

“Status S” Protection Switzerland

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Switzerland](#).

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A. General

Swiss asylum law provides the possibility to grant temporary protection (“protection provisoire”, “S permit”) to persons in need of protection during a period of serious general danger, in particular during a war or civil war as well as in situations of general violence.¹ This instrument – introduced in the aftermath of the conflicts in the former Yugoslavia – should enable the Swiss authorities to react in an appropriate, quick and pragmatic manner to situations of mass exodus. It was activated for the first time in the context of the war in Ukraine by the Federal Council on 11 March 2022.² The status shows some parallels to the EU Temporary Protection Status.³ It is provided to a certain category of persons (see [Qualification for Status S](#)) without undergoing an asylum procedure. Only in obvious cases of asylum grounds (it remains to be seen what “obvious” means), access to the asylum procedure is granted. The status allows immediate access to the labour market as well as freedom of movement within Europe.⁴

In addition to the more than 78,000 protection statuses granted, the Confederation also awarded several aid packages totalling CHF 1.3 billion relief measures.⁵

The SEM was not able to tell if there are significant numbers of people who were displaced – directly or indirectly – by the conflict present in the country but beyond the scope of Status S because there is no characteristic apart from status S to differentiate between people affected by the Ukraine war and other refugees.⁶

In the inquiries to the Swiss Refugee Council, three main groups of refugees who do not fall within the scope of protect can be identified:

- ❖ Students from African or Asian countries who have fled from Ukraine to Switzerland.
- ❖ Binational couples. In practice, they are not granted protection status S in Switzerland if they could return to their second home without danger. However, this practice is still under judicial review.
- ❖ Persons who lived outside Ukraine for a few weeks or months before the outbreak of war and cannot return to Ukraine.

At the end of 2022, there had been 74,959 applications for status S registered before the SEM. 72,611 applications resulted in a positive decision. During 2022, 7,621 persons ended their status S protection and as of 31 December, termination of status was being examined for 1,542 persons. As of 31 December 2022, 62,820 persons were benefitting from status S in Switzerland.⁷

¹ Art. 66 – 79(a) AsyIA.

² Federal Council, *Ukraine: le Conseil Fédéral active le statut de protection S pour les Ukrainiens*, press release, 11 March 2022, available in French (and German and Italian) at: <https://bit.ly/3XaEDgK>.

³ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [2001] OJ L 212/12, available at: <http://bit.ly/409uJhu>.

⁴ Art. 75 para 2 AsyIA and decision of the Federal Council, *Ukraine : le Conseil fédéral active le statut de protection S pour les Ukrainiens*, press release, 11 March 2022, available in French (and German and Italian) at: <https://bit.ly/3xkmSQY>.

⁵ Federal Council, *One year of war against Ukraine: Federal Council takes stock of its engagement and request new aid package*, 22 February 2023, available at: <https://bit.ly/3C2r3TH>.

⁶ Information provided by the SEM, 17 May 2023.

⁷ SEM, *Statistique en matière d'asile 2022*, 13 February 2023, available in French at: <https://bit.ly/3C48aje>, 9.

B. Qualification for Status S

Protection status S applies to the following categories of persons according to the Decision of the Federal Council on 11 March 2022:⁸

- a. Ukrainian citizens seeking protection and their family members (partners, underage children and other close relatives and who were fully or partially supported at the time of the escape) who were resident in Ukraine before 24 February 2022;
- b. Persons seeking protection of other nationalities and stateless persons as well as their family members as defined in letter a who have applied for international or national protection status in Ukraine prior to 24 February 2022;
- c. Protection seekers of other nationalities and stateless persons as well as their family members as defined in letter a, who are in possession of a valid short stay or residence permit giving them a valid right of residence in Ukraine and who cannot be returned to their home countries in safety and permanently.

If someone has received protection status in another safe country, they in principle cannot receive further protection status S in Switzerland because they are not considered as in need of protection.⁹ This also applies to persons who have renounced their protection status in another EU/EFTA state, unless the EU/EFTA state that granted the protection status is a state particularly affected by the Ukraine crisis (e.g. Poland).¹⁰ The SEM examines all applications for protection and makes a decision on a case-by-case basis. In addition, persons who have a second citizenship in addition to Ukrainian citizenship do not receive protection status. This practice was confirmed by the Federal Administrative Court.¹¹

Persons who entered Switzerland before 24 February 2022 will not receive protection status S. In accordance with the practice of the SEM, these persons receive a temporary admission status.¹²

In addition to Ukrainian nationals and their family members, the wording of the Federal Council's decision also includes stateless persons and third-country nationals and their family members, if they had protection status in Ukraine prior to 24 February 2022 (category b) or cannot return to their home countries in safety and permanently (category c). A family is defined as spouses, life partners, underage children and persons in need of care for whom the person seeking protection cared before 24 February 2022. Regarding family members, including of Ukrainians, the decision does not mention any further criteria regarding their nationality. Thus, binational families would fall under the category "a" of the Federal Council decision (compare B.1.). In practice, however, binational families are often denied protection status S as a use case on category "c", if they could return to their second home. Appeals are currently underway against such refusals. Some Court decisions criticising this practice are available.

People who are not eligible to status S may apply for asylum if individual persecution can be credibly substantiated. In addition, in the case of a refusal of protection status S, temporary admission is possible until a negative asylum decision can be executed.¹³

The Federal Council decided on 9 November 2022 that the protection status S will be maintained at least until March 2024.¹⁴ If protection status is not revoked after five years, a residence permit may be issued. If protection status is not revoked after ten years, a settlement permit can be issued.¹⁵

⁸ Federal Council, *Ukraine: le Conseil Fédéral active le statut de protection S pour les Ukrainiens*, press release, 11 March 2022, available in French (and German and Italian) at: <https://bit.ly/3XaEDgK>.

⁹ Federal Administrative Court, Decision D-3584/2022, 9 March 2023, available in German at: <https://bit.ly/42Xqp5k>.

¹⁰ Practice-based observation by the Swiss Refugee Council, January 2023.

¹¹ Federal Administrative Court, Decision E-3638/2022, 5 December 2022, available in German at: <https://bit.ly/41DKIE3>.

¹² Article 42 AsylA and Article 83 FNIA.

¹³ Article 69 AsylA.

¹⁴ Federal Council, *No lifting of protection status S*, press release, 9 November 2022, available in English (as well as French, German and Italian) at: <https://bit.ly/3iElxkf>.

¹⁵ Articles 76 and 74 AsylA.

C. Access to temporary protection and registration

1. Admission to territory

To the knowledge of the Swiss Refugee Council there were no problems with entry at the Swiss borders for persons fleeing from Ukraine.

However, persons who had returned to Ukraine and sought to re-enter Switzerland did experience difficulties at the border; especially if they returned to renew an expired passport and then lived in Ukraine for more than 15 days. According to Article 78 AsyIA, to stay in the country of origin for a long time or repeatedly is a reason for revocation the protections status. The SEM has in practice decided that a “long time” is 15 days.

In general, access to the Swiss territory was facilitated for anybody claiming to flee Ukraine.

2. Freedom of movement

Persons entitled to status S but not holding a biometric passport or travel documents experienced issues in travelling to other European States. This was especially the case during the first six months, as the Swiss S status was not recognised as a residence permit in the other Schengen states. Many persons entitled to S status were denied entry in other countries. However, entry into Switzerland was always possible, even without a biometric passport.

3. Registration under temporary protection

The SEM is responsible for registering status S applications. The application can be submitted either online¹⁶ or at one of the [federal asylum centres](#). If a person expresses their intention to apply for temporary protection at the border, they will be referred to the nearest federal asylum centre. There they can register and apply for protection status S.

After the 90 days (including the time in other Schengen states) which they are allowed to stay in the Schengen area visa-free, they would be obliged to leave the Schengen area. This means that an application has to be done before those 90 days are over, otherwise the person would be staying illegally in Switzerland. According the practice-based observation by the Swiss Refugee Council, they can still apply for S status and receive the S status, but could in theory be subject to a criminal procedure for illegal stay.

To prove they are eligible to status S, displaced persons all need identity documents. If someone is in possession of a Ukraine passport, it is assumed that the person resided in Ukraine before and no other documents are needed to proof residence in Ukraine before 24 February 2022. Persons without a passport have to prove with other means that they resided in Ukraine before 24 February 2022. Other documents are requested on a case-by-case basis, e.g. marriage certificate for married couples. If they are accommodated privately, they need to provide a confirmation of the accommodation with a copy of the ID of the host. If minors travel without their parents, they need official documents or written confirmations from their parents. Further useful documents such as for example birth and marriage certificates, medical documents in case of pre-existing illness, animal passports and driver's licenses and vehicle registration documents are also desired.

Upon registration of their claim, the applicants are provided with a confirmation of the registration of their application for temporary protection for persons from Ukraine. As soon as the authority has decided that a S status will be granted, those seeking protection will also receive an address/directions and public

¹⁶ SEM, *RegisterMe help / Допомога / Помощь*, available at: <https://bit.ly/3ZxP5k4>.

transport ticket for the way to the allocated canton, and the S-decision (which includes the cantonal allocation decision).

Especially at the beginning of the implementation of status S, many of the persons who moved to Switzerland could stay at private houses with people they knew. Thus, they already had accommodation before they had received a protection status. With the registration and the granting of the S-status, however, they were then assigned to a specific canton according to the distribution key (see [General Report – Dispersal across cantons](#)). This caused chaos at the beginning. Due to the unequal distribution at the beginning and the strict enforcement of the distribution key today, there are always problems with "new arrivals" who want to live with their relatives/acquaintances or have already organised a job in a certain canton before their arrival.

Applicants who are denied status S can lodge an appeal to the Federal Administrative Court within 30 days.¹⁷

If the refusal of S status remains valid and there are indications of reasons for asylum in the protection procedure, an asylum procedure must be started ex officio.¹⁸ Otherwise, an asylum procedure can be started if the person wishes so.

4. Legal assistance

Access to free legal advice is guaranteed in the Federal Asylum Centres. As soon as those seeking protection are distributed to the cantons or accommodated with host families, free legal advice is no longer guaranteed. This is currently being discussed politically but in the context of an evaluation.¹⁹

In the federal asylum centres there are legal advice offices that are financed by the state (see also [General Report – Regular procedure – Legal assistance](#)). Otherwise, NGOs in particular provide legal assistance to those seeking protection.

Persons who stay with acquaintances or relatives and are not staying in federal asylum centres have little access to free legal assistance.

5. Information provision and access to NGOs

Regarding provision of information, the same legal provisions apply as in the asylum procedure (see [General report – Provision of information on the procedure](#)). All government information is available in Switzerland in the three official languages (German, French and Italian). Information regarding status S is also available in Russian and partly also in Ukrainian.

The information provided is specifically tailored to the need of vulnerable individuals;²⁰ especially in the area of trafficking in human beings²¹ or unaccompanied minors.²²

¹⁷ Articles 72, 105 and 108 AsylA.

¹⁸ Pursuant to Article 69(4) AsylA, Federal Administrative Court, Decision E-2877/2022, 6 July 2022, available in German at: <https://bit.ly/3Jm6o1N>.

¹⁹ Federal Department of Justice and Police, *Ukraine : le groupe d'évaluation du statut S présente ses premières conclusions*, press release, 1 December 2022, available in French (and German and Italian) at: <https://bit.ly/3H81N1G>.

²⁰ SEM, *Information on the Ukraine crisis*, available at: <https://bit.ly/3QKcESP>.

²¹ Swiss Platform against Human Trafficking, available at: <https://bit.ly/3EqRkNp>; SEM, *Protect yourself!*, available at: <https://bit.ly/40Q87CZ>.

²² Swiss Refugee Council, *Ukraine: Helpful information for people seeking protection*, available at: <https://bit.ly/40VkwvF>.

In practice, information is provided through the websites, E-mails, Hotline of the Federal Office for Migration,²³ the Swiss Refugee Council,²⁴ Caritas,²⁵ Swiss Red Cross²⁶ and websites of all cantonal authorities²⁷. The Swiss Refugee Council²⁸ and the Swiss Red Cross²⁹ also have Telegram-channels. All information is provided in the national languages German, French and Italian as well as Russian, Ukrainian and English.

The Federal Office for Customs and Border Security claims to employ many people who speak several languages, and thus can ensure provision of information on how to apply for status S at border-crossing points. They also direct persons to the information provided by the SEM. But there is no interpretation available at the border crossings.³⁰

D. Guarantees for vulnerable groups

There are no specific identification mechanisms in place to systematically identify persons entitled to status S who need specific procedural safeguards because of their vulnerability, either before or after their registration as beneficiaries of status S.

However, there was a special procedure introduced specifically adapted to the needs of non-accompanied minors entitled to Status S. They are only accommodated for a short time in federal asylum centres and then enter special accommodation with special care. In Switzerland, however, there is a shortage of staff in the care sector.³¹

No specific programme was introduced to address the needs of individuals fleeing from Ukraine suffering from mental health problems, including torture survivors and traumatised beneficiaries. Specialised treatment for victims of torture or traumatised beneficiaries or people with mental health problems is not available in practice.

²³ SEM, *Information on the Ukraine crisis*, available at: <https://bit.ly/3QKcESP>.

²⁴ Swiss Refugee Council, *Ukraine*, available at: <https://bit.ly/3iO4ZGp>.

²⁵ Caritas, *assistance for the victims of the war in Ukraine*, available at: <https://bit.ly/3HZzCBc>.

²⁶ Swiss Red Cross, *Helpful*, available in French, German, Italian, Russian and Ukrainian at: <https://bit.ly/3luJoNz>.

²⁷ Conference of Cantonal Directors of Social Services, *Ukraine*, available in French and German at: <https://bit.ly/3XtfUnt>; for example, Bern Canton, available in French and German at: <https://bit.ly/3RTEDQm>.

²⁸ SwissHelp Telegram Channel, available at: <https://bit.ly/3WfT3uL>.

²⁹ Red Cross UA bot, available at: <https://bit.ly/3XBT90L>.

³⁰ Federal Office for Customs and Border Security, *Entering Switzerland: Information for refugees from Ukraine*, available at: <https://bit.ly/3XCu7Pp>.

³¹ Compare also: Bern Canton, *Regional partners and partners for unaccompanied minors*, available at: <https://bit.ly/3ZClqV>.

A. Status and residence

1. Residence permit

Indicators: Residence permit

1. What is the duration of residence permits granted to Status S beneficiaries?	1 year
2. How many residence permits were issued to Status S beneficiaries from its introduction in the national system until 31 December 2022?	74,661

The SEM is responsible for the procedure for granting an S residence permit. The procedure from the registration (application for S status) to the decision (granting of S status and allocation to a canton) takes about 14 days. Then those seeking protection are distributed to the cantons. (see [Registration under temporary protection](#)).

The Federal Council decided on 9 November 2022 that the protection status S will be maintained at least until March 2024.³² The cantons extend the documents annually; after the Federal Council's decision now until at least March 2024. If protection status is not revoked after five years, a residence permit may be issued. If protection status is not revoked after ten years, a settlement permit can be issued.³³

Those who receive status S are entitled to social benefits and universal health insurance. In addition, the freedom to travel (in Switzerland and for 2 months also abroad, except to Ukraine)³⁴ is guaranteed. Anyone who finds a job in Switzerland is allowed to work. Self-employment is also possible. However, the salary is then credited to the social benefits.³⁵

There are many requests from persons who have received protection status in an EUMS and wish to travel on to Switzerland and receive status S. Reasons for this are:

- ❖ Expiry of the protection program in the EUMS;
- ❖ No guaranteed accommodation;
- ❖ No work;
- ❖ Acquaintances and relatives with protection status in Switzerland;
- ❖ Climatic conditions.

But anyone who has protection status in another EUMS does currently not receive protection status S in Switzerland. However, this decision is currently reviewed by the courts.

According to Art. 78 AsylA, protection status S may be revoked by the SEM if the person in need of protection receives a legal right of residence in a third country where they may return. The person in need of protection shall notify the SEM of his departure. Then the S status is cancelled.

2. Access to asylum

No asylum procedure will be carried out for persons entitled to status S. Ongoing asylum procedures are suspended.³⁶ The exceptions are obvious asylum grounds, i.e. clear and rare case constellations (VIP cases), which can be clearly identified by means of a short interview in the status S procedure. In these cases, a transfer to the asylum procedure takes place. If the S status is revoked or not granted, the persons concerned are free to apply for asylum. In such a subsequent asylum procedure, a new cantonal distribution takes place and there is no entitlement to distribution to the same canton as in the previous protection procedure.

³² Federal Council, *No lifting of protection status S*, press release, 9 November 2022, available in English (as well as French, German and Italian) at: <https://bit.ly/3iElxkf>.

³³ Articles 76 and 74 AsylA.

³⁴ Practice of the SEM regarding Article 79 AsylA and Article 78(1)(c) AsylA.

³⁵ Article 85 AsylA.

³⁶ Article 69(3) AsylA.

B. Family reunification

According to the Federal Council's decision, spouses, partners and minor children as well as persons for whose care the beneficiary of status S was responsible also receive status S. However, this was not implemented in practice for binational families (see [Qualification for status S](#)).

There are no material requirements for family reunification for persons with status S.

When applying for status S, family members must indicate the identity of their family member beneficiary of status S. They are then assigned to the canton concerned.

Family members receive the same status as the person they are joining.

C. Movement and mobility

Beneficiaries of status S can travel freely in Switzerland and also work in any canton. For social benefits, housing and compulsory schooling, however, they are tied to the canton to which they were allocated.

They can travel without authorisation in EU member States.³⁷ Further they are allowed to live in EU countries for 2 months per year. In case they live abroad for more than 2 months, a transfer of the centre of life is presumed and protection status S can be withdrawn according to Art. 7 AsyIA. However, withdrawal of status will be examined on a case-by-case basis.

Those who have received protection status S are allowed to return to Ukraine for 15 days per quarter.³⁸ If they stay for longer, they experience issues at the border, particularly if they returned for renew expired passports. Those who have not yet received protection status S and still return to Ukraine have problems in practice at customs or at airports regarding their re-entry. Those seeking protection can enter Switzerland without a visa. However, there is no provision for multiple entry possibilities.

D. Housing

Indicators: Housing

1. For how long are Status S protection beneficiaries entitled to stay in reception centres?	No limit
2. Number of beneficiaries staying in reception centres as of 1 May 2023	311
3. Number of beneficiaries staying in private accommodation as of 12/2022	Not available

The main forms of accommodation provided to beneficiaries of status S are asylum centres, host families, and private accommodation with relatives and acquaintances.

Beneficiaries of status S are entitled to the same reception conditions as asylum seekers (see [General Report – Reception conditions](#)).

First, the federal government are responsible for the provision of reception to beneficiaries of status S in the federal asylum centres. Then, with the distribution of those seeking protection among the cantons, the

³⁷ Article 9(8) Ordonnance on the issue of travel documents for foreign persons (RDV).

³⁸ Article 78 AsyIA and AO1.

cantons concerned are responsible and, if the canton offers host families, the Swiss Refugee Council is responsible for reception with the host family programme.³⁹

Beneficiaries of status S can remain in a federal asylum centre until they are distributed to the cantons. This should be possible within a few days, maximum 2 weeks. They then remain in the cantonal centre either until the S status is lifted or until they move on to a host family or self-financed accommodation. According to the SEM, reception places are used in a flexible way for asylum seekers and persons with Status S (for further details see [General Report – Housing](#)).⁴⁰

If a canton does not have enough space in collective accommodation, it can use private accommodation such as hotels, private apartments, host families, etc.⁴¹

In practice, many difficulties have arisen with regard to access to reception conditions. Initially most asylum seekers were directly attracted to private individuals and were not officially distributed to the cantons via federal asylum centres. These people thus were after 90 days illegally in Switzerland and had no opportunity to receive social benefits or work legally. In addition, this led to an unequal distribution in terms of the foreseen quantity of protection seekers in the regions⁴², which had to be compensated with redistribution.

Reception in private accommodation is not directly organised by the State. The Swiss Refugee Council arranges private accommodation in cantons that have mandated the organisation for this purpose. There are also cantons that look for civil accommodation without the homestay programme. The Swiss Refugee Council has no information about any criteria in these cases.

On behalf of the SEM, the host family project of the Swiss Refugee Council places people seeking protection from the centres with host families.⁴³ The host families are carefully selected in advance (visits to the apartment, criminal records, etc.) and then closely supervised during the accommodation of the guests. Contracts are concluded between host families and guests for, depending on the canton, at least 3 or 6 months. If these 3 or 6 months cannot be met, the Swiss Refugee Council will support in finding a new solution.

The Swiss Refugee Council selected host families taking into account the extract from the criminal record and by conducting personal interview. This took quite a long time, and some families withdrew their willingness or housed displaced persons with them in an unofficial way.

Regarding the protection of status S beneficiaries from risks of work exploitation, contracts must be submitted to and approved by the cantonal employment office. At the beginning of the Ukraine war, many displaced persons from Ukraine went to work without a contract or with an unauthorised contract and did not receive a salary.

³⁹ For more information in French (and German), see Swiss Refugee Council, *Familles d'accueil pour personnes réfugiées d'Ukraine*, available in French (and German) at: <https://bit.ly/3ZAFsRO>.

⁴⁰ Information provided by the SEM, 1 May 2023.

⁴¹ For example the canton of Bern, *Coordination of Ukraine Aid*, available at: <https://bit.ly/3ZHMcgP>.

⁴² According to the cantonal distribution key, see [General Report – Dispersal across cantons](#).

⁴³ For more information see Swiss Refugee Council, *Familles d'accueil pour personnes réfugiées d'Ukraine*, available in French (and German) at: <https://bit.ly/3ZAFsRO>.

E. Employment and education

1. Access to the labour market

Persons with protection status can work immediately after obtaining S status.⁴⁴ To do this, they must obtain a permit from the cantonal employment office. The employment office checks whether the job offer is serious and whether the wage payments are appropriate. It is also possible to work as self-employed. The place of work is not tied to the place of residence. The salary is credited to any social benefits.

There are state and private Internet platforms with job offers for status S beneficiaries. In addition, those seeking protection and status S beneficiaries are supported by state social workers in their search for work.⁴⁵

In contrast to asylum seekers persons with status S have the same rights as nationals.

Of 37,403 persons eligible for work (age 18-64), 5,245 were actually employed on 3 January 2023. A breakdown per sector of employment does not exist.⁴⁶

2. Access to education

Children between 4 and 15 years must attend compulsory school. Children over 15 can participate voluntarily.⁴⁷ Beneficiaries of status S are entitled to education under the same conditions as nationals.

Of the 19,805 children who received Status S until 31 December 2022, 14,978 are between 4 and 15 years old and therefore must have access to compulsory school.⁴⁸

There are no restrictions in accessing the education. The problem is that, depending on the canton of residence, different language lessons are mandatory. For example, children in southern Switzerland have first to learn Italian and German or French as a second national language, French in French-speaking Switzerland and German as a second national language, and German in German-speaking Switzerland and French as the second national language. To the knowledge of the Swiss Refugee Council, this leads to many absences, as those seeking protection and beneficiaries of status S are not willing to learn the respective languages due to a lack of prospects of staying. Among other things, this also means that some people seeking protection and beneficiaries of status S want to change their canton of residence and move to a canton that speaks a different language.

In addition, there is the problem that some persons seeking protection and beneficiaries of status S want to continue learning in home schooling at Ukrainian schools, but cannot do so during compulsory schooling in Switzerland.

Accommodation of special needs of children and alternative arrangements varies depending on the canton or municipality. Compulsory education is municipal autonomy. There are very different offers and supports.

⁴⁴ Article 53(1) Ordonnance on admission, residence and employment; Federal Council, *Ukraine: le Conseil Fédéral active le statut de protection S pour les Ukrainiens*, press release, 11 March 2022, available in French (and German and Italian) at: <https://bit.ly/3XaEDgK>.

⁴⁵ See for example Randstad, *Jobs for ukrainians. Робота для українців*, available at: <https://bit.ly/3XAuvOo>; and Jobrapido, available at: <https://bit.ly/3CT0Nw2>.

⁴⁶ Data and information provided by the SEM, 1 May 2023.

⁴⁷ Article 80(4) AsylA. See also the recommendations of the Federal Commission on Migration FCM: *Recommandations de la CFM en matière d'enseignement obligatoire des enfants et des jeunes réfugiés*, 24 March 2022, available in French (and German and Italian) at <https://bit.ly/3wkdFaZ>.

⁴⁸ Data provided by the SEM, 1 May 2023.

Access to higher education is guaranteed. It requires the same prerequisites as foreigners who want to study in Switzerland. There are various specific information portals for status S beneficiaries at colleges and universities.⁴⁹

Language and distance are major obstacles to accessing vocational training or education for beneficiaries of status S having passed the age of mandatory education. With regard to language, however, free language instruction is available to all beneficiaries (in German, French or Italian, depending on the canton).

In addition, it is difficult to find an apprenticeship if it is not clear how long the apprentice can stay in Switzerland due to the uncertain duration of the status S. In order to solve this problem, the head of the federal Department of Justice and Security decided on 1 March 2023 to give young people between the ages of 15 and 20 the opportunity to start and complete an apprenticeship in Switzerland, even if the protection status S should be lifted before the end of the apprenticeship.

F. Social welfare

Anyone under status S is granted social welfare in accordance with Art. 81 and 82 AsyIA. Social welfare is provided to beneficiaries of status S under the same conditions and on the same level as for national or as legally residing third country nationals. Assets/income are counted towards social benefits; also the accommodation costs.

The cantons and the communes are responsible for granting social assistance.⁵⁰ Social benefits are paid by the housing municipality. Anyone who leaves this must officially re-register with another municipality. Changes of municipality and canton can be approved by the authorities.

The amount of social benefits is often a problem, according to the persons who approach the Swiss Refugee Council, who report that it is insufficient. In addition, most people seeking protection and status S beneficiaries are not aware that assets and wages are credited to social benefits.

The most recent figures from the social assistance statistics are for 2021, and the figures for 2022 will not be available until the end of 2023.⁵¹

G. Health care

Compulsory universal health care service is guaranteed.⁵² This means every person living in Switzerland must be insured against illness,⁵³ and therefore has access to the basic health system. Cantons may limit the choice of insurers and of physicians and hospitals for protection and asylum seekers and temporarily admitted persons. Apart from this restriction, the basic insurance and the covered treatments do not depend on the status but on the needs. Mental health problems are also covered if a psychiatrist (not psychologist) is involved; however, there are limited capacities for adequate treatment in some fields.

Specialised treatment for victims of torture or traumatised persons or people with mental health problems is available, but the capacity is far too small. There is not only a lack of specialised psychiatrists but the number of interpreters and funding for interpretation for this purpose are insufficient. Especially intercultural interpretation would be needed for specialised treatment of mental health problems.

⁴⁹ See for example Perspectives – Studies, available at: <https://bit.ly/3XHjryF> ; ZHAW, *Admission of students from Ukrainian universities as visiting students at the ZHAW*, available in English at: <https://bit.ly/3Xm2avy> and <https://bit.ly/40VpQZB>.

⁵⁰ Articles 80-84 AsyIA.

⁵¹ Information provided by the SEM, 17 May 2023.

⁵² Article 80(4)4 AsyIA.

⁵³ Article 3 Health Insurance Act (HIA).

Beneficiaries of status S are entitled to the same health care as nationals or legally residing third country nationals.

Compulsory health insurance does not cover all benefits. Often people with protection status S are not aware of what is being paid. This sometimes leads to treatment refusals in hospitals and doctors' practices, according to the persons concerned as well as host families.