

PUBLIC POLICY BLOG

The public policy blog is based on contributions from students enrolled in the seminar “Understanding Public Policy”, offered by Prof. Philipp Thaler, Ph.D. at the University of St.Gallen in the autumn semester 2020.

Swiss Migration Policy: A Neverending Story?

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Executive Summary

The recent developments in Swiss migration policy demonstrate that policy processes have an ongoing and continuous nature. The adoption of the initiative "against mass immigration" in 2014 aimed at providing a solution to unregulated immigration in Switzerland. However, it left important questions unresolved. The critically evaluated implementation of article 121 "Legislation in the area of foreigners and asylum" was in turn the beginning of a new policy and led the Swiss People's Party (SVP) to launch the initiative "for a moderate immigration" in 2020 to address these newly emerged questions.

Background

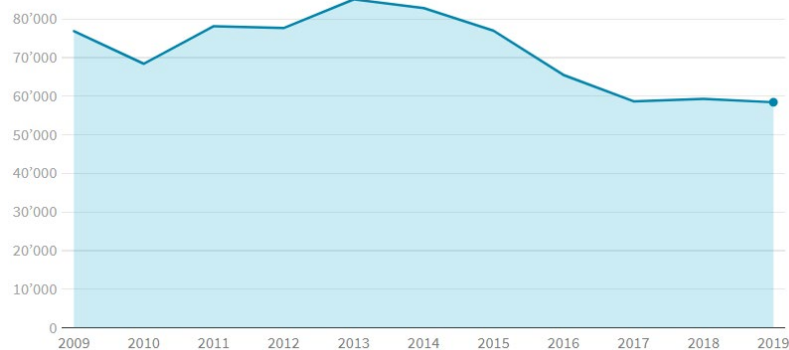
On 27 September 2020, the Swiss electorate decided by a clear majority against the adoption of the initiative "for a moderate immigration". In case of an acceptance, the Swiss government would have had to renegotiate with the EU the agreement on the free movement of persons (AFMP) within one year. If then the negotiations had failed, Switzerland would have had to withdraw unilaterally from the agreement.

But why had a referendum on this issue been held in the first place? Migration policy has a long history in Switzerland. The last hot debate took place on the initiative "against mass immigration" in 2014. Swiss citizens were to decide whether Switzerland should set a quota with a maximum number of immigrants. In addition, all international treaties that prevent the introduction of quotas should be renegotiated within 3 years. This included the AFMP, which is a part of the seven bilateral agreements between Switzerland and the EU. The initiative was narrowly accepted, but the treaties were not successfully renegotiated as the EU relied on the guillotine clause, which ensures that only compliance with the entire bilateral package is an advantage for both parties. A renegotiation of a single agreement was therefore not desired.

But why was the accepted 2014 initiative politically unfeasible and immediately led to a new initiative in 2020?

Expectations and output

The popular initiative "against mass immigration" was launched by the SVP. Its key points are based on the fact that the proportion of foreigners in Switzerland is 25.1% and rising. Throughout the past decade, between 58,000 and 85,000 more people immigrated to Switzerland each year than emigrated. In its reasoning, the party explained that if immigration keeps being unregulated, Switzerland will have over 10 million inhabitants by 2035. It also raised the question what this would mean for the infrastructure of Switzerland in the future. The SVP argued that current immigration is neither culturally nor quantitatively manageable for the country.



Graph: Net migration to Switzerland (immigration minus emigration).
Source: Tagesanzeiger, "So entwickelt sich die Zuwanderung in die Schweiz", 11 February 2020. [Link](#).

To counteract this problem, the party suggested a solution that foresaw an adaption of the Swiss constitution to include article 121 "Legislation in the area of foreigners and asylum", with three main obligations:

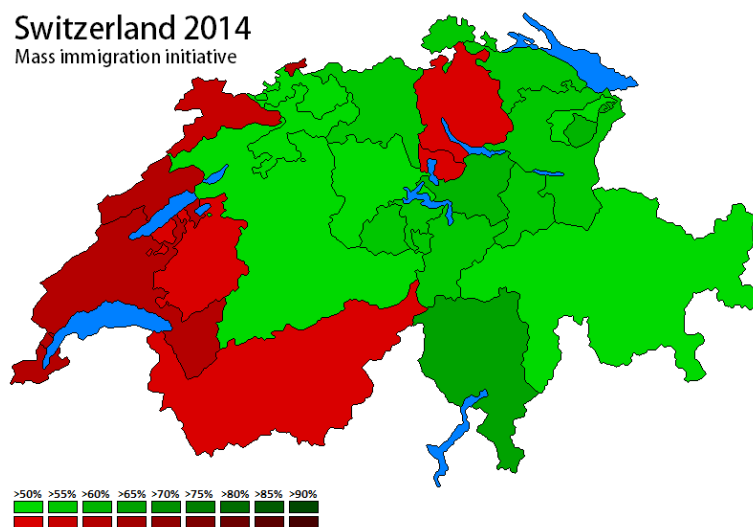
- The annual maximum numbers and quotas for employed foreign nationals must be based on the overall economic interests of Switzerland. For this purpose, domestic companies consider the priority given to Swiss nationals when hiring new employees.
- No international treaties that violate this article may be concluded.
- International treaties contrary to Article 121 shall be renegotiated and adapted within three years of their adoption by the people and the Cantons.

According to the SVP, these measures would counteract Switzerland's alleged overpopulation. The prioritization of Swiss nationals in the domestic labor market would stabilize the unemployment rate.

In Switzerland, a proposal for a partial revision of the constitution must be accepted in a popular voting. For this, the SVP had to collect 100,000 signatures of supporters within 18 months. Of the parties represented in the federal parliament, only the SVP supported the initiative. All other parties as well as the National Council, the Council of States and the Federal Council recommended a rejection.

The main criticism was that in order to fully implement the proposed law, the AFMP would have to be renegotiated within three years. In the bilateral agreements there is a guillotine clause that says that all bilateral treaties will be terminated, even if only one treaty of this negotiated package is withdrawn. Thus, a restriction or cancellation of the freedom of movement of EU citizens in Switzerland and vice versa would have the termination of the entire bilateral package as a consequence. According to the opponents of the initiative, this would have the potential to severely damage the bilateral relations with the EU, which is also Switzerland's most important trading partner. Accepting the initiative would thus endanger the country's economic stability.

On the day of the referendum, the initiative was accepted by a narrow majority of the people and Cantons. The result mandated the Swiss government to renegotiate the AFMP in order to implement quotas. However, the negotiations with the EU were not successful, because only the whole bilateral package in its completeness is considered by the EU as beneficial for both parties. Ultimately, only a light version of the initiative was implemented, which provides that in some economic sectors companies should give preference to Swiss citizens.



Graph: Election results of Switzerland's 2014 referendum on the "mass immigration initiative". Source: Worlddelections. [Link](#).

Policy evaluation as a new beginning

The SVP criticized the implementation of the initiative, arguing that it did not respect the will of the Swiss people. The political opponents considered this implementation as a good political compromise that ensured the continuation of the bilateral path with the EU.

What is the consequence? The SVP realized that the outcome of the initiative did not correlate with its original intentions. This gap was the beginning of a new policy. In September 2020, a vote was taken on the federal popular initiative "for a moderate immigration". If adopted, this initiative directly demanded the renegotiation of the AFMP with the EU within one year. In the event of failure to reach consensus, Switzerland would be obliged to withdraw unilaterally from the agreement. Compared to the previous initiative, the SVP avoided the new demands such as the introduction of migration quotas, in an attempt to avoid renewed problems with

the bilateral agreements. Nevertheless, despite these modifications the initiative was rejected by a clear majority.

The case of the Swiss migration policy shows that policy-making goes through different stages. After the SVP put the alleged problem of unregulated immigration on the political agenda it proposed a solution. Following the formulation of changes to the migration law, a referendum in 2014 endorsed the new ideas. Throughout 3 years of policy implementation, however, the Swiss government was not capable to fully turn the outcome of the referendum into law. While an assessment of the implementation performance is ultimately subject to the eye of the beholder, the SVP was clearly dissatisfied with the outcome. Consequently, for the party the evaluation of the existing policy was the first step towards a new problem definition. The new initiative went through the same process of agenda-setting, policy formulation and voting; yet this time the SVP could not win the referendum.

What comes next? It is difficult to assume that the issue of immigration is simply off the table. So far, Swiss migration policy has shown that policy-making is a continuous process, where the identification of new problems leads to the formulation of new policy solutions, on which the Swiss people can decide in the future. The series of changes to Swiss migration policy will unlikely come to an end.