

THE LEGITIMATION CARD AND "CI" PERMIT

What you
should know
as a spouse!



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INTRODUCTION

This is the fifth edition of this brochure.

Many organisations in Geneva work in immigration law, but only a few specialise in the legitimisation cards issued to members of diplomatic and consular corps, permanent and special missions, or international organisations, along with their spouses and children.

These residence permits are very common in Geneva given the large number of international organisations here, yet they are unfamiliar to many associations, NGOs, and even legal professionals who practice immigration law or work with foreign nationals.

At the drop-in legal, social, and professional aid clinics held by the F-Information Association, we have

often encountered spouses of international officials who were in a particularly precarious position because their status had been based on a legitimisation card or “Ci” permit.

This brochure attempts to provide answers, ideas, and especially support for spouses affected by “Ci” permit issues and those who help and guide them. Its objective is to furnish general information. For specific questions about individual cases, we recommend contacting one of the legal clinics on the list of “Useful Addresses” at the end of the brochure to seek personalised advice.

For reasons of readability, this brochure was written using feminine pronouns (“she”, “her”) for the spouse/domestic partner of the legitimisation card holder, since most of them are women.



Some numbers:

- **The number of legitimisation card holders is fairly stable.**
- **Currently, there are 42,807, including 4,447 spouses living in Geneva and 660 in Vaud.**

EXAMPLES

Though the following two cases do not cover every situation, they are real-life examples and serve to illustrate the difficulties experienced by the spouses of legitimation card holders.

The Case of Mrs. D.

Mrs. D. is the wife of an official who works for an international organisation. She is originally from Africa and arrived in Switzerland four years ago. She has three young children.

Mrs. D. is a victim of psychological abuse by her husband, who constantly belittles her and prevents her from leaving the house or forming social connections, thus isolating her completely. He manages the entire household budget, doling out money to his wife for household expenses, such that Mrs. D. has no financial independence. Three years ago, the family moved to nearby France. Mrs. D. is now at the end of her rope and wants to separate from her husband.

Since she no longer lives in Switzerland, she cannot request a residence permit on humanitarian grounds.

She has a "Ci" permit, and so is completely dependent on her husband and on living with him. If she

separates, she will lose her Swiss legitimation card, and under no circumstances will she be able to work once she stops living with him.

Since Mrs. D.'s marriage was "arranged" by her family in her country of origin, there is no way she can return to her family if she separates from her husband. So Mrs. D. has no real ability to leave her husband, who is keeping her in domestic servitude!

The Case of Mrs. O.

Mrs. O. is from an Asian country. She is married to an international civil servant and has been living in Switzerland for twelve years. Her two children, now five and nine years old, were born here. She has a "Ci" permit.

Mrs. O. separated from her husband, who acted inappropriately towards their son. Her husband left home and Mrs. O. decided to start the process of seeking measures to conserve the marital relationship (legal separation).


Mrs. O. is no longer in contact with her family in her country of origin. Her entire support system and all of her friends are in Geneva - the parents of her children's classmates, who have stepped up to support her.

However, by deciding to separate from her husband, Mrs. O. loses the right to hold a "Ci" permit and risks a forced return to her country of origin alone with her already traumatised children who may now soon be uprooted and taken to a "country of origin" where they have never lived before!

Finally, Mrs. O.'s Swiss work permit also depends on her "Ci" permit, so she runs the risk that she will soon face major problems in this regard.

THE LEGITIMATION CARD

PARTICULARITY

 **Article 17 par. 3 HSO** | The legitimation card serves as a residence permit and certifies the holder's privileges and immunities. It exempts him from any visa requirement for the duration of his function.

The main distinguishing characteristic of the legitimation card is that it is not governed by the Foreign Nationals Act (*Loi fédérale sur les étrangers*, hereafter "FNA"), but by the Host State Ordinance (*Ordonnance relative à la Loi fédérale sur les privilèges, immunités et facilités, ainsi que sur les aides financières accordés par la Suisse en tant qu'Etat hôte*, hereafter "HSO").

Article 3 par. 1 (i) HSA | This ordinance derives directly from the Host State Act (*Loi fédérale sur les privilèges, immunités et facilités, ainsi que sur les aides financières accordés par la Suisse en tant qu'Etat hôte*, hereafter "HSA"), which allows Switzerland to grant certain privileges such as exemption from the FNA's provisions concerning Swiss entry and residence requirements.

Another characteristic of this residence permit is that it is issued by the Mission to the United Nations Office at Geneva (UNOG) (hereafter the "Swiss Mission to the UN") on behalf of the Federal Department of Foreign Affairs (hereafter "FDFA") and not by the government authority responsible for alien residency issues, which in Geneva is the Cantonal Population Office (Office cantonal de la population, hereafter "CPO").

The Swiss Mission to the UN has jurisdiction over all requests when the principal individual beneficiary works in a Geneva-based international organisation or mission. Questions about the legitimation card issuance process can be asked in person at the Swiss Mission to the UN.

UNDER WHAT CONDITIONS CAN A LEGITIMATION CARD BE GRANTED TO THE SPOUSE?

1. Beneficiary of the main card

The first condition is that the legitimation card must be granted to the principal individual beneficiary.

Article 2 par. 1 and 2(a) HSA

The Swiss Confederation may grant privileges, immunities, and facilities to some categories of people, especially those working in intergovernmental organisations, international institutions, quasi-governmental international organisations, diplomatic missions, consular positions, permanent missions, other delegations to intergovernmental organisations, etc.

In particular, this applies to: the United Nations (UN), World Trade Organisation (WTO), CERN, International Labour Organisation (ILO), World Health Organisation (WHO), International Telecommunication Union (ITU), World Meteorological Organisation (WMO), permanent missions to the UN and WTO, consulates, embassies, etc.

2. Person entitled to accompany the principal individual beneficiary

*Article 2
par. 2(c) HAS
and Article 20
par. 1 HSO*

Individuals entitled to accompany the individual beneficiary of a legitimisation card issued by the FDFA can

also enjoy the privileges, immunities, and facilities. These persons are as follows.

- a. The principal individual beneficiary's spouse.
- b. The principal individual beneficiary's same-sex partner if the domestic partnership is registered in

Switzerland, recognised under an equivalent foreign law, or the partner is considered an official partner or dependent by the relevant institutional beneficiary.

- c. The principal individual beneficiary's cohabiting partner (unmarried heterosexual couple) if the relevant institutional beneficiary considers the cohabiting partner to be an official partner or dependent.
- d. The principal individual beneficiary's unmarried children, up to the age of 25 years.
- e. The unmarried children of the principal individual beneficiary's spouse, same-sex partner, or cohabiting partner, up to the age of 25 years, if they are officially dependents of the spouse, same-sex partner, or cohabiting partner.

In special cases, the FDFA may authorise other persons to accompany the principal individual beneficiary, as follows.

*Article 20
par. 2 HSO*

- a. The principal individual beneficiary's same-sex partner who is not recognised as an official partner or dependent, when proof of a long-term relationship is provided and if the persons concerned are unable to register a domestic partnership in accordance with Swiss or foreign law.

- b. The principal individual beneficiary's cohabiting partner (unmarried heterosexual couple) who is not recognised as an official partner or dependent by the institutional beneficiary, when proof of a long-term relationship is provided.
- c. The principal individual beneficiary's unmarried children who are more than 25 years old and in the beneficiary's sole care.
- d. The unmarried children of the principal individual beneficiary's spouse, same-sex partner, or cohabiting partner who are over the age of 25 and in the principal individual beneficiary's sole care.
- e. The ascendants of the principal individual beneficiary or his spouse, same-sex partner, or cohabiting partner within the meaning of par. 1, if they are in the principal individual beneficiary's sole care.
- f. In exceptional cases, other persons in the principal individual beneficiary's sole care if it is not possible for them to be entrusted to the care of a third party in their country of origin (cases of force majeure).

3. Living together

Article 20 par. 1 and 2 HSO | The person entitled to accompany the principal beneficiary must

live in the same household as the principal individual beneficiary of the legitimization card.

4. Decision and issuance

The FDFA is the authority empowered to make *Article 20 par. 5 HSO* decisions. It determines on a case-by-case basis whether the person wishing to accompany the principal individual beneficiary satisfies the requirements.

The FDFA is also the agency that issues the legitimization card to principal individual beneficiaries and persons entitled to accompany them. This card serves as a residence permit for Switzerland for the length of the stay.

WHEN DOES THE RIGHT TO HOLD A LEGITIMATION CARD END?

The privileges, immunities, and facilities *Article 15 par. 2 HSO* granted to accompanying persons expire at the same time as those granted to the person they are accompanying.

This means that if the legitimization card beneficiary loses his right to hold such a card, the person entitled to accompany him also loses the right. A legitimization card does not confer upon its holder any right to be

granted preferences in the workplace or with regard to length of stay or permanent residence, or to continue staying in Switzerland once the principal individual beneficiary has left and the card has been surrendered.



In practical terms, this means that delivery of a legitimation card to a person entitled to accompany the principal beneficiary depends solely on the principal beneficiary's legitimation card. The accompanying person has no right of her own to an individual residence card.

THE RIGHT TO WORK

ACCESS TO THE JOB MARKET

Article 3 | Persons entitled to accompany the principal individual beneficiary enjoy easier access to the Swiss job market — which is limited to the duration of the principal individual beneficiary's function — if they meet the following conditions:

par. 2(a) HSA

- Article 22** | 1. they are entitled to accompany the principal individual beneficiary
- par. 1 HSO*
2. they reside in Switzerland
 3. they are a member of the principal individual beneficiary's household

Practically speaking, this means that the person with work authorisation is not subject to foreign labour quotas; the principle of priority recruitment areas; or job-market stipulations, such as the principle of priority for resident workers or prior verification of working conditions and terms of remuneration.

ATTESTATION

When the persons mentioned above are seeking employment, they may ask the FDFA for a document for potential

employers, certifying their special situation and authorisation to participate in the job market.

Article 22
par. 2 HSO

The certificate remains in the possession of its holder. It is valid for as long as the principal individual beneficiary's legitimisation card remains valid.

The certificate must be requested by verbal note, and the associated "Request For 'Ci' Permit Certificate" signed by the applicant, must be submitted at the same time. The certificate is issued by the population office in the canton of residence

THE "Ci" PERMIT

1. Issuance of the "Ci" permit

The permit granting the right to engage in paid work is called the "Ci" permit. It is issued by the population office in the canton of residence, which in Geneva is the CPO, in exchange for the legitimisation card and upon presentation of a work contract, a job offer, or a declaration of intent to become self-employed that includes a description of the gainful activity to be undertaken. The "Ci" permit is issued for (full-time or part-time) paid employment or for self-employment.

Article 22 | The “Ci” permit holder may not actually become self-employed until the necessary authorisation for the profession or activity in question has been sought and obtained from the appropriate authorities.

2. Swiss law applies

Article 22 | Professional activity **par. 4 HSO** | is subject to Swiss law, especially where social-security benefits and income taxes are concerned. Outside the scope of her paid employment, the spouse continues to enjoy all privileges and immunities to which she is entitled as a person authorised to accompany the principal individual beneficiary.

3. Validity of the “Ci” permit

Article 22 | The FDFA also determines how this permit is implemented. A series of informative leaflets has been published, in particular the Family Members leaflet concerning the system of diplomatic and consular privileges and immunities in Switzerland (*Régime des Privilèges et Immunités diplomatiques et consulaires en Suisse*), October 2011.

The leaflets are available on the FDFA’s website (see p. 38).

When there is a job change during the term of the “Ci” permit, the permit holder must also bring it to the population office in advance so it can be updated.

The “Ci” permit is valid only within the issuing canton. If the work is done in a canton other than the issuing canton (i.e., the canton of residence), the holder must request permission in advance from the canton in which she works.

For the “Ci” permit to remain valid, the principal individual beneficiary must also continue to work. If he loses the right to hold a legitimisation card, the “Ci” permit becomes invalid.

The spouse may hold a “Ci” permit for as long as her paid work continues, or if she loses her job, for the period during which she is eligible to receive unemployment benefits. After this time, the “Ci” permit must be handed in to the cantonal population office. The legitimisation card is then returned to the embassy upon request.

SEPARATION AND DIVORCE

As indicated above, marriage to the principal individual beneficiary (or a registered domestic partnership or cohabiting partner relationship) and living with the principal individual beneficiary are conditions that must be met for the legitimation card to be granted to a person entitled to accompany the principal individual beneficiary.

For this reason, separation and divorce directly affect the legitimation card.

The Swiss Civil Code (*Code civil suisse*, hereafter “CC”) provides two legal means of officially ending conjugal life.

Divorce permanently ends the conjugal union. This means that spousal consortium no longer exists. Divorce may be requested mutually by both spouses or unilaterally, after they have been separated for two years.

*Articles
176 et seq.,
273 et seq.,
276 et seq. CC*

One purpose of separation, which the law terms “measures to conserve the marital relationship”, is to allow a spouse who so desires to make the separation official before the two years have passed. This allows him or her unilaterally to seek a divorce. Another is to enable the spouses to choose this interim so-

lution so as to have time to think over reconciliation or divorce ahead of time.

Separation is a temporary solution; “measures to conserve the marital relationship” do not end spousal consortium. If the spouses begin living together again, the measures lapse and the marriage continues as before.

SEPARATION

Separation proceedings have several advantages over divorce proceedings.

The judge makes a provisional decision. The facts alleged by the parties need only be shown to be plausible, and not proven as in the context of divorce proceedings.

Therefore there is generally no investigation, except that the Child Welfare Office draws up a report if the spouses have minor children and cannot agree on custody and visitation rights.

Consequently, separation proceedings are quicker than divorce proceedings. They last from four to six months on average.

The main issues settled by a decision establishing “measures to conserve the marital relationship” include:



- living apart
- awarding use of the married residence
- awarding custody of the children
- awarding visitation rights
- setting a family support payment

The following may also be decided in specific situations:

- separation of property
- creation of a guardianship to supervise and set up visitation rights

EMERGENCY MEASURES

Articles 28, 28(a) and 28(b) CC, Article 265 CPC

The Swiss Code of Civil Procedure (*Code de procédure civile suisse*, hereafter “CPC”) provides

a means of requesting expedited measures in order to obtain a decision more quickly than the final decision can be made. The court decides whether or not to grant such measures within 24 hours. They are necessary in particular in the context of requests for protective orders.

Such measures are granted only in exceptionally urgent cases. They are necessary especially in cases of domestic violence, and make it possible to deny the abusive spouse access to the home.

They must be requested as soon as possible after the event that has frightened the abuse victim. To the extent possible, the request must be supported with concrete evidence, particularly medical certificates, witness statements, attestations by specialised associations or services, and especially proof that a criminal complaint has been filed.

For this type of measures, it is advisable to consult a lawyer before taking any action.

Domestic-violence support and advisory structures are also available. Some useful contacts are listed at the end of the brochure.



In addition to the elements mentioned above, the following requests can be handled on an expedited basis in an emergency:

- immediate removal of the husband from the married residence
- prohibiting the husband from approaching the married residence
- prohibiting the husband from contacting his wife

DIVORCE

Divorce can be sought at any time if the spouses mutually request it. At a minimum, they must agree in principle to the divorce.

Articles 111 and 112 CC

Article 114 CC | Divorce may be unilaterally requested after two years of living apart, i.e., when the spouses have not been living under the same roof for two years.



Divorce also decides the following additional issues:

- liquidation of marital property
- division of occupational pensions
- setting of spousal and child support payments
- assignment of the rights and responsibilities related to the leasing of the married residence
- parental authority over the children

THE END OF A COHABITING PARTNER RELATIONSHIP

When the parties are involved in a cohabiting partner relationship, they are not bound by a contract as they are with marriage. Consequently, each issue must be handled separately before the competent court:

Articles 276 et seq., and 285 CC |



- alimony (determination of child-support contribution) before the Court of First Instance

- petition to determine personal relationships with the children (visitation rights) and any guardianship to supervise and set up visitation rights before the Adult and Child Welfare Court
- emergency measures for protective orders (restraining order) before the Court of First Instance

Articles 273 et seq., 308 par. 2 CC

Articles 28, 28(a) and 28(b) CC, Article 265 CPC

Under Swiss law and unless the parties have made a court-approved agreement to the contrary, the children of an unmarried couple are under the parental authority of their mother, who also has sole custody.

Articles 298 par. 1 and 298(a) CC

Important note! As this brochure is published, the Swiss CC is on the point of being amended by the legislature. Joint custody is to become the rule rather than the exception. Children born in Switzerland would therefore be in the joint custody of both parents based on a joint statement and acknowledgement by the father at the time of their birth. A parent who feels that custody cannot be shared will have an opportunity to ask for sole custody before the Adult and Child Welfare Court.

In a cohabiting partner relationship, the use of the “married” residence cannot be assigned to one of the parties, and no support payment can be awarded to the cohabiting partner. There is also no dissolution of a marital estate, so there is no division of property other than division according to ordinary legal principles.

INTERNATIONAL JURISDICTION: IN WHICH COUNTRY SHOULD THE REQUEST BE SUBMITTED?

Since wives of legitimation card holders are foreign nationals, it must first be determined whether Switzerland has jurisdiction and can be petitioned for a separation (measures to conserve the marital relationship) or divorce. This question is decided by the Swiss Federal Act on Private International Law (*Loi fédérale sur le droit international privé*, hereafter cited by its French acronym “LDIP”).

1. Measures to conserve the marital relationship

Article 46 LDIP | The Swiss legal authorities in the place of legal residence — or if there is no place of legal residence, in the place of usual residence of one of the spouses — have jurisdiction for proceedings concerning the effects of the marriage, and therefore in

particular for measures that conserve the marital relationship.

Swiss law is applicable when both spouses reside in Switzerland, or if they do not live in the same country, when Switzerland is the legal residence most closely associated with the petition. **Article 48 par. 1 and 2 LDIP**

2. Divorce

The Swiss court associated with the legal residence of the defending spouse, or that of the petitioning spouse if the latter has been residing in Switzerland for one year, are competent to accept the petition for divorce. **Article 59 LDIP**

Divorce is subject to Swiss law. If the spouses are of the same foreign nationality and only one of them resides in Switzerland, then the law of their shared country of origin is applicable. There is an exception if the laws of their country of origin do not allow dissolution of the marriage, or makes it subject to extraordinarily harsh conditions, in which case Swiss law is applicable provided that one of the spouses has been living in Switzerland for two years. **Article 61 par. 1, 2 and 3 LDIP**

Emergency measures, i.e., temporary and expedited measures, fall under the juris- **Article 62 par. 1 and 2 LDIP**

diction of the court, which decides based on the merits of the case. They are governed by Swiss law.

Article 65 LDIP | By analogy, these provisions also apply to registered domestic partnerships.

IN CASES OF DIPLOMATIC IMMUNITY

1. Definition

Immunity means that those persons upon which it is conferred are not subject to the sovereignty of the territorial state.

For permanent missions and their staff members, immunity is derived from the April 18, 1961 Vienna Convention on Diplomatic Relations (hereafter “Vienna Convention”), applicable by decision of the Federal Council.

Immunity for international officials is conferred by the headquarters agreements that the Federal Council has signed with each international organisation.

Immunity from legal proceedings means that the persons granted such immunity cannot be summoned before the territorial state’s internal courts, i.e., in this case the Swiss courts.

Immunity from the enforcement of judgements concerns requests for enforcement by the court. The person granted the immunity can invoke it to avoid enforcement of the measure. This immunity protects all of the person’s assets.

In practical terms this means, for example, that an unpaid support payment cannot be garnished directly from the wages of the person who owes it, if that person is protected by immunity.

However, it should be noted that there are different types of immunity, and it is essential to ascertain the extent of immunity in each individual case. For example, immunity may be granted solely in the context of the person’s job. This means that the person’s usual wages, which depend on his professional activities for the organisation, cannot be garnished, but his other assets can.

It should also be stressed that a person who initiates proceedings is no longer eligible to invoke immunity from legal proceedings in the context of any counter-claim that is directly connected with the principal claim. From a practical standpoint, this means that the person who has been granted immunity cannot invoke it if that person has either petitioned the judges or responded to the petition submitted by the spouse.

**Article 32 par. 3
Vienna Convention**

2. Immunity by category of person

Each legitimization card specifies, on the reverse, the immunity granted to its holder. The Swiss Mission to the UN can also furnish this information upon request.

The FDFA has drawn up the following list for information purposes:



- **Mission chiefs (MP) - members of upper-level management (OI)** (holders of a “type B” legitimization card) with a pink strip.
- **Diplomatic agents (MP) - high officials (OI)** (holders of a “type C” legitimization card) with a pink strip.
 - These persons enjoy diplomatic status, namely immunity from legal proceedings and criminal, administrative, and civil enforcement. They also enjoy inviolability of their person and residence (i.e., they cannot be arrested or detained, and their home cannot be searched).
- **Members of the administrative and technical staff (MP)** (holders of a “type D” legitimization card) with a blue strip.
 - These persons are granted immunity from legal proceedings and criminal enforcement. However, they are granted immunity from legal proceedings and administrative and civil enforcement only in the context of their work. They also enjoy inviolability (of their person and residence).

- **Officials in the professional category (OI)** (holders of a “type D” legitimization card) with a brown strip.
- **Members of the service staff (MP) - general services officials (OI)** (holders of a “type E” legitimization card) with a purple strip.
- **“Short-term” officials (OI)** (holders of a “type G” legitimization card) with a turquoise strip.
- **Non-Swiss employees of the ICRC** (holders of a “type I” legitimization card) with an olive-green strip.
- **Non-Swiss employees of the IFRC** (holders of a “type L” legitimization card) with a sand-coloured strip.
- **Members of the CERN scientific staff** (holders of a “type P” legitimization card) with a blue strip.
- **Staff members who are Swiss nationals (MP) - Officials with Swiss citizenship (OI)** (holders of a “type S” legitimization card) with a green strip.
 - These persons enjoy immunity from legal proceedings and enforcement, which is granted to them in the context of their work.
- **Persons without privileges and immunities (MP/OI) - employees who are not officials (OI)** (holders of a “type H” legitimization card”) with a white strip.

- **Household staff (MP/OI)**
(holders of a “type F” legitimation card) with a yellow strip.
→ These persons have no immunity.

The Swiss Mission to the UN will inform an individual of the type of immunity enjoyed by the legitimation card holder upon request.

3. Revocation of immunity

Persons with immunity from legal proceedings and enforcement cannot be summoned before a Swiss court unless their immunity has first been revoked. They also cannot be served with a legal document (e.g., sent a summons to appear in court).

The petitioning spouse (the one wishing to file a petition) must request that the immunity of the defendant spouse (the person against whom proceedings are being initiated) be revoked.

The request for revocation of immunity, including a justification and any useful accompanying documents, must be sent to the Swiss Mission to the UN, which forwards it to the competent authority.

If the case involves a staff member of an international organisation, the organisation’s director or secretary-general has the authority to revoke the immunity of one of its officials. So the Swiss Mission to the

UN gives the request to the relevant organisation’s legal department or to the authority with jurisdiction.

If the case involves a staff member of a permanent mission, the relevant country’s Ministry of Foreign Affairs has the authority to handle the request for revocation of immunity for one of its officials. The Swiss Mission to the UN sends the request to the FDFA, which in turn asks the local Swiss embassy to submit a request for revocation of immunity to the relevant country’s Ministry of Foreign Affairs.

4. Criminal complaint

It is understood that if a criminal complaint is filed against

Article 32
Vienna Convention

a person with immunity from criminal proceedings, the chief prosecutor or the judge presiding over the criminal proceedings must request revocation of the person’s immunity in order to be able to investigate the case.

COSTS OF SEPARATION OR DIVORCE PROCEEDINGS

In general, the costs (legal fees) of separation are between CHF 200 and CHF 1,000, and for divorce proceedings between CHF 600 and CHF 6,000 (Geneva rates).

They are set by the court, which bases its decision on an internal directive.

If the person has insufficient financial resources, the costs may be paid by the State through legal aid.

LEGAL AID

When the spouse wishing to begin separation or divorce proceedings is in financial difficulties, she can apply for legal aid, the purpose of which is to provide financial assistance to persons with insufficient resources to ensure that their interests are defended.

Legal aid can cover some or all expenses. In the first case, it is limited to certain pleadings or to the proceedings in the Court of First Instance. It includes an exemption from paying court costs in advance, particularly compensation for witnesses and interpreters; appointment of a lawyer; and exemption from paying the lawyer.

To receive legal aid, the recipient may be required to make a monthly payment of between CHF 30 and CHF 100. The amount is set based on the person's income and expenses, and on the type of proceedings.

Application for aid must be made on an official form, available from the Clerk of the Court's office at the Court of First Instance (address in the appendix) or on the Internet. All documents ne-

cessary for evaluating the applicant's financial and personal situation must be attached to the application.

COLLECTION OF ALIMONY PAYMENTS

When the Court of First Instance has set a support payment for the spouse or children and the partner owing the payment does not meet his obligation, the partner to whom the payment is owed can apply to her canton's agency for alimony advances and collections (in Geneva, this is the Cantonal Service for Advances and Recovery of Alimony, also known as SCARPA) to assert her right and that of the minor children in her care.

Failure to properly fulfil the support obligation includes:

- non-payment,
- partial payment, or
- irregular payment of alimony.

The support payment set by the court decision is due in full by no later than first of the current month.

In Geneva, SCARPA will intervene upon request and at no charge on behalf of anyone owed alimony, to ensure enforcement of court-ordered payments. The person

*Articles 2 and 5,
Act Concerning
Alimony Advances
and Collections
(Loi sur l'avance
et le recouvrement
des pensions
alimentaires,
or LARPA)*

owed the money signs an agreement authorising the agency to intervene. Then SCARPA will undertake any required action — for example, legal proceedings or a criminal complaint — against the person who owes the payment to ensure that any payments due are made.

The agreement with SCARPA has no retroactive effect. This means that the agency's actions concern only payments yet to be made, not any payments due in the past.

SCARPA advances the payments to the person to whom they are owed, beginning when the agreement is signed and for a maximum of 36 months. In special cases, this period can be extended to 48 months if a child who has not yet reached school age is involved.

The amount of an advance for children is the amount of the alimony specified in the court decision, up to a maximum of CHF 673 per child per month.

*Article 4,
Implementing
Regulation for the
Act Concerning
Alimony Advances
and Collections
(Règlement
d'application de
la Loi sur l'avance
et le recouvrement
des pensions
alimentaires, or
RARPA)*

The amount of an advance for the spouse, former spouse, registered domestic partner, or former registered domestic partner is the amount of the alimony specified in the court decision or agreement, up to a maximum of CHF 833 per month.

REMAINING IN SWITZERLAND AFTER SEPARATION, DIVORCE OR WIDOWHOOD

As previously indicated, one of the conditions for granting a legitimation card to a spouse is that she must be living with the principal individual beneficiary. So separation and divorce directly affect the granting or renewal of the spouse's legitimation card.

Widowhood, as it also ends in common life with its principal individual beneficiary of the legitimation card, has, as well, a direct impact on the residence of the person accompanying the principal beneficiary.

The practice of the Swiss Mission to the UN, the entity that issues and revokes legitimation cards, is to allow the spouse (and children, if applicable) to continue holding their legitimation card while a separation ("measures to conserve the marital relationship") or divorce is in process, even though they are no longer living with the principal individual beneficiary, until such time as the divorce is finalised. It is up to the foreign delegation or international organisation with which the principal individual beneficiary is connected to notify the Swiss Mission to the UN that separation or divorce proceedings are underway, and to provide the spouse's new address. The same applies in case of widowhood.

In practical terms, this means that the legitimation card is not immediately revoked, and renewal may be possible despite the separation and/or the end of conjugal life, provided that the principal individual beneficiary continues to hold his card.

In contrast, a spouse who did not hold a "Ci" permit at the time of separation cannot obtain such a permit. A person who already has a "Ci" permit may keep it until it expires or until the divorce is decreed. So, if the parties stop living together, no "Ci" permit will be issued if the spouse has never had one before or if her permit has expired.

Still, this is a very precarious situation. It is not a right, only one possible course of action that is customary on the part of the issuing agency, which however still retains discretion.

In principle, a spouse who wishes to continue living in Switzerland after a separation, divorce, or widowhood, must apply for a residence permit under ordinary law, i.e., the FNA, or for EU citizens under the Agreement On the Free Movement of Persons (*Accord sur la libre circulation des personnes* hereafter referred to by its French acronym "ALCP").

REQUESTING A RESIDENCE PERMIT UNDER ORDINARY LAW; NATURALISATION

The legitimization card holder's spouse may find herself in very different legal situations depending on her national origin.

EUROPEAN UNION AND SCHENGEN AREA COUNTRIES

The ALCP, signed on June 21, 1999 between Switzerland and the European Union, makes it easier for EU citizens to live and work in Switzerland. The same rules apply to the European Free Trade Association (hereafter "EFTA"), i.e., Iceland, Liechtenstein, and Norway.

This applies to all EU countries except Bulgarian and Romanian citizens (EU-2), who will remain subject to restrictions until no later than May 31, 2016.

So people from EU or EFTA countries can more easily live in Switzerland with authorisation to work. They need only a residence permit, which also serves as a work permit, although such a permit is issued only if they present a notification

of hiring or certification of employment (employment contract). EU-2 citizens must always have a work permit.

For persons engaged in paid work lasting less than three months in a calendar year, no permit based on immigration law is needed. However, they must complete the registration procedure.

For work that lasts longer, EU citizens are required to declare their arrival in the municipality where they live in order to request a residence permit. To do so, they must bring a notification of hiring or certification of employment signed by their employer. Depending on the duration of the work, the authorities will issue a short-term residence permit or a normal residence permit.


There are various residence permits for EU citizens: the "L" EU/EFTA short-term residence permit, the "B" EU/EFTA residence permit, the "G" EU/EFTA border-zone residence permit, and the "C" EU/EFTA permanent residence permit.

All requisite information is available on the Federal Immigration Office website at <https://www.bfm.admin.ch/content/bfm/en/home.html>

For persons from countries outside the EU or EFTA, the situation is completely different, since these persons are subject to the rules set forth in the FNA.

APPLYING FOR A RESIDENCE PERMIT UNDER ORDINARY LAW

After losing her legitimation card, or before if she anticipates losing it, the spouse can apply for a residence permit under the usual rules described in the FNA.

 **Persons planning to end conjugal life or to divorce are strongly advised to expect the loss of their legitimation card and to apply for a residence permit under the FNA as quickly as possible.**

There are several possibilities, mainly the following.

1. Admission for paid work

Articles 18 et seq., FNA | The spouse can apply for a residence card ("B" permit) covering a long-term stay related to a specific goal, namely paid employment or self-employment. The initial permit is limited to one year, and is

renewable until the permanent residence card ("C" permit) is issued.

The conditions for admission for paid work are as follows:

- the person's admission must serve the country's economic interests
- the application must be submitted by the employer
- compliance with limitations, and the principle of priority for resident workers

The Federal Council sets the limitations, which cap the number of short-term residence permits and initial residence permits issued for the purposes of paid work.

According to the order of priority, a foreign national cannot be admitted to perform paid work unless it can be shown that no worker from Switzerland — or from a country with which Switzerland has a free movement of persons agreement — and meeting the required qualifications could be found.

2. Admission without paid work

It is possible to request a residence permit for the purposes of initial or refresher training.

Article 27 FNA, Article 23 Ordinance On Entry, Residence, and Gainful Employment (Ordonnance relative à l'admission, au séjour et à l'exercice d'une activité lucrative, hereafter "OASA")



The conditions for admission are as follows:

- attend training offered by a recognised public or private educational institution (school, university, training institute, etc.)
- be admitted to the institution
- have secured appropriate lodging
- have the necessary financial means
- have the level of education and personal qualifications required for enrolment in the planned training
- be able to guarantee departure from Switzerland at the end of the course

Article 38 OASA | The student is authorised to undertake incidental paid employment under certain conditions, namely if the paid work is compatible with the training and does not delay its end, the work does not exceed 15 hours per week, the employer has made a request, and the worker is paid at least the minimum wage for the sector.

3. Humanitarian permit

Article 30 par. 1(b) FNA | The law provides that a residence permit may be issued in extremely serious cases of personal hardship. This residence permit is commonly called the “humanitarian ‘B’ permit”.

The determination of the extreme seriousness of a case is left to the discretion of the authorities. The canton recommends to the Swiss Confederation (Immigration Office) whether the permit should be granted. The Swiss Confederation makes the final decision.

Article 31 par. 1 OASA

It must consider the following issues:



- the person’s degree of integration
- the person’s respect for the Swiss legal system, i.e., the absence of any criminal convictions
- family situation, especially during the schooling of the children, and the time the children have spent in school (teen years spent in Switzerland are a decisive factor)
- financial situation: financial independence, no debt collections, desire to participate in economic life, desire to receive training
- length of stay in Switzerland (between four and ten years, depending on the other criteria)
- health
- opportunities for reintegration in the country of origin

The holder of this type of residence permit can request a permit to do paid work.

Article 31 par. 3 OASA

It should be noted that the residence permit can be revoked for dependence on public assistance, among other reasons.

Article 62 FNA

DENIAL OF RESIDENCE PERMIT APPLICATION

If the application for a residence permit is denied, the person can appeal the competent authority's decision. The applicant is strongly advised to seek professional assistance from specialised drop-in legal clinics (see the "Useful Addresses" section) or a lawyer to formulate the appeal and/or evaluate its chances for success.

OBTAINING A PERMANENT RESIDENCE PERMIT ("C" PERMIT)

1. Conditions for issuing a "C" permit

Article 34 FNA | The permanent residence permit can be granted after a person has spent at least ten years in Switzerland under a short-term permit ("L" permit) or residence permit ("B" permit). If the stay is under a "B" permit, the card must have been held without interruption for the past five years.

It is important to note that time spent in Switzerland under a legitimation card or a "Ci" permit does not count towards the time needed for the issue of a permanent residence permit.

A permanent residence permit is issued with no expiration date and

no conditions attached. This means that the reason the person originally came to Switzerland is no longer important.

The application for a "C" permit may be denied under certain conditions, for example, if the applicant has been convicted of a criminal offence of a certain level of severity, or if the applicant or a dependent of the applicant depends on public assistance.

The issuing agency *Article 96 par. 1 FNA* has wide latitude in deciding to grant a permanent residence permit, which allows it to consider the specific details of each individual case. Various criteria are taken into account, in particular the applicant's degree of integration and personal circumstances.

2. Issuance after a shorter stay

The permit can also be issued after a shorter stay if there is good cause. *Article 34 par. 3 FNA*

It can also be issued after a stay of five years if the person is thoroughly integrated, has good knowledge of one of the national languages, and has resided in Switzerland for an uninterrupted period of five years under a "B" permit. *Article 34 par. 4 and 5 FNA*

NATURALISATION

**Article 15 par. 1
Swiss Citizenship Act
(hereafter "SCA")**

An application for naturalisation can be made under the following conditions:

- twelve years of residence in Switzerland, including three of the past five years
- the residence in Switzerland has been legal, i.e., under a permit as set forth in the FNA or the ALCP, or under a legitimization card

**Article 15
par. 2 SCA** | It is important to know that for children, any years spent in Switzerland between the ages of ten and twenty years count double.

The application is evaluated by the authority with jurisdiction; in Geneva this is the CPO.

Article 14 SCA | The applicant's suitability for naturalisation is evaluated using especially the following criteria:

- the applicant's successful integration into the Swiss community
- degree to which the applicant is accustomed to Swiss habits, customs, and practices
- the applicant abides by Swiss law
- the applicant is not a threat to Switzerland's internal or external security

So in summary, the points considered include, among others, the applicant's personal and professional integration, good knowledge of one national language, the absence of legal proceedings against the person, no criminal convictions, the applicant's familiarity with public life in her neighbourhood, etc.

Important note! As this brochure is published, the Swiss parliament is debating whether to amend the Swiss Citizenship Act.

In principle, the consensus that seems to be forming would redefine the conditions as follows:

- *have lived in Switzerland for eight years, including the year prior to submission of the application*
- *be the holder of a permanent residence permit ("C" permit) when the application is submitted*
- *be able to communicate in one of the national languages for the purposes of everyday life*
- *be able to take pride in successful integration*

In practical terms, this amendment would prevent the holder of a legitimization card from applying for naturalisation! Such a person would first have to apply for a residence permit under the FNA or the ALCP.

PERMITS FOR CHILDREN

Article 20 par. 1(d) and 1(e) HSO | As indicated previously, the children of a legitimization card holder or his spouse can also hold a legitimization card and “Ci” permit, as persons entitled to accompany the principal individual beneficiary.

Conditions for the issue of a legitimization card include living in the same household, being unmarried, and being less than 25 years old.

Once the children reach the age of 25 years, the legitimization card must be surrendered. So a child who is turning 25 and wishes to stay in Switzerland must submit an application for a residence permit under ordinary law (see Remaining in Switzerland after Separation, Divorce or Widowhood section p. 22). The application must be submitted relatively early before the twenty-fifth birthday.

Articles 20 par. 1(d) and 1(e), and 22 par. 1(d) and 1(e) HSO | Children of the legitimization card holder or his spouse who entered Switzerland before the age of 21 years enjoy privileged access to the Swiss labour market (see The Right to Work section p. 11). In contrast,

children authorised to join their parents between the ages of 21 and 25 years and who hold a FDFA legitimization card do not have privileged access to the labour market. They are subject to the usual regulations governing paid work by foreign nationals in Switzerland.

PUBLIC ASSISTANCE

In Geneva, the *Hospice Général* is responsible for granting public assistance. One of the conditions for receiving such aid is that the recipient must hold a valid residence permit. The legitimization card is not considered to be a residence card that provides access to public assistance.

However, public assistance can be granted to a person who is applying for a residence permit, based on various factors and to varying degrees. For example, the holder of a legitimization card who is applying for a permit under ordinary law after a separation or divorce could apply for public assistance from the *Hospice Général*'s Undocumented Foreign Nationals Department.

Assistance is granted until the CPO's final decision has been made.

However, a spouse who is applying for social assistance in this context needs to be aware that financial independence is one of the conditions for issuing a residence permit under ordinary law. So the granting of public assistance may prejudice the application's chances for success, depending on the circumstances.

In contrast, health insurance subsidies and housing allocations are not considered to be public or legal assistance. So there is no risk in applying for these.

LEGAL RESIDENCE IN FRANCE

TEMPORARY RESIDENCE CARD

Article L.313-6 Code Concerning the Entry And Residence Of Foreign Nationals And the Right To Asylum (Code de l'entrée et du séjour des étrangers et du droit d'asile, hereafter "CESEDA")

Persons who hold a legitimisation card issued by the Swiss authorities can reside in France. They are then provided with a temporary residence card under French law, which expires after a maximum of one year but can be re-

newed. The residence card is issued to foreign nationals who bring proof that they can support themselves solely on their own means and who agree not to accept any paid work in France. The card has the "visitor" notation.

So issuance of this card depends on the holder's financial independence, which is often jeopardised by a separation. The holder of a Swiss legitimisation card and a French "visitor" temporary residence card must therefore apply to the French authorities for another type of residence card if she wishes to continue living in France after the separation.

Article L.313-14 CESEDA

The person cannot apply for a Swiss hu-

manitarian residence permit because she does not reside in Switzerland.

FRENCH TEMPORARY RESIDENCE CARD AUTHORISING PAID WORK

This card is issued in several cases explicitly specified by

Article L.313-10 CESEDA

law, in particular for certain authorised employment contracts, various types of professional activities for which recruitment is difficult, and various commercial, industrial, and fine handcraft professions, provided that the activity is economically viable, for highly qualified persons where the employment situation is not applicable.

FRENCH HUMANITARIAN RESIDENCE CARD

The temporary residence card can be issued to a foreign national for humanitarian reasons or when justified for exceptional reasons.

The government authority must submit the foreign national's

Article L.313-14 §2 CESEDA

request for exceptional admission to resident status to a committee, which takes it under advisement. The applicant must offer all available proof that she has been living in France for more than ten years.

The resident card is valid for ten years. In principle, it is automatically renewable.

Articles L.311-2(2), L.314-8 to L.314-12, L.314-1, L.314-2
CESEDA

THE FRENCH RESIDENT CARD

A foreign national who lives in France under a temporary residence card may apply for a resident card under certain conditions.



Among the conditions for issuing such a card are the following:

- the person's degree of integration into French society
- respect for the principles of the French Republic
- an adequate knowledge of the French language (except for persons over the age of 65 years)
- at least five years of uninterrupted residence in France under a residence card
- a stable livelihood providing sufficient resources to meet the person's own needs; these resources must amount to at least the index-linked guaranteed minimum wage (the "SMIC") and are evaluated taking housing conditions into consideration

CONCLUSION

The legitimisation card issue is closely tied to that of integration of international organisation staff members and their families into the Swiss community in general, and the Geneva community in particular.

The legitimisation card is an authorisation that depends on the principal individual beneficiary having paid work. It is a temporary authorisation that allows its holder and his family legally to reside in Switzerland. However, it does not make any provisions for the fact that families form and break up according to the years spent in Switzerland, even while they remain under these authorisations. So when the card holder no longer has his job, the children reach the age of 25 years, or the spouses separate, the wife of a former legitimisation card holder is in a precarious situation because she is no longer covered by a valid residence permit.

Return of the legitimisation card does not confer any automatic right to the issue of a residence permit under ordinary law, even when this might be justified by the family's degree of integration or personal and humanitarian situation.

On the contrary, it would seem that soon the legitimisation card holder will no longer even be able to apply for naturalisation, once the SCA has been amended! At that point, the status of the legitimisation card holder's spouse will be very precarious indeed.

In the case of separations, this precariousness unfortunately all too often leads to tragic situations. For example, when wives face the prospect of returning to a country of origin they left years ago, and which their own children sometimes do not even know, the poor prospects of obtaining a residence permit can drive them to let themselves be abused and psychologically pressured by their husbands.

So the spouse of a legitimisation card holder should keep the conditions for issuance of a residence card under ordinary law in mind and prepare for an eventual separation or the possible end of the principal individual beneficiary's employment relationship.

A WORD OF ADVICE

- preference is given to people who are personally well integrated, whether through ties



to persons who participate in local life, neighbourhood centres, associations, etc.

- aim for professional and financial independence as much as possible
- everyone is encouraged to become familiar with one of the national languages, which is an important consideration in granting a residence permit

As is evident from this brochure, the legal status of a legitimisation card holder's spouse can be precarious, so she is strongly advised to consult specialised associations and professionals for problems of any kind, in order to obtain practical, effective advice.

A wide range of support and advisory structures is available for such persons. A list of important addresses can be found in the following section.

USEFUL ADDRESSES

F-Information

Rue de la Servette 67
CP 128
1211 Genève 7
Tel. 022 740 31 00
femmes@f-information.org
www.f-information.org

- Women's Information, Orientation, and Documentation Centre
- Legal, professional, and psycho-social consultations (by appointment)
- Group activities
- Specialised library focusing on the topics of women, family, and equality

IN GENEVA AND VAUD CANTONS

CANTONAL OFFICES SERVING FOREIGN NATIONALS

Geneva Cantonal Population Office - CPO

Route de Chancy 88
1213 Onex
Tel. 022 546 46 46
www.ge.ch/ocp/contact.asp

Vaud Population Service

Avenue de Beaulieu 19
1014 Lausanne
Tel. 021 316 46 46
info.etrangers@vd.ch
www.vd.ch/autorites/departements/decs/population/contacts-et-adresses/

LEGAL SUPPORT ORGANISATIONS

F-Information

(see box above)

Protestant Social Centre

Rue du Village-Suisse 14
Case postale 171
1211 Genève 8
Tel. 022 807 07 00
info@csp-ge.ch
www.csp.ch

Caritas Geneva

Rue de Carouge 53
Case postale 75
1211 Genève 4
Tel. 022 708 04 44
www.caritasge.ch

"INTERNATIONAL GENEVA" ORGANISATIONS

Permanent Mission of Switzerland to UNOG

Privileges & Immunities Section
Rue de Varembé 9-11
1211 Genève 20
Tel. 022 749 24 24
mission-geneve-oi@eda.admin.ch

Staff counsellors/Welfare officers of international organisations

- ONUG/ONU – Tel. 022 917 22 33
staffcounselors@unog.ch
- UNHCR – Tel. 022 739 80 82
mimica@unhcr.org
- ILO/BIT – Tel. 022 799 69 01
menes@ilo.org
- WIPO/OMPI – Tel. 022 338 82 24
lisa.pasquale@wipo.int
- WHO/OMS – Tel. 022 791 32 31
casalispn@who.int
- ITU/UIT – Tel. 022 730 53 80
catherine.barambon@itu.int
- WMO/OMM – Tel. 022 730 83 47
nyersin@wmo.int
- CERN – Tel. 022 767 42 01
Social.Affairs@cern.ch
- WTO/OMC – Tel. 022 739 50 73
ian.bates@wto.org

Geneva Welcome Centre

La Pastorale
Route de Ferney 106
Case postale 103
1211 Genève 20
Tel. 022 546 14 00
welcome@etat.ge.ch
www.cagi.ch

Bureau for the Integration of Migrants

Route de Chancy 88
1213 Onex
Tel. 022 546 74 99
integration.etrangers@etat.ge.ch
www.ge.ch/integration

EMPLOYMENT ASSISTANCE

Cantonal Employment Office

Rue des Gares 16 - Case postale
2555 - 1211 Genève 2
Tel. 022 546 36 66
www.ge.ch/oce/

ORGANISATIONS PROVIDING SOCIAL, FINANCIAL, AND ADMINISTRATIVE ASSISTANCE

Hospice Général - Geneva

Cours de Rive 12
Case postale 3360
1211 Genève 3
Tel. 022 420 52 00
contact@hospicegeneral.ch
www.hospicegeneral.ch/notre-institution/contacts.html

Cantonal Service for Advances and Recovery of Alimony - SCARPA

Rue Arducius-de-Faucigny 2
Case postale 3429
1211 Genève 3
Tel. 022 546 30 00
SCARPA visits require an appointment

Vaud Regional Social Centre

Each region has its own centre
http://www.caisseavsvaud.ch/d2wfiles/document/1076/5030/0/agences_assurances_sociales.pdf

Undocumented Foreign Nationals Department - Hospice Général

Rue de Lausanne 45-47A
Case postale 2468
1211 Genève 2
Tel. 022 420 57 20 ou 022 420 57 29

Health Insurance Department

Route de Frontenex 62

1207 Genève

Tel. 022 546 19 00

sam@etat.ge.ch

www.ge.ch/sam/

Housing Office

Rue du Stand 26

Case postale 3937

1211 Genève 3

Tel. 022 546 65 00

www.ge.ch/logement/aides-personne/allocation-base.asp

DOMESTIC VIOLENCE

LAVI Center Geneva

Boulevard Saint-Georges 72

1205 Genève

Tel. 022 320 01 02

info@centrelavi-ge.ch

www.centrelavi-ge.ch/

Women's Solidarity - Solidarité femmes

Rue de Montchoisy 46

1207 Genève

Tel. 022 797 10 10

info@solidaritefemmes-ge.org

www.solidaritefemmes-ge.org

IN FRANCE

LEGAL SUPPORT ORGANISATIONS

National Centre for Information on the Rights of Women and Families - CNIDFF

AIN :

Place Louis Blériot 110

01100 Bourg-en-Bresse

Tél . 0033 474 22 39 64

HAUTE-SAVOIE :

Rue Louis Armand 1

74000 Annecy

Tél . 0033 450 09 52 40

Maison Transfrontalière du Droit et de la Justice

Avenue de Genève 26

74160 St-Julien-en-Genevois

Maison du Droit et de la Justice

Rue du Levant 3

74100 Annemasse

Maison Transfrontalière Européenne

Rue de Genève 50

74103 Annemasse

Tel. 0033 450 38 21 61

Rue de Genève 62

01630 St-Genis-Pouilly

Tel. 0033 450 42 65 65

ORGANISATIONS PROVIDING SOCIAL, FINANCIAL, AND ADMINISTRATIVE ASSISTANCE

Ain Prefecture (01)

Avenue d'Alsace Lorraine 45

01012 Bourg-en-Bresse Cedex
Tel. 0033 474 32 30 00
www.ain.gouv.fr

Gex Sub-Prefecture (01)

Rue Charles Harent 26 - BP 409
01174 Gex Cedex
Tel. 0033 450 41 51 51

Haute-Savoie Prefecture (74)

Rue du 30^{ème} régiment d'infanterie
BP 2332
74034 Annecy Cedex
Tel. 0033 450 33 60 00
prefecture@haute-savoie.gouv.fr
www.haute-savoie.gouv.fr

Haute-Savoie Sub-Prefecture (74)

Avenue de Genève 4 - BP 44104
74164 St-Julien-en-Genevois Cedex
Tel. 0033 450 35 13 13
sp-saint-julien@haute-savoie.gouv.fr

Social Action Community Centres

AIN: Gex
Rue de l'horloge 77 - BP 407
01174 Gex
Tel. 0033 450 42 63 01

*HAUTE SAVOIE : Saint-Julien, Viry,
Thonon-les-Bains, Annemasse,
Annecy*
[www.sanitaire-social.com/annuaire/
centre-communal-d-action-so-
ciale-ccas-rhone-alpes-haute-sa-
voie/74/62/dc/1](http://www.sanitaire-social.com/annuaire/centre-communal-d-action-sociale-ccas-rhone-alpes-haute-savoie/74/62/dc/1)

Maison de la solidarité

AIN : Pays de Gex – Bellegarde
Tel. 033 450 20 52 20

EMPLOYMENT ASSISTANCE

National Employment Agency - Pôle Emploi

AIN :
Saint-Genis-Pouilly
Rue de Genève 60
01630 St-Genis-Pouilly

HAUTE SAVOIE :
Saint-Julien-en-Genevois
Immeuble le Gallien
Avenue de Genève 26
74160 Saint-Julien-en-Genevois
Thonon-les-Bains
Place de la Gare 5 – BP 167
74000 Thonon-les-Bains
Annemasse
Centre commercial Le Perrier
Avenue de Verdun 21 - BP 360
74100 Ambilly
Annecy
Avenue de Genève 127 – 74000
Annecy

DOMESTIC VIOLENCE

Association d'Aide aux Victimes et Médiation dans l'Ain - AVEMA

Rue de la Bibliothèque 1
01000 Bourg en Bresse
Tel. 0033 474 32 27 12
avema.01@wanadoo.fr

Association Accueil Gessien (hébergement d'urgence)

Rue de Derde 75
01170 Gex
Tel. 0033 450 41 61 82

SOURCES AND BIBLIOGRAPHY

Federal Department of Foreign Affairs

<http://www.eda.admin.ch/eda/en/home/topics/intorg/un/unge/gepri/manimm/manim2.html>

Autorisations de séjour en Suisse, un guide juridique, Magalie Gafner, Editions La Passerelle du Centre Social Protestant Vaud, Lausanne, 2008.

FDFA informative leaflet, The System of Diplomatic and Consular Privileges and Immunities in Switzerland, October 2011.

FDFA manual, Access To the Swiss Labour Market For Family Members of Permanent-Mission and International-Organisation Staff Members.
<http://www.eda.admin.ch/eda/en/home/topics/intorg/un/unge/gepri/mandir/mandi1.html>

Published for the fifth time by F-Information, this brochure highlights the issues in relation with the status of the persons accompanying the beneficiaries of a legitimization card, working in the various diplomatic or consular corps, the permanent or special missions and the international organisations in Geneva.

This status applies mainly to the spouses and children of « internationals », who will, sometimes reside in Switzerland for a great number of years. The ups and downs of family life can then contribute to the precarious situation of these persons, as they depend on the shared life with the principal individual beneficiary of the legitimization card.

This brochure aims at providing them information, advice and support in case of separation, divorce or widowhood as well as about how to have access to the job market or how to ask for a residence permit.

One can also find in this brochure numerous addresses useful to the professionals who will have to inform the persons concerned by this issue.

This brochure, also translated in english, is a short practical guide about the rights of the person entitled to accompany a spouse working in the international or diplomatic organisations.



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