



**Authorization to stay of a third-country national
as an intra-corporate transferee (“ICT” or “mobile ICT”)**

(articles 47 to 47-6 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 intra-corporate transferee for a maximum period of one year (trainee employees) or 3 years (specialists and managers) must be holder of an authorization to stay as an intra-corporate transferee (“ICT”). The application for the authorization to stay must be submitted and favorably advised **before entering on Luxembourg territory**. An application made after the entry on the territory is inadmissible.

1. Requirements

To be considered as a transferred worker, the worker must have a work contract, valid before and during the transfer, with the firm that is carrying out the transfer.

2. Application for the authorization to stay

The hosting firm must present an application to the minister in charge of immigration¹. The application must include the following documents concerning the transferred worker:

- 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;
- evidence that the host entity and the entity established in a third country belong to the same undertaking or group of undertakings;
- evidence of employment within the same undertaking or group of undertakings, from at least three uninterrupted months immediately preceding the date of the intra-corporate transfer;
- a work contract, valid before and during the transfer, with the firm or the group of firms that is carrying out the transfer and is established outside the territory of an EU member state;
- an assignment letter from the employer containing the following:
 - details of the duration of the transfer
 - the location of the host entity or entities established in Luxembourg;
 - evidence that the third-country national is taking a position as a manager, specialist or trainee employee in the host entity or entities in the Member State concerned;
 - the remuneration as well as other terms and conditions of employment granted during the intra-corporate transfer;
 - evidence that the third-country national will be able to transfer back to an entity belonging to that undertaking or group of undertakings and established in a third country at the end of the intra-corporate transfer;
- evidence that the third-country national has the professional qualifications and experience needed in the host entity to which he or she is to be transferred as manager or specialist or, in the case of a trainee employee, the university degree required;
- where applicable, present documentation certifying that the third-country national fulfils the conditions laid down under the national law of the Member State concerned for Union citizens to exercise the regulated profession to which the application relates;

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.

- evidence of having, or having applied for, sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or as a result of, the work carried out in that Member State;
- for the trainee employee: a training agreement relating to the preparation for his or her future position within the undertaking or group of undertakings, including a description of the training programme, which demonstrates that the purpose of the stay is to train the trainee employee for career development purposes or in order to obtain training in business techniques or methods, its duration and the conditions under which the trainee employee is supervised during the programme.

3. Important notice

In case the transferred worker wants to bring along his/her spouse/partner or his/her unmarried minor children (or those of his/her spouse/partner), he/she must enclose the documents required for family reunification (see information available on the internet site www.guichet.lu).

4. Intra EU mobility

The third-country national in possession of a valid “ICT” residence permit issued by a first EU member state may work as a mobile intra-corporate transferee for any entity established in Luxembourg belonging to the same corporation or to the same group of corporations:

Short term mobility: for a period of 90 days for any period of 180 days, if the minister in charge of the immigration receives a notification. This notification has to be made by the **host entity established in the first EU member state** and must include the following documents:

- a certified copy of his/her valid passport, in its entirety;
- a copy of a valid intra-corporate transferee permit issued by the first Member State;
- evidence that the host entity in the second Member State and the undertaking established in a third country belong to the same undertaking or group of undertakings;
- a work contract and where applicable, the assignment letter which have been transmitted to the first member state;
- where applicable, present documentation certifying that the third-country national fulfils the conditions laid down under the national law for Union citizens to exercise the regulated profession to which the application relates;
- where not specified in any of the preceding documents, the planned duration and dates of the mobility.

Long term mobility: for a period of more than 90 days, if an application for a “mobile ICT” residence permit is submitted to the minister in charge of the immigration. This application has to be made by the **host entity established in Luxembourg** and must include the following documents:

- a certified copy of his/her valid passport, in its entirety;
- a copy of a valid intra-corporate transferee permit issued by the first Member State;
- evidence that the host entity in the second Member State and the undertaking established in a third country belong to the same undertaking or group of undertakings;
- a work contract, valid before and during the transfer, with the firm or the group of firms that is carrying out the transfer and is established outside the territory of an EU member state;
- an assignment letter from the employer containing the following:
 - details of the duration of the transfer and the location of the host entity or entities;
 - evidence that the third-country national is taking a position as a manager, specialist or trainee employee in the host entity or entities in the Member State concerned;
 - the remuneration as well as other terms and conditions of employment granted during the intra-corporate transfer;
 - evidence that the third-country national will be able to transfer back to an entity belonging to that undertaking or group of undertakings and established in a third country at the end of the intra-corporate transfer;

- where applicable, present documentation certifying that the third-country national fulfils the conditions laid down under the national law for Union citizens to exercise the regulated profession to which the application relates.

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”).

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>.