



Family Reunification in Switzerland

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Family reunification in Switzerland means that either a Swiss or a foreign national living in Switzerland (residence in Switzerland) can bring his family members from abroad to Switzerland, if certain requirements are fulfilled. Family members are defined as, in principle, spouse and children. The following explanations basically also apply to same-sex couples who are registered as partners. As a note, for the sake of simplicity, the masculine form is used throughout this document, but should be taken to refer to persons of both genders.

1. Family members of a Swiss national

According to Swiss law, the foreign spouse and unmarried children under 18 years old of a Swiss national, who will live with the Swiss national (cohabitation), are entitled to be granted a residence permit and to have their residence permit extended. If good cause is shown for living separately and the family household continues to exist, the requirement of cohabitation does not apply. Furthermore, the right to family reunification must be exercised within a time limit of five years beginning with the entry into Switzerland or with the constitution of the family relationship. Children over 12 years old must be reunified with their family within the time limit of twelve months. Subsequent family reunification can only be authorized if there are important family reasons (e.g., change of legal custody).

Foreign family members of Swiss nationals, who are in the possession of a permanent residence permit from a country with which an agreement on the free movement of persons (e.g., EU/EFTA) has been concluded, are entitled to be granted a residence permit and to have their residence permit extended. Family members in this case are (i) spouse and the relatives in the descending line who are under 21 years old or who are granted maintenance and/or (ii) the own relatives and the relatives of the spouse in the ascending line to whom maintenance is paid. The above-mentioned time limits of five years or twelve months to exercise the family reunification do not apply in such a case.

2. Family member of a third country national

The requirements for family reunification of family members (spouse and unmarried children under 18 years old) of a third country national depend on the type of Swiss permit the third country national holds. However, the time limits of five years or twelve months to exercise the family reunification do also apply.

The family members of a third country national with a permanent residence permit (C permit)

or a residence permit (B permit) may be granted residence if (i) they live with the permit holder (cohabitation), (ii) suitable housing is available, (iii) they do not depend on social assistance, (iv) they are able to communicate in the national language at their place of residence (not applicable for unmarried children under 18 years old); and (v) the main holder does not receive any annual supplementary benefits under the Federal Act on Benefits supplementary to the Old Age, Survivors' and Invalidity Insurance (SBA) or would not be entitled to claim such benefits due to family reunification.

Under certain circumstances, the above-mentioned language requirement can be fulfilled with only an enrollment in a language course.

For family reunification of family members of a third country national holding a short stay permit (L permit), the same above-mentioned conditions are applicable except for the language requirement.

3. Family member of an EU/EFTA-national

The family members of an EU/EFTA national who has a residence permit (B permit) in Switzerland have the right to take residence at the EU/EFTA national's Swiss home. Qualifying family members are (i) the spouse and relatives in the descending line who are under 21 years old or who are dependents, and/or (ii) the relatives of either spouse in the ascending line who are dependents, and (iii) in case of students, the spouse and their dependent children. There is, in principle, no time limit to exercise the family reunification.

According to a new judgement of the Swiss Federal Court (Swiss Supreme Court) from January 2018, both a child with EU citizenship and his third country national parents are entitled to a residence permit in Switzerland (reverse family reunification), if they have sufficient financial means and a health insurance.

Based on the above mentioned, apparent inequalities in the legal treatment of family members of Swiss nationals and EU/EFTA nationals continue to exist (e.g., time limits). This results from the applicability of different laws, the Federal Act on Foreign Nationals and Integration (FNIA) to Swiss nationals, and the Agreement on the Free Movement of Persons and its annexes to EU/EFTA nationals.

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