



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

Direction de l'immigration

### Authorisation to stay for a third country national for private reasons

(article 78, paragraph (1), points a) and c) 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 for private reasons, must be holder of an authorisation to stay for private reasons. The application must be made and favourably advised **before entering on Luxembourg territory**. An application made after the entry on the territory is inadmissible.

#### 1. Requirements

According to article 78, paragraph (1), points a) and c) of the modified law of 29 August 2008 on the free movement of people and immigration, a third-country national can apply for an authorisation to stay for private reasons in one of the following cases<sup>1</sup>:

- He/she can live in Luxembourg by his/her private resources. These resources are evaluated by considering their nature and their regularity but also by reference to the monthly amount of the social minimum salary for a non qualified worker<sup>2</sup> ;
- he/she doesn't fulfil the conditions for family reunification, but there exist personal or familiar bonds, appreciated by their intensity, their oldness and their stableness that are such that refusing the authorisation to stay would be of prejudice to his/her right to respect for private and family life. In case the mentioned relationship is a non declared partnership, both partners must not be engaged in any bonds of marriage, of declared partnership or long-lasting relations with any other person.

The applicant must prove he/she has sufficient resources. For the appreciation of the resources, all the applicant's resources are taken in consideration and, if need be, those of the spouse/partner or any other family member, as well as a financial statement of support of the residence charges signed by a third party conforming to article 4 of the same law<sup>3</sup>. These resources must reach an amount equal to the social inclusion income<sup>4</sup> and are appreciated in regard of housing conditions.

#### 2. Application of authorisation to stay

The third-country national must submit an application to the minister in charge of immigration.<sup>5</sup> 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, depending on the case:

In case the applicant can live of his personal resources (article 78 (1)a.):

- a copy of his/her valid passport, in its entirety (all pages);
- a recent extract from his/her police record or an *affidavit* issued in the country of residence;

<sup>1</sup> The explanations on this sheet only concern the two cases mentioned. The cases in article 78, paragraph (1), point b) and article 78, paragraph (3) of the modified law of 29 August on the free movement of people and immigration are not subject to this sheet.

<sup>2</sup> The social minimum salary is 2.071,10 Euros according to the current scale since January 1<sup>st</sup> 2019. The amount of the social minimum salary is regularly adapted. Please check the actual amount on the internet site [http://www.mss.public.lu/publications/parametres\\_sociaux/index.html](http://www.mss.public.lu/publications/parametres_sociaux/index.html)

<sup>3</sup> The form for the «financial statement of support » is available on the internet site [www.guichet.lu](http://www.guichet.lu)

<sup>4</sup> The social inclusion income is 1.452,00 EUR according to the current scale since January 1<sup>st</sup> 2019. The amount of the social inclusion income is however adapted regularly. Please check the actual amount on the internet site [http://www.mss.public.lu/publications/parametres\\_sociaux/index.html](http://www.mss.public.lu/publications/parametres_sociaux/index.html)

<sup>5</sup> 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.

- proof of appropriate housing on the territory of Luxembourg (e.g. rental contract, proof of property ownership/title deed);
- proof of a health insurance covering all risks on the territory of Luxembourg;
- a document attesting of the civil status and the family situation of the applicant (e.g. family booklet, any other equivalent document issued by the competent authorities of the country of origin).
- proof of the holding of sufficient personal resources to live in Luxembourg (e.g. rent certificate; bank certificate issued by a Luxembourg financial institution attesting of the level of the interests). These resources are evaluated by considering their nature and their regularity but also by reference to the monthly amount of the social minimum salary for a non qualified worker (see under « Requirements ») ;
- if need be, a mandate/proxy<sup>6</sup>.

In case the applicant has personal or familiar, stable, old and intense bonds with a person residing in Luxembourg (article 78 (1)c.):

- a copy of his/her valid passport, in its entirety (all pages);
- a recent extract from his/her police record or an *affidavit* issued in the country of residence;
- proof of appropriate housing on the territory of Luxembourg (e.g. rental contract, proof of property ownership/title deed);
- proof of a health insurance covering all risks on the territory of Luxembourg;
- a document attesting of the civil status and the family situation of the applicant (e.g. family booklet, any other equivalent document issued by the competent authorities of the country of origin).
- proof of personal or familiar, stable, old and intense bonds (e.g. certificate of household composition from the country of origin, any other equivalent document issued by the competent authorities of the country of origin of the applicant) ;
- for the case that the evoked relation is a non declared partnership: proof for both partners that none of them are engaged in bonds of marriage, declared partnership or long-lasting relationship with any other person (e.g. extract of the civil register ; family booklet ; certificate de celibacy ; household composition and/or residence certificate issued by the last country of residence) ;
- proof of sufficient resources (e.g. a financial statement of support by a warrantor residing in Luxembourg, see “Financial statement of support for a third-country national in the context of an application for an authorization to stay for private reasons or an application for renewal of a residence permit for private reasons”, available on [www.guichet.lu](http://www.guichet.lu)) corresponding at least to the amount of the guaranteed social minimum (see under « Requirements ») ;
- if need be, a mandate/proxy<sup>6</sup>.

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 third-country national receives 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*”).

<sup>6</sup> The third-country national 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 third-country national. 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](http://www.guichet.lu)

**For further information (in English, French and German), please visit the web site [www.guichet.lu](http://www.guichet.lu)**

**Information note on the protection of personal data**

The Directorate of Immigration of the Ministry of Foreign and European Affairs collects and uses your personal data in the context of its public interest mission in implementation of the amended law of 29 August 2008 on the free movement of persons and immigration, and in compliance with the legal provisions on data protection. More detailed information on the processing of your data, as well as on your rights in the matter, are available on the website: <https://maee.gouvernement.lu/en/services-aux-citoyens/visa-immigration.html>