation of the protection status when requesting the issuance of a FDFA legitimization card in their favour, whether they are staff members or non-staff members.

At the end of their functions, when they lose their entitlement to their FDFA legitimization card and if they are still living in Switzerland, they must return to the country where they previously held a protection status. In such cases, Switzerland does not grant "S" status in accordance with the principle of subsidiarity.

Those who remain domiciled abroad during their functions (for example, on the German border region or in neighboring France) must, before being hired by an international organisation, ensure with the foreign authorities that have granted them a protection status that they are authorised to work in Switzerland. The international organisation must provide written proof of this when requesting the issuance of a FDFA legitimization card in their favour, whether they are staff members or non-staff members. The Swiss Mission recalls, for all intents and purposes, that the FDFA legitimization card serves in particular as a residence permit in Switzerland, but not abroad. The foreign nationals concerned must therefore ensure the continuity and legality of their stay in their country of residence for the duration of their contract in Switzerland with the international organisation.

Recruitment procedure

It is the responsibility of the international organisations to verify, at the recruitment stage or before the transfer to Switzerland, the exact situation of foreign nationals with "S" status in Switzerland or with a similar protection status abroad, by informing them of the steps they are required to take before coming to Switzerland or taking up their functions. The Swiss Mission will then be able to determine their entitlement to a FDFA legitimization card on the basis of the information provided by the international organisations.

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² Guidelines: <https://www.dfae.admin.ch/missions/mission-onu-geneve/en/home/manual-regime-privileges-and-immunities/introduction/legitimation-card.html>

In view of the above, the Guidelines regarding the issuance of FDFA legitimization cards have been amended by referring to the present circular verbal note (cf. point 4.2).

The International Community Registration Service, Privileges & Immunities Section, of the Swiss Mission is available to international organisations to examine any particular situation in this respect.

The Permanent Mission of Switzerland to the United Nations Office and to the other international organisations avails itself of this opportunity to renew to the international organisations based in Switzerland the assurances of its highest consideration.

Geneva, 15 April 2024

Enclosure: ment.