



Work permit for a third-country national residing legally in another member State of the EU, who wishes to work in Luxembourg

(article 50 of the amended law of 29 August 2008 on the free movement of persons and immigration)

The third-country national who **holds a residence permit and resides in another member State of the EU** who wishes to work on the territory of the Grand-Duchy of Luxembourg, without wanting to reside here, must have a valid work permit **before starting to work**.

1. Exception

The third-country national who is the spouse/declared partner or the descendant of an EU national residing in another member State of the EU and working in Luxembourg, is exempt from the obligation to have an authorisation to work if he/she wishes to also work in Luxembourg. He/she must nevertheless ask for an exemption letter (see information available on the internet site www.guichet.lu).

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 starting 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 must 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 copy of his/her valid passport, in its entirety (all pages);
- a copy of his/her authorisation to stay issued by another member State of the EU;
- a certificate of household composition and a residence certificate from the country of residence ;
- a *curriculum vitae* ;
- a 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;
- the original recent certificate issued by "*Agence pour le Développement de l'Emploi*", attesting of 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 General Department of immigration (see address below).

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.

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.

4. Important notice

The authorisation to stay for salaried workers is granted for one profession in one sector for any employer. This restriction remains for the first year. A change of sector or profession is only possible with the approval of the minister in charge of immigration.

5. Specific case

i. Highly qualified worker

Highly qualified workers, as defined in article 45 of the modified law of 29 august 2008 on the free movement of people and immigration, are not subject to the local labour market test. Is considered a highly qualified worker, the third-country national who:

- presents a work contract for a highly qualified job, valid for one year or more;
- presents a document proving that he/she has the professional qualifications required for the activity or the sector mentioned in the work contract or that he/she satisfies the required conditions for the regulated job described in the work contract;
- the payment must at least equal 1,5 times the average gross annual salary³. As exception, the payment must be at least equal to 1,2 times the average gross salary⁴ for the professions of the following categories of the ISCO-08 classification:
 - o 2120 - Mathematicians, actuaries and statisticians
 - o 2511 - Systems analysts
 - o 2512 - Software developers
 - o 2513 - Web and multimedia developers
 - o 2514 - Applications programmers
 - o 2519 - Software and applications developers and analysts not elsewhere classified
 - o 2521 - Database designers and administrators
 - o 2522 - Systems administrators
 - o 2523 - Computer network professionals
 - o 2529 - Database and network professionals not elsewhere classified

Following documents must be enclosed in the application:

- a copy of his/her valid passport, in its entirety (all pages);
- a copy of his/her authorisation to stay issued by another member State of the EU;
- a certificate of household composition and a residence certificate from the country of residence;
- a *curriculum vitae* ;
- a 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, mentioning a payment at least equal to 1,5 times or 1,2 times the average gross annual salary and valid for one year or more;
- if need be, a mandate/proxy.

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

ii. Third country national, family member of a British frontier worker covered by the Withdrawal Agreement

Until 31st December 2020, the family members of the British frontier worker, who are themselves nationals of third countries, have been benefiting from an exemption from a work authorization in the event that they

³ The wage applicable threshold is fixed annually and made public in the "Mémorial". The threshold set by the Ministerial Regulation of March 15th, 2024, is 88.452 Euros.

⁴ The wage applicable threshold to these categories of profession is fixed annually and made public in the "Mémorial". The threshold set by the Ministerial Regulation of March 13th, 2024, is 70.762 Euros.

exercise a salaried activity in Luxembourg. From 1st January 2021, however, these persons must have a work permit as a third-country national frontier worker.

People who are already working at that time, are not subject to the local labour market test. Following documents must be enclosed in the application:

- a copy of his/her valid passport, in its entirety (all pages);
- a copy of his/her authorisation to stay issued by another member State of the EU;
- a certificate of household composition and a residence certificate from the country of residence;
- a *curriculum vitae* ;
- a 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;
- if need be, a recent certificate of affiliation with the Joint Social Security Centre of the spouse/registered partner or of the ascendant (parent);
- if need be, a mandate/proxy.

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

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

Information note on the protection of personal data:

The General Department of immigration of the Ministry of Home 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, 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://gd.lu/immigration>.