

The G permit and the Agreement on the Free Movement of Persons

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Under Swiss immigration law, a foreign cross-border commuter needs a cross-border commuter permit, the permit G (*Grenzgängerbewilligung*). For nationals of the member states of the European Union and the European Free Trade Association, the permit is issued under the Agreement on the Free Movement of Persons between Switzerland and the European Community and its Member States, signed on 21 June 1999 as part of the first package of bilateral agreements and in force since 1 June 2002.¹ The agreement gives EU nationals a right to take up employment in Switzerland and to obtain the corresponding permit, subject to transitional restrictions that have long since expired for the old member states, among them Germany and France.

Annex I of the agreement defines the frontier worker as an employed person who is a national of a contracting party, resides in the territory of one party and is employed in the territory of the other, returning to his or her residence as a rule every day or at least once a week. The permit G for such workers is valid for five years when the employment contract is of at least one year or of indefinite duration, while shorter contracts result in a permit corresponding to the duration of the contract.² The definition used in immigration law thus requires at least a weekly return. It differs from the definitions used in tax law and in social security law, a point that causes frequent confusion in practice.

Before the free movement of persons, Swiss law restricted cross-border commuters to defined border zones. The commuter had to live in the border zone of the neighbouring state and work in the corresponding border zone of Switzerland, which for Basel meant southern Baden and the southern part of Alsace. These zones were abolished for nationals of the old EU member states with full freedom of movement in 2007, so that a commuter may now live anywhere in an EU or EFTA state and work

anywhere in Switzerland, provided that the weekly return condition is met.³ The practical pattern of commuting has nevertheless changed little. Most commuters to Basel still live within a radius of thirty or forty kilometres, because daily travel over longer distances is impractical.

Swiss immigration policy has remained a subject of political debate. The popular initiative "against mass immigration", accepted on 9 February 2014, required the Confederation to limit immigration, including cross-border commuters, through quotas. The implementing legislation of 2016 chose a softer instrument, an obligation to report vacancies in occupations with high unemployment, in order to remain compatible with the free movement agreement.⁴ A later initiative that sought to terminate the free movement agreement was rejected in September 2020. The negotiations with the European Union on a new package of agreements, concluded at the political level in December 2024, have reopened the debate, a subject to which Part K returns in its scenarios.⁵ For the Basel economy, which depends on cross-border workers more than almost any other Swiss region, the future of the free movement of persons is an existential question.

1 Notes

1. Agreement of 21 June 1999 between the Swiss Confederation, of the one part, and the European Community and its Member States, of the other, on the free movement of persons (AFMP, SR 0.142.112.681), in force since 1 June 2002. To be verified. ↩
2. Art. 7 of Annex I to the AFMP; Ordinance of 22 May 2002 on the Free Movement of Persons (VFP, SR 142.203), in particular Art. 4 on the permit G. To be verified. ↩
3. On the abolition of the border zones for cross-border commuters from the EU-17/EFTA states with the end of the transitional period on 1 June 2007, see the publications of the State Secretariat for Migration (SEM), Weisungen VFP. Date to be verified. ↩
4. Art. 121a of the Federal Constitution (SR 101), adopted on 9 February 2014; amendment of the Foreign Nationals and Integration Act of 16 December 2016 introducing the job reporting obligation (Art. 21a FNIA, SR 142.20), in force since 1 July 2018. To be verified. ↩

5. On the popular initiative "for moderate immigration (limitation initiative)", rejected on 27 September 2020, and on the package of agreements negotiated between Switzerland and the European Union, whose material conclusion was announced on 20 December 2024, see the publications of the Federal Chancellery and the Federal Department of Foreign Affairs. Status to be verified. ↩

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