

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

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

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

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

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

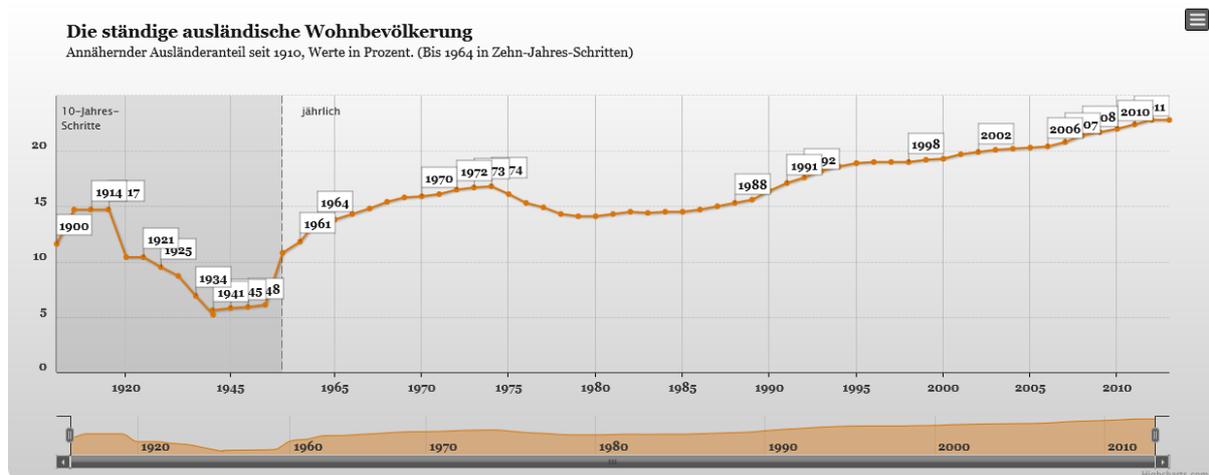


Figure 1 THE SPFWC 1900-2013 in 100,000 persons

25 These procedures have withstood the tests of inner social acceptance, court
26 rooms, Swiss and foreign media, and time. In the near certain conflict towards
27 the end of his economic net utility any individual, however well connected,
28 at any income bracket and academic qualification has no chance against a
29 fully prepared, institutionalized and cohesive State, in all its expressions,
30 bent on protecting a historically large portion of its Budget. In most cases,
31 those affected are encouraged to assume they did something(s) wrong, had bad
32 luck; their employer was ..., etc., etc. Under great duress and "Amongst far
33 too many trees one loses sight of the institutional forest".

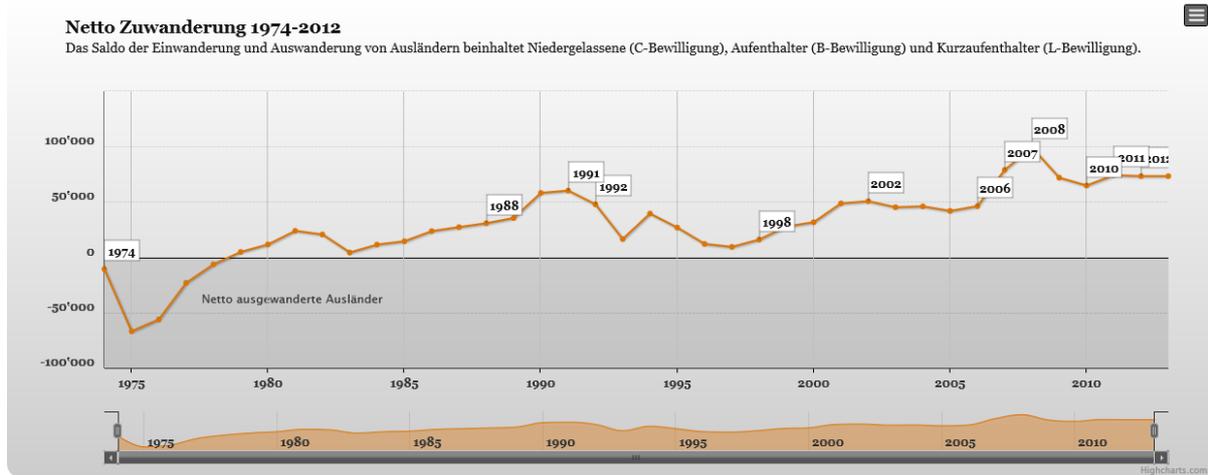


Figure 2 SPFWC NET MIGRATION FLOWS

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

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

41 Following the signing/ratification of the Bilateral Agreements [I] in
 42 1999/2002 even the few major EU Member States who have dealt with invited
 43 foreign nationals over protracted periods and are privy to the thematic
 44 (profits and risks of invited migration) have delegated Control of the well-
 45 being of their own Nationals (viz. ca. 300,000 Germans) together with
 46 associated monetary values in CH to the EC's **EEAS** (European External Action
 47 Service).

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

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

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

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

65 Having learned from past extended economic downturns (viz. the Oil crises in
 66 1973), large scale repatriations of Italian and other neighboring
 67 nationalities, Switzerland is provident enough to spread the intake of
 68 invited foreign Workers to over 140 nationalities.

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

70 **On the Swiss side, the State is protecting a traditional major part of its**
 71 **budget. The two EEAS employees on the free movement of Persons Dossier alone**
 72 **are matched by a very well-funded army of uniformed and civilian officials.**

73 On the Federal level the officials overseeing the migration flows are located
 74 in an isolated building near Bern, the "Federal Office of Migration^{vi}", a
 75 subsection of the Federal Justice and Police Department^{vii, viii}.

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



Figure 3 CURRENT FOREIGN NATIONAL RESIDENT PERMITS

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

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

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

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

99 The continuous worker rotation of over 120,000+ invited foreign nationals
 100 per year is the main raison d'être for several lucrative, nationwide, service
 101 and other industries and research organizations. Alone on the effects of the

102 freedom of movement element of the Bilateral Agreements [I]; several major
103 studies, books, reports, and publications^{xviii} have been
104 commissioned/financed.

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

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

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

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

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

147 Health insurance contributions, unlike common practice in a number of EU MS,
148 are not cumulative or transferable to EU Member States which means that
149 having paid several hundred Euros per Month, per family member, a returning
150 EU MS national finds himself totally uninsured if not uninsurable. To this,
151 one must add the late/bitter realization that he/she, irrespective of
152 previous achievements has been viewed and treated as a "**profit center**" and
153 there is little worse than realizing - in pension age - that one has been
154 intentionally ripped off and there is nothing he do to change his late life
155 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 :

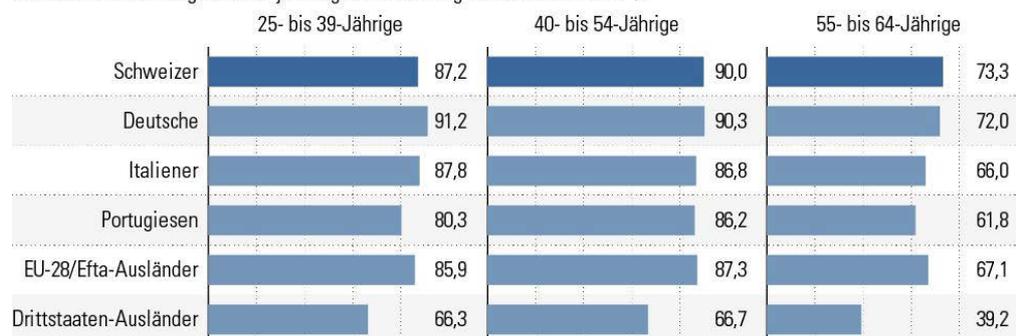
1. Ensar Can u. a.: Effekte der Personenfreizügigkeit auf die wirtschaftliche Entwicklung der Schweiz (2013).
2. Roland Aeppli: Auswirkungen der bilateralen Abkommen auf die Schweizer Wirtschaft (2008).

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.

Grosse Differenzen bei den Erwerbstätigenquoten am Schweizer Arbeitsmarkt

Anteil der Erwerbstätigen an der jeweiligen Bevölkerung im ersten Quartal in %



QUELLE: BFS

NZZ-INFOGRAFIK/cke