

# Welcome to Luxembourg

Information guide for third party country nationals & their families

A similar brochure exists for the EU citizens

(amended law on immigration of 19 August 2008 concerning the free movement of persons and immigration)

Both brochures are available on and can be downloaded from the website [www.bienvenue.lu](http://www.bienvenue.lu)



GRAND-DUCHÉ DE LUXEMBOURG  
Ministère des Affaires étrangères



OFFICE LUXEMBOURGEOIS  
DE L'ACCUEIL ET  
DE L'INTÉGRATION



**SYVICOL** Syndicat des Villes et  
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Fonds Européen d'Intégration  
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partenariats  
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interculturelle

## Welcome to Luxembourg

The amended law on immigration of 29 August 2008 on the free circulation of persons and immigration, which came into force on 1 October 2008, changed the old provisions in place for residency and work by persons who are third party country national.

The purpose of this brochure is to make the legislation more comprehensible and accessible.

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# Summary

## You are moving to Luxembourg

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### Attention:

This brochure is a summary drawn up by ASTI asbl. Only the text of the law is valid.

## Explanations:

This brochure outlines the general principles for entry, residence and working in Luxembourg for a third party country national. It does not cover persons going through an asylum procedure, who are governed by separate legislation.<sup>1</sup>

Nor does it concern third party country nationals who are family members of an EU citizen, including of a national of Luxembourg or similar country.<sup>2</sup>

A third party country national is a person who does not have nationality of one of the member states of the European Union or a country which forms part of the European Economic Area (EEA): Iceland, Liechtenstein, Norway or Switzerland.

Bulgarian and Romanian citizens are in a transitory situation concerning access to the labour market. For residence, they are covered by the legislation applicable to citizens of the European Union.

## 1. Stays of under 3 months

You are a citizen of a third party country and you want to come to Luxembourg for a period of not more than 3 months maximum. The purpose of your visit may be, for example, tourism or visiting friends or family.

### Conditions to be fulfilled

For a stay of under three months in Luxembourg you require your valid national passport, and in some cases a visa. The nationals of certain third party countries require a tourist visa to come to Luxembourg, others do not. To find out if you need a visa, consult [www.bienvenue.lu](http://www.bienvenue.lu). If you are a national of a country for which a visa is required, you should apply in person to a diplomatic mission or consulate of Luxembourg or to a diplomatic mission which represents Luxembourg. A visa application form should be completed in duplicate.

To obtain this visa, certain conditions are to be fulfilled. In particular, you require an invitation from a Luxembourg resident, which must be made in the form of an agreement to cover costs for the whole of your stay in Luxembourg.

### What's next?

You will be informed by the embassy where you made the application if your visa has been approved and if so, you will be called to the embassy to have the visa included in your passport. In the case of a negative response or after 3 months without a response, please contact the embassy to find out why the application was refused and if applicable to make a new application.

1. Law of 5 May 2006 relating to the right to asylum and additional forms of protection.  
2. Norway, Iceland, Liechtenstein and Switzerland.

### Useful information:

The person who signs an agreement to bear your costs is, for a period of 2 years, jointly and severally liable with you for the costs of your stay, healthcare and return to your country.

The visa is valid for a maximum of 3 months in a period of 6 months.

The visa with a view to marriage no longer exists!

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- For the list of documents to be attached, please refer to the website [www.bienvenue.lu](http://www.bienvenue.lu)
- section “stay of less than three months”.
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## 2. Stays of over 3 months

### Residence permit for salaried employee

In Luxembourg, a citizen of a third party country requires a permit in order to work as an employee. This is a residence permit for a third party country citizen who wishes to live and work as an employee in Luxembourg or for a non-European citizen already legally residing in Luxembourg without having worked there as an employee, who wishes to obtain a residence permit as salaried employee. If the person is not yet a legal resident in Luxembourg, the application for this authorisation must be made BEFORE entering the country.

#### Conditions

If, having declared a vacant post to the Employment Office (ADEM) an employer cannot find a suitable employment candidate on the local labour market, it can enter into an employment contract with a third party country national (NB: work can only be started after the permit is granted) and the applicant must then undertake the steps required to obtain a residence permit for salaried employee.

#### Steps to be taken

The position must be declared as vacant to ADEM (Employment Office) by the employer.

This declaration enables ADEM to verify the exact availability of job seekers who have a priority entitlement to be recruited.

The application is then submitted to the Ministry of Immigration by the applicant himself or herself, not by the employer. The applicant may however appoint a third party, for example the employer, to carry out the necessary steps.

The future employee who is a third party country national must send an application for a residence permit for the attention of the Ministry of Immigration before entering Luxembourg. (Except if the future employee already resides legally in Luxembourg) If the applicant receives a positive response from the Luxembourg authorities, within three working days from the date of entering the country, he or she must

go to the commune authorities in the place he or she intends to reside, with the provisional residence permit, to make a declaration of arrival. He or she will receive the residence permit for salaried employee once in Luxembourg, by contacting the Ministry of Foreign Affairs.

#### To note

The first permit is valid for one year, and only entitles the holder to work in one employment sector. An application for renewal must be made two months before the end of the one-year period. Specific provisions are laid down for the event of job loss..

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- For the list of documents to be attached, please refer to the website [www.bienvenue.lu](http://www.bienvenue.lu)
- section “residency for salaried employee”.
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### Residence permit for a self-employed person

This is a residence permit for third party country nationals who wish to exercise a non-salaried profession in Luxembourg.

- 1 Any person from a third party state who wishes to be self-employed must fulfil the same professional qualification and integrity criteria and carry out the same procedure before the Middle Classes Ministry as European Union citizens.
- 2 At the same time as making an application for an authorisation of establishment from the Middle Classes Ministry, he or she must apply for a residence permit for self-employed persons from the Ministry of Foreign Affairs.

The residence permit for a self-employed worker is valid for a maximum of 3 years, and is renewable at the end of these 3 years.

#### Conditions to be fulfilled

- Have the skills required for the activity.
- Have adequate resources to practise this activity.
- The activity must meet an economic need in Luxembourg.

The application must be submitted BEFORE entering the country if the applicant is not yet resident in Luxembourg.

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- For the list of documents to be attached, please refer to the website [www.bienvenue.lu](http://www.bienvenue.lu)
- section “residency for self-employed person”.
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## Residence permits for students and interns

It is a residence permit for third party country nationals who wish to come to Luxembourg in order to pursue higher education studies. The person must be admitted to a higher education institution.

The following are considered as higher education institutions: the University of Luxembourg; educational institutions that teach courses leading to the Brevet de technicien supérieur (two-year vocational higher education diploma).

For the admission conditions of the different institutions please contact the institution of your choice directly.

### Steps to be taken

A third party country national who wishes to move to Luxembourg for a period of more than three months to study must make an application to the Ministry of Immigration before entering Luxembourg territory. He or she must prove that he or she has sufficient resources throughout the course of studies (80% of minimum social wage) to cover accommodation and return costs, as well as have health insurance covering all risks whilst in Luxembourg.

If a positive response is received, he or she receives a visa to come to Luxembourg.

The student resident visa application will then be submitted to the Ministry of Immigration.

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- For the list of documents to be attached, and the form for the agreement to cover costs for a student, please refer to the website [www.bienvenue.lu](http://www.bienvenue.lu)
- section “student residency”.
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For an internship in Luxembourg, it is necessary to distinguish between paid and unpaid internships. For the first type, a residence permit application should be made BEFORE entering the country, proving that the internship is compulsory within the scope of the studies and that an internship convention exists.

For a paid internship, the Ministry takes into consideration whether the internship is three months or more. As applicable, an application for a permit for personal reasons, or a residence permit for salaried employee must be made BEFORE entering the country.

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- For the list of documents to be attached, please refer to the website [www.mae.lu](http://www.mae.lu)
- section “immigration, downloadable documents on internships”.
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## Residency for the family member of a European Union citizen

The following are entitled to residency:

- the spouse of the EU citizen in Luxembourg;
  - the partner with whom the third party country national has entered into a registered partnership;
  - children aged under 21 years;
  - dependent parents;
- of a European Union citizen who resides in Luxembourg.

The family member must submit a visa application to the embassy representing Luxembourg in his or her country of origin with a view to accompanying or joining the family member in Luxembourg. The application must be made BEFORE entering the country.

If a positive response is given, the person receives a visa to join the family member in Luxembourg. When he or she arrives the third party country national must go to the commune administration in the place of residence of the European family member to sign an application for residence permit as the family member of a European Union citizen. Whilst waiting for this permit to be issued, the family member receives a receipt as proof the application has been submitted, which is valid as a residence permit for a period of six months.

This must be done within three months after arrival, therefore as long as the visa in his or her passport is still valid.

Family members who reside in Luxembourg for an uninterrupted period of five years with a European Union or similar citizen that they have accompanied or joined are entitled to a permanent residence permit.

**What are the consequences in the event of the European Union citizen leaving Luxembourg, divorce or death:**

### Departure:

Departure does not lead to residency being lost for family members as long as there are children registered in an educational establishment in Luxembourg.

### Divorce:

Divorce or annulment of marriage or registered civil partnership does not lead to residency being lost if one of the following conditions is fulfilled:

- the marriage or registered civil partnership has lasted at least three years before the start of the legal divorce or annulment proceedings, including at least one year in Luxembourg;
- the third party country national has been given custody of the children of the European citizen;
- in the case of domestic violence;
- the spouse or civil partner has visiting rights for the common minor child (under certain conditions).

### Death:

the death of the resident does not lead to the third party country national losing residency as long as he or she has been resident in Luxembourg for at least one year before the death.

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- For the form and list of documents to be attached for the application to the embassy and later in Luxembourg, please refer to the website [www.bienvenue.lu](http://www.bienvenue.lu)
- section “family regrouping”.
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## Other special statuses

There are other types of residence permit for certain exceptional cases.

These are residence permits for personal reasons, medical reasons, for exceptional cases or for the victims of human trafficking.

These statuses, as exceptional cases, are only applicable under certain conditions.

→ Details on these statuses can be consulted on the website [www.bienvenue.lu](http://www.bienvenue.lu)

## 3. Family regrouping of a third party country national's family member

for the family regrouping of a family member of a citizen of the European Union, please see page 07 of this brochure.

Family members are considered to be:

- the spouse of the person living in Luxembourg;
- the partner with whom the third party country national has entered into a registered partnership;
- single children under 18 years on condition that the person has custody and they are dependent on him or her.

Direct ascendants dependent on the resident applicant may be considered as family members when this ascendant is dependent on him or her and does not have the necessary family support in the country of origin.

### Conditions

The Luxembourg resident must hold a residence permit valid for at least one year, be intending to obtain long-term residency and must have been living in Luxembourg for at least twelve months.

He or she must also provide proof of stable, regular and sufficient resources to subsidise his or her own needs and those of dependent family members without use of the social security system, of having suitable housing for the family member(s) and of having health insurance cover for himself or herself and family members.

The family member must make the application to obtain a temporary residence permit from the Ministry of Immigration BEFORE entering the country. Once the temporary residence permit has been granted, he or she must request an entry visa from the embassy which represents Luxembourg in his or her country of origin and there request a visa to join the Luxembourg resident. The application must be made BEFORE entering the country.

### Steps to be taken

If a positive response is given, the person receives a visa to join the family member in Luxembourg.

The "family member" residency application will then be submitted to the Ministry of Immigration. This residency is valid for one year, renewable at the request of the holder, as long as the conditions for obtaining it are still fulfilled. The validity period of the

residence permit granted will not exceed the date of expiry of the third country national resident applicant's residence permit.

- For the form and list of documents to be attached for the application to the embassy and later in Luxembourg, please refer to the website [www.bienvenue.lu](http://www.bienvenue.lu)
- section "family regrouping II".

## 4. Long-term resident

A third party country national who can prove lawful uninterrupted residence on Luxembourg territory of at least five years immediately prior to submitting the application can apply for the status of long-term resident from the Ministry of Foreign Affairs.

### Conditions to be fulfilled

In addition to the condition of five years of legal residence, it is also necessary to prove sufficient integration (language classes, witness statements, etc.)

### Steps to be taken

This application is made using the form.

- For the form and list of documents to be attached, please refer to the website [www.bienvenue.lu](http://www.bienvenue.lu)
- section "long-term residency".

## 5. Bulgarian and Romanian citizens

Until 31 December 2011 the work permit condition is compulsory for a Bulgarian or Romanian citizen to access the Luxembourg labour market. Those restrictions could not be extended beyond the 31st December 2013.

### Conditions to be fulfilled

They therefore require a work permit to access the labour market, but receive a certification of registration as citizen of the European Union to reside in Luxembourg. Bulgarian or Romanian citizens who are family members of another citizen of the European Union are not bound by this condition.

## 6. Cross-border third party country national

A third party country national who legally resides in another EU country must request a work permit to come and work in Luxembourg (as a cross-border worker). A third country national residing in a cross border country and married to a citizen of the European Union working in Luxembourg, does not need to apply for a separate work permit to be able to work in Luxembourg.

### Conditions to be fulfilled

He or she will therefore have a work permit but not a residence permit. He or she must have a residence permit in the country of residence.

### Steps to be taken

The application to obtain a work permit should be submitted to the Ministry of Immigration.

- For the list of documents to be attached, please refer to the website [www.bienvenue.lu](http://www.bienvenue.lu)
  - section “working permits: exceptional cases”.

## 7. Waiting periods and appeals

The period to receive a response from the Ministry of Immigration varies depending on the type of application. Generally, it is a maximum of three months.

### Exceptions:

- For family regrouping: 9 months
- For long-term residents: 6 months
- For family member residence permit: 6 months

This period starts from the time the dossier submitted is complete.

If the response is negative or no response is received, the person may make an appeal against the decision before the Administrative Court. However, we advise you to first contact the person responsible for your case in order to better understand the refusal decision.

## 8. Useful information and general advice

The Ministry of Immigration only considers complete dossiers. Please check that all the documents necessary for an application are attached to it. In the event of any doubt, check before sending. An application to renew a residence permit is to be submitted two months before it expires.

We recommended that applications to the Ministry be sent by registered post.

All the documents to be submitted must have an apostille<sup>1</sup> added by the competent local authority in the country of origin or certified by the competent local

authority in the country of origin and authenticated by the embassy. If the documents are not written in German, French or English, a certified translation by a Luxembourg sworn translator must be enclosed.

On the website [www.bienvenue.lu](http://www.bienvenue.lu) you will find practical information concerning the steps to be taken with the competent institutions, forms to be downloaded and links to other sites.

If you have any questions, you can also contact us by telephone from Monday to Friday 09:00 to 11:00 (43 83 33-1) or by email at [partenariat@asti.lu](mailto:partenariat@asti.lu)

<sup>1</sup> An apostille is a seal issued by the competent authority to certify the authenticity of a public deed. Apostilles are affixed by the countries that have ratified the “Hague Convention” of 1961, removing the requirement for consular legalisation.

## 9. Addresses and useful links

### → Ministry of Foreign Affairs and Immigration

Department of Immigration  
B.P. 752 ■ L - 2017 Luxembourg

**T** +352 247-84040

**F** +352 22 16 08

[www.mae.lu](http://www.mae.lu)

### → ASTI - Association de Soutien aux Travailleurs Immigrés (Association for Support of Immigrant Workers)

10-12, rue Auguste Laval  
L-1922 Luxembourg

**T** +352 438333-1

[www.asti.lu](http://www.asti.lu)

[www.bienvenue.lu](http://www.bienvenue.lu)

[partenariat@asti.lu](mailto:partenariat@asti.lu)

### → ADEM

Employment Office

10, rue Bender  
L-1229 Luxembourg

**T** +352 2478-5300

**F** +352 40 61 40

**E** [info@adem.public.lu](mailto:info@adem.public.lu)

[www.adem.lu](http://www.adem.lu)

### → legislation

<http://www.legilux.public.lu/leg/a/archives/2008/0138/>

We thank the Ministry of Immigration for proofreading; this text cannot incur its liability - it is the sole liability of ASTI.

A similar brochure exists regarding the situation of citizens of the European Union and their family members. It is available at your commune or you can download it from the website [www.bienvenue.lu](http://www.bienvenue.lu)