

BILATERAL AGREEMENTS [I] BETWEEN THE EU AND CH FROM THE MS & MS NATIONAL VIEWPOINT

Carefully handpicked/invited foreign Specialists, medically screened at first entry on the border, are vital to the functioning of the Swiss economy and account for **a very significant portion of the financing of the Swiss State**. In excess of 25% of the gainfully employed individuals, contributing more than 35% of the national budget, are non-Swiss nationals. Over 75% of the currently 1,820,000 legal non-Swiss residents making up the Swiss Permanent Foreign Workers Contingent (**SPFWC**) are **EU-27 & EFTA** citizens.

Despite the well-funded projection to the individuals in the **SPFWC**, intended to discourage income hoarding and promote a deceptive feeling of security and thus free spending of incomes in CH, from the Swiss State point of view, "**permanent**" is the **Contingent** - none of the individuals therein.

Although there exist neither an enforcing mechanism, nor an independent tribunal, Switzerland remains one of the very few European OECD States that have never ratified any of the versions of the European Social Charterⁱ, a Council of Europe treaty which guarantees basic social and economic human rights such as the right to nondiscrimination at work.

Switzerland has had large numbers of invited foreign specialists, (viz. 15% of the total population in 1920) already, at the beginning of the 19th centuryⁱⁱ. As a result of the protracted learning curve in foreign worker lifecycle management/herding, the renown Swiss militia diligence, secrecy obligations in virtually all levels of the Swiss administration, procedure creation and constant updates incorporating hundreds of thousands of case histories of "human profit centers"; the Swiss administration can deal very effectively with both individuals and groups

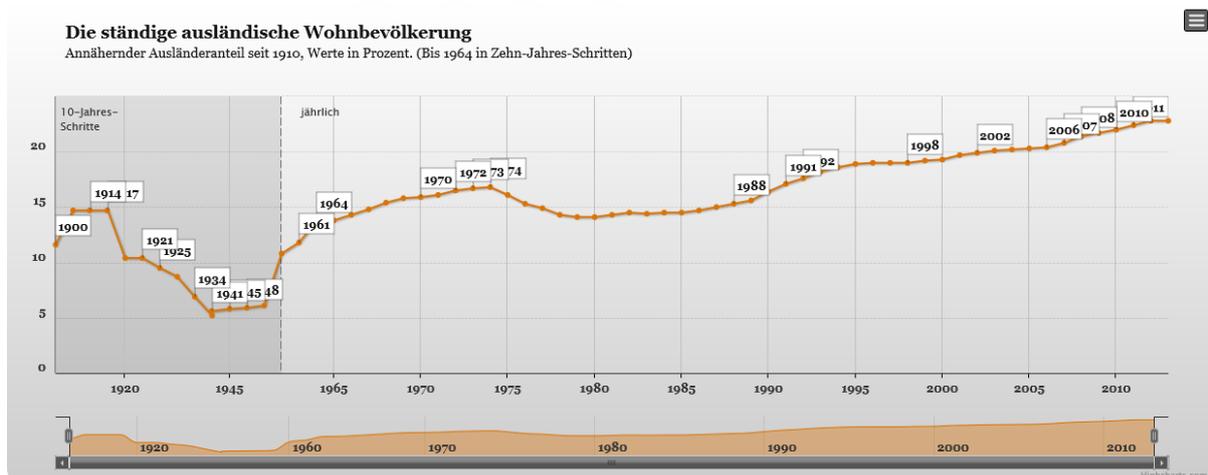


Figure 1 THE SPFWC 1900-2013 in 100,000 persons

These procedures have withstood the tests of inner social acceptance, court rooms, Swiss and foreign media, and time. In the near certain conflict towards the end of his economic net utility any individual, however well connected, at any income bracket and academic qualification has no chance against a fully prepared, institutionalized and cohesive State, in all its expressions, bent on protecting a historically large portion of its Budget. In most cases, those affected are encouraged to assume they did something(s) wrong, had bad luck; their employer was ..., etc., etc. Under

35 great duress and "Amongst far too many trees one loses sight of the
36 institutional forest".

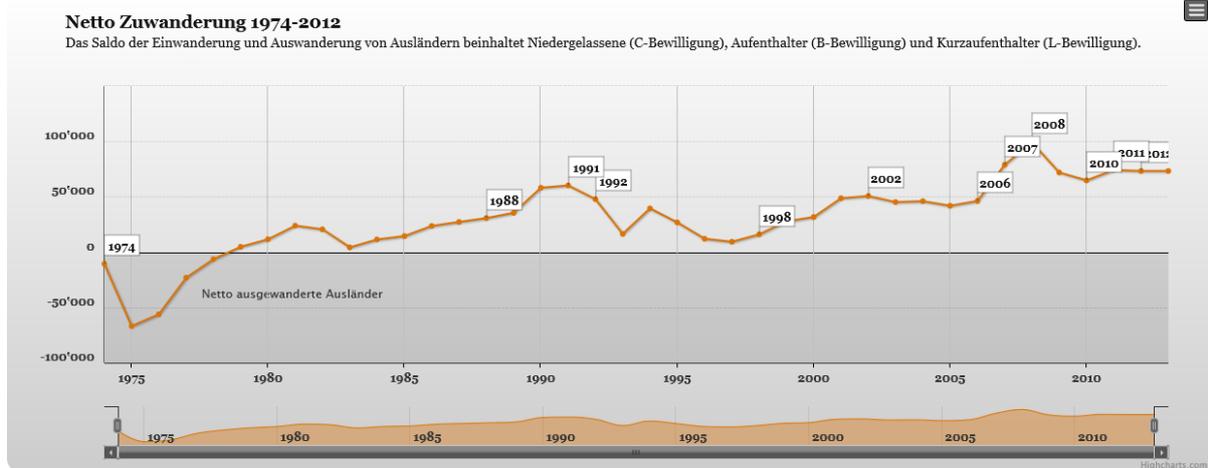


Figure 2 SPFWC NET MIGRATION FLOWS

37 When, in rare occasions, open conflict ensues, the one side can print its
38 own money, mobilize all kinds of willing/dependent/potent allies,
39 manipulate time constants (vis. administrative/court decisions); the other
40 can afford few friends and must survive long term without access to
41 employment and income under constant attack from all thinkable
42 administration levels, and more.

43 CONTROL/OVERSIGHT OF THE BA [I] ON THE EU SIDE

44 Following the signing/ratification of the Bilateral Agreements [I] in
45 1999/2002 even the few major EU Member States who have dealt with invited
46 foreign nationals over protracted periods and are privy to the thematic
47 (profits and risks of invited migration) have delegated Control of the
48 well-being of their own Nationals (viz. ca. 300,000 Germans) together with
49 associated monetary values in CH to the EC's **EEAS** (European External Action
50 Service).

51 EEAS has been reported to field only two permanent employees on the control
52 of the 7 dossiers encompassing the BA Agreements [I]ⁱⁱⁱ representing a worth
53 in excess of €350 Billion/yr.

54 Rather than actively controlling the Bilateral Agreements [I], as
55 originally intended and vouched in writing, on 22/12/1999 by the then
56 commissioner in Charge of DG1, Chis Patten^{iv}, EEAS still relies on, hearsay
57 input by ad hoc/arbitrary interested parties^v. The only side with
58 resources, source statistics, finance and real interest is the Swiss state.

59 Worse still, the bilateral Agreements [I] with Switzerland provide no
60 independent tribunal an affected EU MS national can address, the EC is not
61 party to the Bilateral Agreements and Member states have invariably much
62 "higher" priorities to resolve with CH, (viz. multibillion sums in tax
63 evasion, money laundering, secret bank accounts, trade imbalances etc.)
64 than the fate and assets of individual MS nationals and/or groups.

65 To top this up certain high officials, including EU Commissioners (viz. V.
66 Reding) own property or other assets in CH need access and are captive to
67 their own needs, private threat scenarios, and interests.

68 Having learned from past extended economic downturns (viz. the Oil crises
69 in 1973), large scale repatriations of Italian and other neighboring

70 nationalities, Switzerland is provident enough to spread the intake of
71 invited foreign Workers to over 140 nationalities.

72 CONTROL/OVERSIGHT OF THE BA [I] ON THE SWISS SIDE

73 On the Swiss side, the State is protecting a traditional major part of its
74 budget. The two EEAS employees on the free movement of Persons Dossier
75 alone are matched by a very well-funded army of uniformed and civilian
76 officials. On the Federal level the officials overseeing the migration
77 flows are located in an isolated building near Bern, the "Federal Office of
78 Migration^{vi}", a subsection of the Federal Justice and Police
79 Department^{vii, viii}.

80 These 200 - 400 federal officers are augmented by cantonal offices and
81 significant organizations in all 24 Cantons^{ix}, and in every single Swiss
82 city^x and rural community administrating the foreign national's
83 documentation and processing in a bewildering magnitude of advancing
84 employment/residence permits; the legal resident must purchase, at high
85 cost, and renew in up to three year intervals.



Figure 3 CURRENT FOREIGN NATIONAL RESIDENT PERMITS

86 These civilian officers are augmented by several hundred uniformed officers
87 working in the foreigner's police departments in major cities, federal,
88 Cantonal, and City police.

89 One can easily visualize the number of police/migration officials necessary
90 to meticulously detail the whereabouts of 1,820,000 people on a weekly
91 basis as Swiss law dictates. In addition, w.r.t. current economic
92 performance employment history etc. there are very close live links^{xi} to
93 other federal/cantonal departments.

94 These State apparatuses poses ample funding and are generating and
95 utilizing extremely detailed life cycle statistics^{xii, xiii, xiv}, employment^{xv},
96 fidelity and consumer behavior of their charges/flocks such as one shall
97 not find in the best run poultry farm or the Central Administration of the
98 Panda Bear flock for the ca 2000 animals in China.

99 To avoid unforeseeable entities coming into play, certain cantons publish
100 national interest communication appropriate migrant newspapers^{xvi}; edited,
101 produced, and controlled by officials^{xvii} of the cantonal justice and
102 migration control departments

103 The continuous worker rotation of over 120,000+ invited foreign nationals
104 per year is the main raison d'être for several lucrative, nationwide,
105 service and other industries and research organizations. Alone on the
106 effects of the freedom of movement element of the Bilateral Agreements [I];
107 several major studies, books, reports, and publications^{xviii} have been
108 commissioned/financed.

109 While in Switzerland, every effort is made to discourage/inhibit the
110 creation, or bringing in of existing, families as this severely affects the
111 net transfer rate from the individual/profit-center concerned to the Swiss
112 State and Club goods. Baring exceptional circumstances, at 45/55 years of
113 age, towards the end of their net (age/health/ability) economic utility EU
114 Member State nationals, in competition to much younger/more naive/cheaper
115 willing replacement over the border invariably find it extremely difficult
116 to maintain or secure new employment and, latest with 55+, are almost
117 invariably laid off.

118 Following a period of unemployment of up to two years, which for the Swiss
119 state functions as "cooling off"/observation/control period, in addition to
120 maintaining market demand, unless they somehow get the underline message
121 and can afford to permanently depart before they are rely on Social
122 assistance for the existential minimum they are forced to dissolve and live
123 on any preexisting assets in their country of origin as well as cash in any
124 non-state pension contributions they have managed to accumulate while in
125 Switzerland. The Swiss bank secrecy laws do not apply to the Swiss
126 Administration, at any level. Social Assistance in Switzerland is a
127 repayable loan, once an unwilling receiver for over a year or more there is
128 no fiscal come back.

129 In many cases still legal residents in unemployment are concurrently
130 encouraged to try their hand at becoming unprepared "**late life/pressed**"
131 **entrepreneurs**. Should they succeed ($\leq 6\%$ of startups survive after three
132 years) Switzerland gains a further taxable business; if they fail they are
133 forced to return to their home state with very little more other than
134 discounted & surpassed skills, advanced years, and a dented health; than
135 they brought in many years ago.

136 Experience shows that certain individuals with a Swiss spouse, children at
137 school, alimony and/or major financial obligations may benefit through
138 "goodwill deals" at the city, commune, or cantonal level between Swiss or
139 overseas employers involving preferential treatment/lower rates in business
140 accommodation, etc. in exchange for employing "preferential" individuals.

141 The proportion of the CH state pension likely to be received (XX^{xix}/40
142 years) at its 100% is invariably insufficient to meet expenses in pensioned
143 age in Switzerland and is augmented through cantonal and city financial
144 assistance which is only available to those still legally resident. After
145 ca 6 months of absence for whatever reason the permanent residence permit -
146 that took over a decade of solid employment history, impeccable behavior,
147 and compromises to procure is rendered invalid. Even "**SECONDOS**", second
148 generation non-Swiss nationals, born in Switzerland to longtime legal
149 residents who may not speak a word of their parent's language(s) are
150 thereafter treated as tourists.

151 Health insurance contributions, unlike common practice in a number of EU
152 MS, are not cumulative or transferable to EU Member States which means that
153 having paid several hundred Euros per Month, per family member, a returning
154 EU MS national finds himself totally uninsured if not uninsurable. To this,
155 one must add the late/bitter realization that he/she, irrespective of
156 previous achievements has been viewed and treated as a "**profit center**" and
157 there is little worse than realizing - in pension age - that one has been

158 intentionally ripped off and there is nothing he do to change his late life
159 or family's lot.

ENDNOTES REFERED TO IN THE TEXT

ⁱ See: http://www.coe.int/t/dghl/monitoring/socialcharter/presentation/SignaturesRatifications_en.pdf

ⁱⁱ see: <http://www.elvetia.org/infogr/default.htm>

ⁱⁱⁱ These are in effect and likely to remain so for another three years (Following the ... 2014-02-09).

^{iv} See: <http://www.elvetia.org/ba/c/2013-11-11%20M.%20Barosso/1999-12-22%20COMMISSIONER%20CHRIS%20PATTEN.pdf>

^v See: [http://www.elvetia.org/ba/c/2013-11-11%20M.%20Barosso/Ares\(2013\)3379440.pdf](http://www.elvetia.org/ba/c/2013-11-11%20M.%20Barosso/Ares(2013)3379440.pdf)

^{vi} See: www.bfm.admin.ch/content/bfm/en/home/die_oe/organisation.html

^{vii} See: www.bfm.admin.ch/content/dam/data/bfm/organigramm-bfm-d.pdf

^{viii} See: Up to recently under the Federal minister C. Blocher.

^{ix} See: www.ma.zh.ch

^x See: www.recherswil.ch/xml_1/internet/de/application/d3/d129/d154/f161.cfm

^{xi} See: Zusammenarbeit mit unseren Partnerbehörden - Bei der Prüfung eines Aufenthaltsgesuchs arbeiten wir eng mit zahlreichen Partnerbehörden zusammen, müssen Abklärungen treffen, Unterlagen einfordern oder weiterführende Aufträge erteilen. Ein gut funktionierendes Netzwerk und eine gute Zusammenarbeit sind uns wichtig. Dazu gehören Bundesbehörden, andere kantonale Migrationsämter, kantonale und kommunale Polizeibehörden, Sozial- und Justizbehörden, das Amt für Wirtschaft und Arbeit, Einwohnerkontrollen und Zivilstandsämter, Staatsanwaltschaften, Integrationsfachstellen, Amt für Jugend- und Berufsberatung uvm.

- [Amt für Wirtschaft und Arbeit \(AWA\)](#)
- [Bundesamt für Migration \(BFM\)](#)
- [Bundesamt für Polizei - fedpol](#)
- [Bundesbehörden der Schweizerischen Eidgenossenschaft](#)
- [Eidgenössische Kommission für Migrationsfragen \(EKM\)](#)
- [Eidgenössisches Departement für auswärtige Angelegenheiten \(EDA\)](#)
- [Integrationsbüro EDA/EVD](#)
- [Gemeindeamt des Kantons Zürich](#)
- [Integrationsförderung des Kantons Zürich](#)
- [Justizvollzug](#)
- [Sozialamt des Kantons Zürich](#)
- [SECO - Staatssekretariat für Wirtschaft](#)
- [SECO Internetplattform "Entsendung"](#)
- [Staatsanwaltschaft,](#)
- [Vereinigung der Kantonalen Migrationsbehörden \(VKM\)](#)

^{xii} See: <http://www.bfs.admin.ch/bfs/portal/de/index/themen/01/07/blank/data/01.html>

^{xiii} See: <http://www.bfs.admin.ch/bfs/portal/de/index/themen/01/07/blank/data/02.html>

^{xiv} See: <http://www.bfs.admin.ch/bfs/portal/de/index/themen/01/07/blank/data/03.html>

^{xv} See: <https://www.amstat.ch/v2/index.jsp>

^{xvi} See: <http://www.migrationszeitung.ch>

^{xvii} See: <http://www.migrationszeitung.ch/ueber-uns/>

^{xviii} . See amongst many other studies :

1. Ensar Can u. a.: Effekte der Personenfreizügigkeit auf die wirtschaftliche Entwicklung der Schweiz (2013).
2. Roland Aepli: Auswirkungen der bilateralen Abkommen auf die Schweizer Wirtschaft (2008).
3. Alpaslan Akay u. a.: The Impact of Immigration on the Well-Being of Natives (2012).
4. Christoph Basten u. a.: Do immigrants take or create residents' jobs? (2011).
5. Ekrame Boubtane: Immigration, Growth and Unemployment (2012).
6. Bundesverwaltung: Jährliche Berichte zu den Auswirkungen der Personenfreizügigkeit auf den Arbeitsmarkt.
7. Dominique Cueni und George Sheldon: Arbeitsmarktintegration von EU/EFTA-Bürgerinnen und -Bürgern in der Schweiz (2011).
8. Sara de la Rica u. a.: Immigration in Europe (2013).
9. Sandro Favre u. a.: Verdrängungseffekte des Freizügigkeitsabkommens Schweiz-EU auf dem Schweizer Arbeitsmarkt (2013).
10. Matthias Gerfin u. a.: The Effects of Immigration on Wages (2010).
11. Fred Henneberger und Alexandre Ziegler: Evaluation der Wirksamkeit der flankierenden Massnahmen zur Personenfreizügigkeit (2010).
12. Simonetta Longhi u. a.: Meta-Analysis of Empirical Evidence on the Labour Market Impacts of Immigration (2008).
13. Tobias Müller u. a.: Les effets de la libre circulation des personnes sur les salaires en Suisse (2013).
14. Max Nathan: The Wider Economic Impacts of High-Skilled Migrants. A Survey of the Literature (2013).
15. Francesc Ortega u. a.: A Global View of Cross-Border Migration (2012).
16. Francesc Ortega u. a.: The Aggregate Effects of Trade and Migration. Evidence from OECD countries (2011).
17. Ceren Ozgen u. a.: The Effect of Migration on Income Growth and Convergence (2009).
18. Nathalie Ramel: Fiskalische Inzidenz der neuen Einwanderung in der Schweiz (2013).
19. Michael Siegenthaler u. a.: Das Personenfreizügigkeitsabkommen Schweiz - EU/EFTA und das Wachstum des BIP pro Kopf in der Schweiz (2012).
20. Peter Stalder: Free Migration between the EU and Switzerland (2010).
21. Klaus Zimmermann: Ökonomische Ursachen und Folgen von Migration (2012).

^{xix} Years of legal residence in CH.