

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE FEDERAL DEPARTMENT OF JUSTICE AND
POLICE OF THE SWISS CONFEDERATION**

AND

**THE HOME OFFICE OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND**

**CONCERNING MOBILITY AND STRENGTHENING
MIGRATION COOPERATION**

The Federal Department of Justice and Police of the Swiss Confederation and the Home Office of the United Kingdom of Great Britain and Northern Ireland, hereinafter collectively referred to as “the Participants”,

Recognising that the Agreement 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 (“the FMOPA”) will cease to apply to the United Kingdom at the end of the transition period,

Noting that the Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on citizens’ rights following the withdrawal of the United Kingdom from the European Union and the free movement of persons Agreement (“the Citizens’ Rights Agreement”) will apply from the end of the transition period and will protect the rights of citizens where they are resident before the end of the transition period,

Appreciating the deep economic, social and historical ties between both countries and affirming the Participants’ wish to discuss future migration arrangements in their mutual economic and cultural interest,

Considering the close cooperation on international police cooperation between the Participants in combatting cross-border and serious crime, particularly terrorism, organised and economic crime, and other relevant criminal acts in a comprehensive manner,

Noting that this document is a statement of intent and does not constitute a binding legal agreement and that the Participants cooperate under this Memorandum of Understanding within the framework of their applicable national laws,

Without prejudice to other international commitments or future relationships of the participants,

Acting in the spirit of partnership and cooperation,

Have reached the following understanding:

PARAGRAPH 1 - Purpose

In accordance with this Memorandum of Understanding (MoU) and with their respective applicable national laws, both Participants intend to explore ways to strengthen cooperation to develop their bilateral relations in fields of labour migration, mobility and asylum by driving forward joint programmes, exchanging information at operational levels, and by maintaining regular contact between competent authorities. Both sides shall endeavour to facilitate labour migration taking into account economic needs.

PARAGRAPH 2 – Territorial Scope

1. The provisions of this MoU will apply, on the one hand, to the Swiss Confederation and, on the other hand to:
 - (a) the United Kingdom of Great Britain and Northern Ireland; and
 - (b) Gibraltar.

PARAGRAPH 3 - Areas of Cooperation

1. The Participants acknowledge the existing high level of cooperation between them in the field of migration. They reaffirm their commitment to strengthen that cooperation, bilaterally and through other multilateral fora.
2. The Participants intend to work together to ensure progress with regard to shared priorities, including in relation to:
 - a. labour migration;
 - b. mobility of persons including to support cultural exchange;
 - c. joint action regarding developing issues relating to migration and asylum;
 - d. close cooperation and mutual support through facilitation of secondments of staff between the Participants and partnership working; and
 - e. exchanging information in the above fields.
3. The Participants do not intend to adopt or maintain immigration measures which treat nationals of each other's countries less favourably than nationals of other countries with close geographical proximity, and similar historic ties and economic relations unless the Participants have committed to treating nationals of other countries more favourably under: (a) existing laws; or (b) a bilateral or multilateral arrangement.
4. The Participants intend to discuss the implementation of existing frameworks with regard to the readmission of persons residing without legal authorisation in either Switzerland or the UK.
5. The Participants acknowledge their existing high level of police cooperation.
6. Cooperation under this MoU will not extend to matters of a political or fiscal nature.

PARAGRAPH 4 - Joint Working Group

The Participants will explore options for supporting the exchange of knowledge and expertise in the fields covered by this MoU. A joint working group may meet, if needed, alternately in Switzerland and the UK.

PARAGRAPH 5 - Final Provisions

1. This MoU is not legally binding between the Participants.
2. The Participants express their shared ambition to explore more formal arrangements, building on this MoU, to further strengthen efficient and effective cooperation in the fields covered by this MoU.
3. This MoU will come into effect on the later of:
 - (a) the date of signature; or
 - (b) the end of the time period in Article 126 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (“the transition period”).
4. This MoU may be terminated by either Participant, endeavouring to provide no less than 6 months written notice.

SIGNED in duplicate, Berne, on 21 December 2020, in the English language.

For the Federal Department
of Justice and Police
of the Swiss Confederation

For the Home Office of the
United Kingdom of Great Britain
and Northern Ireland

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Mario Gattiker
State Secretary
State Secretariat for Migration SEM

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Jane Owen
Her Majesty’s Ambassador to the Swiss
Confederation