



Media relations
P.O. Box, 9023 St. Gallen

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Press Release

regarding judgment F-7061/2017 of 10 December 2019

Terrorism: expulsion and entry ban decision upheld

In 2017, the fedpol imposed an immediate expulsion from Switzerland and a 15-year entry ban on a sympathiser of the Islamic State. The Federal Administrative Court upheld the decision pronouncing these measures.

A French national of Tunisian origin was working and living with his family in Switzerland. The Federal Office of Police (fedpol) justified the measures taken to keep this individual away on the grounds that he maintained relationships with several people who had joined the Islamic State in Syria. The information on file indicates, among other things, that he could exert some influence over these people and their terrorist plans.

In 2015, he met with radicalised individuals during an alleged family holiday in Turkey. Although Turkey deported him, he tried to enter the country again on two other occasions. Furthermore, the individual concerned transferred money to a person who carries out logistical tasks in the aforementioned terrorist organisation. In a private video, he practices handling knives, which, according to the trainer, are particularly suitable for attacking people.

The individual concerned appealed against fedpol's decision to the Federal Administrative Court (FAC).

Serious threat

For fedpol to issue an expulsion order against an EU national, there needs to be a current and real threat of sufficient severity to the internal or external security of Switzerland. In the present instance, there are concerns that the appellant may act as a recruiter or directs third parties to commit a terrorist act in Switzerland. The FAC therefore considers that a serious threat to Switzerland's security exists. The facts established result from a sufficiently concrete body of corroborating evidence to justify the expulsion of the appellant after his pre-trial detention, the loss of his permanent residence permit and a 15-year entry ban, despite the presence of his family in Switzerland at the time that these measures were pronounced. Incidentally, since the expulsion, his wife and children, all dual French-Tunisian citizens, have also left Switzerland.

Preventative measures

Contrary to the appellant's submissions, it is irrelevant that the investigation

measures carried out by the Office of the Attorney-General of Switzerland did not establish the existence of a criminal offence. As the measures pronounced are for preventative purposes, a criminal conviction is not required. The criminal proceedings have not yet been concluded.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 355 employees (305.5 FTE) and its 76 judges (68.4 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,500 judgments every year.