



Horizon

Information Bulletin for Migrants in Geneva

Marriages: new legislation

A new legislation on marriages came into force on January 2011. Officially meant to prevent fake marriages (marriages celebrated in the sole purpose of getting a residence permit), it in fact makes marrying complicated, if not impossible, for persons without legal status.

The CCSI, with other partners, tried with every possible means to oppose the change of law, and then to lessen its most negative aspects for undocumented migrants. With a delegation from the national Platform for sans-papiers, we met with the federal authorities to explain the problems created by the new legislation and to plead for more flexibility. In Geneva, with our partners in the Collectif de soutien aux sans-papiers, we also contacted the authorities to make them aware of the difficulties that this legislation creates.

What do the new rules say?

Candidates wishing to marry must now provide proof of the legality of their residence status for both partners before they are allowed to start the marriage procedure. In the absence of such proof (residence permit, valid visa, etc.), candidates should return to their country of origin, and address the Swiss embassy there in order to request a visa specifically for the marriage. Once obtained, they can come

back to Switzerland and celebrate the wedding. Another option is to return to their home country, get married there, have the marriage recognized in Switzerland and start a family reunification procedure.

We tried to bring the authorities' attention to the difficulties created by these rules for persons without legal status who have been living and working in Switzerland for several years, as well as for their partners. These procedures take time, and the persons risk losing their job, or having to withdraw their children from school in Switzerland.

Yet we hope it will remain possible, in some cases, to ask the authorities to grant an exception, and to allow persons to marry in Switzerland without having to return to their home country. However, we already know that several criteria need to be met for the cases to be granted an exception.

We therefore encourage all persons concerned to contact a specialist (at the CCSI, Collectif, CSP, Caritas, SIT, etc.), who will examine the case in detail and be able to give advice on the procedures to undertake. We wish to warn people that it may be risky to attempt such procedures without the assistance of a specialist.

In the meantime, the CCSI continues to look for solutions to this problem, and to urge the authorities to implement the new legislation with flexibility.

Professional training

Associations for migrants' rights, such as the CCSI, worked hard over the past few years to convince politicians, the media and the public of the importance of professional training for young undocumented migrants. It is partly thanks to these efforts that access to professional training for youths without legal status was accepted by the Swiss parliament in 2010.

Unfortunately, the decision has not yet been implemented concretely. We are currently awaiting a legal solution to this problem on the federal level, but it may still take some time. In the meanwhile, the canton of Geneva has set up a few transitory measures.

Indeed, young people who have been to school in Switzerland, and who have (on their own or with their family) requested a regularization, can now start professional training (in french, "apprentissage"), and have their contract approved by the authorities.

But one must be cautious: filing a request for regularization is often a risky process. Here again, we advise all persons concerned to contact one of the associations in the field (CCSI, CSP, SIT, Collectif de soutien, etc.) before starting the procedures, so as to have all the elements in hand before making a decision.

Right to education

Ever since its foundation in 1974, the CCSI has been committed to the struggle in favor of a right to education for every child. Indeed at the time, seasonal migrant workers did not have a right to family gathering. But many of them brought their children to Switzerland, where they were forced to live clandestinely. They did not have access to schools, and remained locked up in their homes. The CCSI fought against this injustice, first by creating the “petite école” for clandestine children, but also by alerting the authorities about their situation. Thanks to this struggle, Geneva public schools opened their doors to all children, regardless of their status, in 1991.

It is to commemorate this historic episode that the CCSI has decided to organize an event, to pay tribute to all those who made the right to education a reality in Geneva. But the event will also focus on the present and the future.

An exhibit and various interventions will open the debate, and offer thoughts on children's rights, today and tomorrow. What are the rights of children living in precarity in Geneva, particularly for children without legal status? Are certain rights threatened? How could we defend the rights of migrant families without legal status more efficiently? How could we guarantee each child a schooling without discrimination or hardship? A roundtable, with experts from the field, will try, at least partially, to answer some of these questions.

**Come to celebrate the
RIGHT TO EDUCATION,
on Friday 14 October,
as of 6pm**

**Maison des Associations
15, Rue des Savoises, 1205 Genève**

Program for the evening

- 6pm, welcome & opening
- Exposition and information booths
- 6.45pm, roundtable and questions from the public
- 8.15pm, party time!
- 11pm, event ends.

Come celebrate the struggle for a right to education and show your solidarity with undocumented families!

**Do not forget,
to be done every year**

Health insurance subsidy:

According to your income, your children have a right to a subsidy for their health insurance. Do not forget to make an appointment at **CCSI as of December** to renew your child's subsidy.

School meals:

According to your income, you may request financial aid for school meals for your children. Do not forget to make an appointment at **CCSI as of the beginning of the school year**, even without having received a first invoice.

Important!

The CCSI is unable to assist persons in finding work or housing in Geneva.

“Stop the hypocrisy”: campaign and protest

The first public demonstrations by undocumented migrants (sans-papiers) and the organizations that support them took place just ten years ago, in several Swiss cities. Since then, a few steps forward have been taken. But the basis of the problem remains the same: undocumented migrants are still in a dead-end. Even after many years living (and working, or going to school) in Switzerland, most of them have no hope of seeing their situation regularized. The only way out, the so-called regularization for “cas de rigueur” (hardship cases), is not a satisfying answer to this issue. These procedures are long and complicated, and decisions from Bern are too often negative.

To try to resolve this impossible situation, several organizations – among which CCSI – have decided to use the occasion of this 10th anniversary to launch a campaign: inform the public, raise awareness, and make demands. A petition to the federal authorities, demanding the regularization of undocumented migrants living in Switzerland, was launched this spring. The petition can be signed by everyone, even by undocumented workers.

And in order to make our demands known to the public, we are organizing a **national protest** in Bern, on **1st October 2011**. Transportation by bus (for free) will be organized from Geneva, and we hope you will come with us (please contact the reception to book your place). **COME AND LET YOUR VOICE BE HEARD, THE CCSI SUPPORTS YOU!**

