

GMS Flash Alert

Immigration Edition

2023-050 | March 7, 2023



Switzerland - Relaxing Rules for Non-EU/EFTA Nationals in Skills Shortage Occupations

The federal office on 1 February 2023 introduced a revised directive under the *Foreign Nationals and Integration Act*¹ on the admission requirements for non-European Union (EU)/European Free Trade Association (EFTA) nationals to the Swiss labour market. The aim is to facilitate employing highly-specialised non-EU nationals in positions where a shortage of skilled workers is evident.

The new directive allows local authorities to lower the requirements that prioritise domestic and EU/EFTA nationals in sectors with a proven shortage of skilled workers.

WHY THIS MATTERS

Swiss employers are generally required to provide detailed records showing that sincere efforts were undertaken to find a suitable candidate on the domestic and EU/EFTA job markets before hiring a non-EU national. The February directive can significantly alleviate the burden on employers hiring for positions that fall within the scope of the directive such that a shortage of skilled workers is presumed by the local tax authorities.

What Is New?

According to the new directive, the cantonal authorities can dispense with detailed recruiting efforts for the following occupational groups:

- **Managers (executive positions)** in information and communications technology, in management consultancy, in the finance and insurance sectors, in the machinery, electrical and metal industries, and in the production of chemical and pharmaceutical products as well as food;

- **Engineering professions, scientists and researchers** in mathematical, scientific and technical fields, as well as specialised professionals in information and communications technology;
- **Health-care professions:** medical specialists, medical assistants, specialised nursing staff (e.g., in operating theatres, acute care and nursing homes), care and emergency care staff, radiology assistants; and
- **Teachers at universities.**

This list is periodically reviewed by the State Secretariat for Migration together with the State Secretariat for Economic Affairs, and adjusted if necessary.

Based on the new directive, the cantonal labour market authorities can decide at their own discretion whether and to what extent they want to adapt the requirement of recruiting efforts. Several cantons have confirmed that at this point in time, no facilitation of the required recruitment efforts is foreseen and employers must submit proof of a shortage of skilled workers, for example, by means of published statistics.

KPMG INSIGHTS

For specific cases, employers are advised to have a discussion with the responsible labour market authority first, to understand the current regulations in place prior to submitting an application for a work and residence permit. In general, it is probable that full recruitment efforts are still required in most cases when hiring non-EU nationals in Switzerland.

The KPMG Immigration Team will keep you posted should there be any new developments.

FOOTNOTE:

1 [Weisungen Und Erläuterungen Ausländerbereich \(Weisungen Aig\) Kapitel 4 Aufenthalt Mit Erwerbstätigkeit](#) (Instructions and Explanations Foreign Area (instructions AIG) Chapter 4 Residence with gainful employment), Bern, October 2013 (updated on February 1, 2023).

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Contact us

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