



Closing Keynote – Mario Gattiker, State Secretary for Migration SEM

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Switzerland – a model for Europe?

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Introduction

Thank you for the opportunity to speak to you today. I commend Avenir Suisse for successfully organizing this summit despite all the challenges. I am by now used to meeting people virtually but I do miss the personal interaction. That is especially the case for events like this one.

Today I will first speak about the challenges of policy making in a field as politicized as migration. I will then further set the stage by putting today's discussions in a historical context and presenting some lessons that I have drawn from that.

Returning to the present, I will subsequently zoom in on what I see as the three pillars of a good migration policy on asylum and irregular migration.

I will conclude by reflecting on lessons learnt by Switzerland that could also be of interest to the European discussion.

So let's start with politics. Migration policy is always political and polarised. This doesn't make it easier to find solutions in this complex field.

The State Secretariat for Migration is currently experiencing an example of this. A technical arrangement with the Chinese migration authorities to facilitate the identification of irregular migrants is being criticized and instrumentalised by the media and some politicians in order to achieve a change in Switzerland's general policy towards China.

For us however, such agreements are a standard technical instrument of a credible migration policy which also needs to address questions of return.

For me this example illustrates what we are also facing in the difficult search for a balanced European migration policy, a discussion which is marked by domestic interests and political agendas of participating states

Switzerland – a country of migration

But let me now take a step back in time. This helps to understand why we are where we are today and to put things into perspective – another important element of creating a constructive atmosphere for facing the challenges of today.

As you have already heard during this summit, Switzerland is a country of immigration. And that is of course true!

But for centuries and up until about 1890 Switzerland has been a country of emigration. What we would today call "economic migrants" left Switzerland in droves looking for a better life overseas but also in other parts of Europe.

Switzerland's transformation to a country of immigration came with its economic success: Briefly before the First World War but then especially after the Second World War.

Today about 25% of the resident population of Switzerland does not hold a Swiss passport. Across Europe, this is only surpassed by Luxembourg and Liechtenstein. The top three groups of foreign nationals living in Switzerland are from Germany, Italy and Portugal.

While we have such high levels of immigration, we are proud that we have no social unrest, a high level of social cohesion and no "ghettos". This has not come automatically but as a result of a wide range of policy settings.

All this tells me three things: Firstly that we all are countries of origin, transit or destination - especially if you include the historical perspective. What we are today is not what we were yesterday and also not automatically what we will be tomorrow.

It helps to keep this in mind when we talk about current migration patterns and it should reinforce a sense of common responsibility amongst all states to successfully manage migration in a spirit of cooperation.

Secondly it tells me that there is a correlation between being a wealthy, successful and innovative country and being a country of immigration. Immigration is an important part of the mix for just about every wealthy and innovative country.

Thirdly, migration needs to be well managed. This is not only about border controls and who you let in but also about reducing the causes of irregular migration, facilitating the integration of people that are here and assuring that the local population does not feel pushed aside.

A successful policy can therefore not only look at labour market demands or security concerns, but must also include international cooperation, integration, social cohesion, housing, a fair distribution both of the benefits and the burdens of migration and much more.

I would also like to speak about the Swiss Humanitarian Tradition which I take very seriously.

Already back in 1957 the Swiss Federal Council has declared that the right to asylum is more than a tradition, it is an imperative, an expression of the Swiss understanding of freedom and independence. Granting asylum as an act of sovereignty, because unlike the countries from where asylum seekers come, we are free and independent. This is a perspective to also keep in mind today.

The three pillars of migration policy: The first (global) pillar

So let us return to the present and to what I refer to as the three pillars of Swiss migration policy.

The first pillar for me is the global pillar. This is where we work with countries of origin and transit and with international organizations active in the field of migration and refugees. Migration is a global phenomenon so we also need to be active globally!

Many of the countries we work with face enormous social or economic difficulties and often host huge migrant populations. After all, 85% of the world's almost 80 million forcibly displaced people are hosted in developing countries.

Most people stay in their region and it is the duty of the international community to support them and the countries hosting them through Protection in the Region Programmes. The failure to do this adequately was a key factor behind mass irregular migration towards Europe in 2015/16.

One example of concrete Protection in the Region activities that we support are projects in Jordan and Lebanon which aim to empower displaced persons to make use of their rights and to access the justice system in their host country if necessary. This includes building up the capacity of locally available legal aid.

If we succeed in making displaced people see alternatives to irregular onward migration then I think that is in everyone's interest.

For the most vulnerable displaced people however, neither local integration nor return might be an option. Here we can offer support through resettlement. I am confident that the Federal Council will this spring extend the Swiss resettlement program, thus offering direct and safe access to protection for the most vulnerable refugees.

But preventing irregular migration is also about trying to give people a perspective in their country of origin. This also includes questions of return and reintegration for those who have already chosen irregular migration.

We always do this in a spirit of partnership and try to seek outcomes that take in to account our interests as well as those of our partner countries and the people concerned.

The most comprehensive instrument for achieving this are our migration partnerships, for example with Tunisia or Nigeria.

To allow for such a comprehensive approach, we have reinforced the links between international cooperation and migration policy and follow a “Whole of Government Approach”, working very closely with the other Swiss ministries and offices like the Swiss Development Cooperation.

This is not about instrumentalizing “good” development aid for “bad” return interests, this is about acknowledging the many linkages between migration and development and addressing them in a coherent manner.

At this point I do however also need to speak about the limits of migration policy. Even the best migration policy in the world cannot solve all the issues that lead to irregular migration.

It can therefore neither stop such migration completely nor can it offer everyone with the wish to migrate the opportunity to do. Instead we also need to focus on how we can best manage the migration that is taking place.

It is in this spirit that we are also engaged along the irregular migration routes leading towards Europe. We seek to combat human trafficking and protect its victims. In Sudan for example, we are supporting the establishment of two safe houses for vulnerable Eritrean and Ethiopian migrants who became victims of human trafficking, abusive employment or domestic violence.

Return also enters in to the picture here and we for example support the voluntary return and reintegration in their home countries of migrants stranded in Morocco.

Return is of course also an important part of Swiss migration policy in general.

I want the Swiss asylum system to offer protection to those who need it. The system is there for them – but only for them.

People who are not in need of international protection and who no longer have the right to stay in Switzerland must leave.

If we fail to ensure this then our entire migration policy will lose its credibility and its democratic support amongst Swiss voters. This would certainly not be good news for refugees either!

At the same time we want to offer everybody the opportunity to return voluntarily, in safety and dignity and with a perspective for their future. It is in this spirit that we offer return assistance. Forceful returns are always only used as a measure of last resort!

The three pillars of migration policy: The second (European) pillar

Let us now turn to the European pillar of migration policy – and it is this one that keeps giving me a bit of a headache...

Switzerland is at the centre of the Schengen-Area, an area of free movement that is important to our citizens and businesses.

This means that we live in a “Schengen reality” where border controls essentially have to happen at the external border. It also means that within this area we need common rules when dealing with asylum and irregular migration.

It has to be clear, which state is responsible for an asylum claim. We need “harmonised” asylum laws with common standards regarding procedure, accommodation and integration – not just on paper but in reality.

In the absence of such common standards we will continue to see irregular secondary migration towards the most attractive conditions.

We also have to acknowledge that it is the states at the external border, that are the most exposed. We therefore need a solidarity mechanism that takes pressure off them in case of a mass influx.

Unfortunately we instead see procedures that are too long and ineffective return operations – EU wide only 35% of all returns that should take place actually do take place, in Switzerland it is 55%. We also see states without any integration policy for people that receive the right to remain.

I therefore regret that those valuable years of relatively low arrival numbers since the crisis of 2015/16 have not been put to use to develop a resilient European migration system. Instead we have seen ad hoc trouble shooting and political blame games.

You might be surprised to hear this from a Swiss State Secretary – but what we need here is “more Europe”!

If we fail to create a fair and resilient migration system for Europe then we will all fail our protection obligations, endanger the long term survival of our area of free movement and continue to find ourselves vulnerable to political pressure by external actors taking advantage of Europe’s divisions on migration for their own political agendas.

I therefore commend the European Commission for presenting the Pact on Migration and Asylum. It proposes several elements that Switzerland has in recent years implemented at the national level, notably accelerated asylum procedures, an active foreign policy on migration and a recognition of the importance of integration.

As a highly committed member of both Schengen and Dublin, Switzerland is very much engaged in the relevant discussions and interested in a good outcome.

For me, the pact raises many important points and is a good basis for further discussions. As usual however, the devil is in the details.

I am convinced that the external border is the right place for the asylum procedure to start and that – except in situations of crisis - only people with a high probability of being in need of protection should be sent to other European countries.

But these procedures have to be not only rapid but also fair and it shouldn’t make a difference where on the external border your claim is examined.

But while we need to control the external border, this can not happen to the detriment of human rights. We are very concerned about the reports on push backs and must hold those involved to account!

Clearly we also need some kind of solidarity mechanism. I think the flexible approach that the Commission takes here is the right one which also takes into account the political realities.

But in the end we still need a predictable mechanism that doesn’t allow some states to continue “freeriding” and also ends the shameful ad hoc bargaining over boatloads full of human beings.

We also need to address the deficiencies regarding local integration of recognized refugees. I find it unacceptable that in some states recognized refugees get less support than asylum seekers.

The topic of integration is generally still far too absent from the European discussion. You can only have a truly functioning migration policy if you also have successful economic and social integration.

Finally, on the external dimension of European migration policy, I would urge the member states to be more ambitious in coordinating their actions in order to achieve a coherent European foreign migration policy.

This includes speaking with one voice and improving the “toolbox” available when negotiating with countries of origin or transit. This would certainly also boost the efficiency of return operations which are key to any functioning migration system.

The three pillars of migration policy: The third (national) pillar

Let me now turn to the third pillar of migration policy – the national one. This dimension often gets the most political attention – the location of asylum centres is one example of this.

But at the end of the day, if you get the first two pillars wrong you might as well not bother about the third one either. Policies that focus only on the national dimension are policies that will fail.

At this point I will put away with Swiss modesty and say that in my view, Switzerland has in recent years done many things right! We have invested heavily in the first two pillars, our international engagement and our membership in the Schengen and Dublin framework, but we have also achieved a lot at home.

The basic philosophy of our new asylum system is to have a rapid but fair procedure which brings certainty for all involved.

In a majority of cases this procedure is completed within 140 days including a possible judgement by our Federal Administrative Court. The actual first instance procedure at the State Secretariat for Migration lasts only 8 working days!

To make this work, asylum seekers remain under federal responsibility and in federal structures the entire time with Switzerland divided into 6 asylum regions, each with its own federal asylum centre.

Every asylum seeker also receives free support by independent legal representatives. Our close collaboration with them is also a good way to constructively include civil society in the asylum process.

In this accelerated procedure, asylum seekers are only attributed to a canton if a decision cannot be reached within the 140 days and of course in case of a positive decision. Distribution amongst the cantons is done based on a negotiated distribution key which is basically proportional to the population size of the cantons.

In addition those cantons that provide additional services – like hosting a federal asylum centre on their territory – are given a “discount” in the sense that they have to host less asylum seekers at a cantonal level.

Every decision is then followed either by an active integration effort or a removal order and efforts to ensure an effective return.

Designing our new asylum system in close collaboration with the Cantons and Communes was the key to its success! In the referendum vote, 66% of the population and all the Cantons supported us despite the high initial investment necessary and controversial elements like the free legal support.

This success is a good example of how we were able to overcome the “politics” I have mentioned in the introduction and really focus on constructive solutions.

Conclusion: Lessons from Switzerland for Europe?

We can already see that the discussions on the European Pact for Migration and Asylum will be very difficult. Once again the question of solidarity is centre stage and solutions are currently not in sight. New ideas will probably be needed. In my conclusion I will therefore present some food for thought on what Switzerland’s experience could contribute to the European discussion on migration.

I am very aware that there can never be a simple “copy paste”, unfortunately it’s not that easy. But I do believe that we have learnt some lessons that could indeed be useful for the European discussion and that we are therefore also bringing in to that discussion. I am for example thinking of solidarity and the distribution of responsibility.

Switzerland itself is a Confederation made up of 26 sovereign cantons, their sovereignty limited only in those areas where they have explicitly agreed to transfer sovereignty to the federal level.

We therefore have a lot of experience in working with several levels of Government. Hearing Cantons talk about “Berne” can sometimes sound strikingly like EU member states talking about “Brussels”.

In the 1980’s asylum seekers in Switzerland would lodge their claims directly with the Cantons. Whatever Canton received the claim was responsible for the asylum seeker. Asylum seekers basically went to their Canton of choice.

This led to tensions between the Cantons as especially those near the border and with major urban centres found themselves in charge of a disproportionate number of asylum seekers.

From there we have gradually moved to the finetuned distribution key we have today and I think there are several elements there that could also be interesting at the European level. What if for example Europe would also be made up of several asylum regions?

To solve the challenges surrounding European asylum policy, a purely national approach clearly falls short just like a purely top down, EU-wide approach could prove politically impossible or maybe just too complicated.

Setting up European asylum regions with a framework of competencies and responsibilities within and amongst them could allow states to organize themselves in smaller groups with more sense of ownership, direct channels of communication and hopefully less red tape.

Other areas where our experience could be interesting for the European discussion are our accelerated asylum procedures, our integration and return policies and how our active foreign policy on migration links in with both domestic policies and the migration and development nexus through a “Whole of Government Approach”.

Switzerland stands ready to share these experiences and work with its European partners in order to achieve a successful reform of the European asylum system. We also remain ready to participate in future solidarity measures as part of a European solution.

As I have said earlier, when it comes to asylum and irregular migration I see a clear need for more Europe and if Switzerland can play a constructive role and contribute to a positive outcome at the European level, then I would consider that a great achievement!

Thank you very much for your attention.