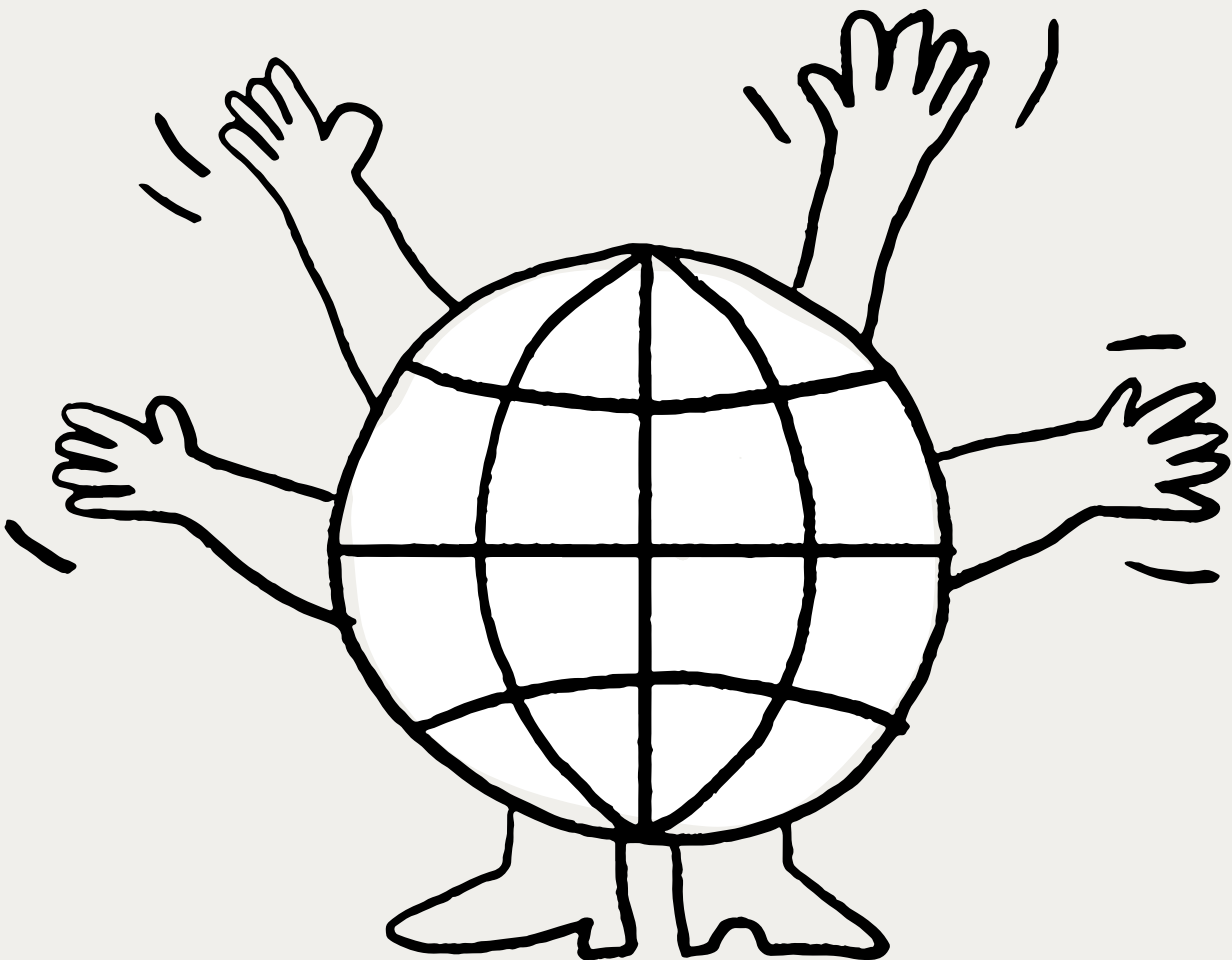

04 Foreign workforce

Are you looking to hire someone from abroad, or are you of foreign nationality and want to set up your business in Geneva?

This chapter explains the rules currently in effect, and the authorisation procedures you need to follow.



Contents

P.63 **01. Hiring people from abroad and obtaining a work permit**

P.64 **02. List of different types of work and/or residence permits – EU/EFTA**

Work and residence permits - long term - B permit

Work and residence permits - short term - L permit

Other types of work and residence permits - C, Ci and G permits

P.66 **03. List of different types of work and/or residence permits – Third countries**

Work and residence permits - long term - B permit

Work and residence permits - short term - L permit

Other types of work and residence permits - C, Ci, N, F and G permits

P.68 **04. EU/EFTA businesses and workforce**

4.1 Agreement on the Free Movement of Persons

4.2 Cross-border workforce - G permit applications

4.3 People residing in Switzerland - B and L permit applications

4.4 People seconded by foreign companies

4.4.1 Service of less than 90 days (notification procedure)

4.4.2 Service of more than 90 days

P.73 **05. Workers outside the European Union (third countries)**

Contents

P.75 **06. Being self-employed as a foreign national**

6.1 From the EU/EFTA

6.2 Other States

P.76 **Useful addresses**

01. Hiring people from abroad and obtaining a work permit

People of foreign nationality can only engage in paid activity if they are authorised to work in Switzerland. It should be noted that when someone of foreign nationality sets up a Swiss company, this does not exempt them from the obligation to obtain a work permit.

Bilateral agreements, and namely the Agreement on the Free Movement of Persons (AFMP), have made procedures for European Union (EU) citizens significantly easier. The same rules apply to those from European Free Trade Association (EFTA) countries.

This chapter is subdivided into two parts: the first part looks at the procedure for citizens from EU/EFTA member countries; the second part looks at the procedure for those from countries outside the EU/ EFTA, known as third countries.

Below is a list of countries in the European Union (EU-27), the European Free Trade Association (EFTA), and third countries:

EU-27 and EFTA

Austria, Belgium, Bulgaria, Cyprus, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Norway, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.

For nationals from these countries, there is complete free movement, with the exception of a B permit quota for Croatian nationals.

Third countries:

All other countries in the international community.

Note on Brexit: Since 1 January 2021, the Agreement on the Free Movement of Persons (AFMP) between Switzerland and the EU no longer applies to relations between Switzerland and the United Kingdom. Nationals of the UK are no longer considered as EU/EFTA nationals, but as third country nationals.

02. List of different types of work and/or residence permits – EU/EFTA

B permit

Work and residence permits – Long term

Type	Criteria	Duration
B permit Long-term work permit	Forward the form and requested documents to the Foreign Labour Force Department at the Cantonal Office for Population and Migration (OCPM) as soon as employment has been arranged.	Renewable until permit is granted to take up permanent residence (C permit) after 10 years (or 5 years for USA and Canada).

L permit

Work and residence permits – Short term

Type	Criteria	Duration
L permit Short-term permit	Forward the form and requested documents to the Foreign Labour Force Department at the Cantonal Office for Population and Migration (OCPM) as soon as employment has been arranged.	Seconded EU/EFTA workers: 364 days, renewable.

Other types of work and residence permits

Type	Criteria	Duration
G permit Work permit for cross-border workers	<p>Forward to the Foreign Labour Force Department at the Cantonal Population and Migration Office (OCPM), as soon as employment is arranged. Form accompanied by documents to be sent online: ge.ch/demande-permis-travail-frontalier/je-suis-ressortissant-etat-membre-ue-aele</p> <p>A business can only employ a cross-border worker with proof of right to work.</p>	The permit duration is 5 years for permanent contracts or those longer than 12 months, renewable.
Ci permit	<p>Work permit for partners of international civil servants living in the same household, and children under 21 years of age permitted for family reunification.</p> <p>The competent body for reviewing the permit request is the Cantonal Office for Population and Migration (OCPM).</p>	Subject to the Federal Department of Foreign Affairs (FDFA) identity card holder's length of service.
C permit Permit to take up permanent residence	<p>The competent body for reviewing the C permit request is the Cantonal Office for Population and Migration (OCPM).</p>	Permanent

03. List of different types of work and/or residence permit – Third countries

B permit

Work and residence permits – Long term

Type	Criteria	Duration
B permit Long-term work permit with quota The granting of the B permit may be subject to certain conditions (limitations regarding time or duration of the role, for example).	Economic interest. Qualified workforce. Priority for native and European Union labour (taking up employment). Compliance with working conditions. Quota availability.	Renewable until permit is granted to take up permanent residence (C permit) after 10 years (or 5 years for USA and Canada).

L permit

Work and residence permits – Short term

Statut	Critères	Durée
L permit Short-term permit with quota	Economic interest. Qualified workforce. Priority for native and European Union labour (taking up employment). Compliance with working conditions. Quota availability.	Extendable up to maximum 24 months.

Guarantee of entry (through residence permit, sent to the employer)	Foreign workers with a specific project (for example, setting up an IT system, fiduciary review, contributing expertise, etc.), short-term transfers of specialists, interns.	
	Specific project, setting up an IT system, fiduciary review, labour provision during busy periods, assembly work.	Up to 4 consecutive months.
	Business management and development when a manager's presence is not necessary all year round.	120 days spread over 12 months.

Other types of work and residence permits

Type	Criteria	Duration
G permit Work permit for cross-border commuters	Third country nationals subject to a one-off review. Priority to the labour market workforce. Compliance with working conditions. Changes in position, profession and canton.	Valid for one year, renewable.
N permit Asylum seeker	N permit holders may be authorised to work during the asylum procedure; starting the activity is subject to prior authorisation.	Until the asylum application procedure is assessed.
F permit Temporary admission	F permit holders have unrestricted access to the Swiss job market and to all areas of work. The company should take the appropriate steps to notify the employment online.	Renewable.
S permit For persons in need of protection	S permit holders can practice a remunerated activity, employed or independent, which is subject to prior authorisation.	Renewable.

Ci permit	<p>Work permit for partners of international civil servants living in the same household, and children under 21 years of age permitted for family reunification.</p> <p>The competent body for reviewing Ci permit requests is the Cantonal Office for Population and Migration (OCPM).</p>	<p>Subject to the Federal Department of Foreign Affairs (FDFA) identity card holder's length of service.</p>
C permit Permit to take up permanent residence	<p>The competent body for reviewing C permit requests is the Cantonal Office for Population and Migration (OCPM).</p>	

04. EU/EFTA businesses and workforce

4.1 Agreement on the Free Movement of Persons

The Agreement on the Free Movement of Persons (AFMP), signed on 21 June 1999 by Switzerland and the European Union, makes it easier for European Union (EU) citizens to live and work in Switzerland. The Agreement on the free movement of people is supplemented by provisions on the mutual recognition of qualifications, the acquisition of property and the coordination of social security systems. The same rules apply to the European Free Trade Association (EFTA) countries.

The AFMP enables the European labour market to be opened to the Swiss population and vice versa, in a phased manner. The agreement is based on the principle of equal treatment for the signatory countries' populations. Equal treatment means that a Swiss or European person benefits from the same treatment as a person from the host country, namely:

- the same working conditions, social security benefits and tax concessions,
- the possibility of undertaking self-employed work,
- the right to family reunification,

- the ability to stay in the country in the event of loss of work,
- the ability to acquire property.

Since 1 May 2011, Swiss nationals and those from the 27 EU member states have held the same rights on the Swiss labour market. For a European worker to be granted a Swiss residence permit, it is sufficient to obtain an employment contract in Switzerland. In other words, European citizens have the same rights as Swiss citizens to get a job in Switzerland.

Conversely, the Swiss population has benefited from free access to the European labour market since 1 June 2004, in all 27 EU member states.

To avoid the risk of wage dumping, Switzerland has taken steps to introduce support measures as of 1 June 2004. These support measures aim to ensure compliance with working conditions and avoid any risk of wage or social dumping. In particular, the measures regulate conditions for workers seconded to Switzerland by European companies. When there is evidence of dumping, the measures allow for labour agreements to be extended more easily, and make it possible for authorities to set minimum requirements for working conditions in sectors not subject to the agreement.

The canton of Geneva has put a robust system in place to apply these support measures, under the authority of social partners and the State (Cantonal Office of Inspection and Labour Relations - OCIRT - [ge.ch/organisation/ocirt-direction-generale-office-cantonal-inspection-relation-de-travail](https://www.ge.ch/organisation/ocirt-direction-generale-office-cantonal-inspection-relation-de-travail)).

4.2 Cross-border workforce

G permit applications

EU-27/EFTA workers employed for less than three months per year can benefit from the notification procedure. Once work activity has exceeded 3 months, a work permit application must be submitted.

Necessary documents

To hire a cross-border worker, the company should make an online request through an e-procedures account. All the relevant information can be found here: [ge.ch/demander-permis-travail-frontalier/je-suis-ressortissant-etat-membre-ue-aele](https://www.ge.ch/demander-permis-travail-frontalier/je-suis-ressortissant-etat-membre-ue-aele)

Proof of employment

A company can hire a cross-border worker simply by presenting proof of employment. Employees no longer need to have lived in the border region for six months prior to obtaining a cross-border permit.

Permit duration

The permit duration for cross-border commuters increases from one to five years for permanent contracts or contracts of more than 12 months (for contracts less than one year in length, the validity of the permit corresponds to the contract duration). It is therefore recommended to attach a copy of the employment contract to the application.

Social security

In terms of social security such as OASI, IV, EO, child benefit, unemployment insurance, maternity insurance and occupational pensions, in principle, employees are insured in Switzerland for as long as they work in the country. Occupational accident insurance is also compulsory in Switzerland.

Taxation

The taxation of cross-border commuters is governed by the tax treaty between France and Switzerland of 9 September 1966, which stipulates that cross-border employees working in the canton of Geneva are taxed at source (withholding tax).

4.3 Workforce residing in Switzerland – Applications for B and L permits (residence permits)

EU-27/EFTA workers employed for less than three months per year can benefit from the notification procedure. Once work activity has exceeded 3 months, a work permit application must be submitted.

Necessary documents

To employ an EU citizen, the company must send the following to the Foreign Labour Force Department of the Cantonal Population and Migration Office as soon as they start work:

- The first and second pages of the form completed and signed by both parties, which serves as proof of employment, accompanied by the documents listed on the second page of the form.
-

Permit duration

The permit duration depends on the contract length. The duration is 5 years for permanent contracts or contracts of more than 12 months (for contracts less than one year in length, the validity of the permit corresponds to the contract duration). It is therefore recommended to attach a copy of the employment contract to the application.

As such, a company may employ an EU citizen simply upon presenting proof of employment. The a priori control of salary and working conditions is replaced by provisions aimed at protecting the entire workforce and combatting the potential risk of wage or social dumping.

4.4 Staff seconded by foreign companies

Outsourcing to or directly mandating a foreign company means that this company seconds foreign staff to Swiss territory. There are two procedures based on the length of time:

- Service of less than 90 days,
- Service of more than 90 days.

4.4.1 Service of less than 90 days (notification procedure)

Services on Swiss territory must not be provided for more than 90 working days or more than three months in the calendar year. Notification is compulsory when gainful activity in Switzerland lasts more than eight days in the calendar year, regardless of whether the activity takes place all at once or is spread out over the course of the year.

Service providers who are EU-27/EFTA nationals and companies seconding workers who carry out gainful activity in the following sectors are also required to register from the first day:

- construction, civil engineering and finishing work,
- hotels and restaurants,
- industrial or domestic cleaning,
- surveillance and security,
- itinerant trade, and
- the sex industry.

EU/EFTA companies seconding staff from third countries to Switzerland are required to declare them. The workers must also have been part of the regular, long-term labour market of one of the EU or EFTA member states previously. Generally speaking, this can be assumed to be the case when the workers have resided in an EU or EFTA country for at least twelve months. In other cases, a residence permit should be obtained from the Foreign Labour Force Department under the provisions of the Federal Act on Foreign Nationals and Integration (FNIA) and the Ordinance on Admission, Period of Stay and Employment (ASEO).

Online notification

Companies seconding workers and service providers operating in Switzerland must submit a notification online: sem.admin.ch/sem/fr/home/themen/fza_schweiz-eu-efta/meldeverfahren.html.

Exceptions

Please note that the notification procedure does not apply to employment agencies, nor to financial services whose operations require prior authorisation on Swiss territory, and where the service provider is under monitoring by authorities (for example, in the case of banking operations). Temporary access to some regulated professions, such as health care, also requires prior authorisation to practise.

In these areas, the authorisation request must always be made before the work starts.

4.4.2 Service of more than 90 days

Services provided by EU/EFTA companies or self-employed individuals based in the EU/EFTA and whose duration exceeds 90 days worked per year or 3 consecutive months are subject to authorisation and are governed under the provisions of the Federal Act on Foreign Nationals and Integration (FNIA) and the Ordinance on Admission, Period of Stay and Employment (ASEO).

Submission of work permit application

Work permit applications should be submitted to the Foreign Labour Force Department using the official form accompanied by a cover letter.

Application review by the Foreign Labour Force Department

The application is examined by the foreign labour force service at the Cantonal Office of Inspection and Labour Relations (OCIRT) according to FNIA and ASEO provisions (economic interests of Switzerland, working conditions and pay, professional qualifications, quota availability).

Necessary documents

- Individual work permit request form, downloadable from the OCPM website
 - Cover letter mentioning the duration of the engagement and the place where it will be carried out
 - Service provision contract
 - Letter of secondment signed by both parties, specifying the conditions of secondment (namely basic pay, secondment allowance, travel cost cover, accommodation and food costs, duration of secondment, number of working hours per week)
 - Worker's CV and qualification certificates
 - Specific data about the company and its staff via the two OCIRT forms - Foreign Labour Sector
-

Granting authorisation

If the OCIRT approves the application, the OCPM issues a work permit and the paid work can then begin.

05. Workers outside the European Union (third countries)

Requests for work permits for workers from third countries are subject to the Federal Act on Foreign Nationals and Integration (FNIA) and its implementing ordinance, the Ordinance on Admission, Period of Stay and Employment (ASEO).

Any company based in Switzerland wishing to hire someone from a third country, outside the European Union, in Geneva, with or without taking up residence, must carry out the following steps:

Local market research

The Swiss and European employment markets must be explored first, particularly through advertisements (newspapers, private employment agencies, specialist websites, etc.).

In addition, the announcement of the vacant position should be reported to the Cantonal Employment Office (OCE) approximately 30 days before submitting an application for a foreign worker to the Foreign Labour Force Department (regardless of the unemployment rate in the field of activity). The form can be completed directly via the following link:

job-room.ch/home/job-seeker

An application for a third country national can be filed when the Swiss and European job markets have been explored without success.

The application should include the following:

- OCPM M application form (the same form is used for B and L permits), available online: ge.ch/document/ocpm-formulaire-m-demande-autorisation-sejour-etou-travail
- General cover letter describing the company's situation, its projects and the reasons justifying the employment of a person from a third country, including the results of Swiss and European labour market research
- Proof of Swiss and European market research carried out by the company with detailed results (except for intra-group executive transfers)
- Employment contract signed at least by the company
- Foreign worker's CV and copies of qualifications
- Copy of a valid identity document
- Staff situation at the time of application (number, nationalities, permit types - for example: 2 Swiss, 1 C permit, 2 B permits, 1 G permit, 1 L permit, 2 N permits, 1 F permit - and number of apprentices if relevant)

Application submission

All applications should always be submitted by the company to the OCPM Foreign Labour Force Department, preferably by post or via the online form: www.ge.ch/demandeur-permis-travail-employeur-suisse/candidat-etat-tiers. The Foreign Labour Force Department opens a personal file for each foreign employee, carries out a preliminary review and charges a fee.

Application review by the OCIRT - Foreign Labour Force Department

The Foreign Labour Force Department forwards the file to the OCIRT for a further review from the perspective of the labour market (compliance with the order of priority, working conditions and pay, and the foreign worker's qualifications, taking into account Swiss economic interests).

The OCIRT also charges a fee in accordance with Art. 12 of the regulations for implementing the Federal Act on Foreign Nationals (RaLEtr).

Decision

Depending on the case, the decision is submitted to the canton of Geneva's Tripartite Labour Market Commission. For routine cases, the Commission procedure takes 2 to 3 weeks. Decisions for stays of less than 4 months are made directly by the OCIRT within 1 to 10 days. The company is informed in writing of the OCIRT's approval or refusal of the application.

In the event of approval, certain files must still be sent for approval to the State Secretariat for Migration (SEM). The total duration of the procedure is 8 weeks.

Appeals

A refusal by the OCIRT may be appealed within 30 days following the decision. The appeal procedure is described in the refusal letter sent to the company.

Granting authorisation

Finally, the OCIRT always returns the file to the Foreign Labour Force Department so that it can establish and issue the requested work permit. The time required depends on any additional information or documents to be provided by the company.

Special cases - Cross-border commuter permits

In certain exceptional circumstances, a third country national may be eligible to submit an application for a cross-border commuter permit (G permit). The preliminary review falls under the authority of the Foreign Labour Force Department. The application is then forwarded to the Foreign Labour Force Department for review and to make a decision.

06. Being self-employed as an EU/EFTA national

6.1 From the EU/EFTA

EU/EFTA nationals have the right to gainful self-employment in Switzerland. For this, they must request authorisation for a self-employed person. If they can provide proof of current engagement in self-employed activity which allows them to provide for their own needs (by submitting a business plan), authorisation is issued for a period of five years.

Just as for salaried work, there are two options: a cross-border permit (form F) or residence permit (form M) but the process is identical. For cross-border commuters, proof of a business address on Swiss territory should be provided (actual premises and not a mailbox).

The business plan to be submitted should describe the planned activity on 1-2 pages, mentioning the following points at a minimum:

- Business name and contact details, including the legal status and project leader(s)
- Description of future activity
- Size of potential or current client base
- Planned weekly working hours
- Turnover forecast and, where applicable, number of employees
- Planned amount of investment

6.2 Other States

For self-employed gainful activity, it is extremely rare that a residence permit is issued. The procedure and related conditions are described in detail here: [ge.ch/demandeur-permis-travail-independant/je-suis-ressortissant-etat-hors-ueaele](https://www.ge.ch/demandeur-permis-travail-independant/je-suis-ressortissant-etat-hors-ueaele).

In summary, for such a request, form M must be completed and a business plan submitted, which clearly demonstrates the economic interest for the canton of Geneva in terms of jobs, investments and turnover. An example of the structure and essential elements can be found in the business plan guide.

Useful addresses

Office cantonal de la population et des migrations (OCPM), Service étrangers

(Cantonal Office for Population and Migration - Foreign Labour Force Department)

Route de Chancy 88 | Case postale 2652 | 1211 Genève 2
Tél. 022 546 47 95 | ge.ch/organisation/office-cantonal-population-migrations-ocpm

Office cantonal de l'inspection et des relations du travail (OCIRT)

(Cantonal Office of Inspection and Labour Relations)

Rue David-Dufour 5 | Case postale 64 | 1211 Genève 8
Tél. 022 388 29 29
ge.ch/organisation/ocint-direction-generale-office-cantonal-inspection-relation-de-travail

OCIRT – Service de la main-d'œuvre étrangère

(Foreign Labour Force Department)

Rue David-Dufour 1 | Case postale 64 | 1211 Genève 8
Tél. 022 388 74 00 | ge.ch/organisation/ocirt-service-main-oeuvre-etrangere-moe

Office cantonal de l'économie et de l'innovation (OCEI)

(Cantonal Office for Economy and Innovation (OCEI))

Rue de l'Hôtel-de-Ville 11 | Case postale 3216 | 1211 Genève 3
Tél. 022 388 34 34 | innovation.ge.ch