

# The rights of women without legal status in Geneva

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## — Introduction

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This brochure aims to explain the rights of women without legal status in Geneva. Being a woman without legal status or with *irregular residency* status means to reside within the territory of a state without fulfilling or no longer fulfilling the conditions of entry or residence established by that state. This booklet is intended for undocumented migrant women in Geneva and answers the main legal questions they raise. It can also be useful for men without legal status and for any interested party. The questions presented here have been identified by specialists working alongside these women. However, given the magnitude of such a subject, this booklet does not purport to deal exhaustively with their legal situation.

In Geneva, the number of persons without legal status would be between 10'000 and 15'000, of which 80% are women, mainly working in the domestic economy. These women do not constitute a homogeneous group: they originate from all regions of the world, emigrate for different reasons and have different backgrounds (training, family situation, age, etc.). The fact of being without legal status brings them together, insofar as they are all in breach of the federal law on immigration.

The research that led to this brochure was performed within the framework of the Law Clinic on the Rights of Vulnerable Persons, lectured by the Faculty of Law of the University of Geneva. The brochure presents an overview of the results of in-depth research conducted by students of the Master of Laws in the academic years 2013-2014 and 2014-2015 under the supervision of lecturers and specialists. It has been updated and translated in 2017. Favouring ease of access and conciseness, the present text does not present all the complexity and the nuances of the replies to the presented legal issues and should therefore be read in good faith.

## — Introduction

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The fact of being without legal status does not mean to be subject to the absence of rights or the duties. A woman whose residency status is irregular in Geneva is obliged and protected by the Swiss legal order, regarding her work, access to care, accommodation and children. However, the main difficulty faced by a woman without legal status is to assert her rights because of the risk of her status being revealed to migratory authorities. For example, a woman without legal status who is physically abused by her spouse or partner, subjects herself to the risk of initiating legal procedures, drop her anonymity and be expelled from Switzerland. This situation raises problems regarding the access to justice, which is guaranteed by both the European Convention on Human Rights and the Federal Constitution. One solution would be to set up "firewalls", or, legal barriers to avoid the exchange of information between the different authorities. The proposals of the former UN Special Rapporteur on the Rights of Migrants also go in this direction.

By informing women without legal status of their rights, the work of the Law Clinic aims to improve the implementation of these rights.

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Prof. Maya Hertig Randall, Djemila Carron, Olivia Le Fort, Camille Vallier, february 2018.

## — Abbreviations

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### A

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- AA** – Occupational Accident and Sickness Insurance
- AC** – Unemployment Insurance
- AELE** – European Free Trade Association
- AI** – Disability Insurance
- AJ** – Legal Financial Assistance
- ALCP** – Agreement on the Free Movement of Persons
- APG** – Loss of Earnings Insurance (maternity)
- AVS** – Old-age and Survivors' Insurance

### C

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- CAMSCO** – Mobile Ambulatory Community Care Attendance
- CC** – Swiss Civil Code
- CCNT** – Collective Labour Agreements in the Catering and Hotel Sectors
- CCSI** – Immigrants Contact Centre - Switzerland
- CCT** – Collective Labour Agreements
- CDE** – Convention on the Rights of the Child
- CEDH** – Convention for the Protection of Human Rights and Basic Liberties
- CFS** – Schengen Borders Code
- CO** – Swiss Code of Obligations
- Concordat**
- HarmoS** – Inter-cantonal agreement on the standardisation of compulsory education
- CP** – Swiss Penal Code
- CPP** – Swiss Code of Criminal Procedure
- CPC** – Swiss Code of Civil Procedure
- Cst. féd.** – Federal Constitution
- Cst-GE** – Constitution of the Republic and Canton of Geneva
- CSP** – Protestant Social Centre
- CTT** – Standard Contracts Labour
- CTT-CD** – Geneva CTT on Retail Trade

## — Abbreviations

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- CTT-Edom** – Geneva CTT of Domestic Economics
- CTT-TP** – Geneva CTT of Au Pair Workers
- CTT-TPM** – Geneva CTT of Minor Au Pair Workers

### D

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- DIP** – Department of Education of the Canton of Geneva
- Directive**
- Retour** – Directive of the European Parliament and of the Council on common standards and procedures in the Member States for the return of illegally resident third-country nationals
- DRT-tpg** – Regulatory Provisions for the Transport of Passengers, Luggage and Animals on the Geneva Public Transport System

### H

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- HUG** – University Hospitals of Geneva

### I

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- IST** – Sexually Transmitted Infections

### L

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- LAA** – Federal Accident Insurance Act
- LaCC** – Geneva Act for the Application of the Swiss Civil Code and other Federal Laws in Civil Matters
- LACI** – Federal Act on Compulsory Unemployment Insurance and Compensation in the Event of Insolvency
- LaCP** – Geneva Act for the Application of the Swiss Criminal Code and Other Federal Laws in Criminal Affairs
- LAf** – Geneva Family Allowances Act
- LAfAm** – Federal Act on Family Allowances
- LAI** – Federal Act on Disability Insurance
- LaLAMal** – Geneva Act on the Application of the Federal Health Insurance Act

## — Abbreviations

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<b>LaLEtr</b>	– Geneva Act on the Application of the Federal Act on Foreigners
<b>LaLHR</b>	– Geneva Act for the Application of the Federal Act on the Standardisation of the Registers of the Inhabitants and other official registers of persons
<b>LAMal</b>	– Federal Health Insurance Act
<b>LAPG</b>	– Federal Act on Allowances for Loss of Earnings in Case of Service and Maternity
<b>LAsi</b>	– Asylum Act
<b>LAVI</b>	– Federal Act on Assistance to Victims of Crime and consultation centre for victims of violence
<b>LAVS</b>	– Federal Act on Old-Age and Survivors' Insurance
<b>LDEA</b>	– Federal Act on the Common Information System for Foreigners and Asylum
<b>LEg</b>	– Federal Act on Equality between Women and Men
<b>LEtr</b>	– Federal Act on Foreigners
<b>LHR</b>	– Federal Act on the standardisation of the registers of inhabitants and other official registers of persons
<b>LIASI</b>	– Geneva Act on Integration and Individual Welfare
<b>LIFD</b>	– Federal Act on Direct Federal Tax
<b>LIP</b>	– Geneva Public Education Act
<b>LIRT</b>	– Geneva Act on Labour Inspection and Labour Relations
<b>LLCA</b>	– Federal Act on the Free Movement of Lawyers
<b>LN</b>	– Federal Act on the acquisition and loss of Swiss citizenship
<b>LOJ</b>	– Geneva Act on Judicial Organisation
<b>LOST</b>	– Federal Act on the Safety Institutions of Public Transport Companies
<b>LP</b>	– Federal Act on Debt and Bankruptcy Proceedings
<b>LPA</b>	– Geneva Act on Administrative Procedure
<b>LPAc</b>	– General Geneva Act on the members of the Cantonal Administration of the Judiciary and Public Medical Institutions

## — Abbreviations

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<b>LPart</b>	– Federal Act on Same-Sex Registered Partnerships
<b>LPers</b>	– Federal Personnel Act
<b>LPD</b>	– Federal Data Protection Act
<b>LPGA</b>	– Federal Act on the General Part of Social Insurance Law
<b>LPMéd</b>	– Federal Law on the Medical Professions of the University
<b>LPol</b>	– Geneva Police Act
<b>LPP</b>	– Federal Act on Occupational Retirement, Survivors' and Invalidity Insurance
<b>LS</b>	– Geneva Health Act
<b>LSAMal</b>	– Federal Act on the Supervision of Social Health Insurance
<b>LTN</b>	– Federal Act on Measures to Combat Clandestine Labour
<b>LTPG</b>	– Geneva Public Transport Act
<b>LTPH</b>	– Geneva Labour Court Act
<b>LTr</b>	– Federal Act on Labour in Industry, Crafts and Trade
<b>LVD</b>	– Geneva Act on Domestic Violence
<hr/>	
<b>M</b>	
<b>MGF</b>	– Female genital mutilation
<b>MP</b>	– Public Prosecution Service of Geneva
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<b>N</b>	
<b>NGO</b>	– Non-Governmental Organisation
<hr/>	
<b>O</b>	
<b>OA1</b>	– Asylum Procedure Ordinance
<b>OAFam</b>	– Family Allowances Ordinance
<b>OAMal</b>	– Health Insurance Ordinance
<b>OASA</b>	– Ordinance on admission, residence and the exercise of a remunerated activity
<b>OCIRT</b>	– Geneva Cantonal Inspection and Labour Relations Agency
<b>OCPM</b>	– Geneva Cantonal Agency for Population and Migration
<b>OEC</b>	– Ordinance on Marital Status
<b>OFPC</b>	– Geneva Agency for Advice, Vocational and Further Education

## — Abbreviations

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- OIE** – Ordinance on the Integration of Foreigners
- OIT** – International Labour Organisation
- OLAA** – Ordinance on Accident Insurance
- OLCP** – Ordinance on the free movement of persons
- OLT 1** – Ordinance on the Labour Act
- OMP** – Medical-educational Office of Geneva
- OPAS** – DFI Ordinance on Benefits in Compulsory Health Insurance in the Event of Illness
- OPP 2** – Ordinance on Occupational Retirement, Survivors' and Invalidity Insurance
- OR-AVS** – Ordinance on the Reimbursement of Old-age and Survivors' Insurance Contributions to Foreigners
- OTN** – Ordinance on clandestine labour

### **P**

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#### **Pacte ONU I**

- International Covenant on Economic, Social and Cultural Rights

#### **Pacte ONU II**

- International Covenant on Civil and Political Rights

- PP** – Occupational benefits

- PSM** – HUG Migrant Health Program

### **R**

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- RAJ** – Geneva Regulations on Legal Assistance and Compensation of Legal Advice and Attorneys in Civil, Administrative and Criminal Matters

- RAF** – Geneva Act on Regulations for the Enforcement of the Family Allowances

- RaLEtr** – Geneva Regulations for the Application of the Federal Act on Foreigners

- RAVS** – Regulations on Old Age and Survivors Insurance

- REP** – Geneva Regulations on Primary Education

## — Abbreviations

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- RIASI** – Geneva Regulations for the Implementation of the Law on Integration and Individual Welfare

- RIP** – Geneva Regulations for the Application of Certain Provisions of the Education Act

### **S**

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- SAM** – Geneva Health Insurance Service

- SEM** – State Secretariat for Migration

- SEASP** – Geneva Service for evaluation and support for parental separation

- SPMI** – Geneva Service for the Protection of Minors

### **T**

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- TBL** – Geneva Court of Leases and Rents

- TMC** – Geneva Court of Coercion

- TPG** – Public transportation in Geneva

- TPI** – Geneva Court of First Instance

### **U**

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- UE** – European Union

### **V**

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- VIH/Sida** – HIV/AIDS, Human immunodeficiency virus infection and acquired immune deficiency syndrome

## — Glossary

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### A \_\_\_\_\_

**Affiliation** — Enrolling in social insurance.

**Appellant** — A person whose application for asylum is admissible, however, whose asylum application was refused following an analysis of the merits.

### B \_\_\_\_\_

**B permit** — Temporary residence permit issued to a foreigner under certain conditions.

### C \_\_\_\_\_

**C permit** — Residence permit for an indeterminate period issued to a foreigner under certain conditions.

**Collective regularisation** — *Collective regularisation* consists in simultaneously issuing residence permits to a specific group of persons without a residence permit, on grounds such as the length of stay, employment in Switzerland, etc.

### F \_\_\_\_\_

**Franchise** — Annual fixed amount of minimum participation in the cost of benefits covered by health insurance.

### G \_\_\_\_\_

**General Hospice** — An institution which is responsible for the implementation of the social policy of the Canton of Geneva and mainly dedicates its activities to the social assistance of the neediest as well as to the reception of asylum seekers.

**Gross salary** — Sum of money received by the employee under his/her employment contract prior to any deduction of the compulsory contributions.

### H \_\_\_\_\_

**Hardship case (humanitarian permit B)** — Residence permit issued to a person in a situation of extreme gravity.

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<sup>1</sup> References to terms in the glossary appear in *italics* throughout the text.

## — Glossary

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### I \_\_\_\_\_

**Individual regularisation** — Individual regularisation consists in issuing a residence permit following an application based on individual grounds of a person without a residence permit.

**Interest worthy of protection** — To uphold a cause which merits protection to the extent of initiating procedures; a person's rights must be directly and substantially affected and in a more intense manner than that of another person.

**Irregular residency (absence of legal status, undocumented status)**

Presence in the territory of a state of a person who fails to fulfil the conditions of entry or residence established by that state.

### L \_\_\_\_\_

**Leave** — In the field of labour law, the term "leave" refers, on the one hand, to the period during which an employee is permitted to leave his place of work temporarily (vacation) and, on the other hand, by one of the parties by which it intends to terminate the employment contract (*termination*).

In the right to lease, the word "leave" refers to the termination of the lease contract.

### N \_\_\_\_\_

**NEM Person** — A person who has been denied asylum as his application is not admissible ("décision de non-entrée en matière").

**Net salary** — The sum of money received by the employee following the deductions of the compulsory contributions.

### O \_\_\_\_\_

**OCPM** — Competent migration authority in Geneva specifically for foreigners.

## — Glossary

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### P \_\_\_\_\_

**Penalty** – Penal sanction in the form of a financial penalty.

**Paternal affiliation** – Legal bond establishing a man's paternity over his child.

**Person applying for reunification** – Person initiating a procedure to enable a family member to come to Switzerland via family reunification.

**Premium** – Monthly amount to be paid by the health insurance.

### R \_\_\_\_\_

**Refugee** – A person who has left his or her state of origin or the state of his/her last residency due to being exposed, or the risk of being exposed to, grave persecution on the grounds of his/her race, religion, nationality, or belonging to a specific social group or his/her political opinions.

**Registered partnership** – Legal union for same-sex couples.

**Registry of Marital Status** – Registry in which events related to a person in Switzerland are registered (births, marriages, deaths, etc.).

**Reverse family reunification** – Reverse family reunification allows for one of the parents to obtain a residence permit on the grounds of their child's civil status.

### S \_\_\_\_\_

**Schengen states** – The Schengen area, provided for in the Schengen Agreement, consists of the territories of 26 European countries (Schengen States) including Switzerland. It suspends the control of internal borders. The Schengen States together manage the external borders of the Schengen area.

**Share** – Percentage of cost-sharing of benefits covered by the health insurance (10%).

### T \_\_\_\_\_

**Termination** – The termination of a contract.

# A.

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## — Residence

If I do not hold a residence permit for Switzerland, I am in breach of the law and I am therefore a woman without legal status in this country. Whatever the reason for my illegal residency, it is nevertheless essential for me to be properly informed of the consequences of my presence on Swiss territory and eventual options of regularisation.

# A. — Residence

## SOME BASIC NOTIONS

### Illegal residency

Unlawful residency or absence of legal status refers to the presence in the territory of a state of a person who does not fulfil the requirements of entry or residency established by that state. A woman may be without legal status in different conditions: legal entry followed by illegal residency; illegal entry; "overstayer" (a person who remains in Switzerland beyond the period of expiry of his permit or visa); an applicant whose request for asylum was unsuccessful or who was refused entry, respectively.

### Regularisation

Regularisation is the act of obtaining a residence permit for Switzerland by a person without legal status. There are two types of regularisation: collective programs (*collective regularisation*) and mechanisms based on individual grounds (*individual regularisation*). Unlike some European countries, until the present date, Switzerland has not performed *collective regularisations* of persons without legal status.

There are three forms of *individual regularisation* for a woman without legal status: family reunification, marriage or *registered partnership* and recognition of a *case of hardship*.

#### 01 – Family reunification

Family reunification allows a family to be reunited in the place of residence of one of its members. The concept of family includes the spouse or registered partner, the minor child(ren) and, in certain cases, other dependents in need of support.

# A. — Residence

## SOME BASIC NOTIONS

Different scenarios are possible and the conditions for family reunification differ depending on the country of origin and the type of permit of the person wishing to bring a member of his/her family to Switzerland (a "*person subject to reunification*"). Conditions are more favourable when the person subject to reunification is a national of an UE/AELE country.

#### 02 – Marriage and registered partnership

Marriage and *registered partnerships* also pave the way to family reunification and thus constitute a possibility of regularisation.

The Swiss legislature has recently established the requirement for future spouses or partners to prove the legality of their stay to marry or enter into a partnership, as a measure to support immigration control and combat marriages of convenience. However, in the absence of doubts regarding the authenticity of the conjugal relationship, in principle, the future spouses or partners obtain a provisional residence permit based on marriage or partnership. Following the celebration of the union, the spouse or partner can apply for a *B permit* based on family reunification.

#### 03 – Cases of hardship

A residence permit based on a *case of hardship* (also referred to as a *humanitarian B permit*) may be issued to a woman in a situation of extreme gravity.

### 1. When is my stay in Switzerland considered illegal ?

#### My stay is illegal, when :

##### 01 – I cross the border :

- without a valid identity document ;
- without a valid visa, where required ;
- without justifying the reasons or conditions of my stay and without the financial means necessary for the duration of the stay and the return to my country of origin (when originating from a non-UE/AELE country) ;
- after being informed of a non-admission condition ; or
- whereas, according to the Swiss authorities, I am a threat to the security, public order or international relations of Switzerland.

##### 02 – I remain on the Swiss territory :

- after the expiry of my visa or residence permit, if the visa or residence permit is not renewed or the authorities revoke it ; or
- when the asylum authorities have notified me of a final and binding decision not to enter or refuse to grant me asylum.

If I am undocumented and I give birth to a child(ren) in Switzerland (and his/her father has no legal status), my child has no legal status. For more details, refer to Chapter F. Children.

**Legal basis :** Directive Retour Art. 3 ch. 2 ; CFS art. 5 ; LAsi art. 44 ; LEtr art. 5, 62 al. 1 let. d.

### 2. Under which conditions may I obtain a regularisation of my stay ?

#### 01 – By marriage/registered partnership ?

I may marry or enter into a *registered partnership* in Switzerland provided I obtain a residence permit for marriage or *registered partnership* with the OCPM. The OCPM grants me this interim authorisation if it considers that my fiancé/my partner and I fulfil the prerequisites for family reunification and that we have a genuine and sincere intention to marry/enter into a *registered partnership*.

On the other hand, in Switzerland, I cannot marry a man without legal status or enter into a *registered partnership* with a woman without legal status since we are unable to establish the legality of our stay in Switzerland. The prerequisite of the legality of the stay constitutes a significant restriction on the right to marry or to conclude a *registered partnership*.

**Legal basis :** CEDH art. 12 ; ALCP art. 7 let. d ; CC art. 94-99, 159 ; LEtr art. 17, 42 ss, 51, 52 ; LaLEtr art. 1 et 2 ; RaLEtr art. 2 ; LPart art. 3-6 ; OEC art. 64, 66, 75.

#### 02 – Based on family reunification ?

There are several ways to regularise my stay based on family reunification, according to the status of my husband/my registered partner or my child (Swiss/permit C/permit B), as well as my family status (wife/partner/mother) :

- As a registered spouse/partner of a Swiss national or a holder of a *C permit*, I am entitled to a *B permit* if we live together in appropriate accommodation.
- As a registered spouse/partner of a *B permit* holder, I can obtain a *B permit* if we live together in appropriate accommodation and we dispose of sufficient funds to support ourselves without social aid.
- As a mother of a Swiss child, I can obtain a *B permit* to stay with my child in Switzerland.

# A. — Residence

## SPECIFIC QUESTIONS

- As a mother of a child with a *C* or *B* permit, I can obtain a *B permit* to stay with my child in Switzerland, provided that my child requires my emotional and economical support, and I have always complied with the law (apart from living in Switzerland as an undocumented migrant woman).
- As a registered spouse/partner of a *refugee*, I can obtain a *B permit* as long as there are no special circumstances to the contrary.

**Legal basis:** *CEDH art. 8; ALCP Annexe I art. 3; LAsi art. 51; LEtr art. 42-45, 52, 85; OASA art. 76.*

### 03 – Based on a case of hardship?

I can apply based on a *case of hardship*, however, the prerequisites for obtaining a *B humanitarian permit* are stringent. A long period of stay in Switzerland is insufficient. In particular, the authorities shall consider the following criteria: integration, respect for the Swiss legal system, family status (in particular, the period of schooling and the duration of the children's schooling, if any), the financial status and the willingness to integrate into economic life and acquire training, length of stay in Switzerland, state of health and possibility of reintegration into the state of origin.

In practice, those *cases of hardship* which are most likely to succeed are of carriers of a disease that cannot be treated abroad or of women with children who spent their period of adolescence in Switzerland.

As part of Operation Papyrus, the Canton of Geneva clarified the conditions for obtaining a *humanitarian B permit*. I should be eligible for regularisation if I meet the following criteria:

- I am not an UE/AELE national;
- I am not an asylum seeker;
- I have a job;
- I am completely independent financially;
- I have been living in Geneva continuously for 10 years (or 5 years if my children are attending school);
- I have integrated (at least a level of French A2 is required); and
- my criminal record is blank.

# A. — Residence

## SPECIFIC QUESTIONS

To take advantage of the "Operation Papyrus", I must file my application before 31 December 2018. I am strongly advised to apply for legal assistance prior to filing an application for regularisation.

**Legal basis:** *LEtr art. 30 al. 1 let. b; OASA Art. 31; Papyrus Brochure.*

### 3. What are the risks if I initiate a regularisation procedure for a case of hardship?

Any request based on a *case of hardship* may result in my removal from Switzerland given the obligation to reveal my identity and the uncertainty of the outcome of the examination of my application.

However, if I file my application for a *case of hardship* prior to 31 December 2018 and I fulfil the criteria for the "Operation Papyrus," the risks of removal are minimal and my application should be accepted.

**Legal basis:** *LEtr art. 30 al. 1 let. b; OASA Art. 31 para. 1 and 2.*

### 4. How to initiate the regularisation procedure?

#### 01 – Preparatory Procedure for Marriage/Registered Partnership

To be able to marry or conclude a registered partnership, I must file an application for marriage or for the preparation of registration of the partnership with the civil registry office in my place of residence in Switzerland or that of my fiancé/my partner. The application must be accompanied by several documents which vary according to my origin; I must contact the registrar to obtain a list of these documents. An authentication procedure for foreign documents may be necessary, resulting in costs ranging from CHF 300 to 2000.-.

To get married or enter into a partnership, I must also prove the legality of my stay in Switzerland. For this purpose, I can apply for a residence permit for marriage or registration of the partnership with the *OCPM*. At this moment, the *OCPM* is required to provide me with a residence permit if I fulfil the criteria for family reunification (see question 2b) and no doubts

# A. — Residence

## SPECIFIC QUESTIONS

persist as to the authenticity of the marriage (no marriage of convenience) or partnership (refer to question 2a).

**Legal basis:** CEDH Art. 8 and 12; CC Art. 98 para. 4; LPart art. 3, 4, 5 al. 4, 6; LEtr art. 17; OEC art. 64, 66, 75.

### 02 – Family reunification

If my spouse/partner or family member with a residence permit (person applying for family reunification) is a national of an UE/AELE country, he/she can apply for family reunification at any time on my behalf with the OCPM. The OCPM may require me to present several documents, including a document referring to my entry into Switzerland, a document proving the family tie and, regarding the dependents, a document confirming that I am dependent on the person applying for family reunification.

If my spouse/partner or family member with a residence permit (person applying for family reunification) is a national of a non-UE/AELE country, he/she must apply for family reunification on my behalf within a period of 5 years (or 12 months for my children above the age of 12). This period initiates at the time of the establishment of the family tie or at the time the resident permit was obtained. The OCPM may require me to present the various documents listed in the previous paragraph. The OCPM may also require me to present other documents, such as proof of large enough accommodation and my financial condition.

**Legal basis:** ALCP Annex I Art. 3 para. 3; LEtr art. 44, 45, 47, 52.

### 03 – Cases of hardship

I must file my application for a *case of hardship* with the OCPM. To assess my application, the OCPM requests several documents, including labour contracts, language certificates, medical reports or my children's school reports, if available. I must also present information regarding my identity. Other documents may be added to help prove my situation and/or to present me in a favourable manner, such as letters of recommendation from my employer or letters of support from relatives. On this basis, the OCPM summons me to a personal interview. In the event my applica-

# A. — Residence

## SPECIFIC QUESTIONS

tion is refused by the OCPM, I can appeal against the refusal decision.

If I file a request for a *case of hardship* prior to 31 December 2018 within the framework of the "Operation Papyrus", the OCPM will require certain documents from me, including proof of each year of residence in Geneva (salary slip, employment or rental contract, TPG subscription, etc.). A list of eligible means of proof of residence shall be established by the OCPM.

If the OCPM accepts my request, it forwards my file to the SEM, who must also grant their approval. This is subject to my application based on a *case of hardship* having been approved at a cantonal (OCPM) and federal (SEM) level. If my application is rejected by the SEM, I still have the option of appealing against this decision.

**Legal basis:** LEtr art. 30, para. 1 let. b; OASA Art. 31; Papyrus Brochure.

## 5. If I have obtained a residence permit, will the dissolution of my marriage/registered partnership affect my status?

If I have obtained a *B permit* (family reunification) and the dissolution of my marriage/partnership occurs during the first 5 years of my declared residence in Switzerland, my *B permit* may be withdrawn following the dissolution of the marriage/partnership. However, I can retain my *B permit* if I can prove that I have lived with my husband/partner for at least 3 years from the date our marriage/partnership was registered until we separated and that I am well integrated in Switzerland (especially based on my work and my national language skills).

I can also retain my *B permit*, if I can prove that:

- my husband (or my partner) was abusive towards me on several occasions;
- someone forced me to marry (or enter into a *registered partnership*) against my will; or
- in the case of a return to my country of origin, there is a substantial possibility that I may not be able to reintegrate.

**Legal basis:** LEtr art. 4, 34, 42-44, 49, 50; OASA art. 77; OIE art. 4.

## A. — Residence

### SPECIFIC QUESTIONS

#### 6. Which are the consequences and possible sanctions for me in the case of illegal residency?

I can be expelled from Switzerland due to the irregularity of my stay (administrative penalty). In the event I do not have legal status in Switzerland and I have a residence permit issued by a *Schengen State*, the authority orders me to return to that country or deports me directly to the respective country. In principle, if I have not committed any offence other than being an undocumented migrant woman, the authorities will not order an immediate deportation. After interrogating me, the police shall report me to the *OCPM*, which assesses the status of my stay and renders a decision.

Additionally, I also risk facing criminal penalty:

- I may be sentenced to a term of imprisonment of up to 1 year or to a financial penalty if:
  - I do not observe the conditions for entry into Switzerland (refer to question 1);
  - I am in Switzerland illegally (refer to 1);
  - I work without a permit; or
  - I enter or leave Switzerland without passing through an authorised border crossing point.
- I may suffer a financial *penalty* (fine) if:
  - I do not report my arrival or my departure to the *OCPM*; or
  - I do not comply with the authorities in obtaining my travel documents (for example, because I do not possess any identity documents).

**Legal basis:** *LEtr art. 63-68, 115, 120.*

## A. — Residence

### SPECIFIC QUESTIONS

#### 7. If I have a residence permit, what are the risks of it being revoked?

If I have obtained a residence permit, it may be revoked in the following cases:

- I perform false statements or conceal essential information during the authorisation proceedings;
- I am sentenced to a term of imprisonment of 1 year or more;
- I am interned, allocated to an institution for young adults, subjected to treatment for mental disorders or addictions.
- I violate the public order or safety in a severe or repeated manner, causing endangerment or threatening the internal or external safety of the country (for example, in the case of being suspected of acts of terrorism);
- I do not comply with the terms established in my residence permit or in a decision, for example, by working more than 15 hours in addition to my studies; or
- my dependents or I myself become dependent on social assistance by receiving benefits from the social welfare office.

**Legal basis:** *Cst. féd. art. 121 al. 2 to 6; Art. 63.*

### SPECIFIC QUESTIONS

#### 8. What are my rights in deportation proceedings?

In the event of an order for deportation, I can appeal against this decision within 5 working days following the notification (receipt of the decision). The appeal does not suspend the deportation, unless the suspensive effect is obtained (suspension of the order for deportation pending the court decision). Furthermore, I may also be subject to a temporary or permanent ban on entry into Switzerland.

On being sentenced to deportation, I am entitled to a reasonable period of departure. If I can legally enter various countries, I am entitled to choose the country to which I would like to be deported. In the event of health problems, my deportation may be postponed.

Pending my deportation, the authority may prohibit me from leaving a defined territory. The authority may also detain me (refer to question 8, chapter H. My Rights towards the police). For example, if I fail to cooperate in obtaining travel documents, I may be detained for up to 60 days.

**Legal basis:** *LEtr art. 60, 64, 68, 69, 74 and 77.*

#### 9. On which grounds can I avoid being deported from Switzerland?

The authorities cannot deport me from Switzerland if there is a serious risk of torture or cruel, inhuman or degrading ill-treatment in the country to which they intend to deport me. Moreover, I cannot be deported from Switzerland if this deportation subjects me to a substantial situation of risk, for example, in the event of war, violence or medical necessity (specifically in the absence of medical care). The preservation of my family life (for example, living in the same country as my child) may also, under certain circumstances, prevent my deportation.

### SPECIFIC QUESTIONS

In the event my deportation cannot be implemented, I will obtain an F permit (temporary admission) for Switzerland.

**Legal basis:** *CEDH art. 3 et 8; CCT art. 3; Cst. féd. art. 25; LEtr art. 69 et 83; LAsi art. 5, 44; OA 1 art. 32.*

#### 10. Can I apply for asylum in Switzerland? Under which conditions?

If I have been subject to persecution in my state of origin and if this state of persecution persists, I can apply for asylum in Switzerland. It is my responsibility to convince the authorities that if I return to my country, I am at risk of being persecuted or being exposed to serious harm (for example, being subjected to violence or being tortured) on the grounds of my race, religion, nationality, membership of a particular social group or my political opinions. The authorities also consider the degree of violence and discrimination that I have endured or may suffer as a woman (e.g. FGM, forced marriage, etc.). It may be possible, however, that Switzerland is not responsible for processing my application for protection and departs me to another European state to process this request. The SEM may reject my application for asylum if I come from a country considered "safe". If my application is rejected, I risk being deported to my state of origin.

**Legal basis:** *LAsi art. 2, 3, 4, 7, 31a, 42, 44, 45, 49, 54, 108.*

<sup>1</sup> On June 2014, 45 states were considered as "safe" states [SEM, List of Safe Countries]. The list includes the following countries: Albania, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Ghana, Greece, Hungary, India (excluding Transnistria) Mongolia, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, United Kingdom, United States of America.

### 11. Am I entitled to a return-related assistance? Under which conditions?

I may be entitled to a return-related assistance, provided I voluntarily left Switzerland within the established deadlines. Additionally, I must belong to at least one of the following categories:

- I left my country of origin or provenance due to a grave generalised risk, such as a war, and I could not return there while this risk persisted;
- I am particularly subject to exploitation during my work in Switzerland;
- I am a victim or witness to human trafficking; or
- I cooperate with the criminal prosecution authorities as part of a witness protection program.

Return-related assistance may consist of:

- counselling;
- access to projects in Switzerland to support persons in my situation;
- my participation in projects to facilitate my reintegration, provided by my country of origin, provenance or a third country;
- during my status as an asylum-seeker, in some cases, financial assistance to facilitate my integration or to provide medical care in my country of origin or in a third country.

In Geneva, La Croix-Rouge genevoise is the institution responsible for providing return-related assistance.

**Legal basis:** LEtr art. 60.

- To initiate a regularisation process, I must prepare a complete regularisation file, which includes all the necessary documents and I must be aware of the risks associated with such a request. To file my application and to assess my chances, I am advised to consult legal aid.
- I am advised to retain any document that enables me to provide evidence of my successful integration (knowledge of a national language, letters of recommendation from my employer, school reports from my children if I have children, etc.). Successful integration is one of the most important factors in a regularisation process.
- To take advantage of the "Operation Papyrus", I am advised to retain any document justifying the period of my stay in Geneva. Each year of residency must be proven by a document. A list of eligible supporting documents is provided by the OPCM.
- When sending a letter by post, I am advised to send it by registered mail and to retain a copy of my mail, as well as the receipt (proof of delivery).
- If my situation is compromised (in particular, as I am already known to the police and/or at risk of being deported) and my integration and other circumstances favour my stay in Switzerland, I am advised to consider an application for regularisation.
- I am advised to be very attentive to the possible deadlines indicated in the official documents that I receive to be able to act when necessary.
- If you have any questions regarding return assistance, I can approach La Croix-Rouge genevoise.

# B.

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## — Work and social insurance

As a woman without legal status, I usually come to Switzerland to find a job. It is therefore important for me to know whether my irregular status affects my rights and obligations regarding the labour law and the social insurance system, which is directly related to employment.

## B. — Work and social insurance

### SOME BASIC NOTIONS

#### Employment contract

An employment contract is an agreement between an employer (who may be a person or a company) and a worker. It is characterised by the following 4 elements:

1. a work performance, that is, the tasks to be performed;
2. an element of duration;
3. a relationship of subordination, that is, the work is performed under the supervision of the employer;
4. the salary.

If these four elements are present, this forms an employment contract. The employment contract may be on a part-time basis. In principle, no special form is required. The employment contract may be concluded in writing, by oral or tacit agreement. However, in certain cases, the law requires a special form, such as, the conclusion of an apprenticeship contract which must be performed in writing.

*Legal basis: CO art. 1, 11, 18, 20, 319, 320.*

#### The difference between employment and self-employment status

In the context of an employment activity, the worker is subject to a relationship of subordination, whereas in an independent activity, there is no hierarchical relationship and therefore no employment contract.

For example, domestic work is considered a dependent activity (except in special cases), even if the person works only a few hours a week, whereas sex work can only be performed as an independent activity in Switzerland.

## B. — Work and social insurance

### SOME BASIC NOTIONS

#### Legislation providing mandatory regulation, Collective Labour Agreements (CCT) and Standard Labour Contracts (CTT)

Certain legal rules may not be negotiated by the parties, they are mandatory (imperative) and their purpose is to protect workers. In particular, they can be included in the Swiss Code of Obligations (CO), the Labour Act (LTr) and its ordinances, in the Collective Labour Agreements (CCT) or in Standards Labour Contracts (CTT).

Regarding the domestic economy sector, the Canton of Geneva provides a cantonal CTT stipulating minimum salaries (this CTT-Edom is only applicable in the absence of the Federal CTT on the same subject).

*Legal basis: CO art. 319 ss, 356 ss, 359 ss, 361ss; LTr art. 2 al. 1 let. d and g.*

#### "Clandestine" labour (black market)

A person works "clandestinely" or in the black market when conducting work in violation of the LTr, compulsory social insurance and/or tax law for instance.

#### "Grey" labour

A person works in a "grey" scheme when conducting work in violation of the law, however he/she is declared by his/her employer to the fiscal authorities and/or compulsory social insurances. However, despite this "semi-declaration", his/her "semi-declared" work (grey) remains illegal in the LTr the framework.

## B. — Work and social insurance

### SOME BASIC NOTIONS

#### Social Insurance

##### Common notions

Social insurance is compulsory if the person resides (residence criterion) or if he/she works (remunerative criterion) in Geneva. There is no special scheme for women without legal status.

##### Retirement System

In Switzerland, the pension system is based on the general principle of "three pillars" (AVS/AI, PP and individual pension), each of which has a separate purpose. Pensions are paid in the event of:

- old age (retirement age from 64 years for women);
- death of the insured person (widows, their children and orphans);
- disability (physical, mental or mental health impairment leading to total or partial disability);
- incapacity (impairment of physical, mental or psychological health, forcing the person to live at home and requiring support to cope with the daily requirements).

##### Unemployment Insurance (AC)

The purpose of the unemployment insurance is to provide compensation for lost earnings caused by unemployment, reduced work schedules, climatic conditions or employer insolvency (LACI).

##### Accident and sickness insurance (AA)

The purpose of accident insurance is to provide benefits in the event of occupational accidents, non-occupational accidents and occupational diseases (LAA).

## B. — Work and social insurance

### SOME BASIC NOTIONS

#### Allowances for loss of earnings in case of maternity (APG)

The main purpose is to cover part of the salary following childbirth (LAPG).

#### Family allowances

The purpose of these allowances is to compensate, partially, for the costs of childbirth, education and training of children and support the parents until the children have grown up (FamZG, LAF).

## B. — Work and social insurance

### SPECIFIC QUESTIONS

#### 1. Am I entitled to work in Switzerland as an undocumented migrant woman?

No, as an undocumented migrant woman, I am forbidden to work in Switzerland, regardless of my sector of activity or my nationality.

*Legal basis:* ALCP art. 4, 10; LEtr art. 11.

#### 2. Is my employment contract valid as an undocumented migrant woman?

Yes, my employment contract is valid even as an undocumented migrant woman. Therefore, I am entitled to the same rights as a worker who is legally in the country.

*Legal basis:* CO art. 1, 319, 320.

#### 3. Does the conclusion of an employment contract enable me to regularise my stay?

In principle, if I am a **national of a non-UE/AELE state**, the conclusion of an employment contract is not a means of regularising my stay. Nevertheless, there is a possibility of admission to Switzerland for the purpose of gainful employment on very restrictive terms. This includes proving that no Swiss or foreign worker, holder of a *B permit* or national of an UE/AELE country, corresponds to the required profile. In principle, I cannot obtain an authorisation in this manner unless I am considered as a manager, expert or skilled worker.

In principle, as a **national of an UE/AELE state**, the conclusion of an employment contract enables me to obtain a residence permit, provided that I have taken the necessary administrative steps.

*Legal basis:* ALCP art. 4; LEtr art. 18 to 23, 96; OIE art. 4; OASA art. 31; OLCP art. 18.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

#### 4. Which are my main rights under my employment contract?

I am entitled to a salary. Minimum salaries are established in some sectors. For example, if I am a domestic worker without any qualification, I am entitled to a minimum salary of CHF 3801.- (*gross salary*) per month (for 45 hours, at CHF 19.50/hour). The salary may be reduced if I use accommodation facilities provided by my employer. In this case, he/she nevertheless must provide me with sufficient food and a single room. Therefore, if I am a domestic worker, my employer can deduct a maximum of CHF 33.- per day for food and accommodation (this corresponds to the amount of CHF 990.- per month which is deducted from the *gross salary*).

If I work more than the schedule provided for in my contract, I am entitled to a period of *leave* which is at least proportional to the hours of overtime worked. In the event the hours of overtime are not compensated for, unless otherwise agreed, I shall be entitled to a supplement of 1/4 of my regular salary.

The LTr provides that, on exceptional occasions, the maximum duration of the working week (generally 45 hours) may be exceeded. These additional working hours must then be compensated by a supplement of my salary of at least 1/4 or, with my consent, a proportional period of *leave*. It is to be noted that the LTr is not applicable to private households.

If I work more than 9 hours a day, I am entitled to a break of at least 1 hour.

Working nights and Sundays is in principle forbidden, unless authorised by the state authority.

In principle, I am entitled to a minimum of 1 day of *leave* per week.

<sup>2</sup> There are restrictions for Bulgarian and Romanian nationals until May 31 2019 at the latest and for Croatian nationals until December 31 2026.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

I am entitled to at least 4 weeks of paid vacation per year.

I am entitled to protection of my physical, psychological and sexual integrity by my employer (in the event of violence, refer to question 3, chapter G. Violence).

**Legal basis:** CO art. 319, 321c, 322, 327, 328, 328a, 329, 329a; LT art. 9, 16 to 20; OLT 1 art. 15, 18; CCNT art. 10; CTT-Edom art. 2, 7, 10, 11; CTT-CD art. 2, 3.

#### 5. Is my employer entitled to terminate our employment relationship on a unilateral basis (without my consent) ?

If the employment relationship is for a **specified duration**, it must only be terminated at the end of this duration and not before. However, immediate *termination* is possible in the case of justified reasons. This is the case in the event my behaviour or that of my employer (if the contract is terminated on my behalf) has been abusive to the extent it disrupted our relationship of trust (e.g. theft) or a minor offence was repeated following a notification.

If the employment relationship is defined for an **indefinite period**, it may be terminated, in principle, at any time, by the end of the month and under observance of the period of notification. For example, in the case of a domestic employee, this period is 1 month following the trial period. In the event of *termination* without notice or *termination* without due cause, the employee is entitled to a compensation payment (for *termination* during maternity or illness, refer to questions 6 and 7). In particular, in the event the *termination* is based on the grounds of nationality, race, age, criminal record, illness or homosexuality, it shall be deemed unlawful. It shall also be deemed unlawful if it is performed after I have asserted, in good faith, a right arising from the employment contract.

**Legal basis:** CO art. 334, 335 al. 1, 335b, 335c, 336ss, 337; CCNT art. 5 al. 2, 6 al. 1; CTT-EDom; CTT-TP; CTT-TPM.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

#### 6. What are my rights in the event I am incapacitated for work ?

In the event of incapacity for work, I am entitled to the payment of my salary by my employer (including compensation for salaries in cash) for a limited period if all the following conditions are met :

- I worked for more than 3 months or my contract was concluded for more than 3 months; and
- I am prevented from working independently due a fault of my own, or due to a reason inherent to my person. This is the case, for example, if I am sick, have suffered an accident or I am required to fulfil a legal obligation (such as caring for a child while waiting to find an alternative solution).

I can substantiate that my disability is due to an accident, pregnancy or disease, by way of a medical certificate.

On fulfilling all these conditions, I am entitled to a portion of my salary based on my years of service. The employer is not required to pay this salary if an insurance (accident insurance, maternity insurance or disability insurance) already covers 80% of my salary during this period.

If I live in the household of my employer, he/she is liable to provide me with the necessary medical care and assistance during the period during which I am entitled to the payment of my salary.

In the event I am unable to work due to an illness or accident, my employer cannot terminate my contract for a certain period of time. This prohibition lasts 30 days during the 1st year of employment, 90 days during the 2nd until the 5th year, and 180 days thereafter. If my employer terminates my contract during this period, this *termination* has no effect (unless the contract is terminated based on a just cause).

**Legal basis:** CO art. 324a, 324b, 328a al. 2, 336c al. 1 let. b et al. 2, 337.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

#### 7. What are my rights in case of pregnancy and maternity?

During my pregnancy, the LTr provides special protection. The LTr Act requires my employer to adjust my working conditions to accommodate my health, my safety and that of my future child. Warning : if I work in a private household, this Act is not applicable to me. I am nevertheless protected by my employer's general duty of protection (refer to question 4).

My employer cannot terminate my contract during my period of pregnancy or during the 16 weeks following delivery (unless in the event of just cause, refer to question 5).

In the event I am unable to work due to my condition of pregnancy, I am entitled to the payment of my salary under the same conditions and limits as in the case of incapacity (refer to question 6).

In the case of brief absences, I am entitled to be exempted from my work on simple notice (without a medical certificate). In this case, I am not entitled to my salary.

I also have the right to a maternity *leave* of 16 weeks after childbirth. The LTr prohibits me from returning to work during a period of 8 weeks following childbirth. Following delivery, I am entitled to a maternity allowance for a 16-week period under the following conditions:

- be subject to an employment contract on the day of delivery (or be self-employed) ;
- have worked at least 5 months of the 9-month period preceding delivery ; and
- was insured by the AVS for the 9 months prior to delivery.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

If I do not fulfil the requirements for maternity allowance and do not return to work following childbirth, I am still entitled to part of my salary during a limited period.

For questions related to my health during pregnancy, refer to question 10, chapter D. Access to care.

**Legal basis :** CO art. 324a al. 1 to 3, 324b, 328a, para. 3, 329f, 336c. al. 1 let. c et al. 2 ; LTr art. 2 al. 1 let. g, 35, 35a, 35b, 36a ; LAPG art. 16ss ; OLT 1 art. 61, 62, 64 al. 1.

#### 8. How can I enforce my rights within the framework of my employment contract ?

I can assert my rights in court by means of a lawsuit at the Labour Court :

- To appeal a *termination* (unlawful or summarily and unjustified), I must first file an objection (at the latest, before expiry of the *termination* period) and subsequently file a lawsuit within 6 months following the date of expiry of the contract.
- For salary claims (salary, overtime, vacation pay, etc.), I must act within 5 years from the date I am entitled to submit my claim (as soon as my claim is due).
- For other claims (other entitlements to refunds or benefits) arising from my employment contract, the period for filing a lawsuit is 10 years.

In the event I live with my employer, the time limit for asserting my claims begins on expiry of the employment relationship.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

Regarding the procedure, when I file a law suit in labour law, conciliation takes place at the Labour Court aiming to reach an agreement. If the conciliation fails, I have a 3-month period to file my application at the Labour Court. I can then appeal against this decision at the Labour Court of the Civil Court of the Geneva Court of Justice.

I am entitled to free legal assistance if I do not have the resources to initiate these proceedings (refer to question 5, chapter I. Risks of denunciation and legal assistance).

**Legal basis:** *CPC art. 67, 197, 199 al. 2 let. c, 209 al. 1 and 3; LTPH art. 1 al. 1 let. a; CO art. 127, 128 ch. 3, 134 al. 1 ch. 4, 323 al. 1 in fine, 336b; LOJ art. 124.*

#### 9. Can I join a trade union?

Yes, I can join a union regardless of my status or nationality. In principle, my employer is not entitled to terminate our contract because of my membership in a trade union or exercising my freedom of association.

**Legal basis:** *Pacte ONU I art. 8; Pacte ONU II art. 22; ILO Conventions No. 87 and 98 on freedom of association; CEDH Art. 11; fed. cont. art. 28 para. 1; CO art. 336 al. 1 let. b.*

#### 10. What is Chèque service and how may I use it?

Chèque service is an institution whose purpose it is to support employers by declaring the salaries of their employees to compulsory social insurance on their behalf.

To benefit from this system, the employer must register with Chèque service and declare to this institution the *gross salary* that he/she pays to his/her employee. Chèque service then calculates the social charges that the employer owes him/her and pays them back to social insurance.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

#### 11. Does the use of Service Check enable me to regularise my stay?

No. On the other hand, this may be an indication for good integration in the framework of an application for regularisation (refer to question 2c, chapter A. Stay).

#### 12. What are the consequences if I work without a residence permit in Switzerland?

Working without a residence permit in Switzerland entails various consequences:

- **Administrative consequences:** deportation (refer to question 6, chapter A. Stay)
- **Criminal consequences:** imprisonment for up to 1 year or a financial penalty.
- **Tax consequences:** withholding of tax on my salaries over a prior period of up to 10 years. As a reminder, income from clandestine labour is subject to tax.

**Legal basis:** *LEtr art. 30 al. 1 let. b hyp. 1, 64ss, 97, 115; LAsi art. 31a; OASA art. 31 al. 1 let. b, 82 al. 1; LTN art. 2, 3, 14; CP art. 34; LIFD art. 83 al. 1, 151, 152 al. 1, 175; LPP art. 7.*

## B. — Work and social insurance

### SPECIFIC QUESTIONS

#### 13. What are my rights and obligations regarding old-age insurance (AVS), disability insurance (AI), loss of earnings (APG) and unemployment insurance (AC) ?

##### Rights and obligations

As a dependent worker, I must be affiliated to the AVS/AI/APG/AC, if I work in Switzerland and I am 17 years old. My obligation to contribute is met by my employer who deducts my *share* of the contribution from my salary and pays the contribution.

As a self-employed person, I must join the AVS/AI/APG if I work in Switzerland and work more than 3 consecutive months a year.

##### Benefits

In the case of old age, I am entitled to an AVS pension.

In the case of disability, for example, I am entitled to rehabilitation measures or pensions within the framework of the AI.

If I am/become a widow, a surviving partner or orphan, I am entitled to a pension, provided that the deceased contributed to the AVS during at least one year.

In case of maternity, I am entitled to receive benefits for losses due to maternity from the date of delivery for 16 weeks. These allowances cover 80% of my salary. For this purpose, I must fulfil the 3 cumulative conditions necessary for obtaining a maternity allowance (refer to questions 7 and 10, chapter D. Access to care).

<sup>3</sup> Regarding the AVS/AI/AC: if my salary is less than CHF 2,300 per calendar year (and per employer), my contributions are only collected at my own request (minimum salary). Exceptions: contributions will be deducted by my employer, regardless of the amount of my salary, if I work in the field of arts or culture or if I work in a private household. However, in the latter case, salaries earned prior to December 31 of the year of my 25th birthday shall not be deducted if I earn less than 750.- per year and per employer.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

If I am unemployed I am not entitled to the unemployment benefit, as I do not meet the requirements for the granting of unemployment benefits.

Therefore, in principle, I am entitled to the same benefits regarding these insurances as any other person fulfilling the conditions, except for the AC.

However, to take advantage of these benefits, the insurance funds usually require a copy of my residence permit or proof of residence. In any case, the proof of residence is issued on presentation of a copy of the residence permit which I am unable to obtain as a woman without legal status. Thus, in practice, access to social insurance benefits is difficult for me.

**Legal basis:** LAVS art. 1a al. 1 let. a and b, 1 a. 2, let. c a contrario, 3 al. 1, art. 12 al. 1 and 2, para. 1, 21, para. 1 let. b, 23ss, 25ss, 29 al. 1, 51 al. 1; RAVS art. 2, art. 34d al. 1 and 2; LAI art. 1b; LACI art. 2 al. 1 let. a, 8 al. 1 let. f, 12, 15 al. 1; LAPG art. 16b al. 1 let. a to c, 27 al. 1.

#### 14. What are my rights and obligations regarding accident insurance (AA) ?

##### Rights and obligations

As a dependent worker, my employer must subscribe me to the AA. I cannot insure myself against non-occupational accidents when working less than 8 hours per week for the same employer.

My employer covers payment of the compulsory insurance premiums for accidents and occupational diseases. Regarding non-occupational accidents, I myself must pay the compulsory insurance premiums, unless otherwise agreed with my employer.

In the event of any accident requiring medical treatment or which incapacitates me for work, I must notify my employer or insurance company without delay and must immediately provide all relevant information regarding the accident.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

I am covered by accident insurance from the day I start or should have started my work according to my contract, in any case, from the moment I commute to work.

As an independent worker, I am not obliged to subscribe to the AA, however, I can do so if I reside in Switzerland.

#### Benefits

In the event of an accident, among other items, I am entitled to reimbursement of medical expenses or daily allowances (amount paid on a daily basis to compensate for part of the salary). I retain these rights even if my employer has not notified me or if he/she has not subscribed to a LAA.

In principle, therefore, I am entitled to the same benefits in the framework of this insurance as any other person who fulfils the requirements.

However, when declaring the accident and/or sickness, some insurance companies require a residence permit for insured foreign persons. Thus, in practice, access to accident insurance benefits is difficult for me.

**Legal basis:** LAA art. 1a al. 1, art. 3 al. 1, 4, 5, 7 al. 2, 8 al. 2, 10ss, 16ss, 28ss, 45 al. 1 to 3, 73 al. 1, 91, para. 1 to 3; OLAA art. 13 al. 1 and 2, 53 al. 1 to 4.

### 15. What are my rights and obligations regarding occupational pension (PP) ?

#### Rights and obligations

As a dependent worker, my employer must subscribe me to an occupational pension scheme with the following cumulative conditions :

## B. — Work and social insurance

### SPECIFIC QUESTIONS

- I work in Switzerland ;
- I am subject to the AVS ;
- I am over 17 years of age (for the risks of survival and disability) or 24 years (for old age contingencies) ;
- I receive a gross annual salary of more than CHF 21,150 from a single employer ; and
- my contract is for an indefinite period or for a fixed term exceeding a 3 month duration.

My obligation to contribute is fulfilled by my employer who deducts my *share* of the contribution from my salary and pays his *share* of the contribution.

As an independent worker, I am not obliged to subscribe to the PP, however, I may do so if I reside in Switzerland.

#### Benefits

In case of old age, I am entitled to a LPP pension. I retain this right even if my employer has not registered me or if he/she has not subscribed to a pension fund. If I am/become a widow, surviving partner, orphan or disabled, I am entitled to a pension if the legal requirements are fulfilled.

In principle, therefore, I am entitled to the same benefits in the framework of this insurance as any other person who fulfils the requirements.

However, to take advantage of these benefits, the pension funds usually require a copy of my residence permit or proof of residence. However, the residence permit is granted subject to presentation of a copy of the residence permit which I cannot obtain as a woman without legal status. Thus, in practice, access to occupational pension benefits is difficult for me.

**Legal basis:** LPP art. 2 al. 1, 4 al. 1, 5 al. 1, 7 al. 1, 12 al. 1, 13 al. 1 let. b, 18ss, 23ss, 46 al. 1, 60 al. 2, 66 al. 2 and 3; OPP 2 art. 62a.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

#### 16. What are my rights and obligations regarding family allowances?

##### Rights and obligations

As a dependent worker, I am entitled to family allowances if my employer is resident or maintains a permanent establishment in the canton of Geneva. My employer is obliged to join the family allowance fund and pay the contributions. If I have more than one employer, the competent family allowance compensation fund is that of the employer who pays the higher salary.

As a self-employed worker, I am entitled to family allowances if I work in Geneva. I must pay a contribution rate of 2.45% of my salary as AVS contributions. In any case, I must pay an annual contribution of at least CHF 120.-.

##### Benefits

If I have one or more children, I am entitled to the following amounts:

- birth or hospital allowance: CHF 2,000. -;
- child allowance:
  - CHF 300.-/month for children up to 16 years;
  - CHF 400.-/month for children from 16 to 20 years;
  - CHF 400.-/month of vocational training.

For my children living abroad, I am entitled to family allowances if I am compulsorily covered by the AVS and if an international agreement provides to this extent.

In principle, therefore, I am entitled to the same family allowances as any other person who fulfils the requirements.

However, to benefit from these allowances, the family allowance fund usually requires copies of residence permits for the entire family. Thus, in practice, access to family allowance benefits is difficult for me.

**Legal basis:** LAFam art. 13 al. 1; OAFam art. 7 al. 1, 11 al. 1; LAF art. 2, 3, 23 al. 1, 27 al. 2; RAF art. 12 al. 1, 13 al. 3.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

#### 17. What are my rights to social insurance in case of deportation or return to my country of origin and how can I claim them?

For the contribution period in Switzerland to be considered and to be able to export the benefits to which I am entitled, there must be a multi- or bilateral agreement between my country and Switzerland (if I am a national of an UE or AELE country, the ALCP provides for the maintenance of acquired rights in Switzerland).

In practical terms, to assert my rights regarding AVS/AI or other sectors of social insurance after having left Switzerland, in principle, I must submit an application to the Social Security Institute of my new domicile.

Administrative procedures, however, make access to benefits difficult for a woman without legal status, in particular, due to the requirement to present certain documents, such as a copy of the residence permit.

**Legal basis:** for example, refer to: ALCP Art. 8 let. c and d; LAVS art. 18 para. 2 et al. 3; OR-AVS.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

#### 18. Are the authorities (courts, labour inspection agencies), social securities, employers' organisations, trade unions or Chèque service obliged to, or will they report my irregular status to the immigration authorities?

##### Authorities

The law requires the cantonal and federal authorities responsible for labour inspection, labour market and unemployment insurance, employment, police, asylum, aliens and civil status, as well as for tax matters, to report data regarding the irregularity of my stay to the immigration authorities. In practice, the Labour Court generally does not report data of persons with illegal status to the *OCPM*.

The OCIRT collaborates with the migration authorities and performs inspections on work permits in enterprises. In the event of an inspection, my employer is obliged to provide my data to the inspectors and, if that is the case, I am reported to the *OCPM*.

*Legal basis*: LTN art. 6, 7 al. 1 let. d and e, 8, 11, 12 al. 3 and 4; LIRT art. 39a to 39c.

##### Social Insurance and Tax Authorities

Social insurance and tax authorities must collaborate with the OCIRT, in particular, they are obliged to provide them with data on clandestine labour. If they note that the social security contributions have not been paid and my stay is probably on an illegal basis, the social insurances must report the results of the inspection to the immigration authorities. Finally, if my annual salary exceeds CHF 2,300. - and it has not been declared to the tax authorities in Geneva, they are obliged to notify the compensation funds.

*Legal basis*: LTN art. 11 and 12; OTN art. 5; LAVS art. 50a al. 2.

## B. — Work and social insurance

### SPECIFIC QUESTIONS

##### Trade unions and employers' organisations

Trade unions and employers' organisations are not obliged to collaborate with the OCIRT to combat clandestine labour. They are not obliged to communicate my illegal status to the authorities.

*Legal basis*: LTN art. 11 al. 1 and 2, conversely.

##### Chèque service

There is a risk that Chèque service may transmit my data, in particular, to the immigration authorities. However, in practice, Chèque service does not appear to do this.

*Legal basis*: LTN art. 11 al. 1 and 2.

## B. — Work and social insurance

### PRACTICAL ADVICE

- An employment contract can be validly concluded orally, but I am advised to use the written form.
- It is important that I collect evidence of my work during my period of employment:
  - It is advisable to take photographs of my place of work, indicating the date on which the photo was taken.
  - I am advised to keep all written instructions from my employer.
- In the event of bullying or sexual harassment in my workplace, I am advised to photograph what I think is relevant, such as pornographic material. It is also advisable for me to record in writing the remarks that humiliated me and caused distress.
- If I trust my colleagues, neighbours, or other persons, it is advisable to request their names and phone numbers and record them. Thus, it will be possible for me to call them to testify in court, if necessary.
- It is advisable for me to register all my work schedules in a journal, as well as the different tasks that were assigned to me during my work.
- If I live with my employer, it is advisable to retain all the letters, invoices and bank statements which I receive.
- Should I have any questions regarding domestic work and the CTT-EDom, I can consult a trade union or a legal office.
- To obtain social insurance benefits, proof of domicile can be obtained by way of the health insurance policy. To initiate the respective measures, I am advised to apply for legal assistance or an NGO.



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## — Minimum conditions of subsistence

International law guarantees everyone the right to an adequate standard of living. As a woman without legal status living in Geneva, it is important to know under which conditions I can obtain benefits to help meet my basic needs if I find myself in a financially precarious situation.

There are different levels of assistance to support people in situations of distress. In Geneva, these benefits are guaranteed by social assistance and the right to minimum living conditions, which includes exceptional financial assistance and emergency assistance.

## C. — Minimum conditions of subsistence

### SOME BASIC NOTIONS

#### Social welfare

A person with a legal residence permit who is in need, under certain conditions, has access to social assistance. In the canton of Geneva, this assistance can occur in several ways: social support (guidance and counselling), financial benefits (financial amounts) and/or professional assimilation (assistance in finding a job).

#### Minimum conditions of subsistence

Every person in distress is entitled to the minimum conditions of subsistence to cover basic human needs, whatever her/his legal status. This right provides people who are unable to provide for themselves by other means, with minimum benefits, which are less extensive than social assistance, in particular, in the areas of housing, food, clothing or basic medical care. In Geneva, these benefits are referred to as "exceptional financial assistance".

#### Exceptional financial assistance

In Geneva, minimum living conditions are referred to as "exceptional financial assistance", except for emergency assistance.

#### Emergency assistance

In Geneva, the minimum living conditions for the *NEM* asylum seekers and deportees are referred to as "emergency assistance". This aid guarantees minimum subsistence and is granted subject to certain requirements.

## C. — Minimum conditions of subsistence

### SPECIFIC QUESTIONS

#### 1. Am I entitled to social assistance ?

No, as a woman without legal status, I do not qualify for social assistance since the legal residence permit is one of the requirements for obtaining this assistance.

**Legal basis:** *LIASI art. 11 al. 1 let. a.*

#### 2. Am I entitled to minimum assistance for subsistence and under which conditions ?

Yes, I am entitled to minimum conditions of subsistence (exceptional financial assistance) provided that I cannot support myself nor my dependent family members.

However, to be eligible for this assistance, I must initiate a regularisation procedure with the *OCPM*, which then issues a certificate for me (refer to questions 2c and 4c, chapter A. Stay). This certificate authorises me to stay in Geneva during the necessary period for the examination of my application for regularisation and to request the exceptional financial assistance to the *General Hospice* for this period.

Exceptional monthly financial assistance benefits include :

- a financial sum for basic needs, calculated according to the number of my family members (e.g. CHF 331.- for 1 person, CHF 575.- for 2 persons) ;
- pocket money (CHF 90.- for persons aged 17 and above, CHF 36.- per child aged 11 to 16) ;
- a sum of money for clothing (CHF 36.- per person) ;
- a monthly subscription for public transport in Geneva ;
- a housing allowance of up to CHF 800.- per month ;
- the assumption of part of the costs associated with compulsory health insurance.

**Legal basis:** *LIASI art. 11 al. 4 let. e, 13, 21 al. 2 let. c et 22 al. 3; RIASI art. 13, 17 and 19.*

## C. — Minimum conditions of subsistence

### SPECIFIC QUESTIONS

#### 3. Am I entitled to the minimum conditions of subsistence (emergency aid) as a woman with refused asylum applicant or NEM?

Yes, as a refused asylum applicant, I am entitled to emergency assistance. To obtain emergency assistance, I must address the *General Hospice* with the relevant *OCPM*-certificate of my status and declare my distress situation. In principle, this assistance is provided in kind and covers my accommodation, basic hygiene needs, essential services, permanent social support and return assistance, compulsory health insurance and CHF 10.- per day to cover my food (this amount can be increased in the event I have children or dependents). I must renew this *OCPM*-certificate every 15 to 30 days.

Yes, as a female *NEM*, I am entitled to emergency assistance. To obtain emergency assistance, I must address the *General Hospice* with the relevant *OCPM*-certificate of my status and declare my distress situation. The services provided are the same as for refused asylum applicant, except that the food assistance is provided to me in kind, I am not entitled to permanent social support and return assistance and I am required to renew this *OCPM* certification every 5 days.

**Legal basis:** *LIASI art. 43, 45; RIASI art. 24, 25, 29A, 29B, 30 al. 2 and 3, 31 al. 1 and 3.*

## C. — Minimum conditions of subsistence

### SPECIFIC QUESTIONS

#### 4. What risks are associated with the application for exceptional financial assistance?

In the first place, I may have to leave Switzerland. In fact, to obtain exceptional financial assistance, I must initiate a regularisation procedure. If my application is refused, I will have to leave Switzerland.

Secondly, it may place me at a disadvantage regarding my application for regularisation, as financial independence is one of the requirements which is examined in the analysis of the regularisation procedure (refer to question 2c, chapter A. Stay).

**Legal basis:** *LEtr art. 64 al. 1 let. c; OASA art. 31 al. 1 let. d; RIASI art. 17 al.1 and 3.*

# D.

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## — Access to health care

The right to health care is not expressly guaranteed under Swiss law. There is, however, a right of access to care. This is implemented by the social security system via the compulsory subscription to health insurance and the right to minimum conditions of subsistence. As a woman without legal status, I must subscribe to the health insurance system. It is important for me to be aware of my rights to access health care in order to care for my health.

## D. — Access to health care

### SOME BASIC NOTIONS

#### Health insurance

The purpose of health insurance is to enable all persons domiciled in Switzerland to be insured against the economic consequences of sickness, accident and maternity. Health insurance is a compulsory insurance. Anyone domiciled in Switzerland is therefore obliged to subscribe to health insurance. As the *affiliation* is not automatic, the necessary steps must be taken. The insurance is on an individual basis, thus it does not cover relatives. Health insurance covers accidents only in the case I am not covered by accident insurance.

#### Basic medical care

There is a right to obtain assistance for basic medical care in distress situations. Indeed, the state must guarantee the right to minimum conditions of subsistence, which includes the right to basic medical care for every person, irrespective of nationality and status. Also refer to chapter C. Minimum conditions of subsistence.

## D. — Access to health care

### SPECIFIC QUESTIONS

#### 1. Do I need to subscribe to health insurance and under which conditions?

Yes, I must subscribe to health insurance when I live in Switzerland. I must perform my subscription within 3 months after taking up residence. Health insurance companies are obliged to accept me, regardless of my status.

**Legal basis:** *LAMal art. 3 al. 1; OAMal art 1 al. 1; LSAMal art. 5 let. i; LPGa art. 13; CC art. 24 al. 2.*

#### 2. Which benefits am I entitled to in the framework of my health insurance?

As a subscriber to compulsory health insurance, I am entitled to the same benefits as other insured persons. In particular, I am entitled to the relevant services for the diagnosis or treatment of a disease or its sequelae, as well as for examinations aimed to the advance detection of certain diseases. The care I am entitled to may be provided as an outpatient or inpatient.

**Legal basis:** *LAMal art. 24-34; OAMal art. 33 ss; OPAS.*

#### 3. Which organisation can I contact to subscribe to health insurance and how do I proceed?

As the subscription does not occur automatically, I am obliged to take certain steps to subscribe. For this purpose, I can contact the SAM to which I must present an identity document and provide an address in Switzerland. I also have the option of directly addressing myself to health insurances, via a list which the SAM makes available annually. I am free to select my insurance provider.

**Legal basis:** *LAMal art. 4 al. 1.*

## D. — Access to health care

### SPECIFIC QUESTIONS

#### 4. What are the costs of health insurance?

As a health insurance subscriber, I pay a premium each month, the amount of which is established by the insurance provider. Additionally, whenever I receive benefits, I must to contribute to the costs. Initially, I contribute to a deductible (from CHF 300 to 2,500.- per year, depending on the health insurance contract). The health insurance provider shall bear the costs exceeding this amount, up to 90%. I then have to contribute again by paying the remaining 10%. The maximum annual contribution is CHF 700.- for adults and CHF 350.- for children. In addition I must also cover the accommodation expenses in the event of hospitalisation which amount to CHF 15.- per day.

**Legal basis:** LAMal art. 61 al. 1, 64 al. 1, al. 2, al. 5; OAMal art. 103 al. 2, 104 al. 1.

#### 5. Am I eligible for financial assistance to pay for health care costs?

I may request the SAM to grant subsidies, that is, a reduction of the premiums. The CCSI can assist me with this procedure. To be entitled to such subsidies, I must prove that my economic situation is eligible and I must be registered with the tax administration.

**Legal basis:** LAMal art. 65 al. 1; LaLAMal art. 19 al. 3.

#### 6. What happens if I fail to pay for health insurance?

If I do not pay the health insurance premiums and my contribution to the costs, I will receive a written reminder from my insurance and a summons (payment order) that will grant me an additional 30 days to pay what I owe. In the event that I fail to pay within this period, my insurance provider

## D. — Access to health care

### SPECIFIC QUESTIONS

will file a procedure for prosecution against me. However, I continue to be covered throughout the proceedings. If I do not comply with the rules governing prosecution, I risk a financial *penalty*.

**Legal basis:** LAMal art. 64a al. 1, al. 2; CP art. 323 al. 1.

#### 7. Should I subscribe my child to health insurance, under which conditions and what is the procedure?

Yes, I must subscribe my child to compulsory health insurance. I must subscribe him/her within 3 months of her/his birth or taking up residence in Switzerland.

To subscribe my child to health insurance, I can contact the SAM or directly approach an insurance company. The CCSI can assist me with my child's subscription. The procedure depends on my child's and level of schooling.

**Legal basis:** LAMal art. 3 al. 1; OAMal art. 1 al. 1; LSAMal art. 5 let. I; LPGA 13; CC art. 24 al. 2.

#### 8. What do I pay for my child's health insurance and may I apply for financial assistance?

Once my child is subscribed to health insurance, I must pay a monthly contribution for him/her. The amount is established by the insurance company (a much lower amount than for adults). Additionally, whenever my child receives benefits, I must contribute to 10% of the costs. I do not pay deductibles for my child. The maximum annual amount of the contribution is CHF 350.-. In the event other children of mine are insured via the same insurance provider, I will pay a maximum amount of CHF 1,000 for them. In case of hospitalisation, my child does not have to pay hospitalisation expenses.

## D. — Access to health care

### SPECIFIC QUESTIONS

If I qualify for subsidies, that is, a reduction in the premium, my child also benefits from this subsidy. If I am unable to prove my economic situation, I can contact the CCSI to confirm my income and financial situation. Thus, access to subsidies is facilitated for my child.

**Legal basis:** LAMal art. 61 al. 1, 64 al. 1, al. 2, al. 4, 65 al. 1bis; OAMal art. 103 al. 2, 104 al. 2 let. a; LaLAMal art. 19 al. 3, 21 al. 3.

#### 9. If I am not insured, am I entitled to medical services?

Yes, although I am not subscribed to health insurance, I can obtain treatment by contacting CAMSCO. I may have my health condition assessed. I may also have an access to nursing and medical follow-up services as well as social consultations. The social assistant will establish my possible contribution to the received healthcare services, according to my financial situation.

If I am between 12 and 25 years of age, I can also address the Young People's Unit and Health Consultation with questions regarding my health (physical or psychological) and see a doctor or a paediatrician.

**Legal basis:** Cst. féd. art. 12.

## D. — Access to health care

### SPECIFIC QUESTIONS

#### 10. In the event of pregnancy, am I entitled to medical follow-ups and do I have to contribute to the costs?

##### In case of subscription

If I am subscribed to health insurance, I am entitled to follow up treatment in case of maternity (pregnancy, childbirth, convalescence). In particular, I am entitled to exams during and after pregnancy, childbirth preparation courses and breastfeeding counselling. My insurance covers childbirth (at home or in a hospital) assisted by a doctor or midwife.

In the event of pregnancy, I do not have to contribute the costs associated with these benefits. For treatment in case of illness, I do not have to contribute to the costs as of the 13th. week of pregnancy, during childbirth and for up to 8 weeks following delivery.

My insurance also covers voluntary termination of pregnancy (abortion), provided it is legal. Interruption of pregnancy is not punishable in Switzerland if it is practised by a doctor within 12 weeks of the beginning of the last menstrual period or if it is essential to the prevention of serious bodily harm or state of deep distress of the pregnant woman.

##### In case of non-subscription

In the event that I am not subscribed to health insurance, I can approach CAMSCO, the Maternity (HUG) or the Sex and Family Planning Unit. I am supported regardless of my status. Consultations are free and confidential.

I receive a complete and personalised medical follow-up (pregnancy, childbirth, convalescence). These services are also available in the event of voluntary termination of pregnancy. For any emergency, I can immediately proceed to the emergency department of the Maternity (HUG). In the framework of these services, a social assistant evaluates my economic situation and determines my financial participation.

**Legal basis:** LAMal art. 29, 30, 64 al. 7; OPAS art. 14; CP art. 119 al. 1 and 2.

## D. — Access to health care

### SPECIFIC QUESTIONS

#### 11. Whom may I contact with any questions regarding my sexual and reproductive rights?

In the case of questions regarding my sexual and reproductive rights, I can address the Sexual and Family Planning Unit. This unit addresses all my questions regarding my sexuality, including ISTs, pregnancy, abortion, contraception, menopause, my sexual orientation and my relationship difficulties. I can obtain a pregnancy test for CHF 10.- and also an emergency contraception for CHF 10.- These consultations are confidential and free of charge.

The HUG Maternity can also provide me with information regarding my sexual and reproductive rights.

If I am between 12 and 25 years of age, I can address the Youth Health Consultation Unit. This unit replies to all my questions regarding my sexuality and possible gynaecological problems.

If I have questions about HIV/AIDS, I can address the HUG HIV/AIDS Unit. I can submit to an anonymous screening test for CHF 55.- or CHF 25.- until the age of 18 years. To perform this test, I can also address the Migrant Health Program.

For questions regarding my sexual orientation, I can also address the 360 NGO, the Dialogai NGO or the Lestime NGO.

## D. — Access to health care

### SPECIFIC QUESTIONS

#### 12. Do the authorities (the Prosecution and Bankruptcy Agency and the police departments, DIP and schools), HUGs, health insurance providers, SAM, the Sexual Abuse Counselling Centre or the CCSI report my irregular status to the migratory authorities?

##### **Public Prosecution and Bankruptcy Agency and police departments**

In the event of a prosecution, there is a risk that the irregularity of my status may be disclosed. Indeed, if I breach the prosecution laws, the Public Prosecution and Bankruptcy Agency is obliged to report me to the criminal authorities. Moreover, if I violate the rules of procedure of prosecution and the police is required to intervene, the latter may verify my legal residence status. The police and criminal investigation authorities have a legal duty to report my case to the *OCPM*.

*Legal basis* : LP art. 64 al. 2, 91 al. 2, 96; OASA art. 82 al. 1; CP art. 169.

##### **DIP and educational institutions**

There is no risk of the exchange of data between the DIP and educational institutions.

*Legal basis* : RIP art. 12 al. 1.

##### **HUG (CAMSCO, Sexual and Family Planning Unit, Youth Health Consultation Unit, Motherhood and HIV/AIDS Unit)**

There is no risk of data transfer from these services and health units. The medical personnel are bound to professional confidentiality. Nonetheless, I have the option to release the health professional from his/her obligation to confidentiality. There are exceptions to confidentiality when the interest of the minor is at stake.

*Legal basis* : CP art. 321, 364; Federal Act on Pregnancy Counselling Centres, item 2; LPMed art. 40.

## D. — Access to health care

### SPECIFIC QUESTIONS

#### Health insurance and SAM

The organisations responsible for the provision of health insurance, in particular the SAM, may not transfer data regarding my person to the authorities. They are required to maintain confidentiality regarding the legal status of their clients. In exceptional cases, based on written and substantiated request, they may report my data, in particular, to the following authorities:

- to the criminal investigation authorities, for the purpose of prosecution or crime prevention;
- to civil courts, to the extent such data is essential for the settlement of a dispute relating to family law or succession;
- to the criminal courts, to the extent such data is essential to establish the facts in the case of a crime or offence;
- to the prosecution agencies, in the case of debt prosecution and bankruptcy.

*Legal basis: LPGA art. 33; LaMal art. 84 al. 1 ss, 84a; LS art. 87.*

#### CCSI

The CCSI is not obliged to report my irregular residence status to the migration authorities. In practice, the CCSI processes the data of illegal residents in a confidential manner. There is therefore no risk of data transfer.

## D. — Access to health care

### CONSEJOS PRÁCTICOS

- In the event of any questions regarding health insurance (list of health insurance providers, premium comparisons, etc.), I may contact the SAM.
- As soon as a health problem arises, I may contact the CAMSCO, the Emergency Department (HUG) or other relevant departments. I do not have to wait until my health problem deteriorates.
- In the event of inquiries regarding my entitlement to health care, I am advised to contact for legal assistance.

# E.

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## — Housing

Various legal instruments of international, Swiss and Geneva law regulate the housing sector. At a federal level, there is no individual right to housing. Nevertheless, accommodation is one aspect of the right to minimum conditions of subsistence (refer to Chapter C. Minimum conditions of subsistence).

In Geneva, the right to housing is expressly guaranteed by the Geneva Constitution. However, as it stands, this law does not grant me access to accommodation. The housing shortage in Geneva and my irregular residence status make this access even more difficult.

## E. — Housing

### SOME BASIC NOTIONS

#### Rental contract

The rental contract is a contract whereby the parties (the landlord and the tenant) agree on the use of an accommodation against the payment of a rent.

The term "rental contract" refers to both the rental and the sub-rental contract.

#### Real Estate Management

A real estate management company is a company which manages real estate on behalf of the owners. In particular, it processes the conclusion of rental contracts and the payment of rent.

## E. — Housing

### SPECIFIC QUESTIONS

#### 1. Under which conditions can I enter into a rental contract?

I can validly conclude a rental contract if I reach an agreement with my landlord on the rented accommodation and the price of the rent. The rental contract can be concluded orally or in writing. If the contract is in writing, it must be signed by myself and my landlord. In Geneva, my landlord must establish the rent price by way of an official form.

Despite my *irregular residency* status, I can legally conclude a rental contract. However, when looking for accommodation, the authorities may ask me for information regarding my resident status. In this case, sub-renting remains my sole option.

**Legal basis:** CO art. 11 al. 1, 13 al. 1, 14 al. 1, 16, 20 al. 2, 253, 269d, 270; LaCC art. 207.

#### 2. Under which conditions can I enter into a sub-rental contract?

I can enter into a sub-rental contract on the same terms as in the case of a rental contract. Additionally, the principal landlord must grant his/her approval. If I do not obtain this approval, my sub-rental contract still remains valid.

My irregular resident status does not affect the validity of the sub-rental contract.

**Legal basis:** CO art. 253 ss, 262.

## E. — Housing

### SPECIFIC QUESTIONS

#### 3. What type of information can my landlord request from me when signing the sub-rental contract?

In principle, the landlord may request the following information from me:

- surname and first name;
- address;
- phone number;
- date of birth;
- nationality;
- residence permit, including its expiry date.

Under these circumstances, it is difficult for me to conclude a rental contract.

The landlord may also ask me who terminated my previous rental contract.

He/she may not request information on the number of times I relocate, the reasons nor the number of rooms and the price of rent of my former accommodation, unless there are substantial grounds provided by law.

If I am not approved as a tenant, my personal data is deleted.

**Legal basis:** LPD art. 12, 13 al. 2 let. a.

#### 4. Is my landlord committing an offence by entering into a rental contract with me?

Yes, the landlord who enters into a rental contract with me commits an offence. According to the law, he/she abets illegal residence and risks imprisonment (custodial sentence) of up to 1 year or a financial *penalty* (in cases of minor severity, a fine).

**Legal basis:** LEtr art. 116 al. 1 let. a et al. 2 ; CP art. 12 al. 1.

## E. — Housing

### SPECIFIC QUESTIONS

#### 5. What are my rights as a tenant with irregular resident status?

As a tenant with irregular resident status, I have the same rights as any tenant who is legally resident in Geneva, in particular:

- upon receipt of the keys, I have a 30-day period within which I can apply for a reduction of the initial rental rate if I consider the rental rate to be excessive;
- in the course of a rental contract, I may object to an increase of the rental rate within a 30-day period or request a reduction of the rental rate;
- on expiry of the rental contract, I may request a period of notice, which was not granted to me legally, request an extension of my rental term and request a refund of the deposit amount I paid as a guarantee at the beginning of the rental period (the security deposit). I must observe the deadlines in order to act;
- in the event of deportation, I may allege humanitarian grounds to obtain extra time before having to leaving my accommodation.

**Legal basis:** CO art. 257ss, 266ss, 267 al. 1, 269, 269a, 270 al. 1, 270a, 270b, 271, 272ss, 273; LaCC art. 30 al. 4.

#### 6. What are my rights to accommodation if I live with my employer as a domestic employee?

As a domestic worker living with my employer, I am entitled to:

- a salary on a cash basis in addition to accommodation (which forms part of my remuneration in kind). The minimum salary is fixed by a CTT (for a domestic employee without qualifications, this minimum gross wage amounts CHF 3801.- per month). As I receive a salary in kind, this must be deducted from the minimum cash salary as provided by the CTT. My employer can deduct the equivalent amount for

## SPECIFIC QUESTIONS

food and accommodation (which amounts to CHF 33.- per day, of which CHF 11.50.- for accommodation, thus amounting to a sum of CHF 990.- per month) of my *gross salary*;

- remain in the accommodation until the day following expiry of the contract. I am then obliged to vacate my accommodation.

**Legal basis:** CO art. 319, 322; RAVS art. 11; CTT-EDom art. 10, 11, 22, 23.

### 7. How is my rental contract terminated?

The expiry of my rental contract depends on the type of contract which was concluded:

- if my rental contract establishes an expiry date, the contract is for a fixed term. In this case, the contract will automatically expire on that date. It is therefore not necessary for my landlord to provide me with a notice period. If, after the established date of expiry, my landlord allows me to remain in the accommodation my fixed-term rental contract is automatically converted into an indefinite rental contract.
- if my rental contract does not provide an expiry date, my contract is for an indefinite period. In this case, the contract is terminated following a *termination* on behalf of my landlord or myself.

The *termination* must observe various legal rules: it must be performed in writing and if the *termination* is performed on my landlord's behalf, an official form must be used. In the event I receive a *termination* in any other form, I may challenge this *termination*, as it is irregular.

I can request my landlord to inform the grounds for *termination*, as I am aware that certain grounds are not acceptable (revocable period of notice).

Additionally, I am entitled to a period of protection during which my contract cannot be terminated. At a minimum, the protection period is 3 months for the end of a 3-month rent contract term. However, if my accommodation is a furnished room, the protection period is shorter and amounts to 2 weeks for the end of a rental month.

## SPECIFIC QUESTIONS

Under certain exceptional circumstances provided for by law, my landlord may legally terminate my rental contract without granting me this period of protection. However, certain specific rules must be observed.

If the *termination* to which I am subjected, does not comply with these rules or appears to me to be excessive, I must act as soon as possible by contacting legal assistance. If necessary, I can take action before the TBL, a court with the jurisdiction over rental law. As part of this process, I can apply for an extension of the rental contract in the event the expiry of the contract entails hardships for me or my family.

**Legal basis:** CO art. 255, 266, 266a, 266c, 266l ss, 272; LOJ art. 89 al. 1 let. a.

### 8. What are my rights in the case of a "slumlord"?

Slumlords are landlords who rent apartments, garages, abandoned factories or mattresses at abusive prices.

The procedure of the slumlord is often illegal and can constitute a damage (evident financial disproportion between accommodation and rent) and a criminal offence: usury (exploiting of a person's dependence or vulnerability to obtain a disproportionate financial advantage), as well as the abetting of illegal residency.

I can report my landlord's abusive behaviour to the police. It is advisable for me to discuss this with an attorney or a legal office to gather the necessary evidence and to assess the risks of disclosing my irregular status.

**Legal basis:** CO art. 21; CP art. 157; LEtr art. 116 al. 1 let. a and al. 3 let. a.

### SPECIFIC QUESTIONS

#### 9. Can the authorities (courts or criminal investigation authorities), private individuals or my landlord report my irregular status to the migration authorities?

##### Authorities

The police, judicial and criminal investigation authorities are legally obliged to report my irregular status to the *OCPM*.

The courts (in particular, the TBL or the TPI) are legally obliged to forward court decisions related to my person to the *OCPM*. I therefore risk having my data transferred to the immigration authority. In practice, the TBL generally does not appear to report the data of illegal residents to the *OCPM*.

**Legal basis:** *OASA art. 82.*

##### Individual persons

Anyone can report an offence to the criminal prosecution authorities (either the police or the MP). There is a risk that a neighbour or any other person may report me to the police or the *OCPM*. If a report is made to the police, the police investigates and compiles a report. If the police become aware of my irregular status, they will transfer my data to the *OCPM*.

**Legal basis:** *LEtr art. 97 al. 3; OASA art. 82; LaLEtr art. 1ss; RaLEtr art. 2 al. 2; CPP art. 301, art. 302.*

##### Landlord

In Geneva, the landlord of a foreigner is obliged to declare the tenant to the *OCPM*. Therefore, there is a risk that my landlord may disclose my irregular status.

**Legal basis:** *LEtr art. 16; LHR art. 3 let. a, 5, 6, 11, 12 al. 1 let. c; LaLHR art. 3 al. 1, 7 al. 2, 11 al. 1.*

### PRACTICAL ADVICE

- If I conclude a written rental contract, I am advised not to keep the original document in my apartment. A copy of the contract should be deposited with a trusted person or it should be scanned.
- I may request payment slips from my landlord to pay the rent via the Post Office. Thus, my name appears on the receipt and I can provide evidence of the existence of a rental contract and the payment of my rent.
- It is advisable to store proof of payment of the rent in 2 copies and in 2 separate places, one of which should be outside the (sub-)rented apartment. Proof of payment of rent is necessary to qualify my contract as a "rental contract" and to be protected by the rental law.
- When my landlord charges me excessive rental amounts or fails to reimburse the security deposit, I should undertake negotiations with the help of legal assistance. If the negotiation fails, I can appeal via a mediation organisation.
- When I pay the security deposit to my landlord, he/she must deposit it in a bank for the period of the rental contract and may not retain it. Thus, I do not have to pay the security deposit amount directly to him/her.
- In the event of issues, I may consult a legal office or an attorney. He/she will be able to respond to my inquiries and take the necessary steps, including negotiating with my landlord.
- If the principal landlord, the owner of my accommodation, takes legal action against me as a subtenant, the proceedings shall take place via TPI or the TBL, depending on the dispute. The proceedings via TPI are not free of charge and the protective rules of the rental law do not apply. Under these circumstances, I am advised to consult a legal office or an attorney.

# F.

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## — Children

If I am/become a mother, a number of issues related to my child arise, such as civil registration, parentage, family reunification and access to education.

As a woman with irregular legal status, if my child's father also has an irregular legal status, our child is subject to irregular legal status. However, if the father has a regular legal status, my child may also obtain it under certain conditions. It is therefore important that I am aware of the rights of my child.

The right to education is guaranteed to all children and young people, with or without a legal status, according to international and national law. However, this is not an absolute right and may be limited to certain conditions. However, the state must guarantee the access to public schools to children, regardless of their legal status.

### SOME BASIC NOTIONS

#### Compulsory education

Compulsory education in Geneva begins at the age of 4 and consists of the primary (8 years of studies) and the secondary level I (orientation cycle, 3 years of studies). According to the Constitution of the Republic and Canton of Geneva, education is compulsory until the age of 18.

#### Post-compulsory education

Post-compulsory education includes the secondary level II and the third level. The secondary level II is divided into 2 types of education: the general education (college, general education school) and vocational training (technical maturity, professional maturity, apprenticeship and other vocational schools). The third level includes the University of Geneva and the Universities of Applied Sciences.

### SPECIFIC QUESTIONS

#### 1. Should I declare the birth of my child and have him/her registered in the civil register?

Yes, I must first declare the birth of my child to the civil authorities and, subsequently register him/her in the civil register.

If I give birth to my child in a hospital, the management of this institution must declare the birth to the civil authorities. If I give birth outside a hospital, any member of the medical profession present at the birth must declare the birth to the civil authorities.

If I give birth outside of a hospital and without the assistance of a member of the medical profession, it is the responsibility of a person present at birth or my own responsibility to declare it to the civil register within 3 days (and in certain exceptional cases, within 30 days).

Several documents must be provided for the registration, including a copy of a residence permit. However, the fact of not holding a residence permit does not prevent me from registering my child.

*Legal basis: CDE art. 7; CC art. 39 al. 1 ch. 1; OEC art. 6a al. 1, 7 al. 2 let. a, 8 let. g, 9 al. 1, 15a al. 1 and 2, 19, 20 al. 1, 34 let. a and b, 35 al. 1, 2 and 3, 91 al. 1 and 2.*

#### 2. How is my child's paternal parentage established?

If I am married, my husband is presumed to be the father of my child and is registered as the father in the civil registry.

If I am not married, my child's biological father can recognise him/her before the registrar. Recognition can be performed before (prenatal) or after birth (postnatal). If the biological father does not recognise the child, I can initiate legal paternity action to establish the parentage.

*Legal basis: CC art. 252 al. 2 hyp. 2, 255 al. 1, 260 al. 3 hyp. 1 and 261 ss.*

### SPECIFIC QUESTIONS

#### 3. Is my child entitled to support from her father ?

Yes, my child is entitled to support if parentage is established with its father and they do not live together.

If I cannot reach an agreement with the father on my child's alimony, I can file an application before TPI for financial support.

**Legal basis:** CC art. 276 ss, 279 ss and 298a al. 2 ch. 2.

#### 4. If the father is Swiss, under what conditions can my child obtain Swiss citizenship ?

If my child was born before January 1st. 2006, parentage must be established, as well as a facilitated application for naturalisation.

If my child was born after January 1st. 2006, he/she acquires Swiss citizenship automatically, as soon as the parentage is established.

**Legal basis:** LN art. 1 al. 2, 26 let. a, b, c, 58c.

#### 5. If the father is a foreign national, under which conditions can my child obtain a permit B (residence permit) or a permit C (establishment permit) ?

My child can obtain a B, C or F (temporary admission) permit via family reunification, if his/her father holds a B, C or F permit.

##### If the father of my child is a national of a non-UE/AELE state and holds:

- a *C permit* (establishment permit) :
  - my child under 12 years of age is entitled to a *C permit* ;
  - my child aged 12 to 18 is entitled to a *B permit* under certain conditions:
    - he/she lives with his/her father ;
    - in some cases, attendance of a language or an integration course.

### SPECIFIC QUESTIONS

- a *B permit* (residence permit) :
  - my child under the age of 18 can obtain a *B permit* under the following conditions :
    - he/she is single ;
    - he/she lives with his/her father ;
    - living in appropriate accommodation ;
    - not dependent on social assistance (father and child) ;
    - in some cases, attendance of a language or integration course.
- holds an *F permit* (provisional admission) :
  - my child under the age of 18 can obtain an *F permit* under the following conditions :
    - he/she is single ;
    - he/she lives with his/her father ;
    - living in appropriate accommodation ;
    - he/she is not dependent on social assistance (father and child).

##### If the father of my child is a national of an UE/AELE state and holds:

- a *C permit* (establishment permit) :
  - my child can obtain a *C permit* if he/she is under 12 years of age.
  - my child may obtain a *B permit* under the following conditions :
    - he/she is under 21 years of age or is still dependent on his/her father ;
    - he/she lives with his/her father ;
    - lives in appropriate accommodation.
- a *B permit* (residence permit) :
  - my child may obtain a *B permit* under the following conditions :
    - he/she is under 21 years of age or is still dependent on his/her father ;
    - he/she lives with his/her father ;
    - lives in appropriate accommodation.

### SPECIFIC QUESTIONS

Additionally, the following deadlines must be met for the family reunification application:

- If the father is a national of a non-UE/AELE state and holds a *B* or *C permit*:
  - of 5 years, as soon as his/her father has obtained his permit, when my child is under 12 years of age;
  - of 12 months, as soon as his/her father obtained his permit, when my child is more than 12 years old.
- If the father holds an *F permit*:
  - of 3 years, as soon as his/her father has been granted provisional admission on Swiss territory.
- If the father is a national of an UE/AELE state and holds a *B* or *C permit*, the law does not establish a time limit.

**Legal basis:** *ALCP art. 3 Annex I; CC art. 261 ss; LEtr art. 43, 44, 47, 54 al. 1 and 85 al. 7; OASA art. 73.*

#### 6. Can I obtain a *B permit* (residence permit) if my child has Swiss nationality (reverse family reunification) ?

Yes, I can obtain a *B permit* (residence permit) via reverse family reunification under certain conditions. In particular, I must demonstrate that the ties that bind me to my child must be particularly strong from an emotional and economic point of view and that I have not breached the law in a serious manner (public safety grounds).

**Legal basis:** *CEDH art. 8; CDE art. 3.*

### SPECIFIC QUESTIONS

#### 7. Can I obtain a *B permit* (residence permit) if my child holds a *B* or *C* (reverse family reunification) permit ?

Yes, I can obtain a *B permit* (residence permit) if my child holds a *B* or *C permit* under restrictive conditions. This includes:

- the ties that bind me to my child are particularly strong from an emotional and economic point of view;
- a return to my country of origin is not admissible (difficulties of social reintegration);
- there are no reasons, based on public safety or public order, to require my departure.

**Legal basis:** *CEDH art. 8; CDE art. 3.*

#### 8. Should my child be enrolled in primary, secondary and secondary schools and under which conditions ?

From the age of 4, my child, with or without legal status, must attend school, as soon as the period of stay in Geneva exceeds 3 months duration. Education is mandatory until at least 18 years of age. If I do not enrol my child, I risk being subject to a financial *penalty* (fine). Practically, when I enrol my child in school, I am required to provide proof that the process of subscription to health insurance is in progress. The CCSI can assist me with these procedures for children up to 12 years of age.

Education is free of charge at primary and secondary level I (educational cycle). In principle, the supply of school materials is also free of charge. I cannot claim financial support from the state for my child's education due to my irregular status.

**Legal basis:** *Pacte ONU I art. 13 § 2 let. a; CDE art. 28, 29; Fed Const. art. 19, 41 al. 1 let. f, 62 al. 2; CC art. 14; Cst-GE art. 24, 41 al. 1, 124, 194 al. 1; Concordat HarmoS art. 5 al. 1; CSR art. 4 al. 1, art. 5 al. 1; LAMal art. 3; LIP art. 39 al. 1, 51 al. 1, 53, 57 al. 1, 60, 117; REP art. 20, 21 al. 1, 33, 35 al. 1.*

#### 9. Can my child perform an apprenticeship and under which conditions?

My child can perform a non-remunerated apprenticeship subject to the terms established by the school he/she attends. As the number of vacancies is limited, most schools have entrance examinations.

My child can perform a remunerated apprenticeship (salary activity subject to work authorisation) under the following conditions:

- My child:
  - attended compulsory school continuously for 5 years in Switzerland;
  - filed an application within 12 months after completion of compulsory schooling;
  - is well integrated, respects the legal order and justifies his/her identity;
- My child's future employer has filed an application;
- The usual remuneration and working conditions of the site, profession and sector are met; and
- the apprenticeship contract is approved by the OFPC.

Warning: my child can only perform a remunerated apprenticeship if he/she undertakes to obtain a residence permit. In this case, the application for regularisation must be filed for himself/herself and for all members of the family. If the application for regularisation is rejected, the entire family must leave Switzerland.

**Legal basis:** *LEtr art. 11, 18, 20 to 25; OASA art. 30a and 31.*

#### 10. Can my child be educated at a third-level institution and under which conditions?

My child may acquire an education at a third-level institution (Geneva colleges of higher vocational education and universities of applied sciences), provided he has obtained a secondary II level diploma. Furthermore, additional conditions may be required. These depend on the selected form of education.

The residence permit is not a prerequisite for registration at the University of Geneva. However, if I register as a non-holder candidate of a graduation diploma, I must present a residence permit for a remunerated activity for a period of at least 3 years or a residence permit. A valid residence permit is usually required for universities of applied sciences and higher education.

**Legal basis:** *Statutes of the University art. 55 al. 4 let. a.*

#### 11. Can the authorities (civil state authority, civil courts, department of public education) report my irregular resident status to the immigration authorities?

##### **Civil Registration Authority**

There is a risk that the civil registrar will report my data to the immigration authorities. The civil registration authorities are obliged to report women with an irregular status as soon as they become aware of their status. However, in practice, registrars do not appear to be doing so.

**Legal basis:** *CC art. 43a al. 3bis; LEtr art. 115 let. a to d; OASA art. 82 al. 2.*

### SPECIFIC QUESTIONS

#### Civil jurisdictions

There is a risk that judges in Civil jurisdictions may report my data to the immigration authorities. They are obliged to report cases of illegal residence in Switzerland to the *OCPM*. However, in practice, there appears to be no transfer of data when the case involves a child.

*Legal basis: OASA art. 82 al. 1 and 2.*

#### DIP

There is no risk of data being disclosed by the DIP. Indeed, the DIP is obliged to maintain absolute confidentiality on the data relating to the irregular status of my child and his/her family.

*Legal basis: RIP art. 12 al. 1.*

#### CCSI

The CCSI is not obliged to report my irregular residence status to the migration authorities. In practice, the CCSI processes the data of illegal residents in a confidential manner. There is therefore no risk of data transfer.

### PRACTICAL ADVICE

- I can contact the CCSI in the case of questions related to my children's primary education.
- I can contact the SPMI or the SEASP in the case of questions related to my child's alimony. The cantonal advancement and recovery service for financial support can assist me in obtaining this contribution.
- Regarding extracurricular activities, I may obtain discounts or even a total exemption from the Intercommunal Group for Extracurricular Activities. I may be granted financial assistance for school restaurants, specifically by the following services: Caritas, CSP, Medical and Pedagogical Service, CCSI. There is no financial support available for school transportation. I can contact the OMP for special services provided for children with learning difficulties or disabilities.
- If my child decides to perform a remunerated apprenticeship, which implies an application for regularisation, I am advised to consult a legal office to assess the risks associated with the procedure and to assist me with the formalities.
- Regarding university fees, the University may exempt my child if he/she is experiencing a difficult financial situation and if he/she does not already have a scholarship.

# G.

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## — Violence

Violence against women has been defined by the United Nations as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

As a woman without legal status, I may be victim of violence. It is thus important that I familiarise myself with my rights in such cases.

## G. — Violence

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### SOME BASIC NOTIONS

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#### Violence

Violence against women can be classified into 3 categories: physical violence, psychological violence and sexual violence.

Many provisions of the CP prohibit violence. It can occur at any time, in any place and the perpetrator can be anyone (my employer, my spouse and/or partner or an unknown person).

#### Physical Abuse

There are 3 levels of severity in physical violence in the CP:

- physical assault, for example, a slap;
- simple physical injury, such as a punch or an act causing bruising;
- severe physical injury, such as life-threatening injuries or those causing permanent disability.

Other offences also involve physical violence such as forcible confinement (when I am held captive).

**Legal basis:** CP art. 122, 123, 126, 183.

## G. — Violence

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### SOME BASIC NOTIONS

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#### Psychological violence

Only certain types of psychological violence are punishable, according to the CP, for example:

- insults (to be offended in one's honour);
- threats (one person frightens another by threatening him/her with serious harm);
- coercion (one person obliges another to do or not to do something by force).

**Legal basis:** CP art. 177, 180, 181.

#### Sexual Abuse

A person is a victim of sexual violence when another person forces him/her to perform sexual acts without his/her consent. If a woman is forcefully penetrated by a penis into her vagina, it consists of rape. If a person is forced to undergo a similar act, such as sodomy or fellatio, it consists of sexual coercion. The act of touching and confronting a person with a sexual act is also prohibited.

A person can also be a victim of rape or sexual coercion by his/her spouse or partner.

**Legal basis:** CP art. 189, 190, 198.

## G. — Violence

### SPECIFIC QUESTIONS

#### 1. What are my rights if I am a victim of physical, psychological or sexual violence?

My irregular status does not affect my right to take legal action before Swiss courts to report the violence I have undergone. However, if I report the violence undergone, my irregular status may be reported to the immigration authorities (refer to question 8).

Certain offences of the CP are prosecuted ex officio, or, by the authorities, as soon as they become aware of them. Others are prosecuted only if I decide to file a complaint.

In any case, as a victim in the proceedings, I have certain rights, such as:

- the right to protection of my personality (including the right to not have my identity publicly disclosed);
- the right to be accompanied by a trusted person (in particular, when filing a complaint at the police station);
- the right to refuse to testify on matters concerning my private sphere; and
- the right to be explicitly informed of my rights and duties in the proceedings.

I can also request not to be confronted with the person who assaulted me.

If I am a victim of offences against my sexual integrity, I have the right to be questioned by a woman.

Additionally, I may decide to act as the complaining party, or, to actively participate in the proceedings. This occurs when I decide to file a complaint.

## G. — Violence

### SPECIFIC QUESTIONS

If I am a victim according to LAVI, I am entitled to legal support provided by law, which include advice to assert my rights, as well as medical, psychological, social, material and legal assistance.

Finally, if my presence is essential during the proceedings, I may receive a temporary residence permit during the proceedings.

**Legal basis:** CPP art. 70 al. 1 let. a et al. 2, 74 al. 4, 118 al. 2, 119 al. 2 let b, 122ss, 152 al. 1 and al. 3 and 4, 153, al. 2, 154, 169 al. 4, 305, 330 al. 3; LAVI art. 1, art. 9, 12, 13, 14; OASA art. 32 al. 1 let. d.

#### 2. What is domestic violence and how do I enforce my rights in this case?

Domestic violence is violence practised against me by a person with whom I am bound by a family, conjugal relationship, partnership or common-law relationship, present or past. This violence can take the form of physical, psychological or sexual violence (refer to question 1).

If I am a victim of domestic violence, I can:

- request removal of the presumed perpetrator of the acts of violence from my home by the police for a period of 10 to 30 days, if this measure helps to prevent acts of domestic violence;
- file a criminal complaint to denounce the physical, psychological and/or sexual violence I have suffered;
- initiate civil proceedings which enable me to perform the formalities for a temporary or a permanent separation from my violent spouse or partner.

**Legal basis:** CP art. 123 ch. 2, 126 al. 2 let. b, bis and c, 180 al. 2; LVD-GE art. 8, 10.

<sup>4</sup> Art. 1 LAVI provides that a victim is a person who has suffered a direct attack to his physical, psychological or sexual integrity as a result of an offence (s. 1). The spouse, children, fathers and mothers of the victim and other related persons with similar links, are also entitled to assistance (s. 2).

## G. — Violence

### SPECIFIC QUESTIONS

#### 3. What is violence at the workplace and how do I enforce my rights in this case?

Violence at the workplace includes mainly psychological harassment and sexual harassment. I am a victim of psychological harassment if I am frequently and continuously subject to hostile statements or actions aimed at isolating, marginalising or excluding myself at my workplace. I am the victim of sexual harassment if I am subject to sexual behaviour against my will at my workplace, such as embarrassing or sexist comments, obscene gestures, touching, sexual assault or rape. Physical, psychological or sexual violence can also be committed at the workplace (refer to question 1).

In the event I am a victim of psychological harassment, I may:

- inform the OCIRT, who will inspect and address recommendations the perpetrator;
- impose a removal order on the perpetrators and prevent the harassment by way of a civil injunction.
- directly file a claim before the Labour Court which will order the perpetrator to cease the harassment and may impose an order on the person who has harassed me to pay me a sum of money in the form of moral compensation.

If I am a victim of sexual harassment at my workplace, I can:

- report my case to the police. The perpetrator may suffer punishment in the form of a prison sentence of up to 3 years, or a fine;
- directly file a claim before the Labour Court which will order the perpetrator to cease the harassment and may impose an order on the person who has harassed me to pay me a sum of money in the form of moral compensation.

**Legal basis:** *LEg art. 4; CC art. 28b; CO art. 49; CP art. 193, 198.*

## G. — Violence

### SPECIFIC QUESTIONS

#### 4. What is human trafficking and how do I enforce my rights in this case?

I am a victim of human trafficking if I am used as an object while ignorant of the fate awaiting me or I was not in a position to defend myself. This is the case if I have been recruited, transported, sold or bought and the purpose was for sexual exploitation, the exploitation of my labour or the forced removal of one of my organs.

Lack of consent is a basic element of trafficking. However, I cannot validly consent to trafficking if I am in a situation of vulnerability, for example due to difficult economic or social conditions or a personal relationship of dependence.

If I am a victim of human trafficking, I can report my case to the police. The criminal authority prosecutes the perpetrator even if I do not file a complaint myself. At the end of the procedure, the perpetrator can be punished with an initial financial *penalty* (fine), to which either a maximum 20-year prison sentence or a second monetary penalty will be added. Even if the transaction involving myself was committed abroad, the Swiss judge has legal powers to judge the perpetrator.

If I report the transaction involving myself, the authority will ask me if I wish to further cooperate and will grant me a period of 30 days to decide upon my cooperation. During this period, no enforcement measures relating to the legislation of aliens (deportation) shall be performed. If I agree to cooperate with the authority, I will receive a short-term permit, valid for the period of the investigation and the legal proceedings. If I do not agree on cooperating, the authority will sentence me to leave Switzerland. In any case, I am obliged to leave Switzerland at the end of the proceedings, unless my application fulfils the term for a case of *hardship* (refer to question 2c, chapter A. Stay).

## G. — Violence

### SPECIFIC QUESTIONS

During the proceedings, I may choose to be accompanied by a trusted person and demand not to be confronted with the perpetrator of the transaction involving myself. Finally, I can benefit from victim support provided by the LAVI.

**Legal basis:** CP art. 182; LAVI art. 1.

#### 5. What is the exploitation of sexual activity and the encouragement to prostitution and how do I enforce my rights in these cases?

In Switzerland, prostitution is a legal professional activity. This does not prevent me from being a victim of sexual exploitation or a victim of encouragement to prostitution if:

- I was forced to engage in prostitution against my will, taking advantage of my relationship of dependency or by exploiting it;
- my freedom of action was violated when I engaged in prostitution (for example, by monitoring my activities, fixing my schedules, rates and practices); or
- forcing me to remain in prostitution while I wanted to stop (for example by way of threats, violence or confiscation of my passport).

I cannot give my consent to the encouragement of prostitution if I am in a situation of vulnerability, for example, due to difficult economic or social conditions or due to a personal relationship of dependence.

If I am the victim of sexual exploitation or the encouragement of prostitution, I can report my case to the police. The criminal authority prosecutes the perpetrator even if I do not file a complaint myself. Pursuant to the terms of the procedure, the perpetrators may be punishable by a maximum 10-year prison sentence or by a financial penalty (fine).

During the criminal proceedings, I can demand not to be confronted with the person I have denounced and I have the right to be auditioned by a woman.

**Legal basis:** CP art. 195.

## G. — Violence

### SPECIFIC QUESTIONS

#### 6. What is forced marriage or forced partnership and how can I enforce my rights in these cases?

I am a victim of forced marriage or forced partnership if my marriage/partnership took place against my free will, or my objection was ignored or I did not dare to oppose it due to excessive pressure (threats, emotional blackmail, humiliation or acts of violence, etc.).

If I am a victim of a forced marriage/partnership, I must contact the civil registry authority which will annul my marriage. It will also inform the prosecuting authorities and the party which forced me to contract the marriage (e.g., the partner, family or third parties) which may be subject to a 5-year prison sentence or a financial penalty (fine). Marriage/forced partnership committed abroad and attempted marriage/forced partnership are also prosecuted by the CP.

In the case of annulment of the marriage/partnership, I risk forfeiting my legal status in Switzerland, unless my application fulfils the requirements for a *case of hardship* (refer to question 2c, chapter A. Stay).

**Legal basis:** CP art. 181a; LEtr art. 50 al. 1 let. b; CC art. 105 ch. 5.

## G. — Violence

### SPECIFIC QUESTIONS

#### 7. What is female genital mutilation and how do I enforce my rights in this case?

Female genital mutilation (FGM) refers to the procedure leading to the partial or total ablation of the external genitalia of the woman and/or other lesions of the female genital organs performed for non-therapeutic purposes. It is an attack on the physical integrity. FGM is prohibited and punishable in Switzerland. FGM committed abroad is also punishable in Switzerland.

If I am a victim of FGM, and as the perpetrator(s) is/are located in Switzerland, I may denounce him/her/them in Switzerland for forcing me to submit to an FGM in Switzerland or abroad. The criminal authority prosecutes the perpetrator even if I do not file a complaint myself. Following the proceedings, the perpetrator(s) may be punishable by a maximum 10-year prison sentence or a financial penalty (fine).

If I am able to prove that I submitted to a FGM under threat in my country of origin and that no legal measures to prohibit FGM are taken by my country, I can apply for asylum to stay in Switzerland.

**Legal basis:** CEDH art. 3; CP art. 124 al. 1 and al. 2; LAsi art. 3 al. 2.

## G. — Violence

### SPECIFIC QUESTIONS

#### 8. Are the authorities (police, judicial and criminal investigative authorities), the LAVI Centre and the medical personnel liable to report my irregular status to the immigration authorities?

##### **Police, judicial and criminal investigation authorities**

The police, judicial and criminal investigation authorities are under legal obligation to report my irregular status to the migration authorities as soon as they become aware of it.

Thus, if I act to denounce the violence I have suffered, I may risk having my data transmitted to the immigration authorities. However, I may be given a short-term permit for the duration of the proceedings if my attendance at the hearing appears to be necessary. At the end of the proceedings, I must leave Switzerland, unless my profile meets the conditions for a case of *hardship* (refer to question 2c, chapter A. Stay).

**Legal basis:** LEtr art. 30 al. 1 b and e; OASA art. 32 al. 1 let. d, 82; LaCP art. 33.

##### **LAVI Centre**

There is no risk of data transfer on behalf of this Centre.

**Legal basis:** LAVI Art. 11.

##### **Medical personnel and health insurance**

Medical personnel are bound by professional confidentiality. They cannot transfer data regarding my person to the authorities without my consent. Nonetheless, I have the option to release the health professional from his obligation to confidentiality. There are exceptions to confidentiality when the interest of the minor is at stake.

## G. — Violence

### SPECIFIC QUESTIONS

The entities responsible for the application of health insurance cannot transfer data regarding my person to the authorities. In exceptional cases, based on written and substantiated request, they may report my data, in particular, to the following authorities:

- to the criminal investigation authorities for the purpose of denouncing or preventing a crime ;
- to civil courts, to the extent such data is essential for the settlement of a dispute relating to family law or succession ;
- to the criminal courts, to the extent such data is essential to establish the facts in the case of a crime or offence ;
- to the prosecution agencies, in the case of debt prosecution and bankruptcy.

**Legal basis :** CP art. 321, 364 ; LPMéd art. 40 ; LaMal art. 84 al. 1 ss, 84a ; LS art. 87.

## G. — Violence

### PRACTICAL ADVICE

- It is important that I keep evidence of the violence I have suffered, such as medical findings, photos, a journal describing and recording all the acts of violence. In fact, the person who assaulted me can only be convicted if I can provide evidence that I have been the victim of violence.
- If I am subjected to physical, psychological or sexual violence, I may contact the LAVI Centre. The personnel of the LAVI Centre are obliged to maintain confidentiality on everything I reported to them (including my irregular status). In the case of violence, I can also contact other specialised Associations.
- It is advisable for me to inquire with the legal representations or the specialised Associations before initiating the proceedings, given the complexity of the procedures and the risk of disclosing my irregular status.

# H.

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## — Rights towards the police

As a woman without a legal status, I am subject to the same rights and obligations towards the police as any other person. When confronted with the police, it is important to be aware of my rights and obligations, as well as those of the police. It is also necessary that I am aware of the implications of a police check on my status in Switzerland.

# H. — Rights towards the police

## SOME BASIC NOTIONS

### Principle of proportionality regarding police measures

The principle of proportionality implies that the means deployed by the police are consistent with the intended purpose.

### Apprehension

Apprehension is an arrest by the police to elucidate an offence. In this case, the police may verify my identity and take me to the police station if this is necessary for an investigation.

### Temporary arrest

The police may temporarily arrest a person if he is in the act of committing a crime or an offence, if he has just committed a crime or is reported on the basis of an investigation or reliable information.

### Search

A search constitutes the procurement, on behalf of the authorities based on a written mandate, for evidence of an offence at a person's residence or on the premises of an enterprise.

# H. — Rights towards the police

## SPECIFIC QUESTIONS

### 1. Can the police check me, apprehend me or arrest me based on my irregular status ?

An irregular status constitutes a continuous offence justifying an identity check by the police at all times. In the case of a check, I must present a document with a photo that clearly identifies me.

My identity can be checked by the police if there are substantial reasons for this, either because I have committed an offence (e.g., irregular status), I am in a state of public disorder, I find myself near the site at which an offence occurred, I resemble a wanted person or am within a group of persons of which one person may be charged with committing offences. In any case, the police must have substantial reasons to check me and are not permitted to do so out of mere curiosity.

The police may apprehend me (stop me) to determine whether I have committed an offence (for example, on the basis of illegal stay). In this case, the police can take me to the police station and oblige me to present my identity.

The police may arrest me on a provisional basis and take me to the police station if I am in the act of committing a crime or an offence, or have just committed one or have been reported on the basis of an investigation or reliable information. The police can therefore arrest me temporarily and take me to the police station on the basis of my illegal stay.

If I actively refuse to go to the police station, I risk a fine.

Once aware of my illegal status, the police must report it to the *OCPM*.

**Legal basis :** *CPP art. 111 al. 1, 196, 215, 217; CP art. 286; OASA art. 82 al. 1; LPol art. 18, 47, 54; LaCP art. 26.*

# H. — Rights towards the police

## SPECIFIC QUESTIONS

### 2. What are my rights towards the police or the MP in the event I am apprehended or arrested?

If I am accused of offences, such as my illegal status, I am presented to the police or to the MP, who shall conduct my interrogation. During this interrogation, I must be informed, in a language that I understand, of the reasons for my apprehension/arrest and what my rights are.

I have the right to be assisted by an attorney, to whom I have the right to speak without the presence of the police. If I cannot afford an attorney or in the event of a mandatory defence case, I can request an attorney. I also have the right to request the presence of an interpreter, just as I have the right to be silent and not to disclose elements that could be held against me.

If the procedure is not observed, the evidence gathered during the interrogation cannot be used by the courts. I must therefore have the procedural irregularities recorded in the hearing transcripts of my interrogation.

In the event I am mistreated during the apprehension/arrest, I may require a doctor's consultation and a certificate attesting to the abuse. In the case of refusal, it is important to note this in the report and consult a doctor at the earliest possible opportunity.

**Legal basis:** CEDH art. 3; CPP art. 158 al. 1 let. a to d et al. 2, 159 al. 1 and 2, 217 al. 3 let. a; LEtr art. 115.

# H. — Rights towards the police

## SPECIFIC QUESTIONS

### 3. What are my rights towards the police during a search?

In the event of apprehension or temporary arrest, the police have the right to search me (security search), in the street or at the police station, however, without undressing me, in particular, to ensure personal safety.

The police sometimes perform complete searches in order to detect objects or clues which could serve as evidence and be useful for the criminal proceedings. In such cases, the search must observe two steps: first the upper body and then the bottom part of the body. I must never be completely naked. This search must take place in an enclosed area.

In principle, any search must be performed by a woman. An intimate examination can also be performed by a doctor.

During any type of search, the police must observe the principle of proportionality and must search me only when essential for the purpose. In principle, the police must not perform a full search on me if the only offence I am suspected of is my illegal status.

**Legal basis:** CPP art. 20 al. 3, 241 al. 1, 249, 250; LPol art. 49.

### 4. What are my rights towards the police when handcuffs are applied?

If it occurs to prevent a risk or to protect the authorities or myself, the police are entitled to handcuff me to take me to the police station. The principle of proportionality must be observed.

If I cooperate and there is no reason to fear that I pose a threat to myself or to the authorities, I must not be handcuffed.

**Legal basis:** CPP Art. 200.

# H. — Rights towards the police

## SPECIFIC QUESTIONS

### 5. In the event I receive a summons, do I present myself to the police?

An outstanding summons is a letter that orders me to present myself to the police station or to the MP, for example, to give my identity. This mandate is compulsory if issued by the MP or a judge. By contrast, it is not compulsory if it issued by the police. If I am unable to present myself to the police station on the established date, I must immediately justify my absence on penalty of a fine of up to CHF 1'000.- and an arrest.

**Legal basis:** CPP art. 205, 206, 207 al. 1 let. a, 217 ss.

### 6. Who can/should be notified by the police of my arrest?

Unless I object, the police must inform my relatives of my arrest. If a person who is dependent of me finds himself/herself in a difficult position due to my arrest (e.g., my child), the police must notify social services. On my request, the police must also notify my employer or the consulate of my country of origin.

If I have committed an offence against a person, the police must inform the victim of my arrest and release.

**Legal basis:** CPP art. 214.

### 7. For how long can I be deprived of my freedom?

During my apprehension, the police cannot detain me for more than 3 hours. Subsequently, they must either release me or proceed with my temporary arrest.

In the event of temporary arrest, my file is forwarded to the MP and I may be detained at the police premises for a maximum of 24 hours (this period includes the 3 hours of apprehension).

# H. — Rights towards the police

## SPECIFIC QUESTIONS

At the end of the temporary arrest, the police must either release me or refer me to the PM.

In the latter case, the MP conducts my interrogation and determines whether I pose the risk of escaping, obstructing the investigation or safety of another person. Should this apply, the MP recommends the TMC to perform my pre-trial detention. The TMC must make a decision no later than 96 hours following my arrest, otherwise my detention is unlawful. In the event my temporary detention is ordered, the TMC may be extended several times. I can nevertheless request my release at any time.

**Legal basis:** CPP art. 219 al. 3 to 5, 220, 221, 224 al. 1 and 2, 227 al. 4 and 7, 228.

### 8. May I be detained for deportation?

In principle, if I have not committed any other offence apart from the fact of being an irregular, the authorities will not order an immediate deportation. After interrogating me, the police shall report me to the OCPM, which assesses the status of my stay and pronounces a decision.

If a deportation order is issued and I do not leave Switzerland, the cantonal authorities may order various restrictive measures pending my deportation, for example, detention (for a maximum period of 3 days) and administrative detention. Administrative detention is ordered for a maximum period of 6 months and can be extended for up to 18 months if I do not cooperate with the authority.

**Legal basis:** LEtr art. 73 to 82.

### 9. What are my rights towards the police during a visit to and search of my home?

The police cannot perform a search of my home (home visit or search) without my consent and presence, except in the event of an emergency. My consent is not required if the police assumes that wanted persons are

# H. — Rights towards the police

## SPECIFIC QUESTIONS

present on the premises and that there are traces, objects or assets related to illegal acts, or that offences are being committed on the premises (such as the presence of persons without legal status, which constitutes a violation of the LEtr).

Home visits and searches may only occur based on a written mandate, except in cases of emergency.

**Legal basis:** *CPP art. 213 al. 1 and 2, 241 al. 3, 243 al. 2, 244 al. 1 and 2.*

### 10. May I file a complaint against the police?

In case of mistreatment by the police, I can act on the basis of penal law. If the prosecution of the offence requires a complaint, the latter must be in writing, signed and forwarded within 3 months (time period from the offence) to the General Prosecutor and/or to the Head of the police. I will have to describe the sequence of events with the date, time, place, circumstances, the number of policemen/policewoman involved, their registration numbers and the names of witnesses. In case of an offence prosecuted ex officio, I can report the facts to the judicial police or to the MP, orally or in writing.

I may also decide to act via the administrative means by filing a lawsuit against the state. If I can provide evidence of the violence I suffered, the state must compensate me.

If I decide to take legal action, I risk my irregular status being reported to the immigration authorities.

In addition, I am at risk of a counter-complaint being filed against me by the police. For this reason, if I have suffered bodily harm, I must go to a doctor directly to have a medical certificate issued which will serve as proof.

**Legal Basis:** *CP art. 173, 303; CPP art. 301; OASA art. 82.*

# H. — Rights towards the police

## PRACTICAL ADVICE

- If I send a letter to the police by the post, I am advised to send it by registered mail and to retain a copy of my mail as well as the receipt (proof of delivery).
- In the event of police checks, I am advised to go immediately to a legal representation or to an attorney to assess the chances of a regularisation procedure.
- In the event of mistreatment by the police, I am advised to keep all the evidence (the policeman's registration number, medical records, photographs, etc.,) that could be useful for the proceedings.
- In the event of any legal problem, I am advised to consult a legal representation or an attorney.



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## — Risk of denunciation and legal assistance

It is essential for me to be aware of the risks of denunciation of my irregular status to the immigration authorities, additionally to the risks of data transfer already mentioned in each of the chapters of this brochure. A denunciation may result in my deportation from Switzerland.

Furthermore, it is important that I am familiar with the conditions under which I can obtain legal assistance from the state, in the event I am required to act or defend myself in court.

## ● — Risk of denunciation and legal assistance

### SPECIFIC QUESTIONS

#### 1. Which authorities must report my irregular status to the OCPM and/or the MP?

The following authorities are subject to the obligation to report my irregular status to the OCPM: the police, the judicial police, the prosecutors the civil registration authorities, the curatorship and legal authorities, as well as those who cover the social security benefits.

In Geneva, the denunciation of my irregular status to the MP is performed by members of the prosecution services, the police and any official or employee of a public and legal administration

In practice, it seems that some authorities do not report my irregular status. For more details, refer to the different issues on the reporting of my irregular status at the end of each chapter.

**Legal basis:** CP art. 110 al. 3, 305, 320; CPP art. 12, 16 al. 2, 73, 302; LDEA art. 12 al. 1 and 2; LPD art. 19; LPers art. 22a; LEtr art. 97 al. 3; OASA art. 82 al. 1 to 5; LaCP art. 33; LPAC art. 9a; LPA art. 25; RaLAMal art. 4.

#### 2. Can/must my attorney and the members of NGOs report my irregular status to the OCPM, the MP and/or the police?

My attorney is bound to professional confidentiality and therefore does not report my irregular status to the authorities.

In principle, NGOs (legal representations, trade unions and charity organisations) ensure that my personal and sensitive data stays confidential. Therefore, they will not disclose my irregular status to the authorities.

**Legal basis:** Additional Protocol to the European Council Convention 108, art. 1, 2; CP art. 321 ch. 1; LLCA art. 13; LPD art. 3 let. a and c; Cst. féd. art. 13.

## ● — Risk of denunciation and legal assistance

### SPECIFIC QUESTIONS

#### 3. Can individuals report my irregular status to the OCPM, the Public Prosecutor and/or the police?

Except for persons who are bound to official secrecy or professional confidentiality, anyone has the right to report, in writing, my irregular status to the OCPM, the MP and/or the police.

**Legal basis:** CPP art. 30, 105 al. 1 let. b, 110 al. 1, 119 al. 1, 142 al. 2, 171 al. 1 and 4, 301.

#### 4. Can the public transport staff report me to the police?

When I do not hold a valid transport ticket, the security and transport police (TPG) request I pay a surcharge and check my identity. However, if I have a valid ticket, they are not required to ask me for ID. If I am unable to pay the surcharge, they require me to prove a permanent residential address in Switzerland. If I fail to comply, they can call the police to verify my identity. In this case, my irregular status is disclosed.

**Legal basis:** CPP art. 217 al. 3 let. a; LOST art. 2 al. 2, 4 al. 1, 4 and 5; LTPG art. 7a al. 3; DRT-tpg art. 34 al. 1 let. a, 35 al. 1.

## ● — Risk of denunciation and legal assistance

### SPECIFIC QUESTIONS

#### 5. Am I entitled to the AJ and how do I claim it?

The AJ is an assistance I can claim to settle legal and procedural fees if:

- I am resident in the canton of Geneva;
- I cannot afford the costs of civil, administrative or criminal proceedings (including mediation costs related to legal proceedings) or the fees of an attorney;
- the proceedings or pleadings which I wish to undertake are essential to my defence;
- I pursue an *interest worthy of protection*; and if
- in non-judicial affairs, no other service can assist me.

In principle, the AJ is not free of charge. The decision to grant it to me entails monthly payments which I must perform.

The AJ does not exclude my right to choose an attorney. If an attorney agrees to defend me, I must submit a copy of his agreement together with my AJ application.

The AJ service is bound to professional confidentiality, my data will therefore not be reported to the *OCPM*.

**Legal basis:** CP art. 320; LOJ art. 63 al. 1 and 2; RAJ art. 3 to 5, 6 al. 1, 7 al. 1 to 3, 12 to 15.

## ● — Risk of denunciation and legal assistance

### PRACTICAL ADVICE

- I am advised to retain all evidence which could be useful in any proceedings, for example, everything related to my stay, my economic situation, my job, my housing, my health, my children and the violence practised against me. It is important to keep a copy of all these documents with a trusted person.
- In the event of any legal problem, I am advised to consult a legal representation or an attorney.
- To apply for the AJ, I must complete and sign a form and attach the supporting documents mentioned on the form, including a very precise balance of my resources and my monthly expenses (even if I live in undeclared sub-rental accommodation or work illegally). No specific format is required for proofs or receipts of income. Information regarding my children and my economic situation can be certified by the CCSI.

## — Useful addresses

### Associations

- **Association Aspasia :**  
36 Rue de Monthoux, 1201 Geneva  
Walk-in reception for sex workers, on Monday, Thursday and Friday, from 2 pm to 5 pm, for advice on urgent issues and referral to a psycho-social counsellor or other service.  
*Phone : 022 732 68 28 - [www.aspasie.ch](http://www.aspasie.ch)*
- **Association pour la Promotion des Droits Humains (APDH) :**  
150 Route de Ferney, 1218 Grand-Saconnex  
Human Rights Training Centre. Legal advice, counselling, accompaniment, cultural mediation, translation and administrative support on appointment. Telephone attendance in Arabic and French on Monday from 2 pm to 5 pm and Thursday from 9.30 am to 12.30 pm.  
*Phone : 022 788 32 73 - [www.apdh.ch](http://www.apdh.ch)*
- **Camarada :**  
19 Chemin de Villars, 1203 Geneva  
Day care, training and support for female immigrants and their children of pre-school age. French courses and workshops. Registration at the centre is available on Tuesdays from 9 am to 12 pm and from 1.30 pm to 4 pm, depending on the availability of vacancies.  
*Phone : 022 344 03 39 - [www.camarada.ch](http://www.camarada.ch)*
- **Centre d'accueil et de formation de la Roseraie :**  
2 Rue de la Maladière, 1205 Geneva  
Reception and welcome centre for information, guidance and accompaniment for immigrants. Free French lessons and various activities. The centre is open from Monday to Wednesday from 2 pm to 6 pm and on Tuesday, Thursday and Friday, from 9 am to 6 pm.  
*Phone : 022 552 02 64 - [www.centre-roseraie.ch](http://www.centre-roseraie.ch)*

## — Useful addresses

- **Centre de contact Suisses-Immigrés (CCSI) :**  
25 Route des Acacias, 1227 Les Acacias  
Information, support and accompaniment centre for immigrants, particularly regarding the formalities related to their status, their children (up to 12 years of age) and other administrative procedures. Consultations by telephone only available on Mondays from 12 pm to 1.30 pm and from Tuesday to Friday, from 8 am to 9.30 am and attendance at the reception desk on Monday from 1.30 pm to 4.30 pm, Tuesday and Wednesday from 9.30 am to 11.30 am and 1.30 pm to 4.30 pm and Thursday and Friday from 9.30 am to 11.30 am.  
*Phone : 022 304 48 60 - [www.ccsi.ch](http://www.ccsi.ch)*
- **Chèque service :**  
4 Chemin Louis Hubert, 1213 Petit-Lancy  
Private social enterprise that facilitates the employer's work by declaring their employees' salaries to compulsory insurance. Telephone service on Monday and Thursday, from 2 pm to 5 pm and Friday from 9 am to noon.  
*Phone : 022 301 73 16 - [www.chequeservice.ch](http://www.chequeservice.ch)*
- **Collectif de soutien aux sans-papiers de Genève :**  
25 Route des Acacias, 1227 Les Acacias  
Information centre for people with irregular status. Individual interview subject to appointment.  
*Phone : 022 301 63 33 - [www.sans-papiers.ch](http://www.sans-papiers.ch)*
- **Découvrir :**  
2 Boulevard Carl-Vogt, 1205 Geneva  
Organisation providing information on the possibilities of professional integration for qualified migrant women, as well as support to the implementation of their projects in Geneva. On Monday, Tuesday, Thursday and Friday from 9 am to 12 am and from 2 pm to 5.30 pm.  
*Phone : 022 732 75 40 - [www.associationdecouvrir.ch](http://www.associationdecouvrir.ch)*

## — Useful addresses

- **Espace 360 :**

36 Rue de la Navigation, 1201 Geneva

Support for lesbian, gay, bisexual and transgender persons. Legal department providing advice on issues such as bi-national couples, partnership, asylum, mobbing or discrimination. Consultations by appointment on Monday from 9am to 1pm and from 2pm to 6pm and Friday from 2pm to 6pm. The cost of the consultation is CHF 50.- and the cost for follow-up consultation is defined according to the income.

Phone: 022 731 42 13 - [www.association360.ch](http://www.association360.ch)

- **Espace Solidaire Pâquis :**

49 Rue de Berne, 1201 Geneva

Daytime reception and French and English courses, cybercafé, legal and psychological counselling, as well as various workshops. Open from Monday to Friday from 8.30 am to noon and from 1.30 pm to 5 pm.

Phone: 022 734 32 38 - [www.espaquis.ch](http://www.espaquis.ch)

- **F-information :**

67 Rue de la Servette, 1202 Geneva

Listening and counselling centre for women. Issues relating to the family, labour law, migration legislation, social insurance. Legal consultations only by appointment, cost: CHF 50.- (CHF 40.- for members of the association) or CHF 30.- for AVS/AI persons, unemployed persons and students (CHF 20.- for members). Telephone counselling (Phone : 022 740 31 11) for simple and urgent issues which do not require on-site consultation.

Phone: 022 740 31 00 - [www.f-information.org](http://www.f-information.org)

- **La Croix-Rouge genevoise :**

9 Route des Acacias, 1211 Geneva 4

Support service for returning immigrants to their countries of origin, cultural integration centre and interpreting service.

Phone: 022 304 04 04 - [www.croix-rouge-ge.ch](http://www.croix-rouge-ge.ch)

## — Useful addresses

- **La Fondation suisse du service social international :**

9 Rue du Valais, 1211 Geneva 1

Social and legal support for families at a transnational level for child protection, child abduction, alimony issues, international adoption, search for origins, bi-national couples, unaccompanied minors and immigration legislation.

Phone: 022 731 67 00 - [www.ssiss.ch](http://www.ssiss.ch)

- **Le Bateau Genève :**

5-7 Rue du Simplon, 1207 Geneva, and on the boat "Geneva" 7, Quai Gustave-Ador, 1207 Geneva

Social support for adults in difficulty. Breakfast is provided for free Monday to Friday from 7.30 am to 9.30 am.

Phone: 022 786 43 45 - <https://www.bateaugeneve.ch/bateau>

- **Le CARÉ (Caritas Accueil Rencontres Échanges) :**

13 Rue du Grand-Bureau, 1211 Geneva

Solidarity centre, offering activities and free meals. Open from Monday to Friday from 9 am to 12 pm and from 2 pm to 5.45pm. Free admission and access to the showers from 9 am to 12 pm. Meals served at 4 pm as well as on some Saturdays during the winter.

Phone: 022 343 17 17 - [www.lecare.ch](http://www.lecare.ch)

- **Le Jardin de Montbrillant :**

3 Rue de Montbrillant, 1201 Geneva

Free lunch from Tuesday to Friday at 11.30 am and on Saturdays at 12 pm.

Phone: 022 734 67 60 - [www.carrefour-rue.ch](http://www.carrefour-rue.ch)

- **Le Point d'eau :**

4 Rue Chandieu, 1202 Geneva

Availability of showers, as well as nursing and medical care. Open from Monday to Friday from 8.30 am to 11 :15 am and from 1 pm to 4 :15 pm.

Phone: 022 734 67 60 - [www.carrefour-rue.ch](http://www.carrefour-rue.ch)

## — Useful addresses

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- **Lestime :**

5 Rue de l'Industrie, 1201 Geneva

Welcome centre, listening and advice for the lesbian community of Geneva. Reception centre on Wednesday from 12 pm to 4 pm and Friday, from 3 pm to 7 pm.

Phone : 022 797 27 14 - [www.lestime.ch](http://www.lestime.ch)

- **SOS Femmes :**

10 Rue de la Madeleine, 1204 Geneva

Reception and socio-professional accompaniment for women who practise or have practised prostitution and women who are socially and professionally excluded. Telephone attendance on Monday, Tuesday, Thursday and Friday from 10 am to 1 pm.

Phone : 022 311 22 22 - [www.sosfemmes.ch](http://www.sosfemmes.ch)

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## Accommodation

- **Abris de la protection civile (Abris PC) :**

72 Rue de Frontenex, 1207 Geneva

The only PC shelter welcoming women. Open from mid-November to the end of March 7/7, from 7.15 pm to 8 am. Free overnight but limited to 30 days. Hot soup and breakfast provided. Provision of showers and medical care.

Phone : 022 418 97 88

- **Appartement Gabrielle Sabet :**

12 Rue des Glacis-de-Rive, 1207 Geneva

Socio-educational accompaniment for young adults from 18 to 25 years of age. The number of vacancies is limited to 4, the duration of which is limited to one week, however, renewable. The rate for the overnight stay is CHF 10.-.

Phone : 022 420 55 55

## — Useful addresses

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- **Armée du Salut :**

4 Chemin Galiffe, 1201 Geneva

Open 7 days a week from 7.30 pm. It has 40 vacancies, limited to 10 nights, which can be renewed. The rate for the overnight stay is CHF 15.-. Evening meals and showers available.

Phone : 022 338 23 90 - [www.armeedusalut.ch](http://www.armeedusalut.ch)

- **Au Cœur des Grottes :**

14 Rue de l'Industrie, 1201 Geneva

Accommodation centre offering with psycho-social support, with a limited number of 30 vacancies and the overnight period is restricted. The rate for an overnight stay is CHF 84.-, however, the individual financial situation is taken into account.

Phone : 022 338 24 80 - [www.coeur.ch](http://www.coeur.ch)

- **Communauté d'Emmaüs femmes :**

5 Route de Drize, 1227 Carouge

A women's and children's reception centre with 10 vacancies and unlimited duration. Free overnights and evening meals.

Phone : 022 342 39 59 - [www.emmaus-ge.ch](http://www.emmaus-ge.ch)

- **La Coulou Carrefour-Rue :**

4 Rue de la Coulouvrenière, 1204 Geneva

Open 24 hours a day, 7 days a week. It features 30 vacancies of unlimited duration and the overnight stays are free. Evening meal and breakfast. Showers are available.

Phone : 022 734 67 60 - [www.carrefour-rue.ch](http://www.carrefour-rue.ch)

## — Useful addresses

### Legal services

- **APSJ Permanence et service juridique :**

7 rue Ferdinand-Hodler, 1207 Geneva

Reception by appointment from Monday to Friday from 8.30 am to 12 pm and from 2 pm to 6 pm, as well as Saturdays, from 9 am to 12 am. The consultations last approx. 30 minutes. The initial consultation is free of charge.

Phone: 022 738 63 03 - [www.permanencejuridique.ch](http://www.permanencejuridique.ch)

- **Association suisse des locataires (ASLOCA – Genève) :**

12 Rue du Lac, 1211 Geneva

Walk-in reception on Mondays, Tuesdays and Thursdays from 4.30 pm to 6 pm and Wednesdays and Fridays from 12.30 pm to 1:30 pm. Consultations by appointment from Monday to Friday, from 9 am to 12 pm and from 2 pm to 5 pm. Annual membership fee of CHF 70.- and registration fee of CHF 20.-.

Phone: 022 716 18 00 - [www.asloca.ch](http://www.asloca.ch)

- **Association Permanence Juridique :**

4 Boulevard Helvétique, 1205 Geneva

Reception by appointment, 7 days a week. Consultations of approx. 30 to 40 minutes, from CHF 50.-.

Phone: 022 849 72 72 or 076 339 44 01 - [www.conseils-divorce-geneve.ch](http://www.conseils-divorce-geneve.ch)

- **Caritas :**

51-53 Rue de Carouge, 1205 Geneva

Consultation free of charge, by appointment. General consultations on Thursday from 8.30 am to 11 am and counselling on asylum issues on Wednesday, from 9 am to 12 pm. Telephone service on Monday from 2 pm to 4 pm, available at 022 708 04 76.

Phone: 022 708 04 44 - [www.caritasge.ch](http://www.caritasge.ch)

## — Useful addresses

- **Centre Social Protestant (CSP) :**

14 Rue du Village-Suisse, 1205 Geneva

Reception by appointment. Telephone service on Monday and Thursday from 9 am to 11.30 am. Free legal counselling.

Phone: 022 807 07 07 - [www.csp.ch/geneve](http://www.csp.ch/geneve)

- **Elisa-asile :**

1 Chemin de Poussy, Building A, 1214 Vernier

Legal assistance for asylum issues. Walk-in reception on Mondays and Wednesdays from 2pm to 5pm. Free consultations.

Phone: 022 733 37 57 - [www.elisa.ch](http://www.elisa.ch)

- **Permanence de l'Ordre des avocats :**

13 Rue Verdaine, 1204 Geneva

Reception without an appointment from Monday to Friday, 10 am to 6.30 pm. The consultation fee for 45 minutes is CHF 60.-.

Phone: 022 310 24 11 - [www.odage.ch/particuliers/permanence](http://www.odage.ch/particuliers/permanence)

- **Permanence juridique de Genève :**

3 Rue Michel Chauvet, 1208 Geneva

Reception by appointment from Monday to Friday, 7.30 am to 8 pm. The fee for a 30-minute consultation is CHF 50.-.

Phone: 022 347 06 62 - [www.permanence-juridique-geneve.ch](http://www.permanence-juridique-geneve.ch)

- **Permanence juridique SA :**

9 Rue de la Terrassière, 1207 Geneva

Reception only by appointment, Monday to Thursday, 8 am to 7 pm and Friday from 8 am to 5 pm. The fee for a 45-minute consultation is CHF 50.-.

Phone: 022 735 81 83 - [www.permanence-juridique.com](http://www.permanence-juridique.com)

## — Useful addresses

- **SIT – Syndicat interprofessionnel de travailleuses et travailleurs :**

16 Rue des Chaudronniers, 1211 Geneva 3

"Operation Papyrus" counselling to inform and assist in the constitution of files. Walk-in reception on Mondays from 2pm to 8pm, Thursdays from 2pm to 5pm and Friday, from 9am to 12pm. Free consultations.

Phone: 022 818 03 00 - [www.sit-syndicat.ch/spip/](http://www.sit-syndicat.ch/spip/)

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## Health

- **Appartenances Genève :**

72 Boulevard Saint-Georges, 1205 Geneva

Psychological care and support for migrants. Program "Pregnant in Geneva". Preparation courses for pregnant immigrants, non-francophone. Registration for courses on the association's website or by phone (Mme Evéquoz: Tel: 079 636 60 63)

Phone: 022 781 02 05 - [www.appartenances-ge.ch](http://www.appartenances-ge.ch)

- **Arcade sages-femmes (sages-femmes à domicile) :**

85 Boulevard Carl-Vogt, 1205 Geneva

Information and exchange site, free of charge and without registration.

Phone: 022 329 05 55 - [www.arcade-sages-femmes.ch](http://www.arcade-sages-femmes.ch)

- **Consultation ambulatoire mobile de soins communautaires (CAMSCO) :**

4 Rue Hugo-de-Senger, 1205 Geneva

Nursing consultations without appointment on Mondays, Tuesdays, Thursdays and Fridays, from 8.30 am to 11 am, Wednesdays from 1.30 pm to 4.00 pm. CAMSCO attends any person in a situation of need, Swiss or foreign, in particular, people without health insurance and without a legal status.

Phone: 022 372 53 11 - [www.hug-ge.ch/medecine-premier-recours/cam스코](http://www.hug-ge.ch/medecine-premier-recours/cam스코)

## — Useful addresses

- **Consultation VIH/Sida des HUG (Service des maladies infectieuses (HIV/AIDS)) :**

4 Rue Gabrielle-Perret-Gentil, 1205 Geneva

Anonymous consultation, by appointment. In an emergency case, it is possible to proceed to the walk-in clinic. Consultation with a specialist nurse and an VIH test for CHF 55.- (CHF 25.- up to 18 years of age). In the case of detection of sexually transmitted infections (ISTs), there is a surcharge of CHF 100.-. Telephone service daily from 9 am to 12 am and from 2 pm to 5 pm.

Phone: 022 372 96 17 - [www.testvih.ch](http://www.testvih.ch)

- **Maternité des HUG (Service Gynécologie et Obstétrique) :**

30 Boulevard de la Cluse, 1205 Geneva

Tel.: 022 372 68 16 - [www.hug-ge.ch/la-maternite](http://www.hug-ge.ch/la-maternite)

- **Association Pluriels :**

15 Rue des Voisins, 1205 Geneva

Ethno-psychological consultation for immigrants.

Phone: 022 328 68 20 - [www.pluriels.ch](http://www.pluriels.ch)

- **Santé sexuelle et planning familial :**

47 Boulevard de la Cluse, 1205 Geneva

The service is open, with or without appointment, Monday to Friday (except Tuesday morning) from 9 am to 12.30 pm and from 2 pm to 6.30 pm. Consultations (sexual health, contraception, pregnancy, termination of pregnancy, menopause, VIH/Sida, violence) are confidential and free of charge. Pregnancy test (CHF 10.-) with free and confidential consultation. Emergency contraception (CHF 10.-). The initial couple counselling is free of charge (thereafter, each individual couple counselling costs CHF 30.- and CHF 60.- per couple). The hotline answers to calls from Monday to Friday (answering machine on Tuesday morning) from 9 am to 12.30 pm and from 2 pm to 5.30 pm.

Phone: 022 372 55 00 - [www.hug-ge.ch/sante-sexuelle-planning-familial](http://www.hug-ge.ch/sante-sexuelle-planning-familial)

## — Useful addresses

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- **Unité et Consultation Santé Jeunes :**

87 Boulevard de la Cluse, 1205 Geneva

Consultations for adolescents and young people by appointment. Young people can come alone or accompanied (by parents, friends or another trusted person). The Parents' consent is not required to make an appointment. The hotline answers to calls from Monday to Friday, from 9 am to 12 am and from 2 pm to 5.30 pm.

Phone: 022 372 33 87 - [www.hug-ge.ch/sante-jeunes](http://www.hug-ge.ch/sante-jeunes)

- **Urgences – Gynécologie et Obstétrique :**

30 Boulevard de la Cluse, 1205 Geneva

Emergencies are open 24/24 and 7/7. Before proceeding to the maternity ward, it is recommended to call the emergency midwife by phone.

Phone: 022 372 42 36 - [www.hug-ge.ch/gynecologie-obstetrique](http://www.hug-ge.ch/gynecologie-obstetrique)

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## Sexual Violence and Abuse

- **Association Face à Face :**

16 Rue Voltaire, 1211 Geneva 13

Reception and accompaniment of women who are victims of violent behaviour.

Phone: 078 811 91 17 - [www.face-a-face.info](http://www.face-a-face.info)

- **Centre de consultation spécialisé dans le traitement des séquelles d'abus sexuels (CTAS) :**

36 Boulevard Saint-Georges, 1205 Geneva

Reception and advice by telephone or by appointment for any person affected by sexual abuse of minors. Telephone service from Monday to Friday from 8.30 am to 12.30 pm and from 1.30 pm to 5.30 pm.

Phone: 022 800 08 50 - [www.ctas.ch](http://www.ctas.ch)

## — Useful addresses

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- **Centre LAVI Genève :**

72 Boulevard Saint-Georges, 1205 Genève

Free consultation for anyone who has been a victim of violence (physical, psychological or sexual violence) and/or their relatives, by appointment, on Monday, Wednesday, Thursday and Friday from 10 am to 12.30 pm and from 1.30 pm to 5 pm. Also on Tuesdays from 1.30 pm to 5 pm.

Phone: 022 320 01 02 - [www.centrelavi-ge.ch](http://www.centrelavi-ge.ch)

- **Ligne téléphonique "Violences domestiques" :**

Telephone line for any victim, perpetrator or witness of domestic violence. Available 24 hours a day, 7 days a week. Anonymity is respected.

Phone: 0840 110 110

- **Observatoire des pratiques policières (OPP) :**

15 Rue des Savoises, 1205 Geneva

Reception for victims or witnesses of police violence in Geneva. Reception by appointment.

Phone: 078 862 75 10 - [www.opp-ge.ch](http://www.opp-ge.ch)

- **Aide aux Victimes de Violence en Couple (AVVEC) :**

46 Rue de Montchoisy, 1207 Geneva

Centre for women who are victims of domestic violence. Specialised supervision. Individual consultations and emergency accommodation for a maximum 6-month period. Telephone service on Monday, Tuesday, Thursday and Friday from 2 pm to 5 pm and on Wednesdays from 9 am to 12 am. Attendance on site without appointment on Tuesday between 4 pm and 6 pm. Group information sessions on Thursday at 9 am.

Phone: 022 797 10 10 - [www.avvec.ch](http://www.avvec.ch)

## — Useful addresses

- **Unité interdisciplinaire de médecine et de prévention de la violence (UIMPV) des HUG :**  
4 Rue Gabrielle-Perret-Gentil, 1211 Geneva 14  
Open consultations to anyone (victim, perpetrator or witness), from the age of 16, who faces a situation of current or past violence (psychological, physical or sexual). By appointment. Telephone service from Monday to Friday from 9 am to 12 pm and from 2 pm to 5 pm.  
*Phone : 022 372 96 41*
- **Viol-Secours :**  
3 Place des Charmilles, 1203 Geneva  
Accompanying women who have experienced sexual violence. Telephone counselling and consultation.  
*Phone : 022 345 20 20 - [www.viol-secours.ch/site](http://www.viol-secours.ch/site)*

## Government services

- **Club social rive droite :**  
8 Rue du Temple, 1201 Geneva  
Reception from Monday to Friday, 8.30 am to 12.30 pm, free hot meals on Saturdays at 11.30 am and 12.30 pm and friendly and social activities.  
*Phone : 022 418 99 10 - [www.ville-geneve.ch/plan-ville/social/club-social-rive](http://www.ville-geneve.ch/plan-ville/social/club-social-rive)*
- **Club social rive gauche :**  
2 Rue Hugo-De-Senger, 1205 Geneva  
Daytime reception, free hot meals (breakfast from Monday to Friday, from 7.30 am, hot meals from Monday to Friday at 11.15 am, 12.15 and 1.15 pm and hot meals on Sunday at 11:15 am, 12:15 am and 1:15 pm). Showers (Monday to Friday from 8.30 am to 10.30 am and Monday to Wednesday from 2.10 pm to 3.50 pm). Open all year round from Monday to Friday from 7.30 am to 9.30 am and from 11 am to 2 pm and from Monday to Wednesday from 2.30 pm to 4.30 pm.  
*Phone : 022 418 98 50*  
*[www.ville-geneve.ch/plan-ville/social/club-social-rive-gauche](http://www.ville-geneve.ch/plan-ville/social/club-social-rive-gauche)*

## — Useful addresses

- **Département de l'instruction publique, culture et sport (DIP), Accueil du Postobligatoire (ACPO) :**  
97 Avenue de Chatelaine, 1219 Chatelaine  
Information related to childcare classes and employment for young people from 15 to 19 years of age.  
*Phone : 022 388 12 60 - [www.edu.ge.ch/acpo](http://www.edu.ge.ch/acpo)*
- **Département de l'instruction publique, culture et sport (DIP), Direction générale de l'enseignement obligatoire, Cycle d'orientation :**  
5A Chemin de l'Echo, 1213 Onex  
Informations to newcomers of middle school for children aged 12 to 15 whose first language is not French.  
*Phone : 022 327 04 00*
- **Département de l'instruction publique, culture et sport (DIP), Office médico-pédagogique (OMP) :**  
1 Rue David-Dufour, 1211 Geneva 8  
Support to children and adolescents with learning disabilities, developmental disorders or mental disorders. Competent service in special education (Secretariat of special education) for all children and adolescents from 4 to 18/20 years of age with disabilities.  
*Phone : 022 388 67 00 - [www.ge.ch/omp](http://www.ge.ch/omp)*
- **Service état civil et légalisations (SECL) :**  
88 Route de Chancy, 1213 Onex  
General information concerning the procedures and documents required for the issuance of a civil status document. The Direction cantonale de l'Etat civil does not issue any civil status documents. A birth registration is performed at the district registry office of the birthplace. The father of a child may sign a deed of recognition in any district registry office. The counters are open Monday, Tuesday, Thursday and Friday from 7.30 am to 1.30 pm and Wednesdays from 9.30 am to 4.30 pm. The reception is open from Monday to Friday from 1.30 pm to 4.30 pm. Civil Status and Legalisation Service (OCPM) :  
*Phone : 022 546 48 64 - [www.ge.ch/population/service-etat-civil-legalisations](http://www.ge.ch/population/service-etat-civil-legalisations)*

## — Useful addresses

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- **Service de l'état civil (Mairie de la Ville de Genève) :**  
Rue de la Mairie 37, 1207 Geneva  
For births registrations that occurred in the Maternity of the HUG.  
Open Monday to Friday from 8.30 am to 11.45 am and from 1.00 pm to 4.00 pm.  
*Phone : 022 418 66 50 - [www.ville-geneve.ch](http://www.ville-geneve.ch)*
- **Service cantonal d'avance et de recouvrement des pensions alimentaires (SCARPA) :**  
Rue Arducius-de-Faucigny 2, 1204 Geneva  
Assistance in obtaining child support payments. Reception and telephone attendance from Monday to Friday, 8.30 am to 12.30 pm. SCARPA attends based on an appointment.  
*Phone : 022 546 30 00 - [www.ge.ch/scarpa/mission.asp](http://www.ge.ch/scarpa/mission.asp)*
- **Hospice général :**  
12 Cours de Rive, 1204 Geneva  
Reception from Monday to Thursday from 8 am to 12.30 pm and from 1.30 pm to 5.30 pm and Friday from 8 am to 12.30 pm and from 1.30 pm to 5 pm. The General Hospice only supports undocumented migrant women if they report themselves to the Cantonal Population Office (OCPM) and apply for a residence permit.  
*Phone : 022 420 52 00 - [www.hospicegeneral.ch](http://www.hospicegeneral.ch)*
- **Office cantonal de la population et des migrations (OCPM) Service Etrangers et Confédérés (SEC) :**  
88 Route de Chancy, 1213 Onex  
The counters are open Monday, Tuesday, Thursday and Friday from 7.30 am to 1.30 pm and Wednesdays from 9.30 am to 4.30 pm. The reception is open from Monday to Friday from 1.30 pm to 4.30 pm. Services for undocumented migrant women.  
*Phone : 022 546 47 95 - [www.ge.ch/sec](http://www.ge.ch/sec)*

## — Useful addresses

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- **Service de l'assurance-maladie (SAM) :**  
62 Route de Frontenex, 1207 Geneva  
The service responsible for all questions and procedures related to health insurance and subsidies to health insurance. Only by appointment. Telephone service from Monday to Friday from 9 am to 12 pm and from 1.30 pm to 4 pm.  
*Phone : 022 546 19 00 - [www.ge.ch/sam](http://www.ge.ch/sam)*
- **Service de protection des mineurs (SPMI) :**  
16 Boulevard de Saint-Georges, 1205 Geneva  
Counselling and socio-educational support. Open Monday to Friday from 8 am to 12.30 pm and from 1.30 pm to 5 pm. Without an appointment from Monday to Friday, except on Thursdays, from 9.30 am to 11.30 am and from 1.30 pm to 3.30 pm.  
*Phone : 022 546 10 00 - [www.ge.ch/spmi](http://www.ge.ch/spmi)*
- **Service d'évaluation et d'accompagnement de la séparation parentale (SEASP) :**  
16 Boulevard de Saint-Georges, 1205 Geneva  
Parental counselling during a separation or divorce procedure. Open without an appointment from Mondays, Wednesdays and Fridays from 9.30 to 11.00 am and Tuesdays and Thursdays from 14.00 pm to 15.30 pm.  
*Phone : 022 338 76 71*

This booklet was produced under the direction of Professor Maya Hertig Randall, Olivia Le Fort and Djemila Carron and thanks to the work of the following students : Jeanne Arn, Hatidje Bilali Ouabas, Sophie Bobillier, Taline Bodart, Elia Calvo, Maeva Cherpillod, Angela of Preux, Tazio Dello Buono, Rachel Duc, Coraline Duret, Mariona Fernandez Prim, Deborah Fuchs, Adriana Garcia Kappeller, Rocio Gonzalez Fernandez, Mareike Kriening, Mélanie Lopez Castro, Mihaela Majkić, Brett Moia, Marjolaine Rion , Samantha Roth, Chloe Smith, Rebecca Stockhammer, Yusra Suedi, Lydia Tazi Kusongi, Raiza Tomaz De Castro, Yvonne Vingas, Alexia Wassmer, Eleonore Windisch and Charlotte Zihlmann.

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