

NEW PROVISIONS OF THE FOREIGNERS AND INTEGRATION ACT (LEI)

Who has to prove their language skills and in which cases?

- *Residence permit (B) → A1 oral*
 - o Marriage partner of the holder of an establishment or residence permit (art. 73a OASA)
 - o After the dissolution of marriage or family (art. 77 OASA)
- *Settlement authorization → (C) A2 oral; A1 in writing*
 - o Granting according to the ordinary procedure after 10 years (art. 60 OASA)
 - o New granting (art. 61 OASA)
 - o New granting after demotion (art. 61a OASA)
 - o Marriage partner of the holder of a business permit or of a Swiss citizen
- *Settlement authorization (C) - early granting → B1 oral; A1 in writing*
 - o Early granting after 5 years (art. 62 OASA)
- *Naturalization → B1 oral; A2 in writing*
 - o Ordinary naturalization after 10 years (cantonal practice: language of the place of residence)
 - o Facilitated naturalization of the marriage partner of a Swiss citizen after 5 years (national language)
 - o Facilitated naturalization of the marriage partner of a Swiss living abroad after 5 years: elementary language skills (corresponding to level A1)

The above-mentioned levels always refer to the minimum requirements.

Can a national of a country with which Switzerland has concluded a settlement agreement be required to prove his or her language skills in order to obtain a settlement authorization (C)?

For nationals of certain countries with which Switzerland has concluded a settlement agreement, the granting of a settlement authorization cannot be linked to their language skills. Therefore, these people are not required to prove their language skills. This is the case for nationals of the following states: Germany, Austria, Belgium, Denmark, Spain, France, Greece, Italy, Netherlands, Principality of Liechtenstein, Portugal. On the other hand, the attestation provided for in the law is required for nationals of countries with which Switzerland has not concluded an establishment agreement.

Is an enrolment in a language course sufficient to obtain a residence permit (B)? Do the courses in question have to meet certain quality requirements? Are Informal offers (tandems, offers from churches or volunteers, others) considered sufficient?

When a person cannot present a certificate of language skills and therefore has to register for a language course, the migration office sets a deadline for issuing a certificate. During the transitional phase, that is to say until December 31, 2019, the recognition of language certificates is regulated by the cantonal directives in the matter. However, it is recommended to refer now to the "fide" language assessment.

Do children have to present a certificate of language skills? Starting at what age? Are they subject to the same prescriptions as adults?

According to art. 44, al. 3, LEI, the language skills of minors are not assessed.

What language certificates are recognized?

The language passport as well as the language certificates appearing on the [list of recognized language certificates](#) are recognized.

What is the assessment about if the person claims illness, disability or other personal reasons that prevent them from acquiring language skills?

The person concerned must prove that personal reasons hinder or prevent language learning. For example, a medical certificate, a literacy course certificate or a certificate issued by a speech therapist can be presented. When assessing language skills, the cantonal authorities or the SEM carefully examine the personal reasons given.

Can a canton require all persons concerned to prove their language skills by means of a language passport?

The language passport is not mandatory as other documents on the list of recognized certificates are also sufficient. The holders of such a certificate can, moreover, ask, for a fee of 20 francs, that the secretariat fide issue them a language passport. This passport can also be used for job applications.

What do the language levels of the Common European Framework of Reference for Languages (CEFR) mean? Is a person reaching competence level B1 able to cope with everyday life in Switzerland?

The ability to communicate has been a priority when formulating the language requirements. Also, the residence status should not depend on a person's ability to express himself correctly - this criterion being generally linked to a level of training - but on the ability to communicate on a daily basis, for example with colleagues from work or teachers of their own children. In the reference document on the quality of linguistic encouragement (framework curriculum), the descriptions of the different linguistic levels of the CEFR have been redefined, with the help of specialists from the Council of Europe and the Institute for Plurilingualism of the University of Fribourg, according to the daily life of migrants in Switzerland.

Language level A1

- Can communicate in a simple way, in his personal environment such as at home or at work or at school, if the other person speaks slowly and clearly and is cooperative.
- Can introduce himself or someone in simple words.
- Can respond briefly and simply to simple questions about themselves, such as where they live or work and where they live.
- Can express their needs, for example in their building or in a store, using memorized expressions.

Language level A2

- Can understand simple questions and communications related to important areas, for example questions and information about school, training, work, health or housing.
- Can communicate in simple and frequent situations in an office or other public institution, requiring only a direct exchange of information on familiar topics.
- Can describe, using simple means, his origin, training and professional experience, and talk about facts and personal experiences.

Language level B1

- Can understand the basics of school, employer, property management, or government communications, when plain, standard language is used, and if these are familiar matters.
- Can get by in most everyday situations such as p. ex. at home or at work or in public spaces.
- Can deliver simple, coherent speech on familiar topics or areas of interest, and relate personal experiences.
- Can state their opinions, goals, hopes and wishes, briefly motivate them or explain them.