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SWITZERLAND

Immigration and Integration in Switzerland: Shifting Evolutions in a Multicultural Republic

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INTRODUCTION

As a small country located at the crossroads of Northern and Southern Europe, Switzerland is widely known for its neutrality and peaceful attitudes, its ethnic and linguistic diversity—German, French, Italian, and Reto-Romansch¹ are all national languages—and a decentralized government that makes most of its laws at the canton (or state) level.² There is a good reason that control and integration policies figure largely in a federalist country that was challenged since its birth—in the aftermath of the successful liberal revolution of 1848—by centrifugal forces on the religious, regional, political, social, and ideological levels. Certain foreign scholars, puzzled by Switzerland's apparent enduring stability (and overlooking the history of violent and disruptive conflicts from the civil war of 1847 until the social unrest of the 1930s), detect the source of this solidity in the clever management of a multicultural country through its federal institutions (Schnapper 1997). Others see Switzerland as a “paradigmatic case of political integration” as a result of the subsidiary structure of the Swiss state, which supports both the strong municipal autonomy and the comparatively high participation rate of the (male) constituency in the polity (Deutsch 1976). Still others see the source of the country's stability in the successful creation of a strong national identity, which helped overcome the social distrust that arose during rapid industrialization and which was based on the country's small size and the idea that it was under permanent threat from strong neighboring countries (*Überfremdung*) (Kohler 1994; Tanner 1998).

Notwithstanding this fear of being demographically and culturally overrun by foreigners, Switzerland had one of the highest immigration rates on the continent during the twentieth century. According to the 2000 census, 22.4 percent of the total population of 7.4 million was foreign born and 20.5 percent, or nearly 1.5 million, was foreign (defined here as persons with a foreign nationality). In relative numbers this is twice as high as the number of foreigners in the United States and considerably higher than the number of foreigners in Canada—both of which are classic countries of immigration. In contrast to its internal pluralistic character, however, Switzerland does not consider itself a country of immigration—in fact, it has denied the existence of an immigrant policy at the federal level before the nineties (Mahnig and Wimmer 2003). This policy of prevention influenced the country’s decision not to admit any Jewish refugees after 1933, and it affected the implementation of a “guest worker” rotation model after the oil crises of 1973.

Another paradox concerns the handling of admission and integration issues at the political level. Just after World War II, Switzerland was a popular destination for “guest workers” from France, Germany, and Italy. In the second half of the twentieth century, however, it became home to Eastern European dissidents, Yugoslavian refugees, and asylum seekers from the Middle East, Asia, and Africa. During the entire century, and in the complete absence of the social hardships encountered in neighboring countries (high unemployment rates among migrants, ethnic and social segregation, social unrest, etc.), the immigration issue grew contentious, especially in the period after the 1960s, winning priority on the Swiss political agenda at certain times.

This inconsistent situation must be explained by a careful analysis of how immigration and integration policies evolved in Switzerland. In the next section, I describe immigration and integration during the twentieth century by way of a brief historical overview, and present some demographic data. In the following section, I emphasize the importance of various stakeholders who influence migration policies at the different state levels, and devote attention to external factors, which may have had an effect on their creation. I show that the political opportunity structures in Switzerland—influenced by its federalism, municipal autonomy, and a consensus-oriented political culture—had an impact on the formulation of immigration policy as well—just as much as various external challenges (foreign

governments, the European Union [EU]) did. In my conclusion, I discuss the factors that may have influenced Switzerland's particular immigration and integration policy outcomes.

IMMIGRATION AND IMMIGRANT POLICIES IN HISTORICAL PERSPECTIVE

Switzerland's reputation as an ideal place for exiles dates back to the sixteenth century, when the Huguenots of France were welcomed as religious refugees and found their place in the Swiss cultural, political, and entrepreneurial elite. But the modern transformation of Switzerland into a country of immigration—as it is known today—took place during its accelerated industrial take-off in the second half of the nineteenth century (Holmes 1988; Romano 1996). In contrast to its rural image, the Swiss Confederation is a European forerunner in various modern mechanical and chemical industries and has had an enormous need to invest in knowledge and infrastructures. While many rural inhabitants were leaving the country to make their living as peasants in the New World, many German intellectuals fleeing the failed liberal revolutions of 1848–1849 found their place in the local universities. Italian craftsmen and workers also were recruited at the end of the nineteenth and the early twentieth century, mainly in construction and the railroad sector.

During the late nineteenth and the early twentieth century, the size of the foreign population in Swiss cities increased: 41 percent in Geneva, 28 percent in Basel, and 29 percent in Zurich were foreign born. Nationwide, the Germans outnumbered the Italians and French (Efionayi-Mäder, Niederberger, and Wanner 2005). Moreover, the proportion of foreigners in the total population increased from 3 percent in 1850 to 14.7 percent at the eve of World War I, with most of them coming from neighboring countries. During the two world wars, however, the foreign population decreased significantly. By 1941, it had dropped to 5.2 percent (Arlettaz 1985).

In the liberal period preceding World War I, immigration was largely the responsibility of the cantons, whose laws had to conform to bilateral agreements signed between Switzerland and other European states. Like other agreements from this period concerning free circulation in Europe, these were open toward immigrants because they needed to ensure that Swiss citizens could easily emigrate if they needed to find work. However,

after a first campaign against aliens during World War I, a new article in the Constitution appeared in 1925, giving the federal government the power to address immigration issues at the national level, which provided the legal basis for the creation of the federal aliens police (*Fremdenpolizei*) and the enactment of the Law on Residence and Settlement of Foreigners, which came into force in 1931 (Garrido 1990). This law allowed the new federal aliens police to implement immigration policy at discretion, although at the time their aim was to maintain national identity rather than to regulate migration. Essentially, the authorities had to consider the country's moral and economic interests and the "degree of overforeignization" (*Grad der Überfremdung*) that would affect their decisions. The nationwide political consensus on ensuring cultural purity prevented the enactment of any consistent immigrant policy until very recently. Foreigners, in principle, had to leave the country and were not allowed to settle permanently.

Postwar Labor Migration

Shortly after World War II, the economic demands of neighboring countries engaged in economic recovery stimulated the rapid growth of the Swiss economy. In the context of the postwar economic boom, Switzerland signed an agreement with the Italian government in 1948 to recruit Italian guest workers. These workers were mainly employed in the construction sector but also in textile and machine factories. Afterward, a steady flow of foreign workers immigrated to Switzerland. Their number increased from 285,000 in 1950 (6.1 percent of the total population) to 585,000 (10.8 percent) in 1960 and to 1,080,000 (17.2) in 1970. Predominantly Italian during the 1950s, their composition diversified in the 1960s: while over 50 percent were still Italians in 1970, about 20 percent were German, French, and Austrian; 10 percent were Spaniards; and 4 percent were Yugoslavs, Portuguese, and Turks (Mahnig and Piguet 2003). Initially, they were entitled to stay for one year, although their contracts could be prolonged, which frequently happened. A similar agreement with Spain was signed in 1961.

To ensure that the workers did not settle permanently and could be sent home, the period required for obtaining a permanent residence permit was increased from five to ten years, and restrictive conditions on family reunion were adopted. This policy was called the "rotation model" because it meant that new workers could be brought in as others returned home. As

the economic boom continued throughout the 1960s, the Swiss government's guest worker system became less tightly controlled. As the country faced increasing pressure from Italy to introduce more generous family reunification laws, the number of Italian workers willing to come to Switzerland decreased as other destinations, such as Germany, became more attractive after the signing of the Treaty of Rome in 1957; also, the internal economic boom and development started a wave of internal migration, particularly to destinations in Northern Italy.

It was also at this time that the Organisation for European Economic Cooperation (OEEC) introduced standards for family reunification. Other international lawmaking bodies, such as the International Labor Organization (ILO), also pressured the Swiss government into making its family reunification policies more "humane." In response, the government started to replace its rotation system with an *integration-oriented* scheme that facilitated family reunification, made foreign workers more eligible for promotions, and attempted to end labor market segmentation (Niederberger 2004).

Following the oil crisis in 1973, many workers became unneeded and had to leave the country because they did not have adequate unemployment insurance. This allowed Switzerland to "export" its unemployed guest workers without renewing their resident permits (Katzenstein 1987). The total percentage of the foreign population fell from 17.2 in 1970 to 14.8 in 1980. But as the economy recovered, new guest workers arrived not only from Italy but also from Spain, Portugal, and Turkey. Their percentage of the population increased from 14.8 (945,000) in 1980 to 18.1 (1,245,000) in 1990 and to 22.4 in 2000 (nearly 1.5 million people) (Mahnig and Piguet 2003).

In the late 1970s, the government gave seasonal workers many of the same rights as guest workers who came on longer contracts—namely, the ability to transform their seasonal permits into permanent residence permits and to bring their families. Since the number of issued seasonal permits did not decrease—they numbered on average 130,000 per year between 1985 and 1995—they became a gateway for permanent immigration and a means for supplying cheap-labor sectors of the economy, which would otherwise not have been able to survive given Switzerland's high wages. In 1982, a reform of the alien's law was meant to regulate the transformation of permits heuristically and give permanent residents a firm incentive to stay

in the country. But the successful referendum of a radical right-wing fringe party, the Swiss Democrats, accepted by a slight majority of the population, put an end to the reform of all immigration and migrant settlement laws. Therefore, seasonal permits were still available until 2002.

By the time the worldwide recession of the early 1990s reached Switzerland, unskilled and aging guest workers were suffering high rates of unemployment and found it very difficult to find new jobs. This situation led to unprecedented structural unemployment and poverty, which Switzerland had not experienced in prior decades. The larger cities, which, according to the subsidiary logic of the Swiss federal system, had to cover welfare expenses, urged the federal government to act and support expanded integration requirements toward immigrant workers (D'Amato and Gerber 2005). A new admission policy, which has yet to be formulated, should combine the evolving needs of a new economy with those of migration control. Before we turn our attention to the policymaking process, however, the most important actors in Swiss migration policy must be discussed.

Asylum Policy

After World War II, the Swiss government recognized that its authorities had been responsible for denying admission to many Jewish refugees. The government stressed its willingness to uphold the humanitarian tradition of the country and in 1955 signed the Geneva Convention Relating to the Status of Refugees of 1951. During the next two decades, the country adopted a liberal policy, offering asylum to refugees from communist countries in Eastern Europe. In 1956, 14,000 Hungarians were allowed to settle permanently after the uprising in their country against Soviet troops, and, in 1968, 12,000 Czechoslovakian nationals arrived (Efionayi-Mäder 2003).

These people, who were often well educated, had little difficulty in obtaining refugee status. The government and the public gave them a warm welcome, which is not surprising given the strong anti-communist sentiments at this time. In the mid-1970s, the arrival of a few hundred Chilean dissidents fleeing Pinochet's regime ignited controversial debates about their asylum eligibility. Between 1979 and 1982, Switzerland offered protection to approximately 8,000 Vietnamese and Cambodian boat people, who were accepted on the basis of yearly quotas. The subsequent

integration of these refugees was more difficult than that of any previous refugee group (Parini and Gianni 1997, 2005).

All these events prompted the creation of a new federal asylum policy in 1981, which codified the country's relatively generous practices. It defined the rules of the refugee status determination procedure and gave the Confederation policymaking power, while clearly giving the cantons the responsibility of policy implementation. In domains such as welfare, education, and repatriation, the power of the cantons in making refugee-related decisions was significant. As a result, there were major policy differences between cantons.

After 1981, two trends emerged. First, the number of applications, which had been steady at about 1,000 per year during the 1970s, increased exponentially. Second, most refugees—except for a large number of Polish refugees in 1982—came from other parts of the world: Turkey, Sri Lanka, the Middle East, Africa, and Asia. Unlike the anti-communist dissidents, they were not always professionals or university graduates. Some came from rural areas, some had not even finished primary school, and others had university degrees that were not recognized in Europe. In addition, a weak economy made it difficult for these non-Europeans to find work.

As more people from outside Europe filed applications, asylum became a sensitive subject, particularly in the mid-1980s. In public debates, refugees were called “asylum seekers” or even the derogatory “asylants” to indicate that they did not deserve refugee status. After the 1981 law's revisions created stricter procedures, the government gradually started granting a decreasing number of asylum requests, even from people fleeing civil wars and violence. As a rough indicator of this trend, the share of accepted applications averaged 86 percent between 1975 and 1979. This number dropped to an average of 47 percent between 1980 and 1984 and dropped again to an average of 6 percent between 1985 and 1990 (Efionayi-Mäder, Niederberger, and Wanner 2005).

IMMIGRATION POLICIES AND POLICYMAKING

Because immigration and integration policies in Switzerland are intrinsically bound, this section first presents the main actors in policymaking and then discusses the recent changes in admission, asylum, integration, and naturalization policies.

The Actors in Policymaking

Until recently, two federal offices within the Federal Department of Justice and Police dealt with “foreigners” living in Switzerland: the Federal Office for Refugees (FOR) and the Federal Office for Immigration, Integration and Emigration (IMES). The first was introduced in 1991 in reaction to the influx of asylum seekers since the 80s. The second was introduced in 2000, but had predecessors dating back to the Law on Residence and Settlement of Foreigners of 1931. Its main task was to prevent “overforeignization” and enforce integration of foreigners. FOR and IMES were merged into one entity, the Federal Office for Migration (FOM) on January 1, 2005. One of FOM’s branches continues to be responsible for implementing Swiss asylum policy. Another continues to administer admission policy as IMES did, including enforcing laws governing residence in Switzerland (immigration and residence section); it also assesses labor market needs (labor market section). The changes in the organization of the federal office reflect the desire to implement a coherent policy on foreigners dealing with admission, stay, and integration (see Efionayi-Mäder et al. 2003).

The State Secretariat for Economic Affairs (SECO), which is a part of the Federal Department of Economic Affairs (DEA), is the agency responsible for economics and labor issues. SECO has influenced Swiss labor migration policy since 1945 by determining the qualitative and quantitative needs of the country’s labor market.

At the federal level, there are three important permanent commissions: the already mentioned Federal Commission for Foreigners (FCF), the Federal Commission against Racism (CFR), and the Federal Commission for Refugees (EKF). The FCF was made up of experts from the Federal Council in 1970; it reports directly to the Federal Department of Justice and Police.

The central concern of the FCF is the integration of foreigners. Since 2001, its funds have been available for projects that promote integration. At present, the FCF is made up of 28 members, two of whom have the status of observers. Members are representatives of various foreigners’ organizations, municipalities, communities, cantons, employers and employees, and churches, or they have a professional background in integration policy. The FCF assists in the creation of educational and vocational opportunities for foreigners and in the recognition of professional training in cooperation with the relevant cantonal authorities;

participates in the international exchange of views and experience; mediates between organizations that are active in the field and federal authorities; publishes opinions and recommendations regarding general issues of migration; and consults on migration questions during legislative proceedings.

The Federal Commission on Foreigners, the Federal Commission for Refugees, and the Federal Commission against Racism hold meetings on a quarterly basis, and they organize joint events, such as the national conference on the revision of naturalization law. The Federal Commission Against Racism is part of the Federal Department of Home Affairs (DHA). Within the DHA, there is a branch that coordinates the various actors participating in the fight against racism. Among other activities, the DHA administers a fund for anti-racism projects. The Federal Commission for Refugees advises the government and relevant ministries on refugee issues.

All of these bodies form an important interest group in the promulgation of new laws, insofar as a significant part of decision making in Switzerland is left to the institutions of direct democracy. Particularly in the migration policy, political processes and policymaking are dominated by pre-parliamentarian negotiations and direct democracy, with Parliament playing a secondary role (Mahnig 1996). Significantly, the two levels of policymaking and the political process are also characterized by different political styles (Neidhart 1970). In pre-parliamentarian negotiations compromise is the final objective of the consultation process, in which expert commissions play a decisive role, the arena of direct democracy is mainly characterized by confrontational attitudes and divisive outcomes.

At the federal level, the most important political parties in Switzerland are the centrist bloc, composed of the Christian Democrats (CVP), the Swiss People's Party (SVP), and the liberal Radical Party (FDP), and the left-wing bloc, composed of the Social Democrats (SPS) and the Green Party (GP). With the exception of the Green Party, all parties are members of the government. The Swiss People's Party is an important stakeholder in debates on migration and asylum policy. Formerly the party of artisans and peasants, it became a modern radical populist party when Christoph Blocher, a charismatic lawyer and entrepreneur, took over its Zurich branch in the late 1970s. The SVP supported a popular initiative aiming to reduce the number of illegal residents in Switzerland and was in charge of the initiative "against asylum abuse." In Zurich, the party has launched an

initiative demanding that all requests for naturalization be subject to popular referendum.

Trade unions and employers also play a role in the formulation of immigration policy. They exert their influence both in a formal manner (in the consultation procedure) and in an informal manner (in determining the quota of foreigners allowed into Switzerland). Because of the federal structure of the Swiss state, the cantons are also very influential in the formulation of governmental policies. Their sphere of authority includes the alien police and determination of labor market needs. Furthermore, the cantons are responsible for the implementation of integration measures. As the confederation does not have a police force, the cantons are responsible for maintaining public order and enforcing decisions involving repatriation. Thus, it is through their competence and experience in implementing asylum measures that they contribute significantly to policymaking in this area. The Conference of Cantonal Ministers of Justice and Police (CCMJP) has become increasingly vocal on questions of asylum and interior security (i.e., crimes committed by foreigners).

Cooperation with municipalities is important because the municipalities are responsible for accommodating asylum seekers and refugees and must pay the costs of providing social services for regular immigrants. Their standard point of view is that their concerns are not sufficiently taken into consideration in asylum and immigration policymaking and implementation. Larger cities, especially Zurich, have launched spontaneous initiatives on asylum that have caused a major debate. Smaller municipalities have also been in the headlines: recently one refused to accommodate the requested number of asylum seekers, and others have banned them from public areas such as schools, playgrounds, and soccer fields.

NGOs play a part in the implementation of Swiss asylum policy. They offer social counseling and legal advice to asylum seekers. For example, The Swiss Refugee Aid, an umbrella organization of Swiss asylum groups, seeks to exert influence on political decision making by publishing position papers on various asylum-related questions.

Other NGOs in the asylum field include the charity organizations Caritas and HEKS and the Swiss Red Cross. In March 2001, the Swiss Forum for the Integration of Migrants (FIMM) was created. Composed of 330 representatives, it is the umbrella organization of all foreigners'

associations. FIMM organizes public debates on issues concerning foreigners (e.g., the Schengen Agreement), collaborates with the federal authorities (IMES, FCF), and participates in the consultation procedure. It is partially financed by the Federal Commission for Foreigners.

Recent Changes in Immigration Policies

The way in which the different interest groups consult with the federal administration, with Parliament during the policymaking process, and, not least, through direct democracy, is the subject of the following paragraphs.

Regarding regular immigration, there have been two major changes in the last few years: first, in June 2002, the Bilateral Agreement on the Free Movement of Persons between Switzerland and the EU member states was enacted. Second, the admission policy applicable to third-country nationals is more restrictive than the policy that Switzerland has pursued so far. “Only urgently required qualified workers” will be admitted from outside the EU/EFTA (European Free Trade Agreement) area. Work permits will be issued only to executives, specialists, and other highly qualified workers from outside this area if no Swiss or EU national meets these requirements. Further, when issuing residence permits, the authorities will take into consideration candidates’ professional qualifications, ability to adapt to professional requirements, language skills, and age. If a person meets the criteria, she or he should be able to achieve sustainable integration into the Swiss labor market and society (Efionayi-Mäder et al. 2003).

The draft of a new immigration law was under discussion in 2005 in both chambers of Parliament and was passed at the end of 2006 despite the introduction of referendum to prevent a “two-class” admission system between EU and non-EU immigrants. During hearings, it became evident that this bill would cause sharp and polarized campaigns, not to mention that the last attempt to reform the alien’s law in 1982 had been doomed to failure. The reform proposal was supported only by the Christian Democrats (CVP) and the Radical Liberal Party (FDP); the Swiss People’s Party (SVP) did not want any improvements for non-EU nationals, thus denying them the opportunity for family reunification. The political Left, particularly the Social Democratic Party (SPS), the Green Party (GP), and the unions, criticized the discriminatory partitioning of foreigners into two categories, which for them strongly evoked the memory of old initiatives that had been rejected by voters. When the bill finally was presented at

Parliament, it was challenged by the Left and the Right for different reasons: the Left asked for equal treatment of all foreigners; the Right, for a more effective means of combating abuse of foreigners' laws, and the cancellation of any possibility of reunification of families.

A few representatives of the political right were especially irritated that the National Council had passed a special regulation concerning the *sans-papiers* (migrants without papers who have resided illegally in the country for more than four years), giving them, for humanitarian reasons, the right to request authorization for legal residence in the near future. Curiously enough, there was no protest over the motion of a SVP MP, submitted at the same time (but not passed in the final parliamentary vote), that would have allowed the hiring of unqualified third-country nationals as seasonal workers in farming, tourism, and construction. From then on, the allocation of residence permits would be connected to completion of integration courses subsidized (against the will of the SVP) by the federal government. The National Chamber also passed articles against migrants marrying for convenience as well as against smugglers and illegal migrants. It also introduced carrier sanctions at Swiss airports for all airlines responsible for the transport of passengers without valid papers.

This bill was ratified by the national chamber with the support of the Christian Democrats and the Radical Party. The Social Democrats (SPS) also approved it, largely in order not to hinder further negotiations and to prevent a more restrictive interpretation. The Green Party and the SVP refused to support the law for opposite reasons: the former because of human rights concerns; the latter because the bill was not strict enough against abuse by foreigners. Thus, in December 2003 the new Federal Council elected a member to be responsible for migration issues. This was Minister of Justice Christoph Blocher (SVP), who announced a more restrictive version of the bill to be presented in the second chamber, the Council of States (i.e., representatives of the cantons).

The second chamber of Parliament, the Council of States, which is led by a CVP-FDP majority, voted for a more severe interpretation, that would cancel all automatic rights in the foreigner's law: for example, persons with a residence permit would not be allowed to reunite with their families automatically but only at the discretion of the cantons. A special regulation concerning *sans-papiers* was also abolished because Christoph Blocher argued that, with the exception of those showing hardship, all illegal

immigrants should leave the country. Thus, both laws regarding the reunification of families and the regularization of *sans-papiers* were impeded: to facilitate the integration of young persons from reunified families, the age at which a permanent residence permit could be applied for was lowered from 14 to 12 years of age.

In the second reading, the National Council joined the Council of States in abolishing the article that would allow a limited number of unqualified persons to enter the country. The SPS and the Greens announced a referendum against the bill, and they were supported by migrant associations, particularly the umbrella organization FIMM (Forum pour l'intégration des migrantes et des migrants). Even the Federal Commission on Foreigners published a report in which they expressed concern about severe interpretation of integration measures. The bill was resubmitted, together with the revised asylum law, to a referendum that was won by the government in September 2006. Thus, the more restrictive law passed all procedures.

In quantitative terms, the new bill (like the old law) lays the foundation for authorities to pursue a more permissive or a more restrictive admission policy as necessary. For the authorities, the decisive factors in determining the number of people to be admitted from outside the EU/EFTA are the economic situation in Switzerland and the needs of certain segments of the labor market. They will continue to have the right to adopt a quota solution for nationals of third countries (*Kontingentierung*).

The basic policy principle in the current law is that admissions must be in the interest of the entire economy and not that of particular segments of it; rather, professional qualifications and the ability to integrate should play a decisive part. In addition, admission has to take the social and demographic needs of Switzerland into consideration. In contrast to today's regulations, a controlled opening of the market to the self-employed is foreseen in the law if they are "likely to stimulate competition." Increased competition should promote efficiency and, in the long run, guarantee the international competitiveness of Swiss companies. Assessment of labor market needs was revised in the 1990s in recognition that postwar migration policy was one of the main reasons for reduced investments and the decline of Swiss competitiveness in different, new industries (Blattner and Sheldon 1989; Sheldon 1998).

On the one hand, the new immigration law constructs a higher barrier to admission for nationals of non-EU/EFTA states. On the other hand, the situation for foreigners who lawfully and permanently reside in Switzerland is improved through more opportunities to change their occupation, job, and canton. The immigration of families of short-term residents and students is also permitted, provided that residential and financial requirements are satisfied. These measures facilitate integration, simplify procedures for employers and authorities, and ensure a uniform application of the law. In the areas mentioned above, the law aims to harmonize the rules applicable to third-country nationals with those applicable to EU/EFTA nationals (Efionayi-Mäder et al. 2003).

Recent Changes in Asylum Policy

As elsewhere in Western Europe, asylum migration gained in importance during the 1980s. It overtook labor migration as an issue for public discourse because of its manifold moral, political, and judicial implications. Although asylum recognition rates decreased in the 1990s, many asylum seekers were able to remain in Switzerland under subsidiary protection or for humanitarian reasons. Although their rights were restricted for a period of time regulated by the cantons—for example, their access to the labor market and to welfare was limited and family reunification was forbidden—most of those who were granted protection were later able to settle permanently.

In the 1990s, war in the former Yugoslavia prompted a massive influx of asylum seekers from Bosnia and Kosovo, many of whom had family ties in Switzerland because of the labor migration that started in the 1960s. Between 1990 and 2002, Switzerland received a total of 146,587 asylum applications from the war-torn Balkans. According to the Swiss Federal Office for Migration, about 10,000 people were granted asylum and 62,000 received temporary or subsidiary protection over the course of several years (Kaya 2005).

The Swiss public had become concerned about the increasing number of asylum applications, largely because the economy was in recession and unemployment was rising. The federal government adopted administrative and legal measures to speed up application processing and decision implementation. But after numerous partial revisions, a completely revised asylum law came into force in 1999. Among the many changes that made it

more restrictive, the law introduced new grounds for nonadmission to the regular asylum procedure. This means that applicants who stayed in the country illegally prior to their request or who did not submit travel or identity documents are generally refused asylum. Nevertheless, as a concession to humanitarian arguments, the law now allows for the collective temporary protection of war refugees. Although the government has never used this provision, Kosovars and Bosnians were given temporary admission.

Most of the asylum seekers from Bosnia and Kosovo had to leave Switzerland after the conflicts ended in 1995 and 1999, respectively. Those who returned home, including those who had waited several years to do so, benefited from a return program offering financial support, construction materials, and support for their home communities. An estimated 40,000 to 60,000 people from Bosnia and Serbia-Montenegro returned home, with or without aid from the Swiss government, while approximately 10,000 with refugee status from the former Yugoslavia stayed. There are no reliable figures for how many asylum seekers from Bosnia and Kosovo remained in the country illegally (Efionayi-Mäder, Niederberger, and Wanner 2005).

Despite the continuing decrease in asylum requests—in 2003, the number fell by around 20 percent (20,806 in absolute numbers) as compared with the year before—the SVP continued its battle to restrict asylum inflows. Because its initiative against asylum abuses did not pass in 2002 (it received one-tenth of 1 percent of the vote), the party searched for new fields of operation. As a “moral winner,” it demanded a new asylum initiative in June 2003 because it did not expect any revolutionary improvements from the parliamentary revisions. Provoked by SVP chairman Christoph Blocher’s demand (Blocher was still MP at this time), the other parties condemned it as a form of “blackmailing” and as pure electioneering, and they reacted with a revision of the asylum law. Although an exact wording was still missing at this time, control over asylum matters would be completely transferred to the federal level at a future date. Another idea was to block uncooperative and liable asylum seekers, as well as those who were in the country illegally, from beginning the asylum application process. Instead, they would face prison or expulsion (*NZZ* [*Neue Zürcher Zeitung*], June 11, 2003, September 15, 2003).

In reaction to the unexpected success of the SVP with its initiative against abuses, the National Council’s standing committee on political

institutions decided not to revise the foreigner's law first and the asylum law second, as had been originally intended, but to take both revisions to a vote simultaneously. Meanwhile, the SVP's plans to bring forward its own revision of the law had no success. (NZZ, January 10, 2003).

The government realistically interpreted the population's skeptical attitude toward its asylum policy, even though the decreasing number of asylum requests no longer supported this interpretation *de facto*. Its hopes to regain support from the people thus had to be realized through a new asylum law. Asylum seekers whose requests could not be accommodated in the future would now be treated as illegal foreigners without any rights to social welfare benefits. They were left with the less attractive, but still constitutionally protected, emergency aid, which is subject to administrative controls.

The government expected this change to produce not only annual savings of approximately 77 million Swiss francs (CHF) but also fewer repatriations and a lowering of Switzerland's attractiveness as country of destination. However, only a few years before the cantons and cities had refused to support a similar measure because they feared the impact on housing costs (cantons and municipalities are responsible for emergency aid) (NZZ, February 13, 2003, February 14, 2003, April 5, 2003). Still, given the electoral success of the SVP, the mood in Parliament was shifting toward a more restrictive policy.

The National Council affirmed the third-state regulations with a strong majority and support from the center-right parties. Consequently, Switzerland would in the future stop accepting requests for asylum if applicants had already received a negative response from an EU or EES country. At the same time, it approved humanitarian admission. However, neither the SVP proposal favoring stricter admission requirements nor the proposals of the Social Democrats and the Greens for less constraint, were taken into account. Thus, the humanitarian admission program would be granted only if expulsion was not allowed for humanitarian reasons and the applicant was in a state of serious need. The admission program foresaw the right to reunify families under certain conditions and granted facilitated access to the labor market.

In the final vote, the National Council accepted the revision of the asylum law 98 to 49 with 30 abstentions. The CVP and the FDP favored the bill with no exceptions; the Greens were just as opposed to it. Two-thirds of

the Social Democratic council members were in favor of the revision. The majority of the SVP was against it, and most of the abstentions came from its members (*NZZ*, August 31, 2004; on the position of Federal Council member Christoph Blocher, see *Der Bund*, April 7, 2004).

However, Christoph Blocher, now a federal councilor, was not satisfied with the changes approved by the National Council and requested modifications with regard to the consultation of the *Ständerat*. The Minister of Justice pleaded for a further tightening of the deportation rules, the expansion of territorial bans, the introduction of short-term arrests, the tightening of decisions with regard to *sans-papiers*, the abolishment of humanitarian admissions, and the introduction of fees to be collected from asylum seekers if they withdrew their admission requests. In a consultation, the cantons welcomed these innovations, in particular the coercive measures. However, they agreed less with the financial consequences of a system change, especially those associated with humanitarian assistance.

While welfare organizations, the UNHCR, the churches, the Social Democratic Party, the Greens, and five cantons expressed fundamental doubts about the revision, the FDP and the CVP largely supported it, even though they had reservations about some paragraphs. The SVP supported the suggestions of its Minister of Justice with no sign of flinching, at the same time wishing for even stricter measures. At the end of August, the Federal Council endorsed the revisions put forward by Christoph Blocher in toto, but refused to support the expansion of deportation orders and the cancelation of humanitarian admission (*NZZ*, July 1, 2004, July 21, 2004 [churches]; *NZZ*, July 28, 2004 [UNHCR]; *NZZ*, July 22, 2004 [local authorities association]; *NZZ*, August 6, 2004 [cantons]; see also *Tages-Anzeiger*, August 8, 2004).

The *Ständerat* did not disappoint the expectations of the Federal Council and the cantons when it came to its turn to speak for a more severe asylum law during debates in the 2005 spring session (*NZZ*, March 18, 2005). However, considerable resentment prevailed over the fact that Minister Blocher proposed his amendments in accelerated proceedings. Although it did not stand a chance, a request was made by Simonetta Sommaruga (Social Democrat member of the Upper House) for an examination of the conformity of the amendments with the Constitution and international law. In response, Christoph Blocher stated that none of his suggestions had so

far been rejected, either by the Federal Council or by internal experts, on the grounds that they were offensive to international law.

Finally, the decision of the Political Institutions Committee of the Upper House corresponded to the desires of the cantons in opting for a stricter interpretation of the asylum law. Its members asked for consideration of coercive detention, which could be expanded up to a period of two years. Moreover, it was the only governing body in Europe to reject the new status of humanitarian admission, because of the automatic family reunification program it originally included in the revised proposal. For cases of hardship, the *Ständerat* wanted to apply the instrument of provisional admission. Thus, the cantons could grant access to the labor market to immigrants whose return was inadmissible, unreasonable, or impossible, and who were socially integrated. However, requests for asylum would no longer be considered if, at the beginning of the asylum process, no passport or identity card was submitted to authorities but only such documents as birth certificates or driver licenses. If persecution in the country of origin could be proven, the asylum proceeding would remain open.

It was this last point that was criticized by the political Left and some members of the Center-Right as being disproportionate and unconstitutional. The Left also resisted, in vain, the freezing of social welfare assistance to rejected asylum seekers, as the new law foresaw only emergency support for this group, which could be denied to uncooperative asylum-seekers (*NZZ*, March 18, 2005).

The argument of Federal Councilor Christoph Blocher passed the *Ständerat* and the second reading in the *Nationalrat* with a large majority. The *NZZ* took note with astonishment how unanimously all center-right parties stood behind Blocher and expressed its surprise that no further suggestions were introduced in the formulation of future migration policy. This seemed to prove

. . . how much the mood had changed after Christoph Blocher had taken over the justice department. Today bills are passed with large majorities whereas a few years ago they would have caused even doubt and refusal in the political center-right camp. The Left, the charitable organizations and the churches have not reacted to these changes and, furthermore, practically oppose all changes in the whole country instead of focusing on some really problematic reinforcement of the law. (*NZZ*, September 28, 2005)

Together with the foreigner's law, the asylum law was submitted to a popular referendum and passed by a 3–1 vote in September 2006.

Recent Changes in Integration Policies

When the Swiss government dropped its rotation policy in the early 1960s, it recognized that the alternative could only be a policy of integration. The belief—both then and now—however, is that integration takes place naturally in the labor market and in schools, as well as in associations, labor unions, clubs, churches, neighborhoods, and other informal networks (Niederberger 2004). Since the 1970s, the Confederation’s main integration policy has been to improve the legal status of immigrants, reuniting families more quickly and granting immigrants a more secure status. To facilitate integration and to respond to public concerns about foreigners, the government established the Federal Commission for Foreigners (FCF) in 1970 (see above), the purpose of which is to promote the coexistence of foreign and native populations and to bring together municipalities, communities, cantons, foreigners’ organizations, employers and employees, and churches. The FCF cooperates with cantonal and communal authorities, immigrant services, and immigration actors such as charities and economic associations. It also publishes opinions and recommendations on migration issues and gives testimony in migration-related policy debates.

After the strong lobbying of the cities during the economic crisis of the 1990s, Swiss policy on foreigners adapted to the new reality, considering the integration of foreigners a prerequisite for achieving politically and socially sustainable immigration. “Integration” refers to the participation of foreigners in Swiss economic, social, and cultural life. The integration article in the old alien law, passed in 1999, paved the way for a more proactive federal integration policy; it also strengthened the FCF’s role. Since 2001, the government has spent between 10 and 12 million Swiss francs (€6 million and €7 million) yearly to support integration projects, including language and integration courses and training for integration leaders. Cantons and larger municipalities have their own committees and offices for integration and intercultural cooperation, which also offer courses in language and integration. In many communities, foreigners are members of school boards and, in some cases, participate in municipal government. With the support of consulates and local education departments, larger communities offer courses in immigrant children’s native languages and cultures. Churches were early promoters of the coexistence of the Swiss and the foreign population. Other

nongovernmental organizations have also become more interested in coexistence.

The new immigration law foresees that immigration candidates will have to fulfill certain criteria to facilitate their integration. This restrictive component corresponds to the criterion of “qualitatively high standard immigration.” The level of education and professional qualifications should improve the integration of foreigners and guarantee their vocational reintegration in the case of unemployment. The restriction aims at avoiding the errors that were committed in the past involving the granting of temporary work permits to low-skilled seasonal workers. As a corrective, the new immigration law abolishes the status of seasonal workers. Furthermore, it explicitly states that it is the immigrant’s duty to make every effort to facilitate his or her integration. Permanent residents and their families are required to integrate on both the professional and the social level (Efionayi-Mäder et al. 2003).

The government has a budget available to fund projects that promote integration. New instruments have been adopted to coordinate measures at the federal and cantonal levels. Cantons have had to establish integration offices and launch projects that promote linguistic, professional, and other forms of integration. A first round of projects to promote integration has already been implemented.

Recent Changes in Naturalization Policies

People who have resided in Switzerland for twelve years (the years spent between the completed tenth and twentieth years are counted double for this purpose) may apply for naturalization. The Federal Office for Migration examines whether applicants are integrated into the Swiss way of life, whether they are familiar with Swiss customs and traditions, and whether they comply with Swiss laws and do not endanger internal or external security. In particular, this examination is based on cantonal and communal reports. If the requirements of the federal law are satisfied, applicants are entitled to obtain a federal naturalization permit from the Federal Aliens Office (Wanner and D’Amato 2003).

Because naturalization proceeds in three stages, the federal naturalization permit constitutes only the green light for acquiring Swiss nationality. The cantons and communities have their own, additional residence requirements that applicants have to satisfy after the federal preconditions are met. Once

they have obtained the federal naturalization permit, only those applicants who have also been naturalized by their communities and cantons become Swiss citizens. As a general rule, there is no legally protected right to naturalization by a community and a canton. The cantons' criteria, as well as the way in which they decide who gets citizenship, vary greatly. For example, in the canton of Nidwalden, applicants must have spent their entire 12 years of residence there. In Geneva, two years of residence are sufficient; candidates who have moved from other cantons fulfill the federal preconditions. The requirements at the communal level can vary greatly as well.

In three referendums that were passed over the last twenty years (1983, 1994, and 2004), Swiss voters have rejected laws that would have made it easier for the children of immigrants to become naturalized. Indeed, the 2004 referendum would have allowed the Swiss-born grandchild of a foreign resident to automatically gain Swiss citizenship at birth. The main reason for this new provision was that an "automatic" naturalization would have eliminated the community's decision-making role, which many Swiss consider an important step in the political process. Over the last forty to fifty years, naturalization rates have been lower than desired by federal authorities because many immigrants decide to return to their home countries after working in Switzerland.

In 1992, it was decided to allow dual citizenship. Between 1991 and 2001, the number of naturalizations increased from 8,757 to 37,070. Nationals from the former Yugoslavia, mostly from Kosovo and Bosnia, have been the quickest to naturalize—they have little interest in returning "home" because of the unstable political situation there. Also, having Swiss citizenship means that they can never be forced to return. Citizenship is not always necessary for voting in local elections, however. In several cantons in the French-speaking part of Switzerland, foreigners who have lived in the area for many years have the right to vote on the municipal level and, in a few cantons, even on cantonal matters. The introduction of such a legal innovation in 2004 led to controversy over the significance of citizenship.

As already mentioned, in 2002 the Swiss Parliament debated the revision of the citizenship law for a third time. In the detailed consultation process, suggestions for shortening the minimum residence requirements presented by the Federal Council and the Christian Democratic CVP were violently criticized. The Social Democrats and the Greens wanted a reduction of six

years; the SVP and a majority of the FDP wanted to maintain the original twelve years. Concerning the regulations on facilitating naturalization of the second generation, the SVP demanded more severe legislation. It expressed the opinion that only those born in the country should profit from an easier access to citizenship, as opposed to young people who have only spent little over half of their school life in the country. The National Council rejected this proposal. The Social Democratic Party, the liberal FDP, the Christian Democratic CVP, and the Green Party all supported facilitated naturalization; only the SVP rejected it.

However, when the debate shifted to a discussion of whether citizenship should automatically be given to children of the third generation (introducing the principle of *jus soli*), it became heavily polarized. This legal innovation was categorically rejected by the SVP. On the other hand, the CVP and the FDP were reluctant to limit the rights of the parents in this manner. Thus, the FDP wished to make the right of naturalization dependent on the parents' request. In the end, the CVP's proposal found a lot of support with the argument that parents could renounce the citizenship of their child at birth, and that the child was free to revoke his or her decision at the age of majority. Against the acrimonious resistance of the SVP, the National Council also approved the right to complain for those whose request was rejected in municipalities without reason. At the end of the consultations, the SVP announced that it wished to initiate a referendum against this revision (*NZZ*, September 17, 2002).

Shortly after this debate, the discussion about granting easier access to citizenship was influenced by a decision of the Federal Supreme Court in Lausanne. The judges decided that granting citizenship for reasons of origin or religion was unconstitutional because it violated the principal of nondiscrimination. The judges ordered that municipalities adopt a procedure that did not offend the Constitution and in their written justification declared that no immigrant had an automatic right to be naturalized, but that in certain municipalities voting on applicants was an administrative function since it entailed a decision on the status of inhabitants. This function would require the authorities and the population to respect the prohibition of discrimination (*NZZ*, July 10, 2003, July 25, 2003).

Many experts as well as the political Left gave their support to this judgment. The political center reacted with consternation at such a verdict

coming only a few weeks before the general elections. The SVP protested vociferously against the limitation of sovereignty and municipal autonomy, which in their eyes gave the impression of a partisan political decision. This question became one of the major topics in the SVP's 2003 election campaign, which criticized the judges who had acted against the will of the people. A party convention held a few days before the elections launched a political initiative that demanded that naturalizations be granted at the people's discretion. In the SVP's opinion, naturalizations were political, not administrative, acts.

Both chambers of Parliament passed the bill with practically no alterations. Only the SVP voted unanimously against it, disapproving of easier access for the second generation, the *jus soli* for the third generation, and the right to appeal for those rejected by the people. On the last point, the SVP was supported by a large minority of the radical FDP.

On September 26, 2004, the referendum took place. Advocates of the change—the Christian Democrats, the Social Democrats, and the liberal FDP—gave little propaganda support, underestimating its importance of the referendum for the SVP campaign. Polling analysis allowed the center-left parties to presume that they would win the referendum, but the winds changed just days before the vote. The support of the employers' association and the unions was not powerful enough. Newly elected Federal Councilor Christoph Blocher should have supported the bill since it came from his ministry, but for obvious reasons his campaign only imparted technical information about the new provisions to a restricted audience.

With a rather high voter turnout (54 percent), the majority of the people and the cantons refused to reform the citizenship law. Facilitated naturalization was rejected by a majority of 57 percent; the automatic naturalization of the third generation at birth was also rejected, by a majority of 51.6 percent. Interestingly, the rollback closely compared to the referendum of 1994: with the exception of the canton of Basel City, all other Swiss-German cantons that had approved a more liberal application of the naturalization law ten years earlier had now switched to the other camp (*NZZ*, September 27, 2004).

There are two explanations for this shift: the parties that had favored it in Parliament (SPS, CVP, and FDP) would not commit when it came to defending facilitated access to citizenship during the campaign. Spellbound by promising polls, they were surprised at how easily and successfully the

SVP, in the last weeks before the voting, was able to mobilize fears of granting valued citizenship to nondeserving young immigrants. The SVP had defined automatic nationality as a devaluation of Swiss citizenship and objected to the weakening of local popular sovereignty that it implied (Kaya 2005). And this time the reform law was not backed by the Federal Department of Justice and Police, which had originally envisioned this change.

Interests and Orientations

As discussed in the previous section, integration has been the object of political contention in Switzerland. In this respect, different comparative studies have confirmed the perseverance of interests and orientations in discourses on migration politics (Brubaker 1992; Hollifield 1992; Ireland 1994). In the case of Switzerland, it has been shown that migration politics is shaped by three major arguments (see Mahnig 1996). The liberal position argues that the free market is the ideal regime of migration regulation. According to this position, migration is not to be prevented or restricted but handled in a fashion similar to the handling of the free trade of capital and goods. Any state intervention is seen, economically, as highly ineffective, unless it is meant to reduce immigration control or adapt immigration rates to business demands.

The internationalist position also takes a critical stand toward national immigration control, but for different reasons. The argument here is based on the proliferation of international human rights calls for global standardization of legal and social equality for individuals. In this view, migration policy is seen as an instrument of social compensation between rich and poor countries.

Finally, the nationalist position seeks to defend Swiss national interests against the interests of immigrants. These interests have economic and labor market dimensions (e.g., protection of certain economic sectors and the local workforce), and they are oriented toward defense of a national identity that seems constantly threatened.

It appears that, at the beginning of the 1990s—through changes due to both internal (comprehensive citizenship reform, prolonged economic crisis) and external (the end of the Cold War, the integration process, changes in naturalization laws all over Europe) factors—government policymakers were forced to redirect their orientation from nationalist-

liberal to more liberal-internationalist (Jacobson 1996; Soysal 1994). Adjustments in the EU, acceptance of dual citizenship, attempts to reform citizenship laws, and protection of cultural rights through the recently created Federal Commission against Racism—these are all indications of this process of adjustment to the new political environment. The clear shift in matters of immigration, citizenship, and cultural rights also represents new challenges for actors that were always present on the Swiss political scene, and it opens for them a new space of contention: the right-wing populist parties, which are discussed in the next section.

The way in which interests and orientations contend on social cohesion and, in particular, the outcomes of these contentions, can only be understood if the Swiss institutional context of policymaking is considered. Three areas are relevant for the study of Switzerland: its federalism and its consociational and direct democracy.

THE SWISS POLICYMAKING PROCESS

In order to understand Swiss policymaking, three distinct features of the national polity have to be taken into consideration: the federal structure of the state, the financial and political autonomy of the municipalities, and the tool of intervention employed in the consociational negotiations of interest groups and in the participation of the people through direct democracy.

Federalism

As mentioned before, it is primarily through the institutions of federalism that Switzerland succeeded in accommodating its cultural and religious diversity. The country is a confederation of 23 cantons, which have a large measure of autonomy in making education, public safety, and taxation policy. According to this principle, the Swiss Parliament functions on two levels: the National Council (*Nationalrat*, which represents the people) and the State Council (*Ständerat*, which represents the cantons). New laws have to pass both chambers, but can be immediately vetoed by a popular referendum with 50,000 signatures.

The mechanisms of decision making in Switzerland are complex. The Swiss population does not elect members of the Federal Council directly, as it does at the cantonal level. That is the prerogative of Parliament, which elects the seven members of the Federal Council for four-year terms. In the

Swiss political system, Parliament cannot vote confidence or no confidence on actions of the Federal Council, which gives the latter a certain amount of autonomy. However, this autonomy is restricted by the two instruments of Swiss direct democracy: the referendum and the popular initiative. The popular initiative gives citizens the right to seek a decision on an amendment they want to integrate into the Constitution. For such an initiative to be organized, the signatures of 100,000 voters must be collected within 18 months. Federal laws are subject to an optional referendum: in this case, a popular ballot is held if the signatures of 50,000 citizens are obtained. Signatures must be collected within 100 days of the publication of a decree. The referendum is similar to a veto. For such a plebiscite to pass, a majority of the popular vote and of the vote of the nine cantons is required. At the cantonal and municipal level, voters can also launch an initiative. Cantonal laws are subject to the optional referendum.

With regard to the admission and integration of migrants, federalism plays an important role in many domains, among them education, which is presented here as a paradigmatic case (religion or political rights could also have been used for this purpose). In Switzerland, the educational system is organized by the cantons, which, as we have seen, want immigrants to adopt cantonal language and culture. During the 1970s, cantonal education systems experienced difficulties in accommodating the different social (and cultural) situations of immigrants, and they could not guarantee equal educational opportunities (Schuh 1987). Problems of school segregation still persist at the curriculum level, even if the federal education authorities (*Schweizerische Erziehungsdirektorenkonferenz*, or EDK) regularly publish recommendations for better integration of immigrant children (Schweizerische Konferenz der kantonalen Erziehungsdirektoren 1972, 1976, 1982, 1985, 1991, 1993, 1995a, 1995b, 2003). Some cantons give more support to immigrant children and promote their integration in school by providing schools more resources and by introducing institutional changes, such as team teaching and an intercultural program that promotes the integration of children with migrant backgrounds (Truniger 2002b).

However, not all cantons implement such recommendations; in fact, several favor discriminatory practices. Differing cantonal responses roughly correspond to linguistic and political cleavages. In German-speaking cantons, one generally observes a tendency to set up specific institutions for immigrant children (the exception here is German-speaking urban cantons

that have the tools to support their schools without enforcing segregation (Truniger 2002a). In contrast, French- and Italian-speaking cantons integrate all children into mainstream institutions.

Switzerland has a highly federalized institutional system characterized by vertical segmentation and horizontal fragmentation. This allows both the federal government and cantonal authorities a high degree of organizational and political autonomy, with special attention given to the cantons. As in the case of voting, the cantons can use their autonomy to experiment with various approaches in migrant-related political fields and to influence federal decision making. The cantonal *Ständerat* makes it necessary for federal authorities to secure the loyalty of the cantons and to make sure that strong cantonal political entrepreneurs do not upset the consensus. Thus, if the cantons hold fast to a change, the federal level has to adapt. However, because the general mood has become anti-immigrant, the example of the autonomous educational system makes it clear that cantons have enough space to maneuver and do not have to share a common approach to immigrant admission and integration.

Municipal Autonomy

Strong trade ties among cities and political fragmentation explain why Switzerland has a relatively solid urban network. Moreover, municipal autonomy is a key factor when it comes to citizenship and, paradoxically, nationhood. As already mentioned, there are three stages in the naturalization process, citizenship of the municipality, then citizenship in the canton, and finally citizenship in the nation.

There is much variety in naturalization at the local level, particularly between the German- and French-speaking cantons. While the French cantons have more formalized procedures, many German cantons hold to the romantic principle of adherence and political participation. The question of who is allowed to apply for citizenship can easily be turned into accusations of preferential treatment and prejudice. Newspaper stories have reported that, in several small towns in the German part of Switzerland, Eastern European or Asian origins have been used as negative markers in granting naturalization (Ehrenzeller and Good 2003; Leuthold and Aeberhard 2002). Therefore, even if the country was founded on the idea of political contract, naturalization is, to a large extent, based on local ethnicity.

Furthermore, since the decision by the Federal Supreme Court on July 9, 2003 (1P.228-2000), which declared unconstitutional public votes on naturalization in certain municipalities, a new debate has emerged on the role of judicial authority in naturalization matters. This is largely a debate between those who favor the rule of law and those who interpret the granting of access to citizenship as a political and sovereign right of the citizenry. The *Ständerat's* Political Institutions Committee argued in favor of the right of municipalities to hold votes on individual naturalization applications; nevertheless, it asked localities to provide a justification for refusing an applicant, even if the decision would have been taken by ballot. For this reason, the Court's action is an indicator of the tension between Supreme Court and conservative parts of the Parliament and between the opportunities and limits of the rule of law and of direct democracy.

Consociational and Direct Democracy

Consociational and direct democracy, two aspects of the Swiss political system, are more important for understanding integration *politics* than for understanding integration *policies*. However, as Hans Mahnig and Andreas Wimmer stated in a lucid article, they are responsible for the high politicization of migration in Switzerland and for the exclusion of migrants from political participation (Mahnig and Wimmer 2003).

Consociational democracy refers to the proportional representation of minorities (linguistic, political, and religious) in federal institutions and the search for compromise between political forces that goes beyond simple majorities (Linder 1998). All members of the government as well as members of the higher administration are chosen in proportion to their party affiliation (the "magic formula") and their linguistic and regional origins. Swiss politics is characterized by a permanent process of compromise building between these groups.

The *consultation procedure* is another important way to influence political decision making. This is the phase in the preparation of legislation when draft acts introduced by the Confederation are evaluated by cantons, political parties, associations, and sometimes other interested groups to ascertain their potential for acceptance and implementation. Persons who are not invited to take part in the consultation procedure can still state their views on a proposal. The views and possible objections of all stakeholders are evaluated for their potential power to veto a reform. The Federal

Council then passes the main points of its proposal on to Parliament. Finally, the council debates the draft legal act in light of the outcome of the consultation.

Direct democracy gives social groups some opportunities to participate directly in the political process through the already mentioned popular initiative and referendum, which are operative at the federal as well as the local level. According to some observers, the instruments of direct democracy created the consociational system because all laws voted in Parliament can be submitted to a referendum; therefore, they need the support of large alliances within the political elite (Neidhart 1970). In the domain of immigrant policy, these two main instruments of Swiss direct democracy have provoked not only the politicization of immigration issues but also the exclusion of immigrants from political participation (Mahnig and Wimmer 2003).

First, because of its long decision-making process, a consociational democracy requires that a compromise be negotiated, which for immigration issues has led to long periods of indecision because the interests involved are too divergent to reach agreement easily. Second, the instruments of direct democracy have forced the political elite to negotiate on “overforeignization” with populist challengers. Immigration policies that had once permitted the various actors to come to agreement on the economic needs of the country became contested and controversial from the 1960s, when radical right-wing populist parties started to gain public support in claiming that Switzerland was becoming “overforeignized” by ever-increasing numbers of immigrants. Using the tools of direct democracy, these xenophobic movements succeeded in vetoing liberal government reforms and put their parties under pressure by launching eight popular initiatives and several referendums asking for a curb on foreigners. Although none of these initiatives passed, they still consistently influence Swiss migration policy and public opinion on immigration by urging the government to make admission more restrictive (Niederberger 2004).

Very recently, one political entrepreneur with a known anti-immigrant agenda successfully entered the federal government through a political campaign focused on the costs of immigration control, security, and restriction: this was the platform of the right-wing populist Swiss Peoples Party (SVP), which had won the biggest share of parliamentary votes in the 2003 general elections. The SVP’s victory upset the traditional

consociational system that since 1959 had seen the even distribution of power among the four leading political parties. Following his election, the leader of the SVP, Christoph Blocher, became Minister of Justice and Police in December 2003, which put him in charge of migration and asylum. Thus far, the government has approved several of the minister's proposals for dealing with illegal migration, undocumented workers, and asylum law abuses, as well as unsatisfactory international cooperation on the issue of readmission of rejected asylum seekers.

Because of the direct character of Swiss democracy, the anti-immigrant political parties that successfully enter (cantonal) governments are in a strategic no-lose situation: through their agenda setting, they may influence parliamentary debate and veto any controversial reform if they do not achieve their goals. Direct democracy has been proven to have a strong impact on political rights: controversial questions can never be restricted to parliament alone. A "behind closed doors" strategy is impossible in Switzerland, however crucial it might be in extending political and social rights to migrants in other parts of Europe (Guiraudon 2000).

CONCLUDING REMARKS

For a long time—from World War II until the late 1990s—the economic needs of the labor market influenced Switzerland's immigrant admission policy without taking integration into account. Admissions during this time were based on a rotation model that fueled the economy with labor without necessarily introducing any integration provisions for the migrants who came to stay. This was because immigrants were not conceived as a potential part of the population. A utilitarian policy seemed to fit best with the need to keep the country free of foreign cultural influences, as was laid down in the alien's law of 1931—a law that reflected the xenophobic spirit of the 1920s.

Since the 1970s, immigrants' length of stay, changing attitudes, and changing expectations, as well as the evolving needs of the economy and the school system, have made a more inclusive Swiss migration policy inevitable. But the alliance between the government, regional economies, and supranational human rights interests (that labored for inclusion of foreign workers through legislative reforms) was continuously forced to deal with a radical, xenophobic movement that, while politically isolated, used the opportunity structures to leverage the government's decision

making through a referendum. This type of policy referendum was generally favored by a minimal welfare state that, until the 1970s, excluded migrants from solidarity networks and thus exposed them to the social risks of returning home.

A paradigm shift occurred in the 1980s, after the oil crisis, when it became clear that many migrants were not returning to their home country and staying in Switzerland. The introduction of unemployment insurance and the inauguration of a larger welfare system also gave protection to labor migrants and introduced them to social citizenship. However, the 1980s were also when the asylum issue emerged as a metaphor for unwanted immigration. The government reacted to this new challenge with a two-tiered approach: first, a new severity on the asylum issue and enforcement of a policy that deterred illegitimate immigration; second, legislative reforms that favored the integration of wanted labor migrants.

The paradigm shift seems to have culminated in the new aliens and asylum law that was very recently passed. Both were always contested by radical right-wing challengers and thus had to go through the referendum process.

Federalism, municipal autonomy, and consociational and direct democracy offer a framework within which many actors and stakeholders attempt to influence policymaking. This is a form of multilevel governance that for a long time has prevented Switzerland from matching its immigration policy to European standards of inclusive social rights (and to its new economic needs). Still, in recent years Switzerland's guiding principles have been converging with those of its important European partners. The obvious points of similarity in immigration and migration policy between Switzerland and the EU since the signing of the Bilateral Agreement will no doubt become more numerous in the future. Still, the specter of "overforeignization" will probably prevent Switzerland (at least at the federal level) from adopting the liberal citizenship policy shared by its European partners. Switzerland's cultural inhibitions are too strong for it to open its symbolically highly valued citizenship institutions to "undeserving" immigrants. Who is to say, however, that in the evolution of human things latecomers will not one day become one-time European forerunners, especially in the volatile field of migration and citizenship?

NOTES

1. The cultural minority who speak different dialects of this Romance language consists of around 50,000 people who live in the canton of Graubünden in the eastern part of Switzerland.
2. Indeed, migration and integration policies are matters of cantonal sovereignty to a certain degree.

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