



**Authorisation of secondment and authorisation to stay for a third-country national
in view of a salaried activity as a posted worker**

(article 48 of the modified law of 29 august 2008 on the free movement of people and immigration)

The third-country national who wishes to reside on Luxembourg territory for more than three months to work as a posted worker, must be holder of an authorisation to stay as a « posted worker ». The application must be made and favourably advised **before entering on Luxembourg territory**. An application made after the entry on the territory is inadmissible.

Furthermore, the sending firm must be in possession of a collective secondment confirmation for the preset duration so as for the service provision to be accomplished.

1. Requirements

Following conditions must be fulfilled:

- The temporary secondment must be made as part of the contract concluded between the sending firm and the recipient of the service provision carrying out its activity in Luxembourg ;
- The secondment takes place as part of an authorisation of secondment;
- The third-country national must be linked to the sending firm by means of an open-ended work contract. This work contract must be at least six months old before the starting date of the secondment to Luxembourg for which the authorisation is applied for.

➔ For further information on secondment of workers, please see on the internet site www.guichet.lu

2. Application for an authorisation to stay and a collective secondment authorisation

The sending firm must submit a duly motivated and circumstantial application for an authorisation of secondment to the minister in charge of immigration¹. The application must indicate an exact address and specify the workers to be posted, the nature and the duration of the work to be carried out as well as the exceptional circumstances allowing to admit that the local labour market is not affected.

The application must enclose :

- the indication of the duration of the secondment ;
- a certified copy of the contract concluded between the sending firm and the recipient of the service provision.

Following documents concerning the worker to be posted must be enclosed in the application:

- a certified copy of his/her valid passport, in its entirety;
- a birth certificate;
- a recent extract from his/her police record or an *affidavit* issued in the country of residence;
- a *curriculum vitae* ;
- proof of a valid health insurance and an accident insurance for the duration of the secondment;
- a certified copy of the open-ended work contract, dated and signed by the posted worker and the sending firm (anterior of at least six months to the beginning of the secondment);
- a certified copy of the order of mission or the agreement on secondment signed by the sending firm and the salaried worker to be posted.

¹ The application can be submitted by sending it to the Immigration Directorate (see address below) or by handing it in to a diplomatic or consular representation of Luxembourg or the diplomatic or consular mission representing Luxembourg.

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.

If granted, the sending firm will receive a collective secondment confirmation and the posted workers will receive a “temporary authorisation to stay” (“*autorisation de séjour temporaire*”). This temporary authorisation to stay is valid for a period of 90 days. During this time, the third-country national must :

- either request a visa to enter the Schengen area, if subject to visa obligation;
- or, if not subject to visa obligation, enter on the territory of Luxembourg and make his/her declaration of arrival at the municipality (“*administration communale*”) of the chosen place of residence.

After entering Luxembourg, the third-country national has to follow the procedure to apply for the residence permit (“*titre de séjour*”).

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