

# Citizenship campaign

Autor(en): **Paillard, Lucien**

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# Citizenship Campaign

Since you may be familiar with this campaign, launched by our organization as a parliamentary initiative three years ago, we shall refrain from going into its history again here. In December 1981 we informed you about the National Council's approval and explained that one was waiting for the consultations of the Council of States planned for the June 1982 session.

In addition to the rather voluminous documents there is the message of the Federal Council on the revision of the present laws on citizenship. This message favors the granting of Swiss citizenship to the children of Swiss women married to foreigners. This is clear from the communiqué of the Federal Department of Justice and Police, which stresses above all three points:

1. Automatic granting of Swiss citizenship to the children of Swiss women married to foreigners.

## Communiqué by the Federal Department of Justice and Police

In the future the children of a Swiss woman married to a foreigner will receive Swiss citizenship automatically just as the children of a foreign woman married to a Swiss do. Foreign women who marry a Swiss, however, will no longer receive Swiss citizenship immediately but only after a waiting period like foreigners married to Swiss women. The Federal Council would like to set down these principles in the Federal Constitution. The Federal Council has passed a corresponding message on the parliamentary revision of the present law on citizenship. The further details of the new regulation will be dealt with in a revision of the law on citizenship. The newly drawn up articles 44 and 45, paragraph 2, and 54, paragraph 4, of the Federal Constitution are based on the 1972 proposals of the Commission of Experts for a revision of the laws on citizenship as well as on those of the Commission of Experts on the revision of the marital

2. Foreign women who marry Swiss men will no longer automatically become Swiss.

3. It will be easier to gain citizenship for young foreigners who have grown up in Switzerland as well as for refugees and stateless persons.

With this message the Federal Council is proposing to Parliament that several issues be dealt with in a single vote. This carries the danger that a person who only agrees with one or two of the points votes no, and the proposal is voted down.

In June one will see whether the Council of States follows the Federal Council or whether it has a different proposal as, for example, having the three points voted on separately and not together.

Communiqué of the middle of April 1982 of the Federal Dept. of Justice and Police

law of 1975. These commissions have been assigned the task by the Federal Dept. of Justice and Police of working out new regulations based on several parliamentary proposals. The surveys among the interested parties have had a positive response.

According to article 44, paragraph 3, of the Federal Constitution, the child of a Swiss mother with a foreign husband only receives citizenship from its mother if the mother is Swiss by birth and if the parents were living in Switzerland at the time of the birth. A mother who has acquired Swiss citizenship later in life and who is married to a foreigner cannot give her citizenship to her children. Neither can a Swiss woman living abroad married to a foreigner. In contrast, the child of a Swiss man and a foreign spouse automatically receives the citizenship of the father. This regulation contradicts the principle of equal rights for men and women in article

4, paragraph 2, of the Federal Constitution. This regulation is supposed to be revised and is supposed to be replaced by citizenship through heredity. This will allow the lawmakers to apply the same regulation to the acquisition of Swiss citizenship for children of Swiss men and women with spouses of foreign origin.

Based on the present article 54, paragraph 4, of the Federal Constitution, a foreign woman married to a Swiss automatically receives Swiss citizenship when marrying. The foreign husband of a Swiss woman, however, can only receive Swiss citizenship through the normal channels after a waiting period. The general opinion is that marriage alone should no longer have any effect on citizenship. The present regulation, moreover, conflicts with the principle of equal rights for men and women. With the revision the automatic acquisition of citizenship through marriage is to be abolished, and be replaced by a new federal law on the acquisition of citizenship by marriage.

In this way the lawmaker will be able to apply a single regulation to acquisition of citizenship for foreign spouses of Swiss.

According to the present law, young foreigners who have grown up in Switzerland, as well as refugees and stateless persons, must acquire citizenship in the same way as other foreigners. Foreigners who have grown up in Switzerland know our customs and in most cases do not differ from Swiss of the same age group. Enabling them to acquire Swiss citizenship as early as possible is both in their interests and in the interests of Switzerland. In view of their stateless situation, refugees and stateless persons have a greater need of being integrated into our community than other foreigners and have a greater need of acquiring Swiss citizenship. Cantonal and local regulations often unjustifiably stand in the way of these two groups of foreigners. The same prerequisites, based on federal law, should apply for them in the future.

It will be interesting to see how the citizenship campaign develops further. As usual, we shall keep you informed in this publication about progress on this issue.

*Lucien Paillard*