

Entry ban received – what next?

The State Secretariat for Migration (SEM) may impose entry bans on rejected foreign nationals for Switzerland and the Principality of Liechtenstein or the entire Schengen area for a period of up to five years. In serious cases, an indefinite entry ban may even be imposed. The launch of the Entry/Exit System (EES) for third-country nationals at the Schengen external borders on October 12, 2025, will make it easier for the authorities to systematically enforce entry bans. We will show you under what conditions the authorities can impose an entry ban and how you can defend yourself against it.

Numerous reasons for an entry ban

Foreign nationals may be banned from entering Switzerland for various reasons. Examples include failure to leave the country within the specified period, violations or threats to public safety and order in Switzerland or abroad, illegal entry, illegal residence, working without a permit or employing workers without a permit, and incurring high social welfare costs.

The maximum duration of the entry ban is generally five years and is imposed by the State Secretariat for Migration (SEM). In rare cases, the Federal Office of Police (fedpol) also issues entry bans to protect Switzerland's internal or external security, whereby these entry bans may also be valid indefinitely.

Relationship between entry ban and expulsion

The entry ban imposed by the SEM or fedpol must not be confused with the criminal expulsion.¹ If the court orders an expulsion as part of criminal proceedings, the SEM will not impose an entry ban.² However, if the court explicitly waives the expulsion, the SEM may still issue an entry ban, provided that the duration of the entry ban is less than three years.³ In this case, the SEM can decide at its own discretion whether and for how long it wants to issue an entry ban.



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¹ Art. 67 AIG (Einreiseverbot); Art. 66a ff. StGB (Landesverweisung).

² SEM, Weisungen AIG, Kap. 8.4.2.1.1, <<https://www.sem.admin.ch/dam/sem/de/data/rechtsgrundlagen/weisungen/auslaender/weisungen-aug-d.pdf.download.pdf/weisungen-aug-d.pdf>> (Stand am 1. September 2025).

³ Urteil des BVGer F-7458/2024 vom 23. Mai 2025 E. 5.1.6.

Violation of public safety and order as the most common reason

In practice, entry bans are most commonly imposed due to violations of public safety and order. According to the case law of the Federal Administrative Court, such a violation occurs in particular when legal provisions or official orders are disregarded.⁴ However, based on the principle of proportionality, not every violation of the law leads to an entry ban. Simple offenses (e.g., most traffic offenses) are generally not sufficient to justify an entry ban.

Persons with a residence or settlement permit are only subject to an entry ban if they have repeatedly or seriously violated public security. A stricter standard applies to persons without a right of residence in Switzerland, such as tourists. Even a short overstay of a few days can be sufficient. This means that if someone remains in Switzerland after their visa has expired or enters the country without the necessary visa, an entry ban may be imposed. Whether and for how long an entry ban is imposed varies from case to case and is decided on the basis of a weighing up of the public interest in exclusion and the private interests of the persons concerned.⁵

Alert in the Schengen Information System (SIS)

In principle, entry bans issued by the SEM only apply to Switzerland and the Principality of Liechtenstein. However, in the case of foreign nationals who do not have the nationality of an EU/EFTA country (= third-country nationals), Switzerland is obliged, due to its membership of Schengen, to enter the entry ban in the Schengen Information System (SIS) if the presence of this third-country national on its territory poses a threat to public safety and order.⁶ This is usually the case if the offense committed is punishable under Swiss law by a prison sentence of at least one year.⁷ As a result of the alert in the SIS, the entry ban applies not only to Switzerland and the Principality of Liechtenstein, but to the entire Schengen area⁸. With the entry into operation of the Entry/Exit System (EES) on October 12, 2025, the biometric data of third-country nationals entering the Schengen countries will be systematically recorded at the external borders in order to enforce existing entry bans uniformly and to better detect "overstays".

⁴ Urteil des BVGer F-7543/2024 vom 14. Juli 2025 E. 4.3.

⁵ BVGE 2016/33 E. 9.2.

⁶ Art. 24 Abs. 1 lit. a der Verordnung (EU) 2018/1861 (SIS-II-Verordnung).

⁷ Art. 24 Abs. 2 lit. a der Verordnung (EU) 2018/1861 (SIS-II-Verordnung).

⁸ Liste der Schengen-Länder: Schweiz, Liechtenstein, Island, Norwegen, Belgien, Bulgarien, Dänemark, Deutschland, Estland, Finnland, Frankreich, Griechenland, Italien, Kroatien, Lettland, Litauen, Luxemburg, Malta, Niederlande, Polen, Portugal, Rumänien, Schweden, Slowakei, Slowenien, Spanien, Tschechien und Ungarn.

Challenging the entry ban

The entry ban is an order issued by a federal authority. As a rule, it can be appealed within 30 days of notification at the Federal Administrative Court in St. Gallen. In principle, it is possible to contest the proceedings without a lawyer. However, due to the complexity of the matter, it is advisable to seek legal advice beforehand.

Conclusion

An entry ban may be imposed for violations of public order. Most often, an entry ban is imposed due to a violation of the law. Even a short “overstay” after the visa or maximum permitted length of stay has expired may be sufficient. For third-country nationals, the entry ban may apply not only to Switzerland and the Principality of Liechtenstein, but also to the entire Schengen area. Hueberli Lawyers AG will be happy to assist you in connection with entry bans. We look forward to hearing from you.⁹

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⁹ Stand: September 2025; Autorin: RAin Sarah Dietschweiler.