



Authorisation to stay for a third country national for private reasons

(article 78, paragraph (1), points 1. and 3. 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), point 1. 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:

He/she can live in Luxembourg by his/her private resources which must come from:

- a professional activity carried out in another Member State of the European Union or the Schengen Area,
- an old-age, invalidity or survivor's pension paid by a social security institution in Luxembourg or another Member State of the European Union or the Schengen Area.

The resources must be stable, regular and sufficient to meet their own needs and those of their dependent family members, without recourse to the social assistance system, and they are assessed by reference to the monthly amount of the social minimum wage for an unskilled worker.

- Article 78, paragraph (1), point 3. applies to a third-country national provided that he/she does not fall into the previous category, that he/she is not a family member referred to in article 76 of the law (in which case article 78, (1), point 2. applies), that he/she does not fulfil the conditions for family reunification and provided that the third-country national has personal or family ties with the person he wishes to join, which are assessed in terms of their intensity, length and stability and which are such that refusal to authorise his residence would have a disproportionate impact on the right to respect for his private and family life in the light of the grounds for refusal. In the case of a relationship between partners, neither partner must be in a marriage or registered partnership with another person.

The applicant's resources must be stable, regular and sufficient to meet his own needs and those of his dependent family members, without recourse to the social assistance system, and must be at least equal to the current amount of the social inclusion income. For the assessment of resources, all the applicant's resources are taken into account, as well as the assumption of responsibility for his or her living expenses by a third party established by means of an undertaking to assume responsibility in accordance with article 4 of the amended law of 29 August 2008 on the free movement of people and immigration.

2. Application of authorisation to stay

The third-country national 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, depending on the case:

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

- 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 the holding of sufficient personal resources to live in Luxembourg coming either from a professional activity exercised in another Member State of the European Union or the Schengen Area or from an old-age, invalidity or survivor's pension paid by a Luxembourg social security institution or by another Member State of the European Union or the Schengen Area;
- Resources are assessed by reference to the monthly amount of the social minimum wage for an unskilled worker;
- if need be, a mandate/proxy².

In case the applicant has personal or familiar, stable, old and intense bonds with a person residing in Luxembourg (article 78 (1) 3.):

- 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 stable personal or familiar, 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) corresponding at least to the amount of the social inclusion income (see under « Requirements ») ;
- if need be, a mandate/proxy².

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

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

² 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.

The current amounts of the of the social minimum wage for an unskilled worker and of the social inclusion income can be consulted on <https://guichet.public.lu/en/citoyens/outils/parametres-sociaux.html>.

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*”).

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>.