



### Authorization to stay of a third-country national as an investor

(articles 53bis to 53quater 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 as an investor must be holder of an authorization to stay for an investor.

#### 1. Preliminary step

**Before introducing the application for the authorization of stay**, the applicant first has to submit:

1. the investment project as foreseen by article 53bis, par. (1), points 1 and 2 to the minister in charge of the economy<sup>1</sup>;
2. the proof of the investment, or the project of investment, as foreseen by article 53bis, par. (1) points 3 and 4 to the minister in charge of the finances<sup>2</sup>.

**After reception of a favorable response** from the competent minister sub 1. or 2., the application for the authorization to stay must be submitted to the minister in charge of the immigration<sup>3</sup> and favorably advised **before entering on Luxembourg territory**. An application made after the entry on the territory is inadmissible.

#### 2. Application for the authorization to stay

The third-country national or his employer must submit an application to the minister in charge of immigration.<sup>1</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 the following documents in the application:

- 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;
- if the application is submitted by a third person, a mandate/proxy<sup>4</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 authorization to stay" ("autorisation de séjour temporaire"). This temporary authorization 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>1</sup> The investment project has to be submitted to the Ministry of Economy – Directorate General "Commerce extérieur"

<sup>2</sup> The proof of the investment or the project of investment has to be submitted to the Ministry of Finance – Secretariate General.

<sup>3</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.

<sup>4</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>