

IN LUXEMBOURG

What you need to know about the current regulation regarding work permits and family reunifications procedures in Luxembourg





Dear AMCHAM Members,

As a small country, Luxembourg's employment market is unique in its own right. Deeply marked by its international openness, Luxembourg has become renowned as an innovation driver and competitiveness thanks to its worldwide workforce.

Therefore, Brouxel & Rabia, Luxembourg law firm presents an overview of the current legislation regarding work permits and family reunification procedures in the Grand Duchy of Luxembourg.

For more details, please consult our article recently published in AMCHAM's newsletter nr 102.

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Third country nationals living in a third country and willing to come and work in Luxembourg

- **Shall evidence**
 - Suitable accommodation (e.g. lease agreement)
 - Professional activity serving Luxembourg economic interests
 - Qualifications (academic and professional)



- Visa type D, if needed (treaties, international conventions)
- Labor market test successfully passed and employment agreement (salaried activities)

Within 3 days of arrival Declaration of arrival at the City Hall



Within 4 months of

Before arriving in

Labor Market Test

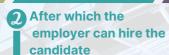
Authorisation to stay obtained

Application

Ministry Response 4 MONTHS



Luxembourg



Labor market test to be anticipated before entering the Luxembourg territory (not applicable to blue cards):

- Declaration of vacant position from the employer
- · If no better candidate for the vacant position during the 3 weeks process, the ADEM will issue a certificate within 5 days
- Conclusion of an employment agreement (effective start of work conditional upon obtention of the work permit)



Within 3 months of arrival

- Medical check
- Application for a residence permit linked to the specific work category (employee, blue card, ICT etc.)
- Permit issued for 1 year and authorisation to work in a specific area only, renewable for 3 years without labor market restrictions[1]

Third country nationals living in Luxembourg and willing to work in Luxembourg



- · Employment agreement for a minimum 1-year duration
- · Qualifications (academic and professional)
- · Suitable accommodation (e.g. lease agreement)

Blue cards are initially issued for 4 years and authorization to work in a specific area only during the first 2 years



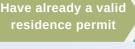
Application for a work

- years for self-employed and investors) and autorisation to work in a specific area only
- Renewable for 3 years without labor market restrictions[1]



4 WEEKS Labor Market Test

4 MONTHS **Ministry Response**



Starting point of the process - As soon as practicable*



Shall additionally evidence

- Suitable accommodation (e.g. lease agreement)
- Professional activity servina Luxemboura economic interests
- Qualifications (academic and professional)

After which the employer can hire the candidate

Labor market test:

- Declaration of vacant position from employer
- If no better candidate for the vacant position during the 3 weeks process, the ADEM will issue a certificate within 5 days
- Conclusion of an employment agreement (effective start of work conditional upon obtention of the work permit)

Within 4 months of the application

Ministry of Foreign Affairs accepts or rejects the application (Silence of the Ministry means refusal)





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Family members joining a third country national (the "Sponsor")

Application for a temporary

authorization to stay

- Valid ID
- · Visa type D, if needed (treaties, international conventions)
- · Sponsor's proof of sufficient financial resources and health insurance cover
- · Proof of suitable accommodation (ex: lease agreement)
- Additional documents depending on situation (spouse, child, etc.)

Within 3 days of arrival

> Declaration of arrival at the Luxembourg City Hall



9 MONTHS**

Ministry Response

the temporary

request

for the Immigration

Directorate to accept

authorisation to stay

Authorisation to

stay obtained

6 MONTHS Ministry Response



Within 6 months of the application

- Declaration of arrival
- Medical check
- Application for a residence permit application for third countries nationals Ministry of Foreign Affairs accepts or rejects the application (Silence of the Ministry means refusal)

Before arriving in Luxembourg*

*Sponsor lives in Luxembourg since min. 12 months

Starting point of the process As soon as practicable



3 9 months period reduced to

- 6 months where the sponsor is a blue card holder
- 90 days where the sponsor is a Intra Corporate Transferee ("ICT") permit holder

Exemption: Family members of blue card holders and transferees workers can regroup immediately and apply for residence and work permit from Luxembourg.

Family Members: include spouse, registered partner, direct ascendants, indirect ascendants under care and non-registered partner.

Third country nationals family members joining EU nationals



- Valid ID
- Visa type D, if needed (treaties, international, conventions)



Application for a residence permit for family members of EU, EAA and Switzerland Nationals with the city hall. The residence permit is valid for a 5 years



Before arriving in Luxembourg

After entering and before working



Application 3 MONTHS





The family member is authorised to come together with the sponsor



Within 6 months of the application

> 6 months period for the Immigration Directorate to issue the residence permit[2]

Family Members: include spouse, registered partner, direct ascendants, indirect ascendants under care and non-registered partner. Note: Family members have an automatic right to stay permanently if the sponsor himself/herself has a permanent right to stay in Luxembourg. Exemption to work permit: spouse, registered partner or child of a EU, EAA and Switzerland nationals who is already working in Luxembourg do not require a work permit.













