



English

Online-Version:



Getting married as Sans-Papiers

**ANLAUFSTELLE
FÜR SANS-PAPIERS**

→ Do you live in
Switzerland without a
residence permit?

→ Would you like to get
married?

This brochure contains important
information on getting married as a Sans-
Papiers (an undocumented migrant / a
person without a residence permit) in
Switzerland.

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Here you find our consulting services:





Summary

1

You organise all the necessary documents. You inform yourself at the Civil Registration Office (Zivilstandsamt) about the requirements for your documents from your country of origin. You bring the **documents to the Civil Registration Office.**

2

You **apply to the Migration Office (Migrationsamt) for a permit to prepare for marriage.** You organise all the necessary documents and submit them to the Migration Office. **Important:** The processing of the application often takes several weeks or months.

3

You will receive a permit to prepare for marriage. This allows you to **make an appointment for the marriage with the Civil Registration Office.**

4

After the marriage, you need to **register with the Residents' Registration Office.** You will then receive a residence permit B.

5

Do you have **children** in Switzerland or abroad? You need **certain documents.** Then the children can live with you in Switzerland. You must submit these documents to the Migration Office.



Who is allowed to marry in Switzerland?

→ Everyone is allowed to marry. This also applies to Sans-Papiers (undocumented migrants / persons without a residence permit). You must follow certain rules. To do this, you go to the Civil Registration Office and the Migration Office. You hand in various documents there.



What do I do at the Civil Registration Office?

→ The Civil Registration Office is responsible for preparing and carrying out the marriage. There is a Civil Registration Office in every Swiss municipality.

Which Civil Registration Office is responsible for me?

You go to the Civil Registration Office where your partner is registered.

What documents do I need to bring to the Civil Registration Office?

→ Valid passport.

→ Birth certificate.

Important: The document must be the original and must not be older than six months.

→ Certificate of your civil status. You need confirmation that you are unmarried or divorced.

Important: The document must be the original and **must not be older** than six months.

Please contact your Civil Registration Office to find out the exact requirements.

Do I have to travel to my country of origin to get the documents?

No. **You can ask a person from your country of origin**, for example a relative or a friend. This person can collect the documents. They can send the documents to Switzerland by post or courier.

What language must the documents be in?

The documents must be **in German, French, Italian or English**. Are the birth certificate and the certification written in another language? Then you will need a **translation**.

Who can translate my documents?

There are **translation agencies**. The translation costs money. Find out more directly from a translation agency. We recommend these agencies for the Basel region:

TRIALOG

Lettenweg 4, 4123 Allschwil

Phone: +41 79 373 58 69

E-Mail: info@tria-log.ch

Website: <https://www.tria-log.ch>

Ausländerdienst Baselland

Bahnhofstrasse 16, 4133 Pratteln

Phone: +41 61 827 99 00

E-Mail: info@ald-bl.ch

Website: <https://ald-bl.ch/>

Do I have to have my documents notarised?

Yes, the documents from your country of origin **must be notarised**. This means that the documents must have an **apostille**. The apostille says that the document is genuine.

How do I get an apostille?

Go to the **website of the Swiss Federal Chancellery (Schweizerische Bundeskanzlei)**. Check the list to see whether your country of origin is a **member of the Hague Convention**: <https://www.hcch.net/en/states/hcc-members>

- **Is your country of origin a member of the Hague Convention?** Then tell the authorities in your country of origin that you need a **Hague Apostille** for your birth certificate and civil status certificate.
- **Is your country of origin not a member of the Hague Convention?** Then take the documents to the Civil Registration Office. The Civil Registration Office will send the documents to the Swiss embassy in your country of origin. The embassy will make the apostille and send the documents back. You pay around CHF 1,000 for this.

Do I need a confirmation of residence?

No. You can obtain a permit to prepare for marriage from the Migration Office. This authorisation is valid as a temporary confirmation of residence.

I have an entry ban. Can I still get married?

Yes, **but make sure you come to us before you go to the Civil Registration Office**. Otherwise there is a risk that the Civil Registration Office will not go ahead with the marriage process and will inform the Migration Office. The Civil Registration Office can see in the data system that you have an entry ban.

Important: The Civil Status Office and the Migration Office are in contact with each other. **The Civil**

Registration Office must inform the Migration Office that you are preparing to get married. The Civil Registration Office will tell you that you need to apply for a permit to prepare for marriage from the Migration Office.



What do I do at the Migration Office?

→ You need a permit to prepare for marriage. You submit an application to the Migration Office for this permit.

Important: It often takes several weeks or months to process an application for a permit.

What are the rules for the permit?

- Your partner lives in Switzerland with a permit.
- The marriage is registered with the Civil Registration Office.
- The marriage can take place within 6 months. There are sometimes exceptions for more preparation time.
- You and your partner live together.
- You have a real and lived relationship.
- You and your partner do not receive social welfare.

Is your partner not from Switzerland or a country in the European Union?

Then there are additional rules:

- You need proof of your German language skills (level A1 oral). Or you can register for a German language course (level A1).
- Your partner must not receive any supplementary benefits.

How can I apply for a permit?

Make the application for a permit **in writing**. Send the application to the Migration Office.

Which Migration Office is responsible for me?

The **cantonal** Migration Office is responsible. It is the Migration Office in the canton **where your partner is registered**.

Here are the **addresses in the canton of Basel-Stadt and the canton of Basel-Landschaft**:

Basel-Stadt:

Migrationsamt Kanton Basel-Stadt

Spiegelgasse 12, 4001 Basel

Telefon: +41 61 267 70 70

Website: <https://www.bs.ch/jsd/bdm/migrationsamt>

Basel-Landschaft:

Amt für Migration und Bürgerrecht

Schlossstrasse 1, 4133 Pratteln

Telefon: +41 61 552 51 61

Website: https://www.baselland.ch/politik-und-behorden/direktionen/sicherheitsdirektionamt_fuer_migration

Can I be in Switzerland the whole time to prepare for the marriage?

Yes, but you and your partner must fulfill **these conditions for marriage and the permit**:

- You have a real and lived relationship.
- You live together.
- You have enough money. This means that you do **not receive social welfare**.
- The undocumented person has **no criminal convictions** and is **not in criminal proceedings** for serious criminal offences.

Will my relationship be tested?

Yes, the Migration Office will investigate your relationship. The Migration Office wants to know whether your relationship is a real one, meaning a living relationship.

If someone marries just to get a residence permit, it is a sham marriage. Sham marriages are not authorised.

We advise you to write a letter to the Migration Office about your relationship. You send this letter together with the application for the permit. Write the most important information about your relationship.

This information is:

- How long have you been in the relationship?
- Where did you meet?
- When did you meet?
- How do you live your relationship?

Important: You do not have to and should not write where you have lived so far. Do not write whether you have worked in Switzerland. Do not write anything about your acquaintances or family.

Does the Migration Office require more proof of my relationship?

Yes, the Migration Office may request further evidence.

It can be this evidence:

- Photos with your partner.
- Excerpts from shared conversations (e.g. WhatsApp, Signal, Telegram and Facebook).

Financial situation

The Migration Office will check whether you and your partner have enough money together. You are not allowed to receive social welfare.

How high does our income need to be?

The Migration Office tells you how much money you must have as a couple per month as a minimum. You

need money for basic needs, for housing and for health insurance. Sometimes you also need to have money for other things. This table shows how much money you need in total for which things:

What?	Per month (for two people)
Basic requirements: <ul style="list-style-type: none">→ Food products→ Clothes→ Household→ Care products→ Public transport→ Internet→ Radio / TV→ Education, for example German course→ Leisure time→ Sports	→ CHF 1,624:
Living including additional costs	→ Rent from your shared flat
Health insurance	→ Health insurance premiums for all persons
If applicable: Costs for childcare (day care at school, etc.)	→ Costs for childcare
If applicable: Alimony for children from another relationship	→ Costs for alimony
If applicable: Repayment of debts (loans, debt collection, etc.)	→ Credit installments or repayment installments

I have children. The children live with me. How much is our basic need then?

Per month

Basic requirements for 2 adults and 1 child	→ CHF 1,974
Basic requirements for 2 adults and 2 children	→ CHF 2,271
Basic requirements for 2 adults and 3 children	→ CHF 2,568
For each additional person	→ plus CHF 216

Important: These figures can change every year. You can find the current figures in the digital brochure here:
<https://sans-papiers-basel.ch/beratung/marriage/>

What counts as income?

- Wages from your partner.
- Job offers for you.
- Premium reductions for health insurance.
- Other income, for example alimony, pensions or annuities.

What documents do I bring to the Migration Office?

- Written application for a permit to prepare for marriage. You must write information about your relationship.
- Copy of passport.
- Job offers, if you have any.
- Copy of the rental contract for the shared flat.
- Copy of the health insurance policy or a copy of an offer from the health insurance company.

Is your partner not from Switzerland or a country in the European Union?

Then you also need these receipts:

- Language certificate for German (level A1 oral) or registration for language course (level A1).
- Your partner **must not receive any supplementary benefits.**

Your partner will bring these documents:

- Copy of employment contract.
- Copy of the last 6 payslips.
- Proof of other income, for example alimony, pensions or annuities.
- Copy of health insurance policy.
- For loans: Confirmations from the Informations-Stelle für Konsumkredit (IKO), www.iko-info.ch, and the Zentralstelle für Kreditinformation (ZEK), www.zek.ch, about possible loans taken out.



What happens after the marriage?

What permit do I get after marriage?

After marriage, you will receive a residence permit B. To do so, register with the Residents' Registration Office in your place of residence.

The licence is valid for one year. After that, you extend the permit. You will automatically receive an application for renewal by post from the Migration Office.

You must fulfill these requirements for the extension:

- You still live with your partner.
- You do not receive social welfare.

After five years of marriage, you will normally receive a permanent residence permit C. You may keep this permit even if you and your partner later separate.

What happens after a separation?

You must have been married for at least 3 years. Then you can get an extension of your residence permit.

For this, you need to be well integrated. Good integration means the following:

- Enough income: This means that you must not receive any social welfare now or in the future.
- You speak German well (level A2).
- You have no criminal proceedings for serious criminal offences.

Will I be penalised because I didn't have a residence permit before I got married?

In the process of preparing for marriage, **you must inform the Migration Office that you do not yet have a residence permit.** The Migration Office can therefore report you to the public prosecutor's office. The public prosecutor's office can issue a penalty order against you. In most cases, you will then receive a suspended fine and a fine. As a rule, you will have to pay CHF 500 to 1,000. And you will receive an entry in the criminal register.

I don't have to make a statement!

The Migration Office will usually ask questions about your residence prior to marriage. You **do not** have to provide **any information about your place of residence for the time before you applied for a permit.** You also **do not** have to say **whether and where you worked.** **Do not** give the Migration Office any information about previous landlords or employers. Protect yourself and others from further penalties!

Will my partner be fined?

You may live with your partner after submitting the application. Your partner will **not be penalised** for this. **Do not** state where you lived before the application. You **do not** have to say this.



What do I do if I have children?

My child is already in Switzerland. How do I proceed?

Tell the Migration Office from the outset that you have children in Switzerland. You can then include the children in the application for a permit to prepare for marriage. The children must be **under the age of 18** when you submit your application.

You need these documents:

- Copy of the child's birth certificate.
- Copy of the child's passport.
- **Do you have sole custody rights?** Then submit a copy of the decision on custody rights or the divorce judgement. The divorce judgement must state who has custody rights.
- **Do you have joint custody rights? Or is custody not regulated?** Then you need the consent of the other parent. The agreement must state that the child may come to Switzerland and live with you.

Are you and your partner having a child together?

Then you only need these documents:

- Copy of the child's birth certificate.
- Copy of the child's passport.

My child is not yet in Switzerland. How do I proceed?

You can bring your child **to Switzerland after marriage.** This is called **family reunification.** There are time limits for this. The time limits depend on where your partner comes from.

Is your partner from the European Union?

In this case, your child must be under the age of 21 when the application is submitted.

Does your partner come from Switzerland or a country outside the European Union?

- In this case, your child must be under the age of 18 when the application is submitted.
- Is your child older than 12 years old? In this case, your child must come to Switzerland within 12 months of the marriage.
- Is your child younger than 12 years old? In this case, your child must come to Switzerland within 5 years of the marriage.

What documents do I need for family reunification?

- Copy of the child's birth certificate.
- Copy of the child's passport.
- **Do you have sole custody rights?** Then provide a copy of the decision on custody rights or the divorce judgement. The divorce decree must state who has custody rights.
- **Do you have joint custody rights? Or is custody not regulated?** Then you need the consent of the other parent. The agreement must state that the child may come to Switzerland and live with you.

Important:

- All documents from the children must be in German, French, Italian or English.
- The birth certificate must be notarised with an apostille.
- If you have children, you and your partner will need enough money for the whole family. Take a look at the table on p. 10.
- You hand in all documents to the Migration Office.
- You can find an overview of family reunification on p. 22.



How do I prepare for my marriage in my country of origin?

→ You do not have to leave the country to prepare for the marriage. However, you can also travel to your country of origin and prepare for the marriage there.

Follow these steps:

- Your partner prepares the marriage at the Civil Registration Office in Switzerland.
- You prepare the marriage at the Swiss embassy in your country of origin. You submit the necessary documents there. At the same time, you apply for an entry permit for the marriage in Switzerland.
- You can come to Switzerland with an entry permit and get married.



I want to get married in my country of origin.

Then do these things:

- After the marriage, you take the **marriage certificate to the Swiss embassy in your country of origin.** The Swiss embassy will then register your marriage in Switzerland.
- After registering your marriage in Switzerland, your partner goes to the cantonal Migration Office. There, your partner will submit an **application for family reunification.**
- You are allowed to come to Switzerland **with a family reunion permit.**



Checklist

Civil Registration Office

I need these documents:

- Valid passport.
- Birth certificate (original and **not older** than 6 months).
- Certificate of civil status (original and **not older** than 6 months).

I am allowed to stay in Switzerland to prepare for the marriage. We comply with these rules:

- We have a real and lived relationship.
- We live together.

- We have enough money and we don't receive any social welfare.
- I have no criminal convictions. And I am not undergoing criminal proceedings for serious criminal offences.

Important:

- All documents are translated into German, French, Italian or English.
- All documents are notarised with an apostille.

Migration Office

I need these documents:

- Written application for a permit to prepare for marriage in Switzerland. I provide information about my relationship.
- Copy of passport.
- Job offers, if I have any.
- Copy of the rental contract for the shared flat.
- Copy of health insurance policy or copy of an offer from the health insurance company.

My partner is not from Switzerland or the EU.

Then I also need these documents and receipts:

- German language certificate (level A1 oral) or an application for a language course (level A1).
- My partner does not receive any supplementary benefits.

My partner needs these documents:

- Copy of employment contract.
- Copy of the last 6 payslips.
- Proof of other income, e.g. alimony, pension or annuity.
- Copy of health insurance police.
- For loans: Confirmation from the Informationsstelle für Konsumkredit (IKO) and the Zentralstelle für Kreditinformation (ZEK).

We must abide by these rules:

- My partner has a residence permit in Switzerland.
- We have registered the marriage with the Civil Registration Office.
- We are getting married within 6 months.
- We live together.
- We have a real and lived relationship.
- We do not receive social welfare.

Children

I have children in Switzerland. Then I need these documents:

- Copy of the child's birth certificate.
- Copy of the child's passport.
- For sole custody rights: copy of the decision on custody rights or the divorce judgement.
- In the case of shared or unregulated custody rights: Written consent from the other parent.

My partner and I have a child together in Switzerland.

Then we need these documents:

- Copy of the child's birth certificate.
- Copy of the child's passport.

My child is not yet in Switzerland. Then I need these documents:

- Copy of the child's birth certificate.
- Copy of the child's passport.
- For sole custody rights: copy of the decision on custody rights or the divorce judgement.
- In the case of shared or unregulated custody rights: Written consent from the other parent.

Important:

- There are time limits for family reunification.
- All documents are translated into German, French, Italian or English.
- The birth certificate is notarised with an apostille.
- We need enough money for the whole family.
- I hand in the documents at the Migration Office.



Questions?

→ If you have any questions or need further information on the marriage procedure, please attend one of our information events on the subject of marriage.

They take place once a month at the Office for Sans-Papiers (Anlaufstelle). The dates are online (<https://sans-papiers-basel.ch/information-and-advice/>). Or you can call us and we will inform you about the next date.

Table: family reunification

	↓ Children abroad	
Time limits →	Partner with EU passport	Partner with CH passport
	Children unter 21 years	Children up to 12 years: family reunification within 5 years of marriage; children 12 – 17 years: family reunification within 12 months of marriage
Documents →	Copy of birth certificate	Copy of birth certifacte
Sole custody	Copy of decision on custody rights or divorce judgement	Copy of decision on custody rights or divorce judgement
Shared / unregulated custody	Declaration of agreement	Declaration of agreement
Rules →	Sufficient financial resources; documents in German, French, Italian or English; notarised birth certificate	Sufficient financial resources; documents in German, French, Italian or English; notarised birth certificate

↓ Children in Switzerland

Partner with passport outside CH / EU	Children with one parent abroad	Shared children with partner
Children up to 12 years: family reunification within 5 years of marriage; children 12 – 17 years: family reunification within 12 months of marriage	Children under 18 years	Children under 18 years
copy of birth certificate	Copy of birth certificate and of passport	Copy of birth certificate and of passport
Copy of decision on custody rights or divorce judgement	Copy of decision on custody rights or divorce judgement	–
Declaration of agreement	Declaration of agreement	–
Sufficient financial resources; documents in German, French, Italian or English; notarised birth certificate	Children as part of the application for marriage; sufficient financial resources; documents in German, French, Italian or English; notarised birth certificate	Children as part of the application for marriage; sufficient financial resources; documents in German, French, Italian or English; notarised birth certificate

Here you
can find this
brochure online:

