



St. Gallen, 19 May 2021

## **Press Release**

regarding judgment F-5655/2019 of 7 May 2021

### **Member of the 'Ndrangheta barred from entry to Switzerland for 20 years**

**The Federal Administrative Court has upheld the decision of the Federal Office of Police imposing a twenty-year ban on entry to Switzerland and Liechtenstein on an influential member of the 'Ndrangheta. The Court ruled that the Italian national represents a serious threat to Switzerland's internal and external security.**

In 2015, an Italian national was granted a residence permit in the Canton of Valais. In March 2016, the Italian Ministry of Justice requested the extradition of the person concerned in the wake of a warrant issued for his arrest in Calabria. After being deported to Italy in March 2017, the Italian national was found guilty and convicted of membership of the 'Ndrangheta, a mafia syndicate considered as the most powerful criminal organisation in Italy. As a result of his conviction, in September 2019 the Federal Office of Police (fedpol) decided to bar him from entry to Switzerland and Liechtenstein for twenty years. At the end of October that year, the Italian national filed an appeal against this decision with the Federal Administrative Court (FAC).

#### **An influential member of the 'Ndrangheta**

The 'Ndrangheta *sodalizio* (group) of which the appellant is a member is involved in criminal activities including homicide, extortion, damage to property, and illegal possession of weapons and explosives. According to the Supreme Court of Cassation in Rome, the appellant played a leading role in his *sodalizio*. He participated in its illegal activities and managed the business operations of his *cosca* (clan), while using his power of intimidation and his hierarchical position within the organisation to achieve his ends. Although he maintained that he wanted to come to Switzerland to escape the 'Ndrangheta, the records contain no evidence to indicate that he has now disengaged himself from the organisation.

#### **A serious threat**

The appellant's membership of the Italian organised crime syndicate represents a serious threat to Switzerland's internal and external security within the meaning of Article 67 paragraph 4 of the Federal Act on Foreign Nationals and Integration Act (FNIA). Considering his criminal profile, the measure imposed is not in violation of the Agreement on the Free Movement of Persons. In this context, the FAC underscored the criminal activities pursued in Switzerland by

the members of the Italian mafia organisations. The appellant's presence in Switzerland was also liable to seriously jeopardise Switzerland's relationship with Italy. A ban for longer than five years is justified insofar as there is a strong public interest in keeping the appellant outside the country for a significant period of time. Moreover, since he cannot claim any special ties to Switzerland, the appellant has no overriding private interest to enter the country freely. Contrary to other cases, no family members live in Switzerland and justify a shorter entry ban. For all these reasons, the FAC ruled that the twenty-year ban on entry imposed by fedpol was proportionate and denied the appellant's appeal.

This judgment may be appealed to the Swiss 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 353 employees (297.3 FTE) and its 73 judges (65.15 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 7,200 judgments every year.