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## **Federal Act on the Acquisition and Loss of Swiss Citizenship (Swiss Citizenship Act, SCA)<sup>1</sup>**

of 29 September 1952 (Status as of 1 January 2013)

**Please note:** this translation does not yet include the amendments of 1.1.2018

*The Federal Assembly of the Swiss Confederation,*

on the basis of Articles 43 paragraph 1, 44 and 68 of the Federal Constitution<sup>2,3</sup>  
and having considered the Federal Council Dispatch dated 9 August 1951<sup>4</sup>,

*decrees:*

### **I. Acquisition and Loss of Citizenship by Law**

#### **A. Acquisition by Law**

##### **Art. 1<sup>5</sup>**

By descent

<sup>1</sup> The following persons are Swiss citizens<sup>6</sup> from birth:<sup>7</sup>

- a.<sup>8</sup> a child whose parents are married to each other and whose father or mother is a Swiss citizen;

AS 1952 1087

<sup>1</sup> Amended by No I of the Federal Act of 14 Dec. 1984, in force since 1 July 1985 (AS 1985 420; BBl 1984 II 211).

<sup>2</sup> [BS I 3; AS 1984 290]. The aforementioned provisions now correspond to Art. 37 and 38 of the Federal Constitution of 18 April 1999 (SR 101).

<sup>3</sup> Amended by No VI 1 of the Federal Act of 24 March 2000 on the Creation and the Adaptation of Statutory Principles on the Processing of Personal Data, in force since 1 Sept. 2000 (AS 2000 1891; BBl 1999 9005).

<sup>4</sup> BBl 1951 II 669

<sup>5</sup> Amended by No II 2 of the Federal Act of 25 June 1976 on the Amendment of the Civil Code (Filiation), in force since 1 Jan. 1978 (AS 1977 237; BBl 1974 II 1).

<sup>6</sup> This English translation is formulated in gender neutral language. However in the official Swiss language versions of this Act, only the provisions amended by the Federal Act of 3 Oct 2003 are formulated in gender neutral language. Older provisions of the Swiss texts generally use only masculine forms when referring to persons; however they should be construed as meaning persons of both genders unless the context indicates that one or the other gender is meant.

<sup>7</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS 2005 5233; BBl 2002 1911).

<sup>8</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS 2005 5233; BBl 2002 1911).

- b. the child of a female Swiss citizen who is not married to the child's father.

<sup>2</sup> The minor<sup>9</sup> foreign child of a Swiss father who is not married to the child's mother acquires Swiss citizenship as if at birth on establishing filiation with the father.<sup>10</sup>

<sup>3</sup> If a minor child who acquires Swiss citizenship under paragraph 2 has children, they also acquire Swiss citizenship.

**Art. 2–3**<sup>11</sup>

**Art. 4**<sup>12</sup>

Cantonal  
and communal  
citizenship

<sup>1</sup> On acquiring Swiss citizenship, a child acquires the Swiss parent's cantonal and communal citizenship.

<sup>2</sup> If both parents are Swiss, the child acquires the cantonal and communal citizenship of the parent whose surname the child uses.<sup>13</sup>

<sup>3</sup> and <sup>4</sup> ...<sup>14</sup>

**Art. 5**<sup>15</sup>

**Art. 6**

Foundlings

<sup>1</sup> A child of unknown parentage who is found in Switzerland becomes a citizen of the canton in which he or she was abandoned, and thus becomes a Swiss citizen.

<sup>2</sup> The canton decides where the child holds communal citizenship.

<sup>3</sup> Citizenship acquired in this way lapses if it is established who the parents of the child are, provided the child is still a minor and will not become stateless.

<sup>9</sup> Term in accordance with Annex No 1 of the Federal Act of 19 Dec. 2008 (Adult Protection, Law of Persons and Law of Children), in force since 1 Jan. 2013 (AS **2011** 725; BBl **2006** 7001). Account has been taken of this term throughout the text of this Act.

<sup>10</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan 2006 (AS **2005** 5233; BBl **2002** 1911).

<sup>11</sup> Repealed by No. I of the Federal Act of 23 March 1990 (AS **1991** 1034; BBl **1987** III 293).

<sup>12</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS **1991** 1034; BBl **1987** III 293).

<sup>13</sup> Amended by No II 1 of the Federal Act of 30 Sept. 2011 (Name and Citizenship), in force since 1 Jan. 2013 (AS **2012** 2569; BBl **2009** 7573 7581).

<sup>14</sup> Repealed by No II 1 of the Federal Act of 30 Sept. 2011 (Name and Citizenship), with effect from 1 Jan. 2013 (AS **2012** 2569; BBl **2009** 7573 7581).

<sup>15</sup> Repealed by No. I of the Federal Act of 14 Dec. 1984 (AS **1985** 420; BBl **1984** II 211).

**Art. 7<sup>16</sup>**

Adoption Where a minor foreign child is adopted by a Swiss citizen, the child acquires the cantonal and communal citizenship of the adoptive parent and thus acquires Swiss citizenship.

**B. Loss of Citizenship by Law****Art. 8<sup>17</sup>**

By termination of filiation If filiation is terminated with the parent who has conferred Swiss citizenship on the child, the child loses Swiss citizenship provided the child does not become stateless thereby.

**Art. 8a<sup>18</sup>**

By adoption <sup>1</sup> If a minor Swiss citizen is adopted by foreign nationals, he or she loses Swiss citizenship on adoption if he or she acquires the nationality of the adoptive parent thereby or already holds that nationality.

<sup>1bis</sup> Swiss citizenship is not lost if filiation with a Swiss parent is established on adoption or such filiation remains following adoption.<sup>19</sup>

<sup>2</sup> If adoption is annulled, loss of Swiss citizenship is deemed not to have taken place.

**Art. 9<sup>20</sup>****Art. 10**

Child born abroad <sup>1</sup> A child born abroad to a Swiss parent who is a citizen of another country loses Swiss citizenship on reaching the age of 22, unless his or her birth has been notified to a Swiss authority abroad or in Switzerland or he or she has declared in writing that he or she wishes to remain a Swiss citizen.<sup>21</sup>

<sup>16</sup> Amended by No II 2 of the Federal Act of 30 June 1972 on the Amendment of the Civil Code (Adoption and Art. 321), in force since 1 April 1973 (AS 1972 2819; BBl 1971 I 1200).

<sup>17</sup> Repealed by No. II 2 of the Federal Act of 25 June 1976 on the Amendment of the Civil Code (Filiation) (AS 1977 237; BBl 1974 II 1). Amended by Sec. I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BBl 1987 III 293).

<sup>18</sup> Inserted by No. II 2 of the Federal Act of 30 June 1972 on the Amendment of the Civil Code (Adoption and Art. 321), in force since 1 April 1973 (AS 1972 2819; BBl 1971 I 1200).

<sup>19</sup> Inserted by No. I of the Federal Act of 14 Dec. 1984, in force since 1 July 1985 (AS 1985 420; BBl 1984 II 211).

<sup>20</sup> Repealed by No. I of the Federal Act of 23 March 1990 (AS 1991 1034; BBl 1987 III 293).

<sup>21</sup> Amended by No I of the Federal Act of 14 Dec. 1984, in force since 1 July 1985 (AS 1985 420; BBl 1984 II 211).

<sup>2</sup> If a child loses Swiss citizenship by virtue of paragraph 1, then his or her children also lose Swiss citizenship.<sup>22</sup>

<sup>3</sup> Notification in terms of paragraph 1 is constituted in particular by any report by parents, relatives or acquaintances with a view to the child's registration in registers in Switzerland, matriculation or the issue of identity documents.

<sup>4</sup> Any person who, against his or her will, has been unable to provide notification or a declaration in terms of paragraph 1 in time, may still do so validly within one year of the reason for their failure to do so ceasing to apply.

### **Art. 11**

Cantonal  
and communal  
citizenship

Any person who loses Swiss citizenship by law loses cantonal and communal citizenship at the same time.

## **II. Acquisition and Loss of Citizenship by Official Decree**

### **A. Acquisition by Naturalisation**

#### **a. Ordinary Naturalisation**

### **Art. 12**

Decree of  
naturalisation

<sup>1</sup> The ordinary naturalisation procedure enables persons to acquire Swiss citizenship by naturalisation in a canton and a commune.

<sup>2</sup> Naturalisation is only valid if a naturalisation licence has been issued by the competent federal office (the Federal Office)<sup>23, 24</sup>

### **Art. 13**

Naturalisation  
licence

<sup>1</sup> The licence is issued by the Federal Office<sup>25, 26</sup>

<sup>2</sup> The licence is issued for a specific canton.

<sup>3</sup> It is valid for three years and may be extended.

<sup>4</sup> It may be amended to include family members.

<sup>22</sup> Amended by No I of the Federal Act of 14 Dec. 1984, in force since 1 July 1985 (AS 1985 420; BBl 1984 II 211).

<sup>23</sup> Currently the Federal Office for Migration, FOM.

<sup>24</sup> Amended by Annex No II 1 of the Federal Act of 22 March 2002 on the Amendment of Organisational Provisions of Federal Law, in force since 1 Feb. 2003 (AS 2003 187; BBl 2001 3845).

<sup>25</sup> Term in accordance with Annex No II 1 of the Federal Act of 22 March 2002 on the Amendment of Organisational Provisions of Federal Law, in force since 1 Feb. 2003 (AS 2003 187; BBl 2001 3845). Account has been taken of this term throughout the text of this Act.

<sup>26</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BBl 1987 III 293).

<sup>5</sup> The Federal Office may revoke the licence before naturalisation if information comes to its knowledge that would have caused it not to issue the licence.<sup>27</sup>

#### Art. 14<sup>28</sup>

Suitability Before the licence is granted, the applicant's suitability for naturalisation must be verified, and in particular whether he or she:

- a. is integrated into Swiss society;
- b. is familiar with Swiss habits, customs and practices;
- c. abides by Swiss law;
- d. does not pose a risk to Swiss internal or external security.

#### Art. 15

Residence requirements

<sup>1</sup> Foreign nationals may only apply for a licence if they have lived in Switzerland for a total of twelve years, including three of the five years prior to the application being made.

<sup>2</sup> When calculating the period of twelve years, the period that the applicant has lived in Switzerland between the ages of 10 and 20 counts as double.<sup>29</sup>

<sup>3</sup> If spouses make a joint application for a licence and one of them fulfils requirements of paragraphs 1 or 2, it is sufficient for the other to have lived for a total of five years in Switzerland, including one year immediately prior to the application being made, provided he or she has lived in matrimony with the other spouse for three years.<sup>30</sup>

<sup>4</sup> The periods in paragraph 3 also apply to an applicant whose spouse has already been naturalised on his or her own.<sup>31</sup>

<sup>5</sup> It is sufficient that the registered partner of a Swiss citizen has lived for a total of five years in Switzerland, including one year immediately prior to the application being made, provide he or she has been the registered partner of the Swiss citizen for three years.<sup>32</sup>

<sup>27</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BBl 1987 III 293).

<sup>28</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BBl 1987 III 293).

<sup>29</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BBl 1987 III 293).

<sup>30</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BBl 1987 III 293).

<sup>31</sup> Inserted by No. I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BBl 1987 III 293).

<sup>32</sup> Inserted by Annex Sec. 1 of the Same-Sex Partnership Act of 18 June 2004, in force since 1 Jan. 2007 (AS 2005 5685; BBl 2003 1288).

<sup>6</sup> For registered partnerships between foreign nationals, paragraphs 3 and 4 apply *mutatis mutandis*.<sup>33</sup>

**Art. 15a**<sup>34</sup>

Procedure  
in the canton

<sup>1</sup> The procedure in the canton and in the commune is governed by cantonal law.

<sup>2</sup> Cantonal law may provide that an application for naturalisation may be submitted to the vote of the communal electorate at a communal assembly.

**Art. 15b**<sup>35</sup>

Obligation to  
state reasons

<sup>1</sup> Reasons must be given for rejecting an application for naturalisation.

<sup>2</sup> The communal electorate may reject an application for naturalisation only if a reasoned motion has been made that they should do so.

**Art. 15c**<sup>36</sup>

Protection of  
privacy

<sup>1</sup> The cantons shall ensure that the privacy of applicants is respected in cantonal and communal naturalisation procedures.

<sup>2</sup> The communal electorate shall be given the following particulars of applicants:

- a. nationality;
- b. length of residence;
- c. information required to assess whether the applicant meets the naturalisation requirements, and in particular the requirement of integration into Swiss society.

<sup>3</sup> When selecting information under paragraph 2, the cantons shall take account of the persons to whom the information is to be given.

**Art. 16**

Honorary  
citizenship

The award of honorary citizenship to a foreign national by a canton or a commune without federal authorisation does not have the effects of naturalisation.

<sup>33</sup> Inserted by Annex Sec. 1 of the Same-Sex Partnership Act of 18 June 2004, in force since 1 Jan. 2007 (AS **2005** 5685; BBl **2003** 1288).

<sup>34</sup> Inserted by No. 1 of the Federal Act of 21 Dec. 2007 (Procedure in the Canton/Appeal to a Cantonal Court), in force since 1 Jan. 2009 (AS **2008** 5911; BBl **2005** 6941 7125).

<sup>35</sup> Inserted by No. 1 of the Federal Act of 21 Dec. 2007 (Procedure in the Canton/Appeal to a Cantonal Court), in force since 1 Jan. 2009 (AS **2008** 5911; BBl **2005** 6941 7125).

<sup>36</sup> Inserted by No. 1 of the Federal Act of 21 Dec. 2007 (Procedure in the Canton/Appeal to a Cantonal Court), in force since 1 Jan. 2009 (AS **2008** 5911; BBl **2005** 6941 7125).

**Art. 17**<sup>37</sup>**b. Reinstatement of Citizenship****Art. 18**<sup>38</sup>

Principle

<sup>1</sup> Reinstatement of citizenship requires that the applicant:<sup>39</sup>

- a. meets the requirements of Articles 21 or 23;
- b. has ties to Switzerland;
- c.<sup>40</sup> abides by Swiss law; and
- d. does not pose a risk to Switzerland's internal or external security.

<sup>2</sup> For applicants who do not live in Switzerland, the requirement of paragraph 1 letter c applies *mutatis mutandis*.<sup>41</sup>**Art. 19–20**<sup>42</sup>**Art. 21**<sup>43</sup>

In the case of loss of citizenship due to birth abroad

<sup>1</sup> Any person who with reasonable excuse fails to provide notification or a declaration as required by Article 10 and thus loses Swiss citizenship may apply within ten years for citizenship to be reinstated.<sup>2</sup> If the applicant has close ties with Switzerland, he or she may apply for reinstatement of citizenship even after expiry of the ten-year period.<sup>44</sup>

<sup>37</sup> Repealed by No. I of the Federal Act of 23 March 1990 (AS **1991** 1034; BBl **1987** III 293).

<sup>38</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS **1991** 1034; BBl **1987** III 293).

<sup>39</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).

<sup>40</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).

<sup>41</sup> Inserted by No. I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).

<sup>42</sup> Repealed by No. I of the Federal Act of 23 March 1990 (AS **1991** 1034; BBl **1987** III 293).

<sup>43</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS **1991** 1034; BBl **1987** III 293).

<sup>44</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).

**Art. 22<sup>45</sup>****Art. 23<sup>46</sup>**

Persons relieved  
of Swiss  
citizenship<sup>47</sup>

Any person who has been relieved of Swiss citizenship may apply for reinstatement of citizenship if he or she has lived in Switzerland for one year.

<sup>2</sup> Any person who has been relieved of Swiss citizenship in order to acquire or retain another nationality may apply for reinstatement of citizenship even if he or she is resident abroad provided he or she has close ties with Switzerland.<sup>48</sup>

**Art. 24<sup>49</sup>**

Effect

Through reinstatement of citizenship, the applicant acquires the cantonal and communal citizenship that he or she held previously.

**Art. 25<sup>50</sup>**

Responsibility

The Federal Office<sup>51</sup> decides on the reinstatement of citizenship; it shall consult the canton beforehand.

**c. Simplified Naturalisation****Art. 26<sup>52</sup>**

Requirements

<sup>1</sup> To be eligible for simplified naturalisation the applicant must:

- a. be integrated in Switzerland;

<sup>45</sup> Repealed by No. I of the Federal Act of 23 March 1990 (AS 1991 1034; BB1 1987 III 293).

<sup>46</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BB1 1987 III 293).

<sup>47</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS 2005 5233; BB1 2002 1911).

<sup>48</sup> Inserted by No. I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS 2005 5233; BB1 2002 1911).

<sup>49</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BB1 1987 III 293).

<sup>50</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BB1 1987 III 293).

<sup>51</sup> Term in accordance with Annex No II 1 of the Federal Act of 22 March 2002 on the Amendment of Organisational Provisions of Federal Law, in force since 1 Feb. 2003 (AS 2003 187; BB1 2001 3845). Account has been taken of this term throughout the text of this Act.

<sup>52</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS 2005 5233; BB1 2002 1911).



- b. abide by Swiss law;
- c. not pose a risk to Switzerland's internal or external security.

<sup>2</sup> For applicants who do not live in Switzerland, the requirements of paragraph 1 apply mutatis mutandis.

#### Art. 27<sup>53</sup>

Spouses of Swiss citizens

<sup>1</sup> After marrying a Swiss citizen, a foreign national may apply for simplified naturalisation if he or she:

- a. has lived for a total of five years in Switzerland;
- b. has lived in Switzerland for a year and
- c. has lived in matrimony with the Swiss citizen for three years.

<sup>2</sup> The applicant is granted the same cantonal and communal citizenship as that held by his or her Swiss spouse.

#### Art. 28<sup>54</sup>

Spouse of a Swiss citizen living abroad

<sup>1</sup> The foreign spouse of a Swiss citizen who lives or has lived abroad may apply for simplified naturalisation if he or she:

- a. has lived for six years in matrimony with the Swiss citizen and
- b. has close ties with Switzerland.

<sup>2</sup> The applicant is granted the same cantonal and communal citizenship as that held by his or her Swiss spouse.

#### Art. 29

Erroneous assumption of Swiss citizenship

<sup>1</sup> A foreign national who for at least five years has believed in good faith that he or she is a Swiss citizen and during this period has actually been treated as such by the cantonal or communal authorities may be naturalised under the simplified procedure.

<sup>2</sup> He or she is normally granted citizenship of the canton responsible for the error. This canton decides at the same time which communal citizenship is acquired.

<sup>3</sup> If the applicant has already done Swiss military service, no minimum period applies.

<sup>53</sup> Repealed by No. I of the Federal Act of 14 Dec. 1984 (AS **1985** 420; BBl **1984** II 211). Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS **1991** 1034; BBl **1987** III 293).

<sup>54</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS **1991** 1034; BBl **1987** III 293).

4 Paragraphs 1 and 3 apply *mutatis mutandis* to a foreign national who has lost Swiss citizenship due to termination of filiation with his or her Swiss parent (Art. 8). He acquires the cantonal and communal citizenship that he held previously.<sup>55</sup>

**Art. 30**<sup>56</sup>

Stateless children

1 A stateless minor child may apply for simplified naturalisation if he or she has lived in Switzerland for a total of five years, one year of which must be immediately before the application is made.

2 The child acquires the citizenship of his or her commune and canton of residence.

**Art. 31**<sup>57</sup>

**Art. 31a**<sup>58</sup>

Child of a naturalised parent

1 A foreign child who was not naturalised at the same time as one of his or her parents may apply for simplified naturalisation before reaching the age of 22 if he or she has lived in Switzerland for a total of five years, one year of which must be immediately before the application is made.

2 The child acquires the citizenship of the Swiss parent.

**Art. 31b**<sup>59</sup>

Child of a parent who has lost Swiss citizenship

1 A foreign child who was unable to acquire Swiss citizenship because a parent lost Swiss citizenship before the child's birth may be naturalised under the simplified procedure if he or she has close ties with Switzerland.

2 The child acquires the citizenship that the parent who lost citizenship lost formerly held.

<sup>55</sup> Inserted by No. I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS 1991 1034; BBl 1987 III 293).

<sup>56</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS 2005 5233; BBl 2002 1911).

<sup>57</sup> Repealed by No. I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), with effect from 1 Jan. 2006 (AS 2005 5233; BBl 2002 1911).

<sup>58</sup> Inserted by No. I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS 2005 5233; BBl 2002 1911).

<sup>59</sup> Inserted by No. I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS 2005 5233; BBl 2002 1911).

Competence	<b>Art. 32<sup>60</sup></b> The Federal Office decides on simplified naturalisation; it shall consult the canton beforehand.
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#### **d. Common Provisions<sup>61</sup>**

Inclusion of children	<b>Art. 33</b> The applicant's minor children are normally included in the naturalisation application.
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Minors <sup>62</sup>	<b>Art. 34</b> 1 Minors may only apply for naturalisation through their legal representative. <sup>63</sup> 2 Applicants over the age of 16 must also declare their wish to become a Swiss citizen in writing.
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Majority	<b>Art. 35<sup>64</sup></b> Majority and minority in terms of this Act are governed by Swiss law (Art. 14 of the Civil Code <sup>65</sup> ).
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Place of residence of foreign nationals	<b>Art. 36</b> 1 Residence in terms of this Act is deemed for foreign nationals to be presence in Switzerland in accordance with the immigration regulations. 2 A short-term stay abroad with the intention of returning to Switzerland does not interrupt a period of residence. 3 In contrast, residence is deemed to have been terminated on leaving Switzerland to go abroad if the foreign national concerned has notified the authorities that residence is being terminated or actually spends more than six months abroad.
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<sup>60</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS **1991** 1034; BBl **1987** III 293).

<sup>61</sup> Title originally before Art. 32.

<sup>62</sup> Amended by Annex No 1 of the Federal Act of 19 Dec. 2008 (Adult Protection, Law of Persons and Law of Children), in force since 1 Jan. 2013 (AS **2011** 725; BBl **2006** 7001).

<sup>63</sup> Amended by Annex No 1 of the Federal Act of 19 Dec. 2008 (Adult Protection, Law of Persons and Law of Children), in force since 1 Jan. 2013 (AS **2011** 725; BBl **2006** 7001).

<sup>64</sup> Amended by Annex No 1 of the Federal Act of 19 Dec. 2008 (Adult Protection, Law of Persons and Law of Children), in force since 1 Jan. 2013 (AS **2011** 725; BBl **2006** 7001).

<sup>65</sup> SR **210**

- Art. 37<sup>66</sup>**  
 Collection of data    The federal authorities may instruct the cantonal naturalisation authority to collect the data required to assess the requirements for naturalisation.
- Art. 38<sup>67</sup>**  
 Fees    <sup>1</sup> The federal authorities, together with the cantonal and communal authorities may charge a fee for their decisions that amounts to no more than the procedural costs.  
<sup>2</sup> The Confederation shall waive the fee in the case of indigent applicants.
- Art. 39<sup>68</sup>**
- Art. 40<sup>69</sup>**
- Art. 41**  
 Declaration of nullity    <sup>1</sup> A naturalisation decision may be declared null and void by the Federal Office with the consent of the authority in the canton of origin if it has been obtained by using false information or by concealing material facts.<sup>70</sup>  
<sup>1bis</sup> The naturalisation decision may be declared null and void within two years of the Federal Office becoming aware of the legally relevant circumstances, and at the latest within eight years of acquisition of Swiss citizenship. After each investigative act that has been notified to the naturalised person concerned a new two year limitation period begins. The limitation periods are suspended during appeal proceedings.<sup>71</sup>  
<sup>2</sup> Subject to the same requirements, a naturalisation decision under Articles 12–17 may also be declared null and void by the cantonal authority.
- <sup>66</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).
- <sup>67</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).
- <sup>68</sup> Repealed by No. I of the Federal Act of 14 Dec. 1984 (AS **1985** 420; BBl **1984** II 211).
- <sup>69</sup> Repealed by No. I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), with effect from 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).
- <sup>70</sup> Amended by No I of the Federal Act of 25 Sept. 2009 (Extension of Deadline for Declaration of Nullity), in force since 1 March 2011 (AS **2011** 347; BBl **2008** 1277 1289).
- <sup>71</sup> Inserted by No. I of the Federal Act of 25 Sept. 2009 (Extension of Deadline for Declaration of Nullity), in force since 1 March 2011 (AS **2011** 347; BBl **2008** 1277 1289).

<sup>3</sup> Nullity extends to all family members whose Swiss citizenship is based on the naturalisation decision that has been declared null and void, unless an express ruling is issued to the contrary.

## **B. Loss by Official Decree**

### **a. Relief of Citizenship**

#### **Art. 42**

Application for relief of citizenship and decree

<sup>1</sup> A Swiss citizen shall on request be relieved of his or her Swiss citizenship if he or she is not resident in Switzerland and holds or has been assured of another nationality. For minors, Article 34 applies *mutatis mutandis*.<sup>72</sup>

<sup>2</sup> Relief of citizenship is granted by the authority in the canton of origin.

<sup>3</sup> Loss of cantonal and communal citizenship and thus of Swiss citizenship take effect on service of the certificate of relief of citizenship.

#### **Art. 43**<sup>73</sup>

#### **Art. 44**

Inclusion of children

<sup>1</sup> Relief of citizenship also applies to minor children under the parental care of the person relieved of citizenship;<sup>74</sup> however it applies to children over the age of 16 only if they consent in writing.

<sup>2</sup> They also must not be resident in Switzerland and must hold or be assured of another nationality.

#### **Art. 45**

Certificate of relief of citizenship

<sup>1</sup> The canton of origin shall issue a certificate of relief of citizenship in which every person covered by the certificate is listed.

<sup>2</sup> The Federal Office shall arrange for the certificate of relief of citizenship to be served and shall notify the canton when the certificate has been successfully served.

<sup>72</sup> Second sentence amended by Annex No 1 of the Federal Act of 19 Dec. 2008 (Adult Protection, Law of Persons and Law of Children), in force since 1 Jan. 2013 (AS **2011** 725; BBl **2006** 7001).

<sup>73</sup> Repealed by No. I of the Federal Act of 23 March 1990 (AS **1991** 1034; BBl **1987** III 293).

<sup>74</sup> Amended by Annex No 1 of the Federal Act of 19 Dec. 2008 (Adult Protection, Law of Persons and Law of Children), in force since 1 Jan. 2013 (AS **2011** 725; BBl **2006** 7001).

<sup>3</sup> It shall postpone service if it is not expected that the person relieved of citizenship will be granted the foreign citizenship of which he or she has been assured.

<sup>4</sup> If the place of residence of the person relieved of citizenship is unknown, notice of relief of citizenship may be published in the Federal Gazette. Such publication has the same effect as service of the certificate of relief of citizenship.

#### **Art. 46**

Fees

<sup>1</sup> The cantons are entitled to charge a registration fee for dealing with the application for relief of citizenship.

<sup>2</sup> Service of the certificate of relief of citizenship may not however be made conditional on payment of the fee.

<sup>3</sup> The Federal Office shall not charge a fee for its work in the relief procedure.<sup>75</sup>

#### **Art. 47**

Citizens of more than one canton

<sup>1</sup> In the case of a citizen of more than one canton, each canton of origin decides on the application for relief of citizenship.

<sup>2</sup> The certificates of relief of citizenship are served together.

<sup>3</sup> The service of any single certificate of relief of citizenship brings about the loss of Swiss citizenship and of all cantonal and communal citizenship rights even if, due to an error, another canton of origin has not decided on the relief application.

### **b. Revocation**

#### **Art. 48**

The Federal Office may with consent of the authority in the canton of origin revoke the Swiss, cantonal and communal citizenship of a person holding dual nationality if his or her conduct is seriously detrimental to the interests or the reputation of Switzerland.

<sup>75</sup> Amended by Annex No II 1 of the Federal Act of 22 March 2002 on the Amendment of Organisational Provisions of Federal Law, in force since 1 Feb. 2003 (AS 2003 187; BBl 2001 3845).

### III. Declaratory Proceedings

#### Art. 49

<sup>1</sup> If there is doubt as to whether a person holds Swiss citizenship, the authority in the canton, the citizenship of which has been called into question decides, on request or ex officio.

<sup>2</sup> The Federal Office may also request a decision.

### IV.<sup>76</sup> Processing of Personal Data

#### Art. 49a

Processing of data

<sup>1</sup> In order to fulfil its duties under this Act, the Federal Office<sup>77</sup> may process personal data, including personality profiles and particularly sensitive data on religious beliefs, political activities, health, social assistance measures and administrative or criminal proceedings and penalties. It shall maintain an electronic information system for this purpose.

<sup>2</sup> The Federal Council shall issue implementing provisions on:

- a. the organisation and the operation of the information system;
- b. access to the data;
- c. authorisation to process the data;
- d. the data retention period;
- e. the archiving and deletion of the data;
- f. data security.

#### Art. 49b

Disclosure of data

<sup>1</sup> On request and in individual cases, the Federal Office may disclose to the authorities of the Confederation, the cantons and the communes entrusted with duties in connection with the acquisition and loss of Swiss citizenship any personal data required to fulfil such duties.

<sup>76</sup> Inserted by No. VI 1 of the Federal Act of 24 March 2000 on the Creation and Adaptation of Statutory Principles on the Processing of Personal Data, in force since 1 Sept. 2000 (AS 2000 1891; BBl 1999 9005).

<sup>77</sup> Term in accordance with Annex No II 1 of the Federal Act of 22 March 2002 on the Amendment of Organisational Provisions of Federal Law, in force since 1 Feb. 2003 (AS 2003 187; BBl 2001 3845). Account has been taken of this amendment throughout the text of this Act.

<sup>2</sup> It shall make data available online to the Federal Administrative Court personal where such data is required in preparation for appeal proceedings. The Federal Council regulates the extent of such data.<sup>78</sup>

## V. Rights of Appeal<sup>79</sup>

### Art. 50<sup>80</sup>

Appeal to a cantonal court

The cantons shall appoint judicial authorities to act as the ultimate cantonal courts of appeal in relation to decisions to refuse ordinary naturalisation.

### Art. 51<sup>81</sup>

Appeal at federal level<sup>82</sup>

<sup>1</sup> Appeals against final rulings by the cantons and against decisions by the federal administrative authorities are governed by the general provisions on the administration of federal justice.

<sup>2</sup> The cantons and communes concerned also have a right of appeal.<sup>83</sup>

<sup>3</sup> ...<sup>84</sup>

### Art. 52–53<sup>85</sup>

<sup>78</sup> Amended by No II 2 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, in force since 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

<sup>79</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS **1991** 1034; BBl **1987** III 293). Originally Title IV.

<sup>80</sup> Amended by No I of the Federal Act of 21 Dec. 2007 (Procedure in the Canton/Appeal to a Cantonal Court), in force since 1 Jan. 2009 (AS **2008** 5911; BBl **2005** 6941 7125).

<sup>81</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS **1991** 1034; BBl **1987** III 293).

<sup>82</sup> Amended by No I of the Federal Act of 21 Dec. 2007 (Procedure in the Canton/Appeal to a Cantonal Court), in force since 1 Jan. 2009 (AS **2008** 5911; BBl **2005** 6941 7125).

<sup>83</sup> Amended by Annex Sec. 2 of the Administrative Court Act from 17 June 2005, 1 Jan. 2007 (AS **2006** 2197 1069; BBl **2001** 4202).

<sup>84</sup> Repealed by Annex Sec. 2 of the Administrative Court Act from 17 June 2005, with effect from 1 Jan. 2007 (AS **2006** 2197 1069; BBl **2001** 4202).

<sup>85</sup> Repealed by No. I of the Federal Act of 23 March 1990 (AS **1991** 1034; BBl **1987** III 293).



## VI.<sup>86</sup> Final and Transitional Provisions

### Art. 54

- Implementation
- <sup>1</sup> The Federal Council is responsible for implementing this Act.
- <sup>2</sup> It is authorised to issue regulations on the identity documents held by Swiss citizens.

### Art. 55

- Repeal of provisions
- All provisions contrary to this Act are hereby repealed, in particular:
- the Federal Act of 3 December 1850<sup>87</sup> on Persons without a Place of Origin;
- the Federal Act of 25 June 1903<sup>88</sup> on the Acquisition and Waiver of Swiss Citizenship.

### Art. 56<sup>89</sup>

### Art. 57<sup>90</sup>

- No retrospective effect
- The acquisition and loss of Swiss citizenship are governed by the law in force at the time that the relevant circumstances occurred. The following provisions are reserved.

### Art. 57a<sup>91</sup>

### Art. 57b<sup>92</sup>

- Declaration that a marriage conferring Swiss citizenship on a woman is invalid
- <sup>1</sup> A woman who has acquired Swiss citizenship by marriage under Article 3 paragraph 1 of this Act in its version of 29 September 1952<sup>93</sup> retains Swiss citizenship after the marriage has been declared invalid provided she married in good faith.

<sup>86</sup> Originally Title V.

<sup>87</sup> [BS 1 99]

<sup>88</sup> [BS 1 101]

<sup>89</sup> Repealed by No. II 2 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437; BBI **2007** 6121).

<sup>90</sup> Amended by No I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS **1991** 1034; BBI **1987** III 293).

<sup>91</sup> Inserted by No. I of the Federal Act of 23 March 1990, (AS **1991** 1034; BBI **1987** III 293). Repealed by No. I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), with effect from 1 Jan. 2006 (AS **2005** 5233; BBI **2002** 1911).

<sup>92</sup> Inserted by No. I of the Federal Act of 23 March 1990, in force since 1 Jan. 1992 (AS **1991** 1034; BBI **1987** III 293).

<sup>93</sup> Art. 3 para. 1 in its version of 29 Sept. 1952 states: "A foreign woman acquires Swiss citizenship by marrying a male Swiss citizen."

<sup>2</sup> Children of a marriage that has been declared invalid remain Swiss citizens even if their parents did not marry in good faith.

**Art. 58<sup>94</sup>**

Reinstatement of the citizenship of women who were formerly Swiss citizens

<sup>1</sup> A woman who prior to the Amendment hereof of 3 October 2003<sup>95</sup> coming into force lost Swiss citizenship through marriage or by inclusion in a decision relieving her husband of citizenship may apply to have her Swiss citizenship reinstated.

<sup>2</sup> Articles 18, 24, 25 and 33–41 apply *mutatis mutandis*.

**Art. 58<sup>a</sup><sup>96</sup>**

Simplified naturalisation for the child of a Swiss mother

<sup>1</sup> A foreign child born before 1 July 1985 whose mother held Swiss citizenship prior to or at the time of the child's birth may apply for simplified naturalisation if he or she has close ties with Switzerland.

<sup>2</sup> The child acquires the cantonal and communal citizenship that his or her mother holds or last held, and thus is a Swiss citizen.

<sup>3</sup> If the child has children of his or her own, they may also apply for simplified naturalisation if they have close ties with Switzerland.

<sup>4</sup> Articles 26 and 32–41 apply *mutatis mutandis*.

**Art. 58<sup>b</sup><sup>97</sup>**

**Art. 58<sup>c</sup><sup>98</sup>**

Simplified naturalisation for the child of a Swiss father

<sup>1</sup> The child of a Swiss father may apply for simplified naturalisation before reaching the age of 22 provided he or she meets the requirements of Article 1 paragraph 2 and was born before the Amendment hereof of 3 October 2003<sup>99</sup> came into force.

<sup>94</sup> Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).

<sup>95</sup> Before 1 Jan. 2006 (AS **2005** 5233)

<sup>96</sup> Inserted by No. I of the Federal Act of 23 March 1990 (AS **1991** 1034; BBl **1987** III 293). Amended by No I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).

<sup>97</sup> Inserted by No. I of the Federal Act of 23 March 1990 (AS **1991** 1034; BBl **1987** III 293). Repealed by No. I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), with effect from 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).

<sup>98</sup> Inserted by No. I of the Federal Act of 3 Oct. 2003 (Acquisition of Citizenship by Persons of Swiss Origin and Fees therefor), in force since 1 Jan. 2006 (AS **2005** 5233; BBl **2002** 1911).

<sup>99</sup> Before 1 Jan. 2006 (AS **2005** 5233)

<sup>2</sup> If the child is more than 22 years old, he or she may apply for simplified naturalisation if he or she has close ties with Switzerland.

<sup>3</sup> Articles 26 and 32–41 apply *mutatis mutandis*.

**Art. 59**

Commencement The Federal Council determines the date on which this Act comes into force.

Commencement date: 1 January 1953<sup>100</sup>

<sup>100</sup> Federal Council Decree of 30 Dec. 1952

