



Information on the appeal procedure in case a humanitarian visa is refused

It is possible for humanitarian visas to be refused. In such cases the person who has applied for the humanitarian visa, or a relative living in Switzerland, has 30 days to appeal against the decision to the State Secretariat for Migration (SEM) or to a Swiss representation. When making an appeal, it is important to address those points that have been marked with a cross on the **humanitarian visa refusal form**. In the event that no **new elements** are mentioned in the appeal that were not already mentioned in the application for a humanitarian visa, or if these elements do not prove any **specific individual danger**, it is likely that the visa will be refused again.

1. Formal appeal procedure

To appeal against a decision the person who applied for the visa must collect the **humanitarian visa refusal form** from the embassy. The appeal must be submitted within **30 days** of the date stamped on the covering letter. The appeal must be written in **German, French or Italian**.

The appeal must be signed by a family member living in Switzerland or the person who applied for the visa.

The appeal must be sent **by registered post** to the following address or handed in at a Swiss representation.

Registered
State Secretariat for Migration
Department of Visas & Permits
Quellenweg 6
CH-3003 Bern

The SEM will send you a confirmation of receipt along with an invoice for CHF 200 per case file.

2. Contents of the appeal

Under the SEM directive, "A humanitarian visa can be issued under Article 4 par. 2 VEV in individual cases if it is evident that the applicant's life or physical integrity are **directly, seriously and tangibly endangered** in their home country or country of origin. The person concerned must be in a **particularly distressing situation that requires the urgent intervention of the authorities and justifies the granting of an entry visa**. This may occur, for example, in the event of acute armed conflicts or when the individual is in imminent danger owing to their specific situation. In each case, it is necessary to carefully verify the individual's circumstances. **If the individual is already in a third-party State, it may be presumed that there is no longer any danger.**"

https://www.sem.admin.ch/sem/de/home/publiservice/weisungen-kreisschreiben/auslaenderbereich/einreise_in_die_schweiz.html Directive: Humanitarian visa under Article 4 par. 2 VEV'.

It is therefore very important for the appeal to explain the **particularly serious danger to the individual's life and physical integrity**. The purpose of the appeal is to make it clear that the **individual is in personal danger** or that they are in a **particularly precarious individual humanitarian situation**. The general situation in the country of origin is not sufficient. It is



therefore essential to mention **exact places and dates**. You should also explain in detail **when and how the individuals left their country of origin**.

In the event that the individuals have **travelled to a third-party State with the sole aim of applying for a humanitarian visa**, it is important to mention this in the appeal.

It is also helpful to submit **any other documents** with the appeal that can substantiate the events mentioned. These documents must refer to the particular circumstances of the individual concerned.