



Information on the objection 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 the family member which is in Switzerland, has 30 days to object against the decision to the State secretariat for Migration (SEM).

1. Formal objection procedure

To object against a decision the person who applied for the visa must collect the **refusal letter** from the embassy. The objection must be submitted within **30 days** of the date stamped on the refusal letter.

The objection must be written in **German, French or Italian**.

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

The objection must be sent **by registered post** to the following address:

Registered
State secretariat for Migration
Department of Residence Permits
Quellenweg 6
CH-3003 Bern

2. Contents of the objection

Since 29 September 2012 it has not longer been possible to apply for asylum at a Swiss representation abroad. Since that time, anyone whose life or physical integrity are endangered may apply to a Swiss representation for a humanitarian visa in order to obtain protection in Switzerland.

Under the SEM directive dated 25.02.2014, "A visa can be issued in individual cases for humanitarian reasons if it is evident that the applicant's life or physical integrity are **directly, seriously and tangibly endangered**. **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."

This directive can be found under the following link:





https://www.bfm.admin.ch/bfm/de/home/publiservice/weisungen-kreisschreiben/auslaenderbereich/einreise_in_die_schweiz.html

It is therefore very important for the objection to explain the particularly serious danger to the individual's life and physical integrity. The general situation in their country of origin is of secondary importance.

The purpose of the objection is to make it clear that the **individuals are in personal danger** or that they are in a **particularly precarious individual humanitarian situation**.

For this reason, the objection must focus on the individuals' personal circumstances and they must be clearly described.

The problems experienced in the country of origin and the reasons for granting a humanitarian visa must be explained in detail. 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 objection.

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

In the event that no new elements are mentioned in the objection 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.

3. Using the SRC's template letter

The Swiss Red Cross (SRC) can provide you with a template letter for your objection. However, as each individual case is different and each family has its own story, this template is incomplete, i.e. the person making the objection must complete the template with details of the personal circumstances of the individual who has applied for the visa.

Some sections are marked in yellow in the SRC template letter. These must be adapted or completed.

These include the following:

- Name and address of the person making the objection
- Names and dates of birth of the individuals who have applied for a visa
- The ORBIS number on the refusal letter from the Swiss representation
- Type of residence permit of the relative living in Switzerland (if applicable)
- Date of the appointment at the Swiss representation
- Date of the visa refusal (on the refusal letter)





- Information about the personal circumstances of the individuals who have applied for a visa (see point 2. Contents of the objection)

Please contact us should you need any further information or to receive the template letter for your objection:

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