Switzerland and the Facilitated Naturalization of “Third-Generation Foreigners”

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Switzerland is currently changing its naturalization policies. On 1 January 2018 a new federal citizenship law pertaining to the ordinary naturalization of resident aliens entered into force. Also, from January through March 2018 the 26 cantons of the Swiss Confederation are required to adjust their cantonal legal systems so as to implement a number of additional rules that concern so-called “third-generation foreigners” and that were previously approved in a Swiss national referendum in February 2017. These third-generation aliens are basically foreign youths, who were born on Swiss soil, whose foreign parents were also born in Switzerland or spent most of their life there, and whose foreign grandparents arrived from abroad as first-generation immigrants.

The topical issue linking foreignness, national citizenship and naturalization is highly sensitive and constantly debated in the Swiss media and in the political arena. A few weeks ago, Swiss parliamentarian Ada Marra (from the Canton of Vaud) shared her personal experience and reflections on notions of Swisshood through an essay that has been published under the revealing title Tu parles bien français pour une italienne! (You speak French well for an Italian!), and that has revived discussions about national identification and the Swiss passport.¹

Up to last year, the specific category of the “étrangers de la troisième génération” (third-generation foreigners) had to go through cumbersome procedures of naturalization—procedures that in several Swiss cantons did not differentiate between generations and the migratory history of individuals, as far as requirements and administrative paths were concerned. For instance, one could mention the Swiss-German Cantons of Uri and Obwald: until last December, in these two parts of the country the aliens under study had to follow the same bureaucratic and naturalizing track of foreigners coming from abroad and living in Switzerland for at least twelve years (the minimum residence requirement to naturalize until 2017). So, in some parts of the country foreign-born children who never migrated from overseas were put in the same legal basket as all the other foreigners, no matter the applicant’s generation and the absence of a migratory life.² As a result, the naturalization regime vis-à-vis these aliens involved demanding prerequisites for all candidates, as well as the discretionary combined power of the Swiss authorities at the federal, cantonal and communal levels.³

The situation is currently changing, thanks to the already-mentioned referendum of February 2017. Focusing on the contemporary Swiss case, the paper first provides details on this national consultation and on the polling results, as they have led to the nationwide introduction of the naturalization reform these days (Part One). Subsequently, the paper discusses notions of foreignness, integration and Swiss citizenship, by drawing directly upon the institutional debates that accompanied the naturalization bill and that are still relevant at present (Part Two). Based on a variety of primary sources, the article is further enriched with related academic scholarship taken from the multi-disciplinary field of Citizenship Studies. The overall objective is to highlight the contested and disputed concepts of naturalization, citizenship and identity in the Swiss case, and to reflect upon the interrelated notions of Swisshood, Swiss nationality and Swiss nation-state in contemporary and historical perspectives.⁴
Part One. The 2017 referendum on facilitated naturalization

On 12 February 2017 Switzerland accepted a constitutional provision allowing the facilitated naturalization of its foreigners belonging to the third generation. This took place through a referendum where the constitutional bill was submitted to the Swiss people and to the 26 cantons, in line with the country’s sui generis democratic system. The electoral results were clear: as regards the Swiss population, 60.4% of the valid votes were cast in favor of the project (more precisely, 1'499'627 votes said “Yes”); whereas 39.6% were cast against it (that is 982'844 votes said “No”). As per the 26 cantons, 19 of them voted in favor; 7 voted against.

Accordingly, young foreigners—concerned by this freshly approved policy—will be able to acquire Swiss citizenship via a uniform administrative process that is simpler, shorter and less expensive than before, but not involving any automatic application of the jus soli principle at birth. In fact the alien who wishes to become Swiss has to ask for Swiss nationality, and in case of minority age his/her parents will have to do it. Also, the submission of a file of facilitated naturalization can be done only under the following, combined and strict, conditions regarding the naturalizing candidate, the parents and the grandparents: the naturalizing candidate must not be older than 25 years of age (to make sure that the male applicant does not evade mandatory military service), was born on Swiss soil, has at least 5 years of compulsory schooling in Switzerland, and holds a residence permit; at least one parent has to have lived in Switzerland for 10 years minimum, followed 5 years of compulsory Swiss education, and have a residence permit; finally, one grandparent was either born, or legally resident, in the country.

In practical terms these new norms touch upon youths between 9 and 25 years of age—an heterogeneous group of some 24'650 foreign children and young adults, the majority of whom holds Italian nationality, whereas the rest includes smaller percentages of nationals from Turkey, Spain, Portugal and former Yugoslavia (especially Kosovo, Macedonia and Serbia). Also, this naturalization policy does not affect the second generations, but only the status of third-generation aliens: once naturalized, the latter become Swiss citizens as all the other Swiss, holding a national citizenship that—due to its three-tiered structure—is made by a sui generis unity of municipal, cantonal and federal citizenship(s), with each component having practical significance. As former foreigners and new Swiss nationals, they certainly contribute to rejuvenating the Swiss population and also to increasing the number of dual citizens (or citizens holding multiple nationalities) in Switzerland—adding a further layer of complexity to notions of “difference” between members and nonmembers (i.e. the Swiss versus the foreigner) and of “resemblance” within members (i.e. the “Suisse de souche” / “the native born Swiss” alongside the “Suisse par naturalisation” / “the naturalized Swiss”).

Part Two. Becoming Swiss: Discussing foreigners’ integration and acquisition of national citizenship

As we saw from the electoral results of the 2017 referendum, the accelerated naturalization of the third-generation did not attract unanimity. A significant number of voices were actually against it, even though eventually the reform was endorsed nationwide. The existence of a majority in favor of the issue in conjunction with a significant number of opposing views demonstrates the highly sensitive nature of the questions under discussion: Who is a foreigner? And who should become a Swiss citizen? Also, the fact that the positive results of February 2017 came after repetitive rejections of similar reform bills on naturalization—as in 1983, 1994 and 2004—points to disagreements and confrontations around concepts of integration, identity and citizenship in multilingual, multicultural and multi-confessional Switzerland. Indeed, these complex concepts continue inspiring the debates nowadays and adding food for thought on what it means “to be Swiss”. By selecting a number of official voices within the political arena, and by reviewing some of the major arguments about the naturalization of the third generations, this section offers insights on the complex and many-sided delineation of alienhood,
membership and non-membership in the Swiss case. This will be done by highlighting two major themes: a) the integration of third-generation foreigners within the country; b) Specificity of Swiss citizenship through the lens of “Cantonalism” (i.e. the importance of cantons and of cantonal patriotic attachment).

a) Integration of third-generation foreigners

In recent institutional discussions, two major trends have emerged about the issue of “integration” of the third generations in Switzerland. On the one side, one can hear the political representatives who are in favor of facilitated naturalization—mainly left-wing and center-left officials—as in their opinion “these aliens by law but “Swiss de facto” are fully integrated within the country. So, this part of Swiss officialdom supports the liberalization of the traditionally restricted Swiss naturalization regime, thinking of citizenship as an “instrument of inclusion”. On the other side, one hears the opposing view of those who are against a simplified naturalization practice—mainly right-wing and center-right political delegates—as doubts are actually cast upon the “integration” and the “de facto Swisshood” of resident foreigners, conceiving citizenship as something that is “deserved”, and seeing it as an “instrument of exclusion” by making its access more selective. The first large grouping holds a liberal view and perceives the integrated alien as a lively force contributing to the national interest and having a place in Swiss society. By contrast, the second group embraces a protectionist vision in order to “defend” Switzerland from foreigners who are sensed as “menaces” from a demographic perspective (i.e. overpopulation), economically (i.e. poaching jobs from native workers), socially (i.e. the risk of straining the welfare state), and culturally (i.e. undermining Swiss values and mores).

A number of topical arguments, upheld in recent years, can elucidate these opposing outlooks. As underlined by the Swiss federal executive (the Conseil fédéral) in defending the facilitated naturalization bill, third-generation aliens are “perfectly” integrated in Switzerland; born on Swiss soil, they participate in society and are active within associations “exactly as the young Swiss”; also, “their homeland is here” and their bonds and ties with Switzerland are much stronger than the ones they have with the country of origin of their grandparents. “Perfectly integrated”, the foreigners of the third generation are in effect “foreigner” (foreigner) is not appropriate, argues the Green Party’s Deputy Lisa Mazzone (Canton of Geneva): after all, “the memories, personal relations and schooling” of these youths, and their families, are “anchored” in Swiss cities and villages, from French-speaking Genève to German-speaking Sankt Margrethens. So, not really foreigners, they have a right to Swiss citizenship on the basis of a “presumption of integration”; in other words, the conditions of “being integrated”, necessary to naturalize, are assumed in their cases, remarks the liberal-radical MP Isabelle Moret (Canton of Vaud) at the federal low Chamber, but such presumption occurs only in the presence of three combined “situations of attachment” to Switzerland, linking the children, the parents and the grandparents to the country in different ways (i.e. birth, schooling, residence permit, immigration…). With these cumulative circumstances, the foreigners under discussion no longer have to “prove” that they are integrated—for instance, via oral or written language tests; for them, the “proof” is actually reversed, notes the already-mentioned Swiss Socialist Deputy Marra, because it will be up to the municipality or to the canton, opposing a naturalization application, to demonstrate the non-integration of the alien.

Not all official representatives, though, are convinced that a child born in Switzerland, and who could claim an immigrant grandparent, should be considered as “a case of presumed integration”, or as “being more integrated than the second generations”. Yves Nidegger (Canton of Geneva), a lawyer and parliamentarian of the extreme right-wing Swiss People’s Party, has been most vocal in raising reservations on the whole notion of assumed integration. On one occasion he mentioned the hypothetical case of a family, composed of the following members: a relatively young immigrant grandparent (40 years of age), migrating to Switzerland from a country “whose culture is very different from the Swiss
one”, and who might not have learned any of Switzerland’s national languages; a daughter (i.e. the mother of the naturalizing applicant) giving birth relatively early, at the age of 18-20; and a child born on Swiss soil, but within a household environment, implicitly alluded to, that would make one cast doubts about any presumed integration of the kid into the host society. Also, as a response to the opinion of left-wing Deputy Marra, he reiterated his skepticism towards “the assumed good integration” of third-generation aliens, stating one of his major arguments: in Switzerland “la nationalité s’hérite ou se mérite”; put simply, Swiss nationality is inherited via jus sanguinis from Swiss parents, or the person must deserve it through a successful process of ordinary naturalization and of tested integration. Moreover, as Roberta Pantani, a representative of the right-wing League of Ticinesi (Canton of Ticino), argued, the second generations already enjoyed some forms of eased naturalization in a majority of cantons, therefore there would be no need to introduce a provision for the facilitated naturalization of the third generations, questioning the equation that third-generation children deserve Swiss citizenship because they are “more integrated” than their parents—“an equation that cannot be taken for granted”. And finally, within the context of the 2017 referendum, one should underline that a controversial poster campaign added a further aspect to this animated debate: the stigmatization and politicization of fears and perceptions about particular aliens of the third generation, and of their religious affiliation. The campaign against facilitated naturalization was in fact accompanied by the “menacing image” of a woman wearing the burqa—a controversial poster that could be seen on the streets across Switzerland and that, in the minds and speeches of the far-right proponents, symbolized “insufficient integration”. By playing the anti-Muslim card, the campaign warned against “uncontrolled mass naturalizations”, emphasizing that the capacity of Switzerland to integrate its foreigners as a host country was overwhelmed due to mass immigration and to thousands of naturalizations submitted each year. Through the stigmatization of young Muslims, and of the “threat” they are supposed to represent to Swiss identity and culture, the Swiss People’s Party attempted to portray the societal dangers of liberal citizenship policies, to warn of the depreciation of Swiss citizenship, and to maintain that people who were born and have grown up on Swiss soil were not necessarily integrated enough to become Swiss.

On account of these opposed outlooks, it is clear that the complex notion of integration is highly contested, and that Swisshood and foreignness, membership and non-membership, have different and disputed contours. The title of the published essay by Marra, cited at the beginning of this article, indicates in a mordant way that the content and contours of Swiss national identification defy and complicate any unilateral definition.

b) Specificity of Swiss citizenship through the lens of “Cantonalism”

A related aspect emerging from the institutional debates on aliens of the third generation is directly connected to Switzerland’s federalism and to the importance of cantons and municipalities in the sphere of naturalization and nationality matters. To take but one example it is sufficient to give the microphone to the already-mentioned parliamentarian Moret from the Canton of Vaud. As she emphasized at the federal low Chamber, the commission, of which she was a member, inserted in the bill under discussion the right of the cantons to be heard within the procedures of facilitated naturalization—a right that was also underlined in a subsequent communication of the Swiss executive. Also, in responding to Nidegger’s skepticism, explained in the previous section of the paper, Moret stressed the prerogative of the cantonal authorities to prove the non-integration of the applicant, adding that the cantons could even require the municipalities to be heard, and that there existed a right of appeal for both the canton of residence and the township against a decision to grant Swiss citizenship. Finally, as a way to honor Swiss federalism and Swiss distinct citizenship regime, she stated that the project under discussion would not touch upon the second generations at all, and that the Swiss cantons that already had special facilitated procedures for second-generation aliens would continue applying them as well.
The 26 cantons and some 2,800 municipalities—that is subnational units—play a primary role in the naturalization process; and historically, they have always had large discretionary powers in deciding which foreigners can become Swiss, under which conditions, and when. For instance, in the domain of ordinary naturalization, the Federal State sets only minimum standards, whereas cantonal and municipal entities impose additional requirements with regard to cantonal residence and knowledge of language, as well as having an unusual degree of decision-making power compared to other European traditions. Distribution of competences within the naturalization regime clearly reflects Swiss federalism which, as a political system, attributes sovereignty to various institutional levels. Furthermore, as Didier Froidevaux has emphasized, the importance of the three layers—federal, cantonal and communal—in the areas of nationality and naturalization points directly to the sui generis territorial-historical construction of Switzerland, in comparison with neighboring countries: in fact the Swiss Confederation was not born through annexation or incorporation but on the basis of an aggregation of sovereign political entities (the cantons) which in 1848 would become the constituent parts of the modern Swiss Federal State.

Finally, it is important to add that the far-reaching decentralization of political authority—with the essence of political power resting with the cantonal authorities—was an institutional compromise, taking place in 1848 between the mainly Protestant liberal territories (victorious of the short civil war of 1847) and the Catholic conservative areas (defeated militarily by the liberal cantons). This 1848 compromise was basically epitomized by the new Federal Constitution which guaranteed a whole range of civil liberties, such as the right to reside wherever one wished, freedom of association, and equality before the law, while at the same time making noteworthy provisions to maintain cantonal sovereignty and a high level of devolution within the federal structure. Liberalism and Catholic conservatism—that is the victorious majority and the vanquished minority—successfully made concessions so as to find the middle ground.

These political and historical factors explain why the cantonal communities continue to represent real homelands for the Swiss of today and why “Cantonalism” is a defining aspect of both Swiss federalism and Swiss citizenship. Foreigners naturalizing in the Canton of Geneva, for example, including aliens of the third generation discussed in this paper, acquire “la nationalité suisse et genevoise” (Swiss and Genevan nationality)—the canton of origin being clearly mentioned on the Swiss passport.

Conclusion

“Die Schweiz muss ihre Kinder anerkennen / La Suisse doit reconnaître ses enfants / La Svizzera deve riconoscere i propri figli”: “Switzerland has to recognize its children” was the incisive title of the parliamentary initiative that finally led to the 2017 referendum and to the national approval of the naturalization reform. Ruminating over notions of alienhood and citizenship, Switzerland has finally come to recognize its children—or at least some of them. The story though is not about to end here because intense debates over naturalization policies are likely to continue in the years ahead, in Switzerland as in many other advanced industrialized countries, due to today’s immigration flows and to large groups of already-settled migrants who are “here to stay”.

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In this article we use the terms “citizenship” and “nationality” as synonyms, although many variations can occur historically and linguistically, depending on the country and on the national tradition under discussion. Switzerland is a particularly interesting and complex case in this respect because variants exist within the country due to its four national languages (i.e. German, French, Italian and Romansch). In fact, owing to Swiss multi-linguism, one finds the following official terms across Switzerland: in the German-speaking part of the country, Bürgerrecht (citizenship) is the word used, and this refers to memberships at the municipal, cantonal and state levels (i.e. Gemeindebürgerrecht, Kantonsbürgerrecht, Staatsbürgerrecht); in the French-speaking part, one finds the expression droit de cité for citizens at the municipal level as well as nationalité and/or citoyenneté for the cantonal and state levels; in the Italian-speaking part, the usual words are attinenza comunale at the municipal level and cittadinanza for the cantonal and state levels; and for the Romansch language, burgais (citizen) is the translated term in official documents at the municipal, cantonal and federal levels (i.e. burgais communal, burgais chantunal and burgais swizer). See Achermann et al., Switzerland: Country Report, pp. 1-2; the citizenship regulation of the Republic and Canton of Ticino, Regolamento della legge sulla cittadinanza ticinese e sull’attinenza comunale (13 December 2017), available online at https://www3.ti.ch/CAN/RLeggi/public/index.php/raccolta-leggi/index (last accessed 4 January 2018); and the federal citizenship decree in the Romansch language, Lescha federala davart il dretg da burgais swizer (20 June 2014), available from the website of the Swiss Confederation, Bern, at https://www.admin.ch/opc/rm/classified-compilation/19520208/index.html#fn1 (last accessed 4 January 2018).

Statistics and nationalities are taken from pp. 3-4 and pp. 26-27.

The three-tiered structure of Swiss nationality goes back to 1848 when the first Constitution of the modern Swiss Confederation specified that citizens of a canton, who were at the same time citizens of a local municipality, were Swiss citizens as well. This three-tiered system is a specificity of the Swiss case, well emphasized in the scholarship. See the historical account of Regula Argast, “An Unholy Alliance: Swiss Citizenship between Local Legal Tradition, Federal Laissez-Faire, and Ethno-National Rejection of Foreigners, 1848-1933,” European Review of History - Revue européenne d'histoire 16, 4 (2009), pp. 503-521, at pp. 503-504; as well as the political science analysis of Jens Hainmueller and Dominik Hangartner, “Who Gets a Swiss Passport? A Natural Experiment in Immigrant Discrimination,” American Political Science Review 103, 1 (2009), pp. 73-87.


11 References to citizenship as a tool of inclusion and exclusion can also be found in Achermann et al., Switzerland: Country Report.


13 See this argument in Confédération suisse, Votation populaire du 12 février 2017, p. 10.


15 See her speech at the Conférence de presse: Oui à la naturalisation facilitée des étrangers de la troisième génération, 22 November 2016, in La Suisse doit reconnaître ses enfants, p.79.

16 Isabelle Moret, in Bulletin officiel, Conseil national, Session de printemps 2015, huitième séance, p. 3.

17 See this point in Marra’s newspaper article, “‘Pour que la Suisse reconnaissse ses propres enfants’: Oui à la naturalisation facilitée de la troisième génération,” Le Temps, 23 December 2016, pp. 1-2.

18 See Yves Nidegger’s speech, in Bulletin officiel, Conseil national, Session de printemps 2015, huitième séance, p. 3.

19 See this assertion in Nidegger’s newspaper article, “‘En Suisse, la nationalité s’hérite ou se mérite’: Non à la naturalisation facilitée de la troisième génération,” Le Temps, 23 December 2016, pp. 1-2.

20 Roberta Pantani, in Bulletin officiel, Conseil national, Session d’automne 2016, deuxième séance, p. 5.

21 See the Press Release of 9 January 2017 and the “menacing image” of the Muslim woman, reprinted in La Suisse doit reconnaître ses enfants, pp. 80-82.

22 Marra, Tu parles bien français pour une italienne!

23 Deputy Moret, in Bulletin officiel, Conseil national, Session de printemps 2015, huitième séance, p. 3.

24 Ibid., p. 4.

25 Ibid., p. 3.


27 Ibid.


exemple de fédéralisme sans fondements ethniques,” in Janusz Slugocki, ed., Regionalism in Europe: Traditions and New Trends (Bydgoszcz/Poland and Geneva: European Centre for Regional and Ethnic Studies, 1993), pp. 228-236. As Saint-Ouen reminds us, today’s Switzerland is a federation although the official term in use is “Swiss Confederation”, in reference to the past Confoederatio Helvetica (CH).


31 See the parliamentary documentation La Suisse doit reconnaître ses enfants.