



Authorisation to stay of a third-country national wishing to participate in training (« trainee »)

(article 61 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 participate in training in Luxembourg, must be holder of an authorisation to stay as a trainee. 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. Preliminary remark

The dispositions concerning the authorisation to stay as a trainee only apply in case the third-country national wishes to reside in Luxembourg during his/her training, for more than three months. In case the training is for less than three months or in case the third country national resides in another EU member State during his/her training for which he/she holds an authorisation to stay, other procedures are applicable. Also, these dispositions are only applicable for training in the framework of higher education or training within the two years after having obtained a higher education degree or professional training.

→ For further details on these points, see on the internet site www.guichet.lu.

2. Application for authorisation to stay

The trainee 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);
- if applicable: a copy of the residence permit in another Member State of the European Union, if the trainee already resides in the Schengen Area;
- a recent extract from his/her police record or an *affidavit* issued in the country of residence;
- evidence of having obtained a higher education degree², recorded in the diploma register³, within the two years preceding the date of application or of pursuing a course of study that leads to a higher education degree;
- an internship agreement which provides for a theoretical and practical training, signed with a host entity (host institution or host firm). The training agreement shall contain:
 - a description of the training programme, including the educational objective or learning components;
 - the duration of the traineeship;
 - the placement and supervision conditions of the traineeship;
 - the traineeship hours;
- a parental authorisation in case the applicant is not yet 18 ;

¹ The application can be submitted by sending it to the General Department of immigration of the Ministry of Home Affairs (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 Level 5 to 8 of Luxembourg framework of qualifications (« Brevet de Maîtrise », « Brevet de technicien supérieur », « Brevet de technicien supérieur spécialisé », Bachelor, Master, Doctorat)

³ For further information : <https://guichet.public.lu/en/citoyens/travail-emploi/activite-professionnelle/prealables-vie-professionnelle/inscription-registre-titres.html>.

- proof of a health insurance covering all risks on the territory of Luxembourg (including a travel insurance);
- proof that he/she disposes of enough resources during the studies covering residence charges and return charges. Resources must be at least 80% of the actual social inclusion income in Luxembourg⁴. Proof can be brought by:
 - either by a contract/internship agreement, indicating the amount of the internship compensation ;
 - or by a scholarship certificate or a student loan indicating the allocated amount and the duration;
 - or by a bank attestation;
 - or by a financial statement of support (see form « financial statement of support for a third-country national in the context of an application for an authorization to stay as a trainee », available on the internet site www.guichet.lu);

For the appreciation of resources are also considered material advantages such as free housing.

- evidence that the host entity accepts responsibility for the third-country national throughout the stay in the territory of the Member State concerned, in particular as regards subsistence and accommodation costs (see form “Financial statement of support for a trainee”, available on the internet site www.guichet.lu);
- if need be, a mandate/proxy⁵.

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

The decision on the complete application shall be taken within 60 days. Where the information or documentation supplied in support of the application is incomplete, the Ministry shall notify the applicant within a reasonable period of the additional information that is required and set a reasonable deadline for providing it. The period of 60 days shall be suspended until the Ministry has received the additional information required. If additional information or documents have not been provided within the deadline, the application may be rejected.

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>.

⁴ The amount of the social inclusion income is regularly adjusted. Please check the current amount on the internet site <https://guichet.public.lu/en/citoyens/outils/parametres-sociaux.html> or on <https://fns.public.lu/en/revis/montant.html> .

⁵ 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.