



Media relations
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Media Release

regarding judgment F-2209/2021 of 29 July 2025

Settlement permit denied to a child with diplomatic status

The Federal Administrative Court upheld the refusal to grant a settlement permit to a Kenyan national living in Switzerland on a FDFA legitimization card. The years spent under this special status cannot be taken into account.

The 17-year-old applicant has been living in Switzerland with her parents, staff members of a UN specialised agency, since her birth. She holds a legitimization card exempting her from the ordinary provisions of the law on foreign nationals for as long as her parents remain in service. In 2017, her application for Swiss citizenship was rejected. She subsequently applied for a settlement permit. While the Population Office of the Canton of Vaud issued a favourable opinion, the State Secretariat for Migration (SEM) refused the application in 2021.

Special regime and no right to reside

In a landmark judgment, the Federal Administrative Court (FAC) holds that the applicant does not satisfy the necessary requirements for a settlement permit. Under applicable law, the years spent in Switzerland on a legitimization card are not taken into account when granting a settlement permit as long as the person concerned remains subject to this special status. In the case at hand, the applicant is still living with her parents, has not set up an independent household, and does not carry out her professional activity.

The Court found no inequality of treatment or discrimination contrary to the Constitution. The applicant specially complained about the different treatment of children of foreign nationals who are subject to the ordinary regime. However, the regime applicable to the family members of international civil servants is based on a clear legal basis: moreover, a legitimization card confers special privileges deriving from public international law. Therefore, considering that the applicant's situation falls under a special regime which excludes the consideration of the years spent in the country on a legitimization card, the FAC dismisses the appeal and upholds the SEM decision.

This judgment is final and may not 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 395 employees (334 FTE) and its 78 judges (70 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative 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 6,500 judgments every year.