Protection Status S in Switzerland

Q&A summary – interview with Samuel Whyss, spokesperson of the State Secretariat for Migration (SEM)

Key points

- Status S has been extended until 4 March 2028; if the war continues, it may be extended again.
- Status S will only end once the "serious general danger" in Ukraine has passed – a peace agreement must hold for several months, and the decision will be taken jointly with European partners.
- From March 2027, people who have lived in Switzerland for 5 years will automatically receive a B permit – no application and no documents needed. It remains temporary and tied to Status S.
- The only ways to stay independently of Status S: the third-country quota for skilled workers (~200 people since 2022) or a hardship application (Härtefallgesuch).
- A hardship case requires advanced integration: a permanent job, no social assistance, no criminal record, language level (spoken). Advice: don't rush to apply.
- Hardship decisions are made by the cantons; positive decisions require SEM approval – SEM has the final say.

1. Extension of Status S until 4 March 2028

Q: The Federal Council has extended Status S until 4 March 2028. What does this mean in practice?

A: Above all, planning certainty for roughly the next 18 months. If the situation in Ukraine does not stabilise durably, people with Status S can stay in Switzerland until March 2028. They can work, attend school and complete vocational training.

Q: What conditions must be met for Status S to remain in force after 4 March 2028?

A: Under the Swiss Asylum Act, Status S applies as long as a serious general danger (schwere allgemeine Gefährdung) persists in Ukraine. The Federal Council will only lift it once the situation has improved durably and the security situation genuinely allows a safe return.

Q: So, in theory, Status S could be extended again beyond 2028?

A: Yes. If the war situation does not change, the Federal Council will maintain Status S.

2. How the possibility of return is assessed

Q: What criteria does the Federal Council use to decide whether return is possible?

A: Several aspects are taken into account:

- Serious general danger: as long as it persists, return is unrealistic. "We do not send families, children, women back into a war zone."
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- A peace agreement that is respected: for example, an agreement concluded and observed for months, without fighting.
- Long-term stabilisation of the situation.
- Region of origin: whether people lived in an area that has been completely destroyed and has no infrastructure – “we can’t simply say: the war is over, go back to where everything is destroyed.”

Q: And if both sides officially declare the war over, but the bombing continues? Does the Federal Council look only at official documents?

A: No. What counts is the actual situation on the ground. If peace is declared but Ukraine is still bombed every night, that is not a peace agreement that is being respected. Only once it has become clear over a period of months that the agreement is holding will the Federal Council review the question. Switzerland will not decide alone – this is coordinated with European partners.

3. B permit after five years (from March 2027)

Q: From March 2027, the first Ukrainians will have lived in Switzerland for five years. What does this mean?

A: The law provides that after 5 years a legal improvement of status (rechtliche Besserstellung) is granted: the B residence permit. Important: this B permit is temporary (befristet) and remains tied to Status S. If the Federal Council lifts Status S, the B permit also ends.

Q: Do people have to apply for it themselves?

A: No – it happens automatically. The responsible cantonal migration office checks the conditions. You will receive a letter (e.g. from the Canton of Bern) and a new B card stating that you continue to be a person in need of protection (Status S). “You can stay at home and wait for the letter.” There is no need to contact the canton with enquiries.

Q: What documents need to be submitted?

A: None. No additional documents are required.

Q: Is the procedure the same in all cantons?

A: Yes, the automatic procedure after 5 years is the same everywhere. Cantonal differences remain in other areas, for example in the level of social assistance.

Q: What specifically changes with this B permit?

A: Compared with Status S – very little. You can continue to work and remain entitled to social assistance if needed. New: you can change canton – but only if you have a job and no criminal record.

Q: What happens to the B permit if Status S is lifted later?

A: It will also be revoked automatically. But that does not mean you have to leave the next day: a sufficient departure period will be granted so that the return can be planned.

Q: So everyone is expected to return?

A: By law, Status S is designed to be return-oriented (rückkehrorientiert) – it is intended for the duration of a serious danger. It was activated for the first time for Ukraine; it was created after the Balkan wars so that the asylum system would not be overwhelmed by thousands of simultaneous asylum applications. Nobody expected the war to last this long; “after 5 years we are in a different film” – hence the legal improvement through the temporary B permit.

4. How to stay in Switzerland independently of Status S

Q: What options are there to stay independently of Status S?

A: Two options:

- Skilled workers (third-country quota / Drittstaatenkontingent): open to all nationals of non-EU/EFTA countries working in highly specialised fields with a proven skills shortage (e.g. IT, highly qualified experts). The employer submits the application. Since March 2022, around 200 Ukrainians have obtained a long-term residence permit this way.
- Hardship application (Härtefallgesuch): possible after 5 years of residence in Switzerland under certain conditions (see below).

Q: What exactly does "hardship case" (Härtefall) mean?

A: It is a person who has lived in Switzerland without interruption for at least 5 years and can demonstrate advanced integration (fortgeschrittene Integration). Conditions (so-called Regelvermutungen – standard presumptions):

- Permanent employment contract
- Independence from social assistance
- No criminal record
- Language level: according to the spokesperson, "Niveau 1 mündlich" – i.e. a basic spoken level in one of the national languages (probably A1 spoken; check with your canton)

A: Hardship cases are regulated by the cantons; SEM only sets certain guidelines.

Q: Apart from work, financial independence and language, are other personal circumstances taken into account (e.g. children)?

A: Yes. Each application is assessed individually. Example: a mother of three who has mainly been caring for them could not work 100% or attend all language courses – this is taken into account. But if she made no effort at all (didn't learn the language, didn't work even 20%, didn't take part in Swiss life), that is taken into account too.

Q: What does "advanced integration" mean beyond work?

A: Whether a person takes part in Swiss life: has learned the language, has a job and earns their own money, is involved in community life – for example, the children play in a football club, the person sings in a choir. All of this shows a willingness to integrate and is taken into account.

Q: When should one apply?

A: Don't rush to apply right after 5 years – this is what all cantons recommend. Those who do not meet the conditions generally gain nothing by applying. Moreover, the more applications are submitted next year, the larger the backlog at the cantons and the longer processing will take.

Q: If the application is rejected, can one apply again?

A: Yes. However, a new application is usually not approved if the situation has not changed. But if, in the meantime, you have for example learned good German and found a job, a new application may make sense.

Q: How long does the hardship procedure take?

A: It depends on the individual case; SEM did not give any time frames ("that would not be serious").

Q: So in any case I can live here with a (temporary) B permit?

A: Exactly. Everyone who is eligible will in any case receive the temporary B permit tied to Status S. The hardship B permit is different: according to the SEM representative, it is not tied to Status S and is not time-limited ("unbefristet") – in effect, a long-term residence permit. Message to the community: no need for pressure or stress.

> *Note: In standard Swiss practice, B permits are issued with a set period of validity and then renewed; "unbefristet" here means that the right of residence no longer depends on Status S. This information should be verified with the cantonal migration office before being shared publicly.*

5. Cantonal differences and the role of SEM

Q: The Canton of Bern is considered strict on hardship cases, other cantons more liberal. How does SEM ensure equal treatment?

A: The cantons are authorised to examine hardship applications within the framework set by SEM (advanced integration, language level, permanent employment, no social assistance). Within this framework, the cantons have discretion – some are stricter, others more generous.

Q: Can SEM influence this?

A: Yes: every positive cantonal decision is submitted to SEM for approval. SEM can refuse, for example if the person does not speak any national language and other conditions are not met. Usually the cantons work carefully and SEM approves the decision. SEM has the final say.

6. Appeals

Q: What can be done if the application is rejected – can the decision be appealed, and where?

- Rejection by the canton: there is no statutory right of appeal. However, many cantons already have established case law, so in practice there are possibilities to challenge the decision.
- Approved by the canton but rejected by SEM: the decision can be appealed to the Federal Administrative Court (Bundesverwaltungsgericht).

7. Responsibilities, integration and preparation

Q: Which responsibilities pass to the cantons with the change of status, and which remain with SEM?

A: In principle, nothing changes: after registration (a few days, possibly in a federal asylum centre), people are allocated to a canton, which is responsible for everything – housing, social assistance and administrative matters.

Q: Can a canton refuse or withdraw the permit due to insufficient integration, as with regular permits?

A: For the automatic B permit – no: no particular integration is required for it. Integration is assessed only for the hardship permit.

Q: Is SEM in contact with the cantons on this?

A: Yes, in constant, almost daily exchange on implementation issues – “that’s how Swiss federalism works.”

Q: How are the cantons preparing? This will require more staff.

A: It is a real challenge for SEM and the cantons, which may receive tens of thousands of applications next year (B permits and hardship cases) and may have to hire temporary staff. The cantons are working on it “under great pressure”, each at its own pace and with its own priorities. Not everything is ready yet (in Bern, for example, it was not yet known where to send documents), but the legal framework is not new – the cantons knew this 5-year milestone would come.

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Practical tips for the community

- For the B permit after 5 years, you don’t need to do anything – wait for the letter from your canton.
- Use the time until March 2028 to strengthen your integration: language, stable work, financial independence, clubs, volunteering, choir, activities for children.
- Apply for a hardship permit only when you clearly meet the conditions; start collecting evidence of your integration early.
- Highly qualified professionals: ask your employer about the third-country quota.
- If rejected: improve your situation and apply again; seek legal advice on appeal options.