

Medical Report in Cases of Return / Enforcement of Removal Orders¹

This form will be used from October 2, 2023 for persons whose return / removal falls under the responsibility of the cantons of Solothurn, Thurgau or Vaud. The form is being tested in these cantons during a pilot phase and will replace all previous versions. After completion of the pilot phase, the form is to be introduced nationwide.

The form is available online in German, French, and English at e: www.sams.ch/medical-contraindications g: www.sams.ch/kontraindikationen f: www.assm.ch/contre-indications

For the sake of legibility, this form should preferably be completed electronically.

The attending physician is legally required to disclose the medical data already available when a request is received which is relevant for the assessment of fitness to travel.² The attending physician transfers the data directly to the physician(s) responsible for the decision on fitness to travel (see contact information below). Additional medical investigations are not necessary.

If no data relevant for the assessment of fitness to travel is available, only numbers 1 to 3 of the form are to be completed, and the form is to be signed and submitted to the requesting body. In this case, the patient's consent is not required.

If relevant medical data is available, the physician's professional duty of confidentiality as specified in Art. 321 of the Swiss Criminal Code is to be complied with. The attending physician is to inform the person who is required to leave the country about the obligation to disclose this data, and the importance of doing so, and seek the patient's consent. Consent to disclosure of the data is documented under number 4a.

If the disclosure of information is in the patient's medical interest, but he or she fails to consent to the transfer of data despite being urged to do so, or cannot consent owing to lack of capacity, then the SAMS, FMH and Conference of Swiss Prison Doctors recommend that a release from medical confidentiality should be obtained from the authority responsible and documented under number 4b. For this purpose, the attending physician should submit an application without delay and inform the cantonal enforcement authority.

The Swiss confederation and cantonal authorities, for their part, take the view that a formal release from medical confidentiality is not necessary on the basis of the current legal situation.³

Fitness to travel will be assessed and determined by the physicians responsible on behalf of the SEM for medical supervision in the enforcement of removal and expulsion orders (currently OSEARA AG).⁴ A basis

1. Details of the person concerned

N-number.

First name, surname

Sex

Date of birth

Nationality

Use of an interpreter

Yes

No

¹ This form is to be used for persons subject to a legally binding removal order and is not identical to the Medical Report for Asylum Seekers.

² Art. 71b FNIA in conjunction with Art. 15p of the Ordinance on the Enforcement of Removal and Expulsion Orders for Foreign Nationals (VWWAL, SR 142.281); in this regard, cf. *inter alia* the explanatory notes on Art. 71b FNIA in the Dispatch of the Federal Council on the Amendment of the Asylum Act BBl 2014 7991 and SAEZ 2022;103(2526):845–848.

³ Cf. the references given in Footnote 2.

⁴ Art. 71b FNIA and Art. 15p VWWAL.

⁵ Cf. www.sams.ch/medical-contraindications

2. Name and address of the attending physician

First name, surname

Contact details for queries:

Tel. _____ or e-mail _____

3. Is current health data available which is relevant for the assessment of fitness to travel in relation to the enforcement of a removal order?

Yes _____ No _____

(If no relevant current health data is available, the remaining numbers are not to be completed, but the form is to be signed)

4. Consent for disclosure of health data to the attending physician⁶

a. Provided by the patient

Yes _____ No _____ Date _____

b. Provided by the responsible Cantonal Office of Public Health⁷

Only needed if the disclosure of information is in the patient's medical interest, but he or she fails to consent to the transfer of data despite being urged to do so, or cannot consent owing to lack of capacity.

Yes _____ No _____ Date _____

5. Medical information

a. Symptoms reported

Not known

⁶ In accordance with Art. 15p VVWAL

⁷ Responsibility for releasing physicians from their professional duty of confidentiality lies in all cantons with the Office of Public Health. However, due to organisational differences, who is to perform this task in practice will vary from one canton to another. An overview, with links to the responsible authorities and the relevant cantonal forms, can be found here (Overview follows). For the trial period, in the cantons of Solothurn, Thurgau and Vaud:

SO: Under Art. 16 para. 2 let. B of the Health Act of Canton Solothurn (GesG), responsibility lies with the Canton Solothurn Health Office. See: <https://so.ch/verwaltung/departement-des-innern/gesundheitsamt/aufsicht-und-bewilligungen/aufsicht/berufs-und-informationspflichten/>

TG: Under Art. 22 para. 2 of the Health System Act, responsibility lies with the Head of the Department of Finance and Social Services (Office of the Cantonal Medical Officer). See: [Schweigepflicht von Gesundheitsfachpersonen \(tg.ch\)](#)

VD: Under Art. 13 para. 5 of the Public Health Act, responsibility lies with the "Conseil de santé". See: [demander une levée du secret médical/professionnel](#)

b. Current illnesses/diagnoses (somatic, psychiatric, infectious diseases, etc.):

Not known

c. Current medication, dosage and date of start of treatment

Not known

d. Dependence disorders (substances, dosage, substitution)

Not known

e. No. of medical consultations in the past 2 months

None

1-2 >2

If there have been any consultations, please state the reason (if relevant for assessment of fitness to travel in relation to enforcement of removal order):

Date of most recent consultation

f. Hospital stays in the past 2 months

Yes No Not known

If any, please state the reason (if relevant for assessment of fitness to travel in relation to enforcement of removal order):

from

to

g. Disabilities/functional impairments (reduced mobility, visual/auditory/speech impairments, necessary aids: wheelchair, walking aid, etc.)

Not known

h. Recommendations concerning essential⁸ and appropriate treatment during transport (e.g. medication) and further treatment (e.g. further treatment in the destination country, medication, etc., with an indication of the timeframe: immediately, within days, months); these recommendations are non-binding and no enquiries are to be made concerning medical care in the destination country.

Recommendations:

Next appointments:

6. Further comments by the attending physician

Date

Signature ⁹

If any points are unclear, you may be contacted (using the details provided above) by the assessing physician responsible for the decision on fitness to travel (OSEARA).

NB: The form is to be submitted as follows, depending on the answer given under number 3:

- If the answer under number 3 is Yes, the form is to be sent electronically to the following address: oseara@hin.ch
- If the answer under number 3 is No, the form is to be sent electronically to the requesting body.

An invoice for the work involved can be submitted to the requesting body.

⁸ In the case of a (newly diagnosed) illness, if the patient's health would be seriously endangered by a lack of further treatment, the attending physician should advise the person concerned to pass this information on to the cantonal migration authority.

⁹ If an electronic signature is not possible, the form can also be sent to OSEARA per scan via secured e-mail.