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Motives behind Refugee Policy in Switzerland

The massive influx of refugees to Europe in the past few years has sparked a serious tension in Switzerland between its humanitarian identity and commitment to self-preservation. The laws in Switzerland regarding asylum-seekers are becoming more strict than the surrounding Schengen Area countries. However, Switzerland has opted-in to a European Union program to reallocate refugees and is increasing its 2018 immigration budget. This dichotomy emerges from two key facets in Swiss contemporary conscience: the enduring role of humanitarian and inter-governmental organizations in the country and the rejection of Jewish refugees during World War II by the Swiss government. The global impact of these organizations and the rejection of Jewish refugees during WWII each has unique implications to the perceptions of Swiss neutrality and the population's anxiety about retaining their neutral status. Furthermore, Swiss citizens today have not reacted as strongly to the treatment of Syrian refugees as they did in the 1990s during the revelation of Switzerland's policy towards Jewish refugees during WWII. If Switzerland seeks to avoid another "dark past", the population and government must recognize the distinct parallels in refugee policy and rhetoric between WWII and today.

Switzerland's political and economic stability as well as political neutrality have afforded it the opportunity to host headquarters of international humanitarian organizations. This hosting aligns with the Confederation's Constitution on regarding Foreign Relations in Article 54: "[The Confederation] shall in particular assist in the alleviation of need and poverty in the world and

promote respect for human rights and democracy"[1]. Three of the most prestigious organizations that align with these goals are The International Federation of Red Cross and Red Crescent Societies (IFRC), The United Nations High Commissioner for Refugees (UNHCR), and the Swiss Agency for Development and Cooperation (SDC). They are all engaged in negotiations in Switzerland and action abroad. Most recently, they have been active at key sites pertaining to the "Refugee Crisis", in the Balkans, Turkey, and/or the Levant. The Confederation's intentions for hosting these organizations come under question upon further examination of the same article in the constitution; "The Confederation shall ensure that the independence of Switzerland and its welfare is safeguarded"[2]. When analyzed through Switzerland's approach to humanitarianism, this dichotomy suggests that Switzerland utilizes its humanitarian efforts in order to ensure Swiss independence and welfare.

The value of Switzerland as a center of internationalist activity grew at the outbreak of World War II. The IFRC was founded in 1919 in Paris in the aftermath of World War I and its first objective was to aid people in countries that had suffered during the war. In 1939, the IFRC moved its headquarters to Geneva in order to take advantage of Switzerland's neutrality. The UNHCR emerged in the wake of World War II to help Europeans displaced by that conflict. However, in 1957, the UNHCR began working outside of Europe, in North Africa and East Asia. The SDC was founded towards the end of WWII and began deploying Swiss engineers to countries in Asia and Latin America in 1950. By providing facilities for cross-border communication and ensuring the international transfer of information, the Confederation took

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[1] Swiss Constitution, ch. 2, sec. 1, art. 54.

[2] Ibid.

this opportunity to assert itself amongst the great European powers in a period of re-drawing the borders of Europe[3].

Today, the amount of money that Switzerland contributes to inter-governmental organizations follows the precedent from WWII. Switzerland makes their state contribution to international humanitarianism by donating a significant amount of money and labor to humanitarian causes abroad. According to a report by The Organization for Economic Co-operation and Development (OECD) published in April 2016, Switzerland remained in the top third of donor countries to the OECD in 2015[4]. Switzerland allocated CHF 3.404 billion on its official development assistance (ODA) in 2015, an increase of CHF 182 million from 2014[5]. In comparison, Germany and Switzerland contributed 0.52% of their Gross National Income (GNI)[6] to their ODA in 2015[7]. Besides expenditure on humanitarian aid, development cooperation, economic cooperation, and transition cooperation in the countries of Eastern Europe, the ODA figures include other funds eligible for expenditure in the areas of peace-building, human rights, and asylum[8]. However, it is consistently the former two points that seem to be key to

[3] Madeleine Herren, "'Neither this Way nor any Other': Swiss Internationalism during the Second World War", in *Switzerland and the Second World War*, ed. Georg Kreis (London: Frank Cass Publishers, 2000), 172-173.

[4] The Organization for Economic Co-operation and Development, Official Development Assistance 2015, published on April 13, 2016, http://www.oecd.org/development/development-aid-rises-again-in-2015-spending-on-refugees-doubles.htm.

[5] "Switzerland's official development assistance in 2015," Swiss Confederation- Federal Department of Foreign Affairs (FDFA), published April 13, 2016, https://www.eda.admin.ch/eda/en/fdfa/news/news-fdfa.html/eda/en/meta/news/2016/4/13/61330.html.

[6] The Gross National Income (GNI) is the total domestic and foreign output claimed by residents of a country, consisting of Gross Domestic Product (GDP) plus factor incomes earned by foreign residents, minus income earned in the domestic economy by nonresidents.

[7] The Organization for Economic Co-operation and Development, Official Development Assistance 2015, published on April 13, 2016, http://www.oecd.org/development/development-aid-rises-again-in-2015-spending-on-refugees-doubles.htm.

[8] "Switzerland's official development assistance in 2015," Swiss Confederation- Federal Department of Foreign Affairs (FDFA), published April 13, 2016, https://www.eda.admin.ch/eda/en/fdfa/news/news-fdfa.html/eda/en/meta/news/2016/4/13/61330.html.

Switzerland's humanitarian outreach. Reports on Switzerland's commitment to the "Refugee Crisis" highlight the Confederation's role in government dialogue, medical aid, education, and field work in the Levant, Horn of Africa, and the Balkans[9]. The dramatic increase in ODA contribution for 2015 is in response to the influx of refugees in Europe among other factors. Furthermore, Switzerland has passed for the 2018 budget an increase in funding for immigration-related issues to total CHF 2.4 billion, anticipating a rise in asylum costs connected to the "Refugee Crisis"[10]. Through these statistics, it becomes clear that Switzerland financially prioritizes development assistance abroad and internal migration.

With this background in mind, a dichotomy emerges upon review of data related to accepted asylum seekers in Switzerland. According to a UNHCR report published in February 2016, Switzerland has pledged to receive 2,000 (roughly 0.025% of its population) Syrian refugees since 2013[11]. Meanwhile, Germany pledged in the same report to accept double the percentage respective of its population (about 0.051% at 41,216 people). Not to mention, Germany has received 476,000 new asylum applications in 2015 alone[12]. In a report by Eurostat, Switzerland rejected 93.3% of non-EU asylum applications and granted Refugee Status to only 3.5% in 2015[13]. These statistics in comparison to other European countries such as Austria

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[9] Swiss Agency for Development and Cooperation (SDC), "Switzerland's commitment in the face of the migration crisis," published October 2015, http://www.news.admin.ch/NSBSubscriber/message/attachments/41323.pdf, [accessed May 5, 2016].

[10] Swissinfo.ch, "Swiss expect asylum costs to double by 2018", SWI, March 31, 2016, accessed May 5, 2016, http://www.swissinfo.ch/eng/cost-of-refugee-crisis_swiss-expect-asylum-costs-to-double-by-2018/42057038.

[11] The United Nations High Commissioner for Refugees, "Resettlement and Other Admission Pathways for Syrian Refugees", published April 29, 2016, http://www.unhcr.org/52b2febafc5.pdf [accessed May 6, 2016].

[12] BBC, "Migrant crisis: Migration to Europe explained in seven charts", published March 4, 2016, http://www.bbc.com/news/world-europe-34131911 [accessed May 6, 2016].

[13] Eurostat, "Final decisions on applications by citizenship, age and sex Annual data (rounded)", published April 20, 2016, http://appsso.eurostat.ec.europa.eu/nui/show.do [accessed May 5, 2016].

(accepted 34.1% of applications for Refugee Status), Ireland (34.4%), Finland (30%), and the Netherlands (23.6%) from 2014[14] represent a marked departure from the supposed core tenant of Swiss national identity regarding humanitarianism.

Switzerland has come under further criticism for how they treat asylum-seekers at their own borders. In the case that asylum-seekers do not yet have the proper paperwork upon entering Switzerland, the state may seize their assets if worth more than 1,000 CHF and claims that this money contributes to the costs generated by their stay[15]. Even if they are granted asylum, refugees who win the right to stay and work also have to surrender 10% of their pay for up to 10 years until they repay 15,000 CHF in costs accrued during their stay in Switzerland[16]. That being said, in 2015, Switzerland spent 13.4% of its ODA (about 456.136 million CHF) on receiving asylum seekers from developing countries during their first year in Switzerland[17]. This practice of forcing the asylum seekers into debt upon arrival is clearly another way of discouraging refugees from seeking asylum in the country, especially when taking into account how many refugees the country is accepting.

Aside from the "Refugee Crisis", Swiss politics regarding immigration in the twenty-first century has been characterized by a fear of "over-foreignization" and its potential direct

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[14] Eurostat, "Asylum applicants and first instance decisions on asylum applications: 2014", published March 2015, http://ec.europa.eu/eurostat/documents/4168041/6742650/KS-QA-15-003-EN-N.pdf/b7786ec9-1ad6-4720-8a1d-430fcfc55018 [accessed May 6, 2016].

[15] The Guardian, "Switzerland seizing assets from refugees to cover costs", published January 15, 2016, http://www.theguardian.com/world/2016/jan/15/switzerland-joins-denmark-in-seizing-assets-from-refugees-to-cover-costs [accessed May 3, 2016].

[16] Ibid.

[17] "Switzerland's official development assistance in 2015," Swiss Confederation- Federal Department of Foreign Affairs (FDFA), published April 13, 2016, https://www.eda.admin.ch/eda/en/fdfa/news/news-fdfa.html/eda/en/meta/news/2016/4/13/61330.html.

relationship to a future decline in the country's economy[18]. According to Marco Giungi in Dialogues on Migration, "the dominant fraction of the economy as well as a majority of the population that is hostile to massive immigration have agreed to a policy of free circulation in Europe, but to a strict selection of highly qualified immigration from the rest of the world"[19]. This is qualified by the 1997 ruling for visa acceptance program divided into two categories: (1) free circulation within the EU (2) non-EU citizens subject to a point system based on most qualified immigrants on the basis of their academic achievement, professional experience, and language competencies. This characterized Swiss immigration policy until February 2014, Swiss voters by a slim majority of 50.3% decided to adopt even stricter regulations for immigration[20]. According to the Federal constitution, annual immigration quotas will be set and applied to all foreign citizens, including refugees, Schengen citizens, and cross-border commuters. Furthermore, work permits will only be issued after considering Switzerland's economic interests, employer's needs, and the capacity of workers to integrate and financially support themselves[21]. A key reason for stricter laws on immigration is directly connected to Swiss perceptions of migrants as a potential detriment to Switzerland's financial interests and to Swiss identity.

The connection between immigration and economic interests by the Swiss government today parallels the rhetoric and laws for prohibiting Jewish refugees during World War II. At the

[18] Marco Giugni and Florence Passy, eds. *Dialogues on Migration Policy* (Lanham, UK: Lexington Books, 2006), 87.

[19] Ibid.

[20] Philip Judd, "A 5-Step guide to Switzerland's immigration changes", *Le News*, March 17, 2015, accessed May 4, 2016, http://lenews.ch/2015/03/17/a-5-step-guide-to-switzerlands-immigration-changes/.

[21] Ibid.

Geneva Intergovernmental Conference on February 10, 1938, Heinrich Rothmund, the Chief of the Swiss Federal Police for Foreigners, refused to sign a proposal concerning the Status of Refugees coming from Germany, stating that "because of our geographical location, the foreign overpopulation, and the many foreigners living on our land, as well as because of the state of our job market, Switzerland can only be a country of transit for new refugees"[22]. In a May 1938 speech to the League of Nations by Switzerland, the country asked to be excused from any economic sanctions placed on states who broke the "Provisional Agreement on the Legal Status of German Refugees" from Geneva in July 1936[23]. Switzerland justified this so that it could guarantee its "integral neutrality" towards Italy and Germany, and thus preserve its interests in security, commerce, and finance[24]. Throughout WWII, there was a clear connection made between granting refugees permanent residency status and their potential to deplete the economy. This connection, however much it arguably remains, has also been explicit in today's rhetoric[25].

By 1942, Jews were completely banned from crossing the Swiss border. The government did not see them as political refugees, rather they were fleeing due to "racial" reasons and this was not a sufficient justification by Swiss standards[26]. Syrian refugees are of a difference race than the majority of Swiss citizens. While Swiss politicians or news agencies have not given race or religion, most Syrians are Muslim, as an explicit reason for refusing their refugee status, there have been a few referendum campaigns thats communicate this sentiment. In 2009, the Swiss

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[22] Independent Commission of Experts: Switzerland - Second World War, *Switzerland and Refugees in the Nazi Era*, [Bern, 1999] https://www.uek.ch/en/publikationen1997-2000/fb-e.pdf, 40.

[23] Ibid, 38.

[24] Ibid, 42.

[25] "A Safe Haven", SWI, accessed May 7, 2016, http://www.swissinfo.ch/eng/in-depth/a-safe-haven.

[26] Ibid, 90.

voted in favor of banning all minarets in the country even though there were only four minarets in the country at the time[27] and the Muslim population of Switzerland stands at about 5% of the total population[28]. On issues of immigration, there has been one very popular poster that consistently is repurposed for campaigns. It shows one white sheep kicking a black sheep across the border[29]. It is surprising that this poster, so blatantly comparing race, is tolerated in the country and continues to be used for new campaigns in order to grab headlines and votes. This demonstrates that Switzerland is very much still concerned with the race and religion of those entering the country and see this as a disruption to the Swiss culture.

During World War II, Switzerland was not keen on cooperating with other countries regarding refugees. Switzerland was not a part of international negotiations surrounding a reallocation of Jewish refugees or a quota on how many Jews the country should accept[30]. Although the early twentieth century was a period of increased inter-national diplomatic relations, Switzerland tried to assert its independence and neutrality more fervently[31]. When Swiss foreign policy switched to absolute neutrality in 1938, Swiss "internationalism" took over the function of demonstrating that Switzerland was nevertheless active in foreign policy. The "internationalism" enacted here referred mostly to the country's Red Cross and International

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[27] Mathieu von Rohr, "Swiss Minaret Ban Reflects Fear of Islam, Not Real Problems", *Der Spiegel*, November 30, 2009, accessed May 10, 2016, http://www.spiegel.de/international/europe/opinion-swiss-minaret-ban-reflects-fear-of-islam-not-real-problems-a-664176.html.

[28] "Languages and religions - Data, indicators: Religions", Swiss Confederation, accessed May 10, 2016, http://www.bfs.admin.ch/bfs/portal/en/index/themen/01/05/blank/key/religionen.html.

[29] Catherine Bosley, "Swiss Gear Up to Vote on Tough Stance for Foreign Criminals", *Bloomberg*, February 11, 2016, accessed May 13, 2016, http://www.bloomberg.com/news/articles/2016-02-11/swiss-gear-up-to-vote-on-harsher-stance-for-foreign-criminals.

[30] Ibid, 95.

[31] Madeleine Herren, "'Neither this Way nor any Other': Swiss Internationalism during the Second World War", in *Switzerland and the Second World War*, ed. Georg Kreis (London: Frank Cass Publishers, 2000), 171.

Bureau of Education as a means for improving the country's moral image abroad[32]. The exact figure for how much money the Swiss government designated to these organizations in this period remains obfuscated in off-line documents, although it is safe to say that there was no actual financial basis for refusing all Jewish refugees fleeing Germany. Nonetheless, there has been a shift in Switzerland's policy today. In September 2015, Switzerland opted-in to a European Union program that aims to relocate about 120,000 refugees. The government pledged to take 1,500 asylum seekers, mostly from Eritrea and Syria, that had already been registered in Italy and Greece[33]. To what degree this past influences today's lawmakers' decisions is debatable; however, it is noteworthy to understand the similarities between historic and contemporary Swiss politics during the past century as refugee populations rise across Europe.

There have been a few non-policy actions that the Swiss and the Swiss government have taken in an effort to reconcile Swiss consciousness and the country's image abroad. In 1995, after pressure from the international media outlets, such as the *Wall Street Journal, Business Week,* and the *Financial Times*, UBS and SBS were pressured into admitting that they "probably" held accounts of Holocaust victims on deposit[34]. In response, the Volcker Commission was founded to investigate both accounts opened by Holocaust victims and assets stolen from Holocaust victims that may have passed through Switzerland or been deposited by the Nazis in Swiss banks[35]. This was a watershed moment for unravelling Switzerland's relationship with Nazi Germany and for

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[32] Ibid, 173.

[33] Swissinfo.ch, "First 30 refugees from EU program to arrive", SWI, April 4, 2016, accessed May 5, 2016, http://www.swissinfo.ch/eng/asylum-policy_first-30-refugees-from-eu-programme-to-arrive/42063932.

[34] Institute of the World Jewish Congress, "The Role of Swiss Financial Institutions in the Plunder of European Jewry," PBS, 1996, accessed May 5, 2016, http://www.pbs.org/wgbh/pages/frontline/shows/nazis/readings/sinister.html.

[35] PBS, "A Chronology of Events Surrounding the Lost Assets of Victims of Nazi Germany", accessed May 6, 2016, http://www.pbs.org/wgbh/pages/frontline/shows/nazis/etc/cron.html.

de-legitimizing Switzerland's justifications in rejecting Jewish refugees during the War. Switzerland neither returned all of Holocaust victims' money or possessions during the Washington Agreement of 1946 and nor during the 1962/1963 payout by the Swiss banking community. Additionally, it was found that Switzerland laundered stolen assets from German-occupied Europe and Swiss authorities took some of the dormant accounts (supposedly those of Holocaust victims) to satisfy claims of Swiss nationals whose property was seized by Communist regimes in East Central Europe. Suddenly, Switzerland could no longer be seen as a country that was disengaged politically from the War and only served on the front-lines delivering humanitarian aid. Rather, a dark past was emerging in Swiss history for the role it played in the War and how it handled these actions in subsequent decades.

The Swiss government and banks acted quickly to quell domestic anxieties and ameliorate the country's image abroad. In March 1997, the Swiss Parliament announced plans to create a $4.7 billion investment fund whose earnings would be used to compensate Holocaust victims[36]. In August 1998, Swiss commercial banks, including UBS and Credit Suisse, agreed to pay Holocaust survivors and their relatives more than $1.25 billion over the next three years to end claims that Swiss banks had withheld millions of dollars since WWII[37]. In December 1996, the Swiss Parliament established the *Independent Commission of Experts Switzerland- Second World War* (commonly known as the Bergier Report) in order to investigate the volume and fate of assets moved to Switzerland before, during, and immediately after WWII from a historical and

[36] Ibid.

[37] Ibid.

legal point of view[38]. The final report was presented in March 2002 and the Commission disbanded[39]. Only twenty years have passed since the Swiss Parliament commissioned the Bergier Report and yet the country has demonstrated that they have forgotten about the "dark past" that once filled headlines in the 1990s around the world. Or, it is also possible, that the Swiss do not see parallels between the country's treatment of refugees during WWII and today.

Based on the similarities between refugee policy and rhetoric of the WWII era and today, it is apparent that Switzerland has not fully made a shift in order to avoid being on the wrong side of history again. In 1939, the IFRC based in Geneva and receiving funding from the Swiss government was operating in belligerent states and today this is the same strategy with the SDC and IFRC. Switzerland then and now accepted very few asylum-seekers compared to neighboring countries in favor of exporting their humanitarian aid and hosting inter-governmental negotiations. It has also become clear that the Swiss budget could support accepting more asylum-seekers during WWII and in the 21st century. The country consistently limited its participation in negotiations on a European level and enacted their own neutrality. This was characterized then by a fear of "over-foreignization" and the detriment that could bring to the Swiss economy. Switzerland justified prohibiting Jews from seeking asylum because they saw their flight from Nazi Germany originating in racial conflicts. Just as it was in WWII era, it is today racial and religious minorities in the country that face several legal referendums aimed at discouraging them from leading public lives in the country. When Switzerland's treatment of Jewish refugees and the country's agreements with Nazi Germany came to the fore in the 1990s,

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[38] Independent Commission of Experts Switzerland - Second World War, "The most important information at a glance", accessed May 2, 2016, https://www.uek.ch/en/.

[39] Ibid.

Switzerland came under international pressure and threats to financially and academically ameliorate its past and restitute possessions where possible. With these revelations just 20 years ago and Switzerland's claims to its humanitarian tradition, it is surprising that Switzerland has not taken a marked difference in its approach to accepting asylum seekers while Europe faces its largest refugee populations since WWII.

Upon comparison of the aforementioned Swiss refugee policies, many questions arise on how the policy, government, and populous are connected to collective memory and national identity. A few layers of memory are at play in today's politics, as Jan-Werner Müller claims in Memory and Power in Post-War Europe, "Policy-makers themselves rely on memory - understood here both as collective, national memory, and as personal memory - and on historical analogies in particular to decide policy"[40]. Policies are legitimized through appeals to the collective or national memory for social consumption both at home and abroad[41]. Although it is not within the scope of this paper to identify the precise layers of memory or to what degree the collective memory is being manipulated for political purposes, it is crucial to understand this layer in policy-making. Just as Switzerland decades later came to regret publicly the government's relationship with Nazi Germany, it is possible that opening Swiss borders to refugees today could stop the country from repeating its same mistakes and be able to uphold its core tenant of humanitarianism.

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[40] Jan-Werner Müller, ed., *Memory and Power in Post-War Europe* (Cambridge: Cambridge University Press, 2002), 27.

[41] Ibid, 26.

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