



St. Gallen, 8 September 2023

Press Release

regarding judgment F-3406/2022 of 24 August 2023

Humanitarian visa for Afghan persons at risk

The Federal Administrative Court has granted an Afghan family with a higher risk profile a visa on humanitarian grounds.

A former Afghan public prosecutor fled to Pakistan with his family. In February 2022, he and his family applied there to the Swiss Embassy for a humanitarian visa. In July 2022, the State Secretariat for Migration (SEM) denied their applications. The applicants appealed this decision to the Federal Administrative Court.

Individual risk profile required

Applications for visas on humanitarian grounds are subject to restrictive prerequisites. These are deemed met where, due to the specific circumstances of the case, it is evident that the applicant is especially at risk in his home country or country of origin. This may be the case in the event of acute war acts or specific individual threats which endanger the applicant more than other persons.

As a former public prosecutor who co-operated with international organisations and who claims also to have investigated terrorist acts of the Taliban's doing, the appellant is exposed to a higher risk of persecution in Afghanistan. In the present case, this applies equally to his family. Moreover, the appellants also face an actual risk of forced deportation from Pakistan to Afghanistan. In this specific case, it is assumed that the appellants face an immediate, specific and serious threat to life and limb. Against this backdrop, they must be issued humanitarian visas.

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 351 employees (296.1 FTE) and its 73 judges (65 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.