

Welcome to Luxembourg

Information guide for third country citizens
and their families



The information about immigration is available on the Websites
www.bienvenue.lu and www.mae.lu



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères
et européennes

Direction de l'immigration



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère de la Famille, de l'intégration
et à la Grande Région

Office luxembourgeois de l'accueil
et de l'intégration



OFFICE LUXEMBOURGEOIS
DE L'ACCUEIL ET
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Fonds Européen d'Intégration
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partenariats
pour l'intégration
interculturelle

Living in Luxembourg

Luxembourg is a country that attracts many foreigners, in particular due to the very high salaries, compared to those of most other countries.

Therefore, it is important to know that the costs of living and accommodation are high in Luxembourg.

In addition, the linguistic context within the labour market and schools is complex: 3 official languages coexist in day to day communication - Luxembourgish - German - French, and the education system is based on the knowledge of several languages from the early years of study onwards. All these factors, and many others, must be taken into consideration before moving to Luxembourg.

Languages spoken in Luxembourg

The Luxembourgish language is the language for everyday communication, enabling better integration into the country. German and French are the main administrative languages and are used in the economic sector as well. Depending on the position held, the employer may demand either one as an additional language.

Educating children

The education system is based on 4 languages: Luxembourgish, which is the language used for the first cycle of pre-school teaching (3-5 years), and the language children use to communicate between themselves, German is the language for literacy and used in teaching in cycles 2, 3 and 4. In addition, French is taught from the age of 7-8 and English is taught in secondary school.

Primary school covers the first 9 years of education divided into 4 learning cycles. School is compulsory for everyone from the age of 4 to 16. Primary school registration takes place in the commune where you live. For further information, you may contact the Ministry of National Education (www.men.lu).

Any foreign child who has completed primary school in their country of origin must contact the CASNA (Education for Newcomers to Luxembourg) upon their arrival to Luxembourg.

Finding a job in Luxembourg

It is not easy to find a job in Luxembourg. You may find a job through the ADEM (Agency for Job Development), through the Internet (e.g. www.monster.lu), through newspapers or temporary recruitment agencies. It should be noted that in Luxembourg it is not unusual to require knowledge of at least one of the 3 official languages - Luxembourgish, German, French.

Finding accommodation in Luxembourg

It is expensive to rent property in Luxembourg. Therefore, it is important to find out about rental costs in Luxembourg and not underestimate them. You can get a good overview of prices by consulting websites such as www.athome.lu or www.luxbazar.lu. If you rent an apartment or a house through an agency, you should be aware that the agency costs will probably be equal to a month's rent. In addition, a deposit of 2-3 months' rent may be required in advance by the owner (in other words, if, for example, you are renting an apartment with a rent of € 1,000 per month, you must immediately pay € 4,000-5,000 depending on the deposit required).

Another difficulty lies in the fact that owners can be very demanding when choosing their tenants. They often refuse to rent to individuals who do not have a permanent employment contract (CDI).

Some alternatives do exist, but are often hard to find and/or are not always ideal:

- renting rooms in bed and breakfasts often managed by cafes (make sure the rooms are in good condition and verify that they are council authorised rental property)
- sharing a flat with other people; for more information go to the website www.appartager.lu

The following brochures are available:

- Welcome to Luxembourg brochure for the Persian community
- Welcome to Luxembourg brochure for the Portuguese speaking community
- Welcome to Luxembourg brochure for the Chinese community
- Welcome to Luxembourg brochure for the Serbian community
- Welcome to citizens of the European Union and their families
- Welcome to Luxembourg brochure for the Albanian community

These brochures are available and may be downloaded from the website www.bienvenue.lu

Welcome to Luxembourg

The amended law of 29 August 2008 on free movement of individuals and immigration changed the arrangements formerly in place for third country citizens wishing to stay and work in Luxembourg.

This brochure is intended to facilitate the legislation and to make it more accessible.

Additions and amendments have been made since 2008, and this booklet (version December 2013) is an updated version of the first edition issued in 2010.

This brochure is produced by ASTI, with the financial support of the European Fund for the Integration of third-country nationals and the Luxembourg Reception and Integration Agency, part of the Ministry for Family, Integration and the Greater Region, as well as with the support of the Immigration Directorate of the Ministry of Foreign and European Affairs.

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NB: This brochure is a summary produced by ASTI asbl.
Only the actual legislation is legally binding.

Explanation:

This brochure covers the general principles for a citizen from a third country to enter, stay and work in Luxembourg. It does not apply to individuals going through an asylum procedure, as they are covered by other legislations.¹

A third country citizen is an individual who is not a citizen of one of the member countries of

the European Union, nor of any country making up the European Economic Area (EEA): Iceland, Liechtenstein, Norway or from Switzerland. Citizens of Croatia² are in a transitional situation regarding access to the labour market. With regards to residence in Luxembourg, they fall under legislations applying to EU citizens.

1. Staying under 3 months

You are a citizen from a third country and you want to come to Luxembourg for a period under the 3 months. Your visit may be, for example, to travel, to visit friends or family etc.

Conditions to be met

For a stay in Luxembourg of less than 3 months, you need your valid national passport and, in some cases, a visa. Citizens of some third countries need a tourist visa to come to Luxembourg, whilst others do not. To find out if you need a visa, go to www.mae.lu under the heading Visas/Immigration - Short stay - Third country citizen - Do I need a visa?

If you are a citizen of a country that requires a visa, you must apply for it in person at a diplomatic or consular institution of Luxembourg or a diplomatic or consular institution that represents Luxembourg.

In order to obtain this visa, certain conditions must be met. You have to fill out 2 visa application forms and, in particular, you need an invitation from someone living in Luxembourg, and proof that they take responsibility for the whole period of your stay in Luxembourg, together with proof of comprehensive health insurance in the country.

And next?

You will be informed by the Embassy where you submitted your application about the status of your visa. If the answer is positive, you will be called to the Embassy to have the visa attached to your passport. If the application is refused or if you have not received an answer within 3 months, contact the Embassy in order to know the reasons for the refusal and possibly submit a new application.

¹ Law of 5 May 2006 relating to right to asylum and additional forms of protection.

² The transitional period started on 01.07.2013 and will, in the first instance, last for two years.

Useful information:

The person who signs the invitation, taking responsibility for you for a period of 2 years, has sole responsibility regarding the costs of your stay, e.g. health expenses, return expenses, etc. The visa is valid for a maximum of 3 months out of any 6-month period. The visa in view of marriage no longer exists!

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- To see the list of required documents for your application, please refer to the website www.mae.lu
- heading Visas/Immigration – Short stay (under 3 months) – Third country national.
-

2. Staying more than 3 months

Residence permit for an employed worker

In Luxembourg, a third country citizen needs a permit in order to be able to work as an employee. This residence permit is applicable for the third country citizen who wishes to live and work as an employee in Luxembourg or for the third country citizen who already legally lives in Luxembourg without having worked and who wishes to obtain a residence permit as an employed worker. If the person is not yet a legal resident of Luxembourg, the application for this permit must be made and accepted BEFORE entering the country.

Conditions

Any employer who, after declaring a position vacant at the ADEM (Employment Agency), does not find suitable candidate, can prepare an employment contract with a third country citizen (NB: the activity can only start after the permit has been granted) and the applicant must then take the necessary steps to obtain a residence permit as an employed worker.

Steps to follow

The position must be declared vacant at the ADEM (Employment Agency).

This declaration allows the ADEM to check the availability of job seekers who have priority for employment (so-called community priority). A certificate must be requested from the ADEM to authorise the employer to recruit the person of his choice. This certificate may be requested 3 weeks after the position is declared vacant, at the earliest. The ADEM sends the certificate 5 working days after the request.

Next, the request must be sent to the Immigration Directorate by the applicant himself, not by the employer. However, he can appoint a third party, for example the employer, to carry out the necessary steps.

A request for the residence permit is made by the future employee and is approved by the Ministry dealing with immigration BEFORE entering Luxembourg (exception: if the future employee already legally resides in Luxembourg).

When the applicant receives a positive answer from the Luxembourg authorities, he must present himself, within three working days after entering the country, to the communal administration of the place where he intends to stay, together with the temporary residence permit, to declare his arrival.

He will receive his residence permit to work as an employee in Luxembourg by contacting the Immigration Directorate.

Please note

An initial permit is valid for one year, however, it only gives the right to work in one specific sector/profession, but the employee is free to choose his employer. A request for renewal must be made 2 months before the permit expires. In 28 June 2013, a change regarding the first renewal took place; instead of 2 years, a renewal valid for 3 years may be granted. In addition, it is valid in any sector or any profession. Specific conditions apply should the individual lose their job.

-
- To see the list of required documents for your application please refer to the website www.mae.lu
- heading Visas/Immigration – Long term – Third country citizen.
-

Residence permit for a self-employed worker

This is a residence permit for a third country citizen who wishes to be self-employed in Luxembourg.

- 1 Any third state citizen who wishes to establish himself as a self-employed worker in Luxembourg must meet the same criteria of professional qualifications and good reputation and carry out the same steps at the Ministry of Small and Medium-sized Enterprises as EU citizens.
- 2 Simultaneously, he must ask to be awarded a residence permit as a self-employed worker from the Immigration Directorate of the Ministry for Foreign and European Affairs.

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

Conditions to be met

- Have the skills/qualifications required for the business
- Have adequate resources to carry out this business
- The business must meet an economic need in Luxembourg.

The request must be made and approved BEFORE entering the country, in the case where the applicant is not yet a resident in Luxembourg.

-
- To see the list of required documents for your application, please refer to the website www.mae.lu
- heading Visas/Immigration – Long term – Third country national).
-

Residence permit for students or interns

This is a residence permit for a third country citizen who wishes to come to Luxembourg in order to pursue higher education. The person must have been admitted into an establishment of higher education.

The following institutions are considered establishments of higher education: the University of Luxembourg; institutions of higher education that provide study programmes leading to the 'Brevet de technicien supérieur'.

For conditions of admission to the various establishments, please apply directly to the establishment of your choice.

Steps to follow

The third country citizen who wishes to move to Luxembourg for over three months to study, must make an application and receive the agreement of the Ministry responsible for immigration BEFORE entering the country.

He must be able to prove that during his studies, he has adequate resources (at least 80% guaranteed minimal income (RMG)) to cover his living costs, the return expenses as well as a fully comprehensive health insurance covering his stay in Luxembourg.

If he obtains a positive reply, he can enter Luxembourg, after having obtained a visa if necessary.

He will then apply to the Ministry responsible for immigration for a student's residence permit.

-
- To see the list of required documents for your application, and the form for taking responsibility for a student, please refer to the website www.mae.lu
- heading Visas/Immigration – Long term – Third country national).
-

For internships in Luxembourg, non-paid internships must be distinguished from paid internships. A request for a residence permit must be made and granted BEFORE entering the country, proving that the internship is compulsory in the context of studies and that an internship agreement exists. For a paid internship, the Ministry responsible for immigration takes into consideration whether the internships lasts for a period of less than or more than 3 months. Depending on the case, a request for permit for private reasons or residence permit for an employed worker must be applied for and granted BEFORE entering the country.

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- To see the list of required documents for your application, please refer to the website www.mae.lu
- heading immigration, documents to download on internships.
-

The right to stay for a family member of a citizen of the European Union

The following people have the right to stay:

- the spouse joining the EU citizen;
- the partner with whom the third country citizen has entered into a civil partnership;
- children below the age of 21;
- relatives dependent of the EU citizen, who is living in Luxembourg;
- the partner with whom the EU citizen has a lasting relationship, properly certified. The nature of the relationship is examined in terms of its intensity, its longevity and the stability of the connection between the partners. Proof of the lasting nature can be provided in any way. For further information, please refer to the law of 29 August 2008 on free movement of individuals and immigration.

If necessary, the family member must make their visa application at the Luxembourgish Embassy or the one representing Luxembourg in their country of origin in order to reunite with joining the individual. Therefore, the application must be made BEFORE arriving in Luxembourg. In some exceptional cases, the application can be made here in Luxembourg.

As soon as the application is approved, the individual receives a visa to join the family member in Luxembourg. On their arrival, the third country citizen must apply to the administration of the commune where the European individual lives in order to apply for a residence permit as a family member of an EU citizen. Whilst waiting for this permit to be issued,

the family member receives a receipt confirming that the application has been made and this receipt counts as a residence permit for a maximum of 6 months.

Family members who have lived in Luxembourg for a continuous period of 5 years with the EU-citizen or who are assimilated, are entitled to a permanent residence permit.

What are the consequences when the EU citizen leaves Luxembourg or in the case of divorce or death:

Departure:

Departure does not mean the loss of the right to stay for family members as long as there are children enrolled in an educational establishment in Luxembourg.

Divorce:

Divorce, annulment of the marriage or of a registered partnership does not mean the loss of the right to stay as long as one of the following conditions is met:

- The marriage or civil partnership lasted at least 3 years before divorce or annulment proceedings were started, of which at least 1 year was during residence in Luxembourg
- Custody of the children of an EU citizen was entrusted to the spouse who is a citizen of a third country
- In case of domestic violence
- The spouse or civil partner has visiting rights for a shared minor (under certain conditions).

Death:

The death of the individual does not mean the loss of the right to stay for the third country citizen as long as the latter has stayed in Luxembourg for at least 1 year before the death.

-
- To see the list of required documents for your application, to the Embassy and later to Luxembourg, please refer to the website www.mae.lu
- heading Visas/Immigration – Long term – Third country citizen who is a family member of an EU citizen.
-

Special different statuses

Other types of residence permits exist, for certain exceptional cases.

There is the residence permit for private reasons, for medical reasons, for exceptional cases or for victims of human trafficking. These statuses only apply under certain conditions.

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- Details on these statuses may be found on the website www.mae.lu
- under the heading 'Visas/Immigration'.
-

3. Family reunification of third country citizens

(to reunite the family of an EU citizen, please refer to page 09 of this brochure)

The following people are considered as family members:

- a spouse;
- the partner with whom the third country citizen has entered a civil partnership;
- children under 18 as long as their parents have custody and responsibility;
- direct ascendants financially dependent on the individual and without family support in the country of origin.

Conditions to be met

The individual must have a residence permit that is valid for at least one year, have a sound prospect of

obtaining a long-term right to stay and must have lived in Luxembourg for at least twelve months.

He must also prove that he has stable, regular resources sufficient to provide for his own needs and those of his dependent family member(s), without relying on the social security system, that he has appropriate accommodation to house the member(s) of his family and that he has health insurance for himself and the member(s) of his family.

The application for a residence permit in the context of reuniting a family must be made and granted BEFORE entering the country, except in exceptional cases. Once the temporary residence

permit is granted, he must seek a visa from the Luxembourgish Embassy or the Embassy, representing Luxembourg in his country of origin. Therefore, the application must be made BEFORE arriving to the country.

Steps to follow

In the case of a positive answer, the individual receives a visa to join the family member in Luxembourg.

He will then submit an application for the residence permit as a "family member" to the Immigration

4. Long term resident

The third country citizen who can provide proof a regular, continuous stay in Luxembourg of at least five years immediately prior to making his application, can apply for the status of long term resident.

Conditions to be met

Additionally to the condition of a 5 year legal residency, it is also necessary to:

- provide proof of stable, regular and adequate resources as shown in relation to the minimum salary of an unqualified worker for the five years prior to making the application;
- provide adequate proof of integration (language classes, witnesses, etc.).

Directorate of the Ministry of Foreign and European Affairs. This document is valid for one year and may be renewed at the request of the individual as long as conditions for obtaining it are still met. The valid period of this residence permit does not exceed the expiry date of the residence document of the individual who is the third country citizen.

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- To see the list of required documents for your application at the Embassy and later in Luxembourg, please refer to the website www.mae.lu
- heading Visas/Immigration – Long term – Third country national.
-

Steps to take

A specific application form must be filled out.

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- To see the list of required documents for your application, please refer to the website www.mae.lu
- heading Visas/Immigration – Long term – Third country national.
-



5. Croatian Citizens

For a citizen of Croatia, it is essential to have a work permit to access the Luxembourgish labour market. There is an initial two-year transition period starting from 1 July 2013 for Croatian citizens.

Conditions to be met

They receive a registration certificate like an European Union citizen to stay in Luxembourg. However, a work permit is required for them to access the job market and during the first year of work. Croatians citizens who are family members of another EU citizen are not bound to this condition.

-
- Details on these conditions can be found on the website www.mae.lu
- heading Visas/Immigration – Citizen of the EU and the family member who is also an EU citizen.
-

Note

Bulgarian and Romanian citizens are considered as EU citizens regarding the residency and work permit from 1st January 2014 onwards.

6. The third country citizen living near the border

A third country citizen who legally lives in another EU country must seek a work permit to come and work in Luxembourg (as someone living near the border). Therefore, he will have a work permit that does not include a residence permit.

Conditions to be met

He must have a residence permit in the country where he is living.

However, for the third country citizen who lives in another EU member state and whose spouse/civil partner or child is an EU citizen working in Luxembourg, the work permit is not required. To enable the Luxembourg authorities to check that

conditions for exemption of the work permit are met, he must apply to have the work permit requirement waived.

Steps to take

Application for a work permit and exemption of work permit should be made to the Immigration Directorate.

-
- To see the list of required documents for your application, please refer to the website www.mae.lu
- heading Visas/Immigration – Long term – Worker living on the border, third country national.
-



7. The European blue card

The European blue card applies to highly qualified third country citizens who wish to be admitted for a “highly qualified” job in the country of a member state for a period of over three months.

It is linked to conditions of qualifications, job positions and pay. The highly qualified worker can be accompanied by his spouse/partner or children (or those of his spouse or partner) who are single and aged under 18. In this case, he must include the documents required for reuniting family members when making his application.

8. Deadlines and appeals

The deadline for an answer from the Immigration Directorate varies according to the type of request. The legal deadline is 3 months.

Exceptions:

- For reuniting family of a third country citizen: 9 months
- For reuniting family of an EU citizen: 3 months
- For the long term resident: 6 months

This time frame starts from the moment when the complete application file is submitted.

If a negative answer or no answer is given, the person can apply for reconsideration or make an appeal against the decision in the administrative court.

However, we advise you to contact the person in charge of your application first, in order to get as clear an understanding of any refusal decision.

9. Useful information and general advice

The Immigration Directorate of the Ministry of Foreign and European Affairs will only consider complete applications. Please take care to check that all the documents required for a residence permit are attached.

An application for renewal of a residence permit should be made 2 months before its expiry date. For applications to the Ministry, we advise sending applications by mail, using recorded delivery.

All documents that are produced must either be sealed³ by the competent local authority of the country of origin, or be made legal by the competent local authority of 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 sworn translator in Luxembourg must be attached.

On the website www.bienvenue.lu you will find practical information on the steps required as well as forms to download and links to other sites.

You can also refer to the website of the Ministry of Foreign and European Affairs www.mae.lu

- If you have questions, you can also contact ASTI
- by telephone on the number 43 83 33-1
 - by e-mail at: partenariat@asti.lu

3. A seal refers to the seal issued by the competent authority to certify the authenticity of a public document. Seals are used by countries adhering to the 1961 Hague Convention, removing the requirement for consular legalization.

10. The Welcome and Integration Contract - CAI

Discover the history, the customs, the languages and the values of the Grand Duchy of Luxembourg!

Did you know?

The Luxembourg Government set up a provision, which enables you to actively take-part in your integration, namely the Welcome and Integration Contract (CAI).

A contract aimed at you:

- to learn one of the languages of the country
- to follow a course on civics
- to take part in an orientation day

The CAI is aimed at you, if you:

- are a foreign national
- legally remain on the territory of the Grand Duchy of Luxembourg and wish to stay there long-term
- are at least 16 years of age

Your benefit from:

- a reduction in the registration fees for language classes
- exemption from payment for training on civic information and orientation day
- exempt from one of the optional courses on civics intended for the acquisition of Luxembourg nationality
- taking into account of the CAI for obtaining the status of long-term resident

- Would you like to find out more?
Luxembourg Reception and Integration Agency (OLAI)
www.olai.public.lu
- by telephone on the number 2478 5785
 - by e-mail at: cai@olai.public.lu

For more information you can visit the website of ASTI-FEI: www.bienvenue.lu or the website of Ministry for Foreign and European Affairs: www.mae.lu

11. Addresses and useful links

ASTI - Association de soutien aux travailleurs immigrés (Support Association for Immigrant Workers)

→ 10-12, rue Auguste Laval ■ L-1922 Luxembourg
Tel: +352 438 333-1 ■ E-mail: partenariat@asti.lu
www.asti.lu ■ www.bienvenue.lu

ADEM - Administration de l'emploi

(Agency for the Development of Employment)
→ 10, rue Bender ■ L-1229 Luxembourg
Job seekers Contact: 24788888
Fax: +352 40 61 40 ■ E-mail: info@adem.public.lu
www.adem.lu

Cellule d'Accueil Scolaire pour Nouveaux Arrivants (CASNA) (Educational reception centre for newly arrived students)

→ 58, boulevard Grande-Duchesse Charlotte ■ L-1330 Luxembourg
Tel: 247-85207 ■ E-mail: eliane.kettels@men.lu

Direction de l'Immigration (Immigration Directorate)

→ 26, route d'Arlon ■ L-1140 Luxembourg
B.P. 752 L-2017 Luxembourg
Tel: +352 2478-4040 ■ Fax: +352 22 16 08
www.mae.lu

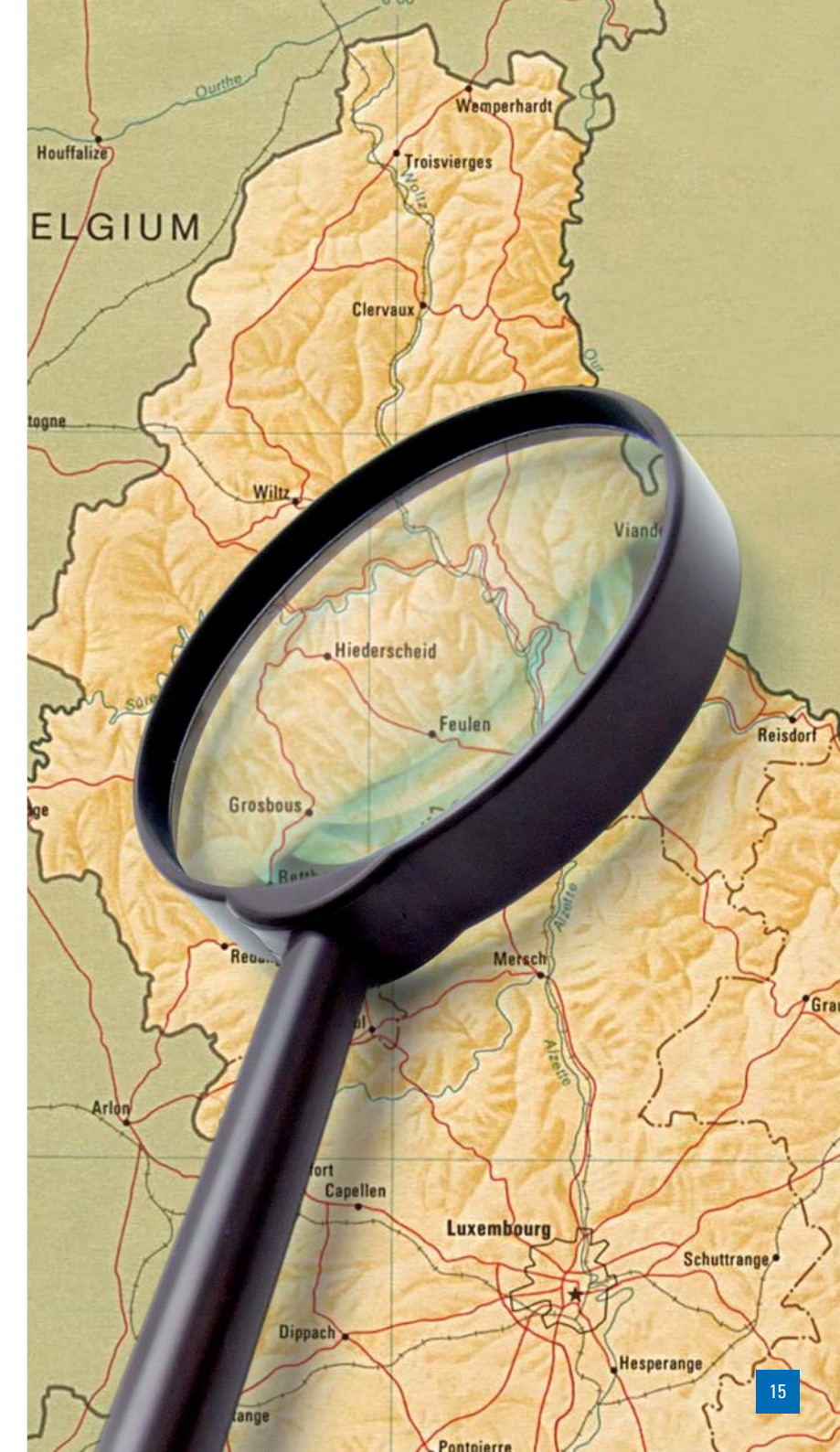
Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse

(Ministry of National Education, Children and Youth)
→ 29, rue Aldringen ■ L-2926 Luxembourg
Tel: +352 2478-5100 ■ www.men.public.lu

Office luxembourgeois de l'accueil et l'intégration (OLAI) (Luxembourg Reception and Integration Agency)

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www.guichet.lu
administrative guide to the Luxembourg State



Legislation:

→ www.legilux.public.lu/leg/a/archives/2012/0019/2012A0242A.html

Detailed sheets on the following subjects can be obtained at ASTI:

- Marriage
- The European Blue Card
- Family reunification
- Joining family of an ascendant/descendant
- Long term resident
- Renewing residence permit
- Residence permit for a paid worker

Our thanks go to the Ministry of Foreign and European Affairs - Immigration Directorate for proofreading; ASTI alone is responsible for this text and the Ministry is not in anyway liable for its content.

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