



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

St. Gallen, 20 December 2019

Press Release

regarding judgment F-4618/2017 of 11 December 2019

Islamic extremism: entry ban upheld

In 2017, fedpol issued an order imposing a ten-year entry ban on a man who was in contact with members of the Salafist movement. Although the Swiss Federal Administrative Court found various procedural flaws, it resolved them during the course of the appeal proceedings and confirmed fedpol's order.

A man with dual French-Tunisian citizenship worked in Switzerland from 2006 to 2013, most recently at the Petit-Saconnex mosque in Geneva. Since then, he has resided in France near the Swiss border. In March 2017, he announced during a border check that he intended to enter Switzerland in order to seek work. In June 2017, the Federal Office of Police (fedpol) issued an order imposing a ten-year entry ban against the person concerned. This decision was notified to him ten days later during a subsequent border check. Fedpol justified its decision to issue an entry ban on this individual on the grounds that he was in regular contact with radicalised people and therefore posed a significant threat to Switzerland. He appealed against this decision to the Swiss Federal Administrative Court (FAC).

Breach of the right to be heard

The FAC found that fedpol had infringed the appellant's right to be heard on several fronts. Firstly, the Federal Office should have notified the appellant of the entry ban at the time the decision was taken, especially since the cantonal authorities had the appellant's residency address on file. Secondly, in view of the very cursory nature of the request originating from the Federal Intelligence Service's (FIS), fedpol should have consulted the FIS' comprehensive file before taking its decision. Thirdly, the Federal Office should have complied with the request to produce certain documents, after redacting some of them partially.

Remedy of deficiencies by the court

According to the FIS' estimates, the threat of attacks in Switzerland remains high. In addition, there is the new problem of entry bans issued against persons residing in an EU or EFTA state because of a terrorist threat. In view of these circumstances, the FAC resolved fedpol's procedural defects during the course of the appeal proceedings, even if it considered this to be a borderline case.

Radical movement

In its judgment, the court essentially finds that the appellant, according to reliable

and confidential sources, had maintained regular contacts with several radicalised persons who accept violence as a legitimate means of achieving their ideal goals. One of these persons even travelled to the Turkish-Iraqi border to join the “Islamic State”. The appellant himself maintained disturbing relations with the “Ansar al-Charia” organisation in Tunisia. This group has been classified by the Tunisian government as a terrorist organisation because certain of its members sympathise with the “Al- Qaïda” organisation, which in turn has been linked to several attacks in Tunisia.

Lastly, the employment of the appellant as a security guard at the Petit-Saconnex mosque was not insignificant either, as several radicalised persons have frequented this mosque. Added to this, the Court has borne in mind his criminal past and a lack of cooperation during the appeal proceedings. Taking all these elements into account, the FAC has ruled that fedpol had not unlawfully abused its discretion when issuing the entry ban.

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.