

**Work and residence permits
for citizens of Croatia and the third-party countries
(does not apply to citizens of the EU-27/EFTA countries)**

Principle

Non-nationals wishing to work in Switzerland need a residence permit, which will entitle them to take up residence, but also governs the type of employment allowed.

Residence permits are subject to cantonal quotas, defined by federal regulations. However, cantons have certain decision-making powers within these quotas. The issuance of permits to citizens of third-party countries underlies the labour market situation and economic prerequisites and requires the approval of the Federal Office for Migration (BFM).

This fact sheet does not apply to the citizens of the EU-27 member states ((Belgium, Bulgaria, Denmark, Germany, Estonia, Finland, France, Greece, the United Kingdom, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Sweden, Slovakia, Slovenia, Spain, the Czech Republic, Hungary and Cyprus) and of the EFTA member states (Principality of Liechtenstein, Iceland, Norway and Switzerland).

For citizens of Croatia and the third-party countries apply separate quotas.

Responsibility

Responsibility lies with the cantonal Labour Offices, which formulate the permit applications for the cantonal Offices for Migration. The cantonal Offices for Migration are bound by the applications, unless there are grounds for refusing it on anything other than labour market grounds (e.g. reasons, which lie in the person of the applicant).

Types of permit

a) 120-days permit

This is not linked to a quota and gives entitlement either to an uninterrupted stay of 120 days in the calendar year or a stay of any 120 days in the calendar year. The purpose of the stay must be stated in advance.

This type of permit is suitable for the setting up of a small or medium-sized business and is used mainly, if the requirements for an annual permit are not met.

b) Short-term residence permit (Permit L, purple)

It is issued within the cantonal quota to non-nationals staying in Switzerland during a short employment (twelve months maximum). The short-term residence permit can be extended for up to 12 months. Job switching is only possible for important reasons. Responsibility for extending the permit lies with the respective canton.

c) Residence permit (Permit B, grey)

It is issued within the cantonal quota primarily for people in executive positions, specialists or secondly for self-employed persons for a stay with a duration of longer than one year. This permit is valid for one year for citizens of third-party countries and can be renewed.

Persons with a residence permit, who are allowed to carry out an employed or self-employed occupation, can perform an activity in the whole of Switzerland. Job switching is possible without a further authorisation. In addition, a change from an employed to a self-employed occupation can be granted, if this is in the interest of the economic environment and if the necessary financial and operative requirements are met.

Rules pertaining to cross-border commuters

Cross-border commuters from third-party countries may pursue gainful employment only within Switzerland's border zones. The Canton of Schwyz is not part of these border zones, and for this reason no cross-border commuters from third-party countries may be employed.

Self-employed occupation

In order for citizens of third-party countries to engage in a self-employed occupation, an application for a residence permit for self-employed occupation must be submitted together with the respective business plan to the cantonal Labour Office. A switch from a self-employed occupation to employed status is subject to authorisation.

Conditions for the granting of a permit for an employed or self-employed occupation

The permits are dependent upon the labour market situation and economic prerequisites, which are linked to the limited number of quotas.

The criteria may be:

- Jobs are maintained or created for the local workforce, in quantitative and / or qualitative terms. It is not possible to issue guidelines on numbers.
- The applicant must be essential for the executive position (e.g. due to specific market expertise in a sector, technical and organisational knowledge).
- Other economic grounds may play a part (e.g. development of a specific industry, region etc.).
- A convincing case must be presented that an equivalent employee cannot be found either in the Swiss labour market or in the EU/EFTA.

Consequences of a permit

- The permit may be subject to certain conditions. The reasons, explanations and any obligations entered into, which led to the permit being issued, are checked at the time of renewal. The promises made constitute conditions.
- The permit means that the holder's centre of vital interests has moved to Switzerland. That is to say, the holder has to be in Switzerland for a minimum of 180 days per year. This regulation is not relevant for the 120-days permit.
- As a consequence, family reunion is possible for the wife and dependent children of holders of B-Permits. Family reunions are not guaranteed for holders of L-Permits.

Additional information

Additional information is available on the internet under www.sz.ch/arbeit or on the website of the State Secretariat for Migration www.sem.admin.ch. Application forms are available from the Labour Office, the Office for Migration and the Office for Economy.

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