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Federal Act on Swiss Persons and Institutions Abroad (Swiss Abroad Act, SAA)

of 26 September 2014 (Status as of 1 January 2018)

The Federal Assembly of the Swiss Confederation,
based on Articles 40, 54 paragraph 1 and 69 paragraph 2 of the Federal
Constitution (Cst.)¹,
having considered the report of the Council of States Political Institutions
Committee of 27 January 2014²,
and the opinion of the Federal Council of 7 March 2014³,
decrees:

Title 1 General Provisions

Art. 1 Subject

¹ This Act governs:

- a. measures aimed at supporting, informing and promoting links between the Swiss Abroad, their political rights, social assistance that may be granted to them and support for specific institutions;
- b. consular protection and other consular services granted by Switzerland.

² It does not govern diplomatic protection.

³ Deviating provisions in international treaties applicable in Switzerland continue to apply.

Art. 2 Purpose

With this Act, the Confederation aims to:

- a. regulate in a uniform and coherent manner the rights and obligations of Swiss persons and institutions abroad and the services it offers such persons and institutions;

AS 2015 3857

¹ SR 101

² BBl 2014 1915

³ BBl 2014 2617

- b. promote relations among the Swiss Abroad and their ties to Switzerland;
- c. facilitate international mobility for Swiss nationals;
- d. promote Switzerland's presence and links abroad.

Art. 3 Definitions

In this Act:

- a. *the Swiss Abroad* means Swiss citizens who are not domiciled in Switzerland and who are entered in the Register of the Swiss Abroad;
- b. *Register of the Swiss Abroad* means the Networked Administration of the Swiss Abroad (E-VERA⁴) information system of the Federal Department of Foreign Affairs (FDFA) and the paper files;
- c. *receiving state* means the foreign country in which a representation is established or recognised or in which the person concerned is residing;
- d. *representation* means a diplomatic mission, consular post or any other representation of Switzerland abroad that may perform consular functions.

Art. 4 Legal provisions of the receiving state

The Swiss authorities and representations shall comply with the legal provisions of the relevant receiving state.

Art. 5 Personal responsibility

Every individual shall exercise personal responsibility when planning or undertaking a stay abroad or when working abroad.

Art. 6 Recommendations

The FDFA may publish information and recommendations, in particular travel advice.

Art. 7 Guichet unique

¹ The FDFA is the central point of contact for concerns affecting Swiss persons and institutions abroad.

² It generally provides consular services through its network of representations.

³ It coordinates incoming requests with the competent administrative bodies of the Confederation and cantons to which tasks are assigned under this Act.

⁴ This name was modified as of 1 Sept. 2016 pursuant to Art. 12 para. 2 of the Publications Act of 18 June 2004 (SR 170.512).

Art. 8 Foreign policy strategy

The Federal Council shall consider the interests of Swiss persons and institutions abroad when defining its foreign policy strategy.

Title 2 The Swiss Abroad**Chapter 1 Networking and Information****Art. 9** Networking

¹ The representations shall cultivate links with the community of the Swiss Abroad and make use of their network of contacts.

² The Confederation shall maintain contact with institutions that promote relations between the Swiss Abroad and that contribute to better support and networking of the Swiss Abroad, particularly the Organisation for the Swiss Abroad.

³ It shall promote exchange between young Swiss Abroad and encourage their ties to Switzerland.

Art. 10 Information

¹ The Confederation shall inform the Swiss Abroad in electronic or printed form about their rights and obligations and about topics related to this Act.

² The FDFA may provide the Swiss Abroad with a compilation of legislation that affects them in electronic form and may help them understand Switzerland's institutions and political affairs.

Chapter 2 Register of the Swiss Abroad**Art. 11** Entry in the Register of the Swiss Abroad

¹ Persons who hold Swiss citizenship and are not domiciled in Switzerland must register with the competent representation to be entered in the Register of the Swiss Abroad.

² Entry in the Register is required for the Swiss Abroad to exercise their rights and obligations and for the provision of services by Swiss authorities under this title, except in cases where urgent social assistance is provided.

Art. 12 Registration

¹ Entry in the Register of the Swiss Abroad is carried out by registering with the competent representation.

² The competent representation is the one located at the place of domicile of the Swiss Abroad. The Federal Council may make exceptions to this.

³ Persons entered in the Register of the Swiss Abroad as minors shall be asked by the competent representation to confirm their registration when they reach the age of majority in accordance with Swiss law.

⁴ The Swiss communes of residence shall notify the FDFA of any Swiss nationals who give notice of departure to a foreign country.

Art. 13 Notification of changes

¹ Persons entered in the Register of the Swiss Abroad must notify the competent representation of any changes or amendments to data concerning them.

² If another representation becomes competent due to a change of residence abroad or for other reasons, the original registration is valid for the new competent representation.

³ The Swiss communes of residence shall notify the FDFA of any Swiss Abroad who give notice that they are returning to Switzerland.

Art. 14 Deleting entries and destroying data

¹ The entry in the Register of the Swiss Abroad shall be deleted if registered persons:

- a. take up residence in Switzerland;
- b. no longer hold Swiss nationality;
- c. were entered in the Register of the Swiss Abroad as minors and when they reached the age of majority failed to confirm the registration within 90 days despite being requested to do so in accordance with Swiss law;
- d. are deceased;
- e. cannot or can no longer be contacted at the specified address;
- f. are declared missing presumed dead.

² The rules on destroying data are set out in the implementing provisions.

Chapter 3 Political Rights

Art. 15 Applicable law

¹ The legislation governing the political rights of Swiss citizens in Switzerland also applies to the Swiss Abroad, unless otherwise provided for in this Act or in the implementing provisions.

² Cantonal law applies to political rights in cantonal and communal affairs.

Art. 16 Scope

¹ The Swiss Abroad who are over the age of 18 may participate in federal elections and votes and sign requests for referendums and popular initiatives.

² Eligibility for election is governed by Article 143 Cst.

Art. 17 Exclusion of voting rights

The Swiss Abroad are deemed to lack the legal capacity to exercise their voting rights in accordance with Article 136 paragraph 1 Cst. if:

- a. they are subject to a general deputyship due to being permanently incapable of judgement or are represented by a person entrusted with their care in accordance with Swiss law; or
- b. they are subject to an adult protection measure under foreign law that eliminates their capacity to act due to being permanently incapable of judgement provided an adult protection measure could also have been put in place under Swiss law.

Art. 18 Exercising voting rights

¹ The Swiss Abroad exercise their right to vote in their last commune of residence.

² If they do not have a commune of residence, they exercise their right to vote in their commune of origin. If they have two or more communes of origin, they exercise their right to vote in the commune of origin they stipulated when they registered in accordance with Article 12.

³ Votes may be cast in person, by post, or, provided the conditions are met, electronically.

⁴ In consultation with interested cantons and communes, the Federal Council shall promote electronic voting pilot schemes for the Swiss Abroad in accordance with Article 8a of the Federal Act of 17 December 1976⁵ on Political Rights.

Art. 19 Entry in and deletion from the electoral register

¹ The Swiss Abroad who wish to exercise their political rights shall notify their electoral commune via the competent representation. The electoral commune then enters them in the electoral register.

² The Swiss Abroad who wish to renounce their political rights shall notify their electoral commune via the competent representation.

³ If the conditions for exercising political rights are no longer met, if a Swiss national living abroad renounces their political rights, or if voting materials are returned as undeliverable three times in a row, the electoral commune shall delete the person concerned from the electoral register.