

TIPS FOR FOREIGNERS

If you are a foreigner or do not look like a "typical Swiss", you will have more problems with the police. This is especially true if you are a foreigner and you are in Switzerland with tourist status or with a temporary or conditional residence permit (e.g. asylum).

Never forget: You have rights too! You can also defend yourself!

Most of the measures that the Foreigner Police (or others) can impose on you are administrative measures, not criminal ones. You always have the possibility to appeal against such measures. Appeals usually have a suspensive effect, i.e. the measures are not valid until your appeal has been decided in court. However, recently appeals have been withdrawn in advance, so you should also file a request for restoration of the suspensive effect. Seek advice from lawyers.

Rayon ban

This means that the foreigner police can forbid you to enter a certain area (train station, city, etc.) or to leave a certain area (e.g. canton of Bern). The condition is that you disturb or endanger the "public security and order". If you then violate such a legally binding order, you can get a report for violation of this exclusion. However, a zone ban (exclusion or confinement) is only legally binding if the order has been issued to you personally and in writing and you have not filed a complaint against it. Therefore also here: File an appeal (and request for restoration of the suspensive effect)!

Time limit for departure

If you are given a deadline to leave Switzerland, i.e. you have to leave Switzerland by a certain date, you have to act quickly. File an appeal - this has partially a suspensive effect, i.e. the departure deadline is postponed due to legal clarifications of your case. Recently, many appeals have been withdrawn the suspensive effect. In these cases, the deadline for leaving the country continues to run despite the complaint. After the expiration of the departure deadline, you are staying illegally in Switzerland (although your complaint is still being processed). Therefore: File a request for restoration of the suspensive effect of your complaint.

Deportation

Detention pending deportation is only permissible if the deadline for leaving the country has not been met and/or if you do not cooperate in obtaining papers, i.e. if you do not keep the appointments with the authorities to obtain papers.

Even in deportation custody you have legal remedies! You can appeal against the deportation detention to the Federal Supreme Court! After 30 days you can apply for release from detention at the detention court.

Important: The police and the authorities may only deport you to your home country, but not to another country!

If you leave Switzerland before the expiry of the departure period, you may also leave for another country than your home country or choose your own travel route.

Entry ban

If you violate the local legal system, the foreigner police can impose an entry ban on you. You are not allowed to enter Switzerland for a certain period of time. The entry ban lasts for 2

years or more.

You must be notified in writing of the entry ban and any departure deadline, otherwise it is not valid. So if you are simply put at the border by the police without them giving you anything in writing, the entry ban is not yet valid.

You can appeal against the entry ban. Contact a lawyer.

In most cases, the suspensive effect is withdrawn from these complaints, i.e. the entry ban does not only apply when a decision has been made on the complaint, but immediately after receipt of the notification from the FrePo. Therefore, file a request for the restoration of the suspensive effect at the same time as the complaint. Outside of Switzerland, it is usually difficult to follow the success or failure of your appeal.

Language problems

It is your basic right to consult a translator when you have contact with the police, foreigner police and other authorities. It is therefore highly recommended that you make use of this right.

German is in any case a foreign language and it is not possible to understand all details and subtleties. If you are asked to sign a protocol, insist on a translation into a language you understand well (you are not obliged to sign protocols).

If you decide to make statements, remember the following:

During questioning, make sure that your statements are recorded correctly (e.g. statements made by police officers are not your own statements).

Read the protocol carefully before signing it. However, you are not obliged to sign the minutes.

In spite of these tips, we generally recommend refusing to testify! Because:

Most judgments are based much more on statements / confessions than on evidence. Without evidence and / or confessions, respectively statements from you or from others, they cannot do much.

If you make statements during the interrogation because you are suffering from withdrawal or are under shock, demand that your condition (withdrawal, shock etc.) is recorded in the protocol!

Witnesses

Witnesses are obliged to make statements unless they have a right to refuse to testify (relatives, self-incrimination, professional secrecy, etc.).

Witnesses who are younger than 15 years of age must be questioned by appropriate authorities (see also children and adolescents).

If the police sends you an invitation to give information about a certain matter or incident, you are not obliged to go.

If the police sends you a witness summons (usually by registered mail), you must go.

Railroad station / railroad police

Many things are forbidden in train stations (see also the prohibition sign). This must be enforced by the railroad police. They are allowed to check your ID, arrest you temporarily or hand you over to the police. However, the railroad police is only responsible for station areas.

Protectas: are allowed to enforce the house rules.

There is the possibility of a station ban (but only in the SBB part). This must be communicated to you in writing by the SBB.

If you have a valid ticket (train ticket, Bäre-Abi, GA) there is no reason to send you out of the station (except in case of violation of the station regulations).

Children, teenagers

Children (7 - 15 years) and adolescents (15 - 18 years) also have the right to refuse to testify.

The explanations in this brochure also apply to children and adolescents. Here what is specific:

Police in uniform may be used to question and present children and adolescents only in exceptional cases; in principle, the organs of juvenile courts should perform the necessary official acts and questioning. You can demand to be questioned and clarified not by the uniformed police, but by the appropriate special authorities.

Police investigations and clarifications require the authorization of the juvenile court, which must be granted in advance and can only be obtained subsequently in urgent cases.

Arrest is allowed only in very rare exceptions. You must be taken to a clinic or a home, not to an ordinary subjugation or police prison. If this is not done according to the rules, it is strongly recommended to consult a lawyer so that these procedural errors can be corrected.