

Speaking points / Uni Fribourg / Unskilled workers

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1. Intro and general remarks

I read in your invitation, that Switzerland has no official policy for low or unskilled migration. This statement is clearly inaccurate and wrong and I would like to correct it right at the beginning of my presentation.

Switzerland applies a **dual system for the admission** of foreign workers. Gainfully employed nationals (as other categories of people) from the EU-27/EFTA States benefit from Agreement on the free movement of persons. With the Agreement (FMPA) between Switzerland and the EU, there are no requirements regarding the qualification of the workers. This means, that unskilled workers benefit from the Free movement of persons provisions as long as they meet the admission requirements. The dual admission system is focused indeed on unskilled workers coming from an EU/EFTA countries.

For **third country nationals** or Croatian nationals, only a limited number of management level managers, specialists and other qualified employees are admitted. No low or unskilled immigration is legally possible from outside the EU and EFTA member states.

2. Seasonal workers status in Switzerland

But let me come back to the **seasonal workers status**. Switzerland had introduced such a status already for EU/EFTA back in 1931. From 1963, a preference was given to highly skilled immigration from Europe, whilst quotas were introduced for seasonal workers. It was only in 2002 with the **entry into force of FMPA** that this status had been finally abolished - with the introduction of the Free movement with the EU.

The evaluation of the former status of seasonal workers in Switzerland is twofold. Scientific research on the seasonal worker has highlighted their important contribution to Switzerland's economic prosperity and success. At the same time, seasonal workers were treated as (second class workers). They faced discrimination as their admission to Switzerland was exclusively linked to their work: family reunification was not allowed, they were only entitled to lower social security benefits and the risk to face wage and social dumping was higher for them than for other categories of workers.

3. Swiss policy on low and unskilled workers

Since the introduction of the free movement of persons Agreement, the demand for low and unskilled workers in Switzerland was met with immigration from the EU under the provisions of the Agreement. For instance, an important number of nationals from the EU-8 and the EU-2 work in **the agriculture** or other **seasonal sectors**.

Let me also underline, that we **absolutely share the objectives** of this EU directive regarding the admission of seasonal workers and we continue to fight social and salary dumping.

But the Federal council has **no intention to reintroduce such a seasonal worker category**. The status was very much criticised in the past and we have today other means to engage low skilled workers. Considering the **high unemployment** rate in **some of the member states** of the EU, we are convinced that we should make better use of the work force already present in Switzerland and in the EU. At present, there is an “oversupply” of workers and job seekers in the EU. With millions of persons unemployed and excluded from the labour market for long durations on one hand, and a **high number of refugees** that also need to be integrated in the labour market, it seems counterproductive to extent the potential low skilled workforce to third country nationals.

In the light of the implementation of art. 121a of the Federal constitution (popular initiative against mass immigration), the Federal council adopted several measures for a better use of the work force in Switzerland (reconciliation of work and family life, part time employment, etc.). The **priority** should be given to local supply of workers seeking access or return to the labour market.

Another focus is placed on the **integration of refugees and provisionally admitted foreigners** in the labour market in Switzerland. In general, the Federal Council wants to reduce the administrative hurdles for recognised refugees and temporarily admitted persons so that they can find work more easily. One possible solution would be to abolish the requirement of obtaining authorisation to work and to replace it with a simple reporting procedure (announcement).

Whilst some refugees are highly qualified, others will be given the opportunity to work in sectors with low requirements in terms of skills (**agriculture and tourism**). A joint project with the Swiss farmers' association aims at fostering seasonal employment for refugees in the agriculture.

Other cantonal projects are also important in this regard. The canton of Valais offers a 6 month training for refugees which prepares them for an apprenticeship. The training also includes the improvement of language skills.

The catering sector has developed a one year training program for refugees (RIESCO). So far, the evaluation of the training is positive: most of the trainees have found an employment once they successfully finish the course.

4. Study on “sans papiers” commissioned by the SEM

A recent study shows that approximately 76'000 immigrants without papers (sans papiers) live in Switzerland. According to experts, 9 out of 10 pursue a gainful activity in Switzerland. Roughly 50% of these immigrants work in private households. Other sectors are the construction industry, the hospitality industry and agriculture.

Some experts who have been interviewed for this study, fear that a general regularization of these immigrants without papers would lead to even more illegal immigration (due to the pull factor of the regularization).

Since 2013, young immigrants without papers can ask for a legal residence permit if they want to take up an apprenticeship in Switzerland. This possibility has only been used ten times so far. It appears that the hardship clause based on the Federal Act on Foreigners is preferred (215 cases between 2008 and 2015).

5. Circular migration

Circular migration is in theory an interesting concept but has to be addressed with flanking measures and does not address the major root causes for worldwide migration: lack of economic opportunities, economic disparities, and an insecure political situation. How can we assure that the mistakes from the past aren't repeated? Is it morally acceptable that seasonal workers are not entitled to bring their families with them?

The goals of circular migration should be set within a realistic concept of migration partnerships between the hosting and the sending country. Without accompanying measures to fight the root causes of migration in the sending countries, circular migration doesn't necessarily prevent brain drain and it doesn't automatically provide sustainable development in the sending countries.