



**Work permit for a third-country national who wishes to work in Luxembourg
for a period inferior to three months**

(article 35 paragraph (1) of the modified law of 29 August 2008 on the free movement of people and immigration)

The third-country national who resides in Luxembourg for less than three months and wishes to work during his limited stay, must have a valid work permit **before starting to work**.

1. Exceptions

Not subject to the work permit obligation, the condition being that **the occupation on Luxembourg territory is inferior to three months per civil year**:

- the employees of fairs, circuses and other travelling establishments;
- itinerant players;
- the sportsmen/sportswomen;
- the lecturers, university lecturers and invited researchers;
- people on business trips, to visit business partners, to conduct research and develop professional contacts, to negotiate and close contracts, to participate in shows, fairs and exhibitions or to take part in administrative councils and general assemblies of societies;
- people who intend to reside on the territory to carry out a service provision within the same group of societies, excluding the provisions carried out under subcontracting.

2. Preliminary step

Before considering the employment of a third-country national, the employer must declare the post vacancy at the Luxembourg Employment Agency (*"Agence pour le Développement de l'Emploi"* - ADEM) in order to allow the labour market test to be made. This test consists in verifying if the post vacancy can be filled with a person available on the local or European labour market. If ADEM cannot come up with candidates that have the asked profile within three weeks, the employer can ask ADEM for a certificate to attest that he may employ a person of his choice for his post. The employer signs a work contract with the worker he plans to employ. The start date on the contract may mention "as soon as the authorisation to work is obtained". The employer gives the original of the certificate to the third country national who will enclose it in the application for the authorisation to work in Luxembourg.

3. Application for a work permit

The applicant must submit an application to the minister in charge of immigration.¹ The applicant must disclose his/her identity (names, first names) as well as his/her exact address in the country of residence. He/she must also enclose the following documents in the application:

- a certified copy of his/her valid passport, in its entirety;
- a *curriculum vitae* ;
- a certified copy of his/her diplomas or professional qualifications;
- a copy of the work contract, dated and signed by himself/herself and the employer and conforming to Luxembourg labour law;
- a motivation letter to support the application;
- the original recent certificate issued by *"Agence pour le Développement de l'Emploi"*, attesting the employer's right to employ a person of his choice for the vacant post;
- if need be, a mandate/proxy².

¹ The application can be submitted by sending it to the Immigration Directorate (see address below).

In case the documents are not in German, French or English, a conforming translation by a sworn translator must be enclosed.

An incomplete application will be sent back to the applicant.

In case the third-country national is subject to visa obligation, he/she must request a « type D » visa and enclose the work permit in the visa application.

For further information (in English, French and German), please visit the web site www.guichet.lu

² The applicant may confer mandate to a third person so as to submit the application in his/her place. In this case, the appointed person, except for juridical consultants, must present a duly signed and dated mandate from the applicant. The signature must be preceded by the handwritten phrase « good for power of attorney ». You can find a model of a mandate/proxy on the internet site www.guichet.lu