







et de l'intégration





Living in Luxembourg

Luxembourg is a country that attracts many foreigners, in particular due to the relatively high salaries, compared to those of most other countries.

Therefore, it is important to know that the cost of living and accommodation are elevated in Luxembourg.

In addition, the linguistic context within the labour market and schools is complex: 3 official languages coexist in day-to-day communication - Luxembourgish, German, French - and the education system is based on the knowledge of several languages from the early years of study onwards. All these factors, and many others, must be taken into consideration before moving to Luxembourg.

Languages spoken in Luxembourg

The Luxembourgish language is the language for everyday communication and enables better integration into the country. German and French are the main administrative languages and may be prominent in the economic sector as well. Depending on the position held, the employer may demand either one as an additional language.

Educating children

The education system is based on 4 languages: Luxembourgish, which is the language used for the first cycle of pre-school teaching (3-5 years) and the language children use to communicate among themselves; German, which is the language for literacy, is taught and used in cycles 2, 3 and 4; French, which is taught from the age of 7-8 onwards; and English, which is taught throughout secondary school education.

Primary school covers the first 9 years of education and is divided into 4 learning cycles. School is compulsory for everyone from the age of 4 to 16. Primary school registration takes place in the commune where you live. For further information, you may contact the Ministry of National Education (www.men.lu).

Parents of children who have completed primary school in their country of origin must contact the CASNA (Education for Newcomers to Luxembourg) upon their arrival in Luxembourg.

When can my child attend school?

According to Luxembourg law¹, every child living in Luxembourg has the right to attend a school education, even if the child does not have an official residence. In Luxembourg, the children without residence permit, not only have the right to go to school, they are obliged to go to school. There is compulsory education for all children aged between 4 and 16 years. All these children are forced to go to school, so parents of those who do not go, can be punished by law. If you do not have papers in Luxembourg, you must contact your commune and inform them that you have children of compulsory school age. They will be enrolled in a school in your town. The Minister of Education has confirmed that schools are obliged to accept children regardless of the immigration status of their parents.

Finding a job in Luxembourg

It is not easy to find a job in Luxembourg. You may find a job through the ADEM (Employment Agency), through the Internet (e.g. www.monster.lu), through newspapers or temporary recruitment agencies. It should be noted that in Luxembourg, it is not unusual to require knowledge of at least one of the 3 official languages - Luxembourgish, German, French.

Finding accommodation in Luxembourg

It is expensive to rent property in Luxembourg. Therefore, to avoid underestimating the housing situation and to be able to make an informed decision, it is important to inquire on the status of rental costs in Luxembourg before your arrival. You can get a good overview of these costs by consulting websites such as www.athome.lu or www.luxbazar.lu.

If you rent an apartment or a house through an agency, you should be aware that the agency fees will amount to around 1 month's rent.

In addition, the landlord may request a security deposit equivalent to 2-3 months' rent in advance (in other words, if, for example, you are renting an apartment with a rent of \in 1,000 per month, you must immediately pay \in 4,000-5,000 depending on the deposit required).

Another difficulty lies in the fact that landlords can be very demanding when choosing their tenants. They often refuse to rent to individuals who do not have a permanent employment contract (CDI).

Some alternatives do exist, but are often hard to find and/or are not always ideal:

- To rent rooms in bed and breakfasts usually managed by cafes (make sure the rooms are in good condition and verify that it they are council authorised rental property)
- To share a flat with other people; for more information go to the website www.appartager.lu



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You are moving to Luxembourg

We	lcome	to	Luxem	bourg
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The amended law of 29 August 2008 on free movement of individuals and immigration changed the arrangements formerly in place for third country citizens wishing to stay and work in Luxembourg.

This brochure is intended to facilitate the legislation and to make it more accessible.

Due to additions and amendments made since 2013, this booklet (version August 2016) is an updated version of the first edition in 2010 and of the second edition issued in 2013.

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NB: This brochure is a summary produced by ASTI asbl. Only the actual legislation is legally binding.

Explanation:

This brochure covers the general principles for a citizen from a third country to enter, stay and work in Luxembourg. It does not apply to individuals going through an asylum procedure, as they are covered by other legislations.²

A third country citizen is an individual who is not a citizen of one of the member countries of the European Union, nor of any country making up the European Economic Area (EEA): Iceland, Liechtenstein, Norway or from Switzerland.

1. Staying under 3 months

You are a citizen from a third country and you want to come to Luxembourg for a period of under 3 months. The purpose of your visit may be e.g. to travel, to visit friends or family etc. (leisure travel).

Conditions to be met

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For a stay in Luxembourg of less than 3 months, you need your valid national passport and, in some cases, a visa. Citizens of some third countries need a tourist visa to come to Luxembourg, whilst others do not. To find out if you need a visa, go to www.guichet.public.lu under the heading 'Immigration'.

If you are a citizen of a country that requires a visa, you must apply for it in person to a diplomatic or consular mission of Luxembourg or to a diplomatic or consular mission representing Luxembourg. In order to obtain this visa, certain conditions must be met. You have to fill out 2 visa application forms and, very importantly, you need an invitation from someone living in Luxembourg. In addition, you will need to submit proof that the person inviting you (the sponsor) takes responsibility for the whole period of your stay, as well as a proof of comprehensive health insurance in Luxembourg.

Law of 5 May 2006 relating to right to asylum and additional forms of protection.

And next?

The Embassy in which you submitted your visa application will inform you about the status of your visa. If the answer is positive, you will be called to the Embassy to have the visa attached to your passport. If the application is refused or if you have not recieved an answer within 3 months, contact the Embassy in order to know the reasons for the refusal and possibly submit a new application.

Useful information:

The sponsor, taking responsibility for you for a period of 2 years, is jointly and severally liable for the expenditures covering your stay (e.g. health insurance, return expenses, etc.). The visa is valid for a maximum of 3 months in any 6-month period.

Please note that the visa in view of marriage no longer

Please note that the visa in view of marriage no longer exists!

- → To see the list of required documents for your application, please refer to the website www.guichet.public.lu
 - heading 'Immigration Staying in Luxembourg for less than 90 days'.

2. Staying more than 3 months

Residence permit for an employed worker

In Luxembourg, a third country citizen needs a permit in order to be able to work as an employee. The third-country national who wishes to live and work as an employee in Luxembourg or the third-country citizen who already legally lives in Luxembourg without having worked and who wishes to obtain a residence permit as an employed worker must apply for this residence permit. If the person is not yet a legal resident of Luxembourg, the application for this permit must be made and favourably advised BEFORE coming to Luxembourg.

Conditions

Any employer who, after declaring a post vacant at the ADEM (Luxembourg Employment Agency), does not find a suitable candidate, can ask ADEM for a certificate attesting that he or she may employ the person of his choice. The employer can then sign a contract with the third country citizen (NB: the activity can only start after the permit has been granted) and the applicant must subsequently take the necessary steps to obtain a residence permit as an employed worker.

Steps to follow

The employer must first declare a post vacant at the ADEM (Luxembourg Employment Agency) in order to allow the labour market test to proceed.

This declaration and ensuing labour market test enables the ADEM to check the availability of job seekers who have priority for employment (so-called community priority) for a period of 3 weeks.

If, after these 3 weeks, no other suitable candidate was found, the employer can request a certificate from the ADEM authorising him or her to employ the person of his choice. The ADEM will send the certificate 5 working days following the request.

The employer then needs to sign a work contract with the person he wishes to employ. The contract may indicate that the employee will start as soon as he or she obtains the "authorisation to stay in view of salaried activity". Next, the request for this authorisation to stay for a third-country national must be sent to the Immigration Directorate by the applicant himself, not by the employer. However, the latter can appoint a third party, for example the employer, to carry out the necessary steps. Amongst other documents, the applicant must enclose the original certificate by the ADEM in his or her application for the authorisation to stay in Luxembourg.

A request for the residence permit is made by the future employee and is approved by the Ministry dealing with immigration BEFORE entering Luxembourg (exception: if the future employee already legally resides in Luxembourg).

When the applicant receives a favourable answer from the Luxembourg authorities, he or she must present himself with the temporary residence permit, within three working days after entering the country, to the communal administration of the place where the person intends to stay to declare his arrival. He or she needs to contact the Immigration Directorate to receive the residence permit to work as an employee in Luxembourg.



Please note

An initial permit is valid for one year. Although the employee is free to choose his or her employer, this permit only gives the right to work in one specific sector/profession. A request for renewal must be made 2 months before the permit expires. As of June 2013, a renewal valid for a period of maximum 3 years may be granted. Moreover, this renewal is valid in any sector or any profession.

Section 89

Section 89 of the law on the free movement of people and immigration was amended and entered into force on 28 December 2015. This change has a significant impact on the residence of third-country nationals in an unusual situation. Indeed this amendment allows young undocumented people, to be schooled in Luxembourg for up to 4 years and their families can continue their stay in Luxembourg.

The requirements are:

 You exercise parental authority over minor children living with you in the household and follow their ongoing education in a dedicate facility in Luxembourg for the 4 years

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- You are an adult and you follow continuously and successfully at your school for at least 4 years in a school in Luxembourg, in this case you must submit your application before the age of 21;
- You live in Luxembourg for at least 4 years before introducing your application;
- You have the adequate financial resources to support yourself, or if appropriate to the needs of your family members (work contract or support);
- You are not supposed to be subtracted to an expulsion measure;
- You demonstrate a real commitment to integration;
- Your presence does not constitute a danger to public order, public security or public health;

- You do not use false or misleading information about your identity;
- You have a suitable accommodation.

Third country nationals can be issued a residence permit, if they are studying for vocational training.

- → To see the list of required documents for your application please refer to the website www.quichet.public.lu
 - heading 'Immigration Staying in Luxembourg for more than 90 days'.

Residence permit for a self-employed worker

This is a residence permit for a third country citizen who wishes to be self-employed in Luxembourg.

- 1 Any third state citizen who wishes to establish him or herself as a self-employed worker in Luxembourg must meet the same criteria of professional qualifications and good reputation and carry out the same steps at the Ministry of Small and Medium-sized Enterprises as EU citizens.
- 2 Simultaneously, he or she must request a residence permit as a self-employed worker from the Immigration Directorate of the Ministry for Foreign and European Affairs.

The residence permit for a self-employed person is valid for a maximum period of 3 years and is renewable at the end of these 3 years.

Conditions to be met

- Have the skills/qualifications required for the business
- Have adequate resources to carry out this business
- The business must meet an economic need of Luxembourg.





In case the applicant is not yet a resident in Luxembourg, the request must be made and favourably advised BEFORE coming to Luxembourg.

- → To see the list of required documents for your application, please refer to the website www.guichet.public.lu
 - heading 'Immigration Staying in Luxembourg for more than 90 days – Self-employed persons'.

Residence permit for students or interns

This is a residence permit for a third country citizen who wishes to come to Luxembourg in order to pursue higher education. The person must have been admitted into an establishment of higher education.

The following institutions are considered establishments of higher education: the University of Luxembourg; institutions of higher education that provide study programmes leading to the 'Brevet de technicien superieur'.

For conditions of admission to the various establishments, you may contact the relevant establishment.

Steps to follow

The third country citizen, who wishes to move to Luxembourg over a three months period to study, must make an application and favourably advised by the Ministry responsible for immigration BEFORE entering the country.

The applicant must be able to prove that during his or her studies, he or she has adequate resources (at least 80% guaranteed minimal income (RMG)) to cover his or her living costs, the return expenses as well as a fully comprehensive health insurance covering the stay in Luxembourg.

If the applicant obtains a positive reply and if required, after having obtained a visa, he or she can enter Luxembourg.

The successful applicant will then need to apply for a student's residence permit to the Ministry responsible for immigration.

- → To see the list of required documents for your application, and the form for taking responsibility for a student, please refer to the website www.guichet.public.lu
 - heading 'Immigration Staying in Luxembourg for more than 90 days – Students.

For internships/traineeships in Luxembourg, a distinction must be made between non-paid internships and paid internships. As for non-paid internships, the applicant must introduce a request for a residence permit that must be granted BEFORE entering the country.

The application must demonstrate that the internship is compulsory in the context of his or her studies and must provide proof of an internship agreement. For a paid internship, the Ministry responsible for immigration takes into consideration whether the internship is intended to last for a period of less than or more than 3 months. Depending on the case, a permit for private reasons or a residence permit for an employed worker must be made and favourably advised BEFORE coming to Luxembourg.

- → To see the list of required documents for your application, please refer to the website www.guichet.public.lu
 - heading 'Immigration Staying in Luxembourg more than 90 days – Trainees.

The right to stay for a family member of a citizen of the European Union

The following people have the right to stay:

- The spouse joining the EU citizen;
- The partner with whom the third country citizen has entered into a civil partnership;
- Children below the age of 21;
- The immediate ascendants (parents) of the EU citizen who has a legal residency in Luxembourg, whenever they are dependent on him or her;
- The partner with whom the EU citizen has a duly attested durable relationship. The nature of the relationship is examined in terms of its intensity, its seniority and the stability of the bond between the partners. The lasting nature may be attested by any means of proof. For further information, please refer to the modified law of 29 August 2008 on the free movement of people and immigration.

If necessary, the family member must make his or her visa application at the Luxembourgish Embassy or the Embassy³ representing Luxembourg in their country of origin in order to reunite with the sponsor. Therefore, in principle, the application must be made BEFORE arriving in Luxembourg. Only in some exceptional cases can the application be made here in Luxembourg.

As soon as the application is approved, the individual receives a visa to join his or her family member in Luxembourg. Upon his or her arrival, the third-country citizen must present him-/herself to the municipality of the residence of the European sponsor and ask for a residence permit as a family member of an EU citizen. The municipality will then send the file to the Ministry

in charge of immigration, which will issue the permit within 6 months and subsequently send it to the municipality. Whilst waiting for this permit to be issued, the third-country family member receives a receipt confirming that the application has been made and this receipt counts as a residence permit for a maximum of 6 months.

Family members who have lived in Luxembourg with the EU citizen or a person assimilated to an EU citizen for a continuous period of 5 years are entitled to a permanent residence permit.

What are the consequences when the EU citizen leaves Luxembourg or in the case of divorce or death:

Departure:

Departure does not mean the loss of the right to stay for family members as long as their children are enrolled in an educational establishment in Luxembourg.

Divorce:

Divorce, annulment of the marriage or of a registered partnership does not mean the loss of the right to stay as long as one of the following conditions is met:

- The marriage or civil partnership lasted at least 3 years (of which at least 1 year was spent in Luxembourg as a legal resident) before the divorce or annulment proceedings were initiated;
- Custody of the children of an EU citizen was entrusted to the spouse who is a citizen of a third country;



^{3.} To know which embassy represents you in Luxembourg, you can consult http://www.gouvernement.lu/maee site, where you will find all the contact details of the Luxembourg diplomatic and consular services exisit in here.

- In case of domestic violence;
- The spouse or civil partner has the right of access (visitation rights) in respect to the mutual child who is still a minor (under certain conditions).

Death:

The death of the sponsor does not entail the loss of the right to stay for the third country citizen as long as the latter had been staying in Luxembourg for at least 1 year prior to the death.

- → To see the list of required documents for your application, to the Embassy and later to Luxembourg, please refer to the website www.guichet.public.lu
 - heading 'Immigration Staying in Luxembourg more than 90 days – Third country citizen who is a family member of an EU citizen.

Special different statuses

Other types of residence permits exist, for certain exceptional cases.

There is the possibility of applying for a residence permit for private reasons, for medical reasons, for exceptional cases or for victims of human trafficking. However, these statuses only apply under certain conditions.

- → Details on these statuses may be found on the website www.guichet.public.lu
 - under the heading 'Immigration'.

3. Family reunification of third country national

(to get information on family reunification with an EU citizen, please refer to page 09 of this brochure)

The following people are considered as family members:

- A spouse (husband or wife);
- The partner with whom the third country citizen has entered a civil partnership;
- Children under the age of 18 as long as their parents have custody and responsibility;
- Direct ascendants (parents) financially dependent on the individual and without family support in the country of origin.

Conditions to be met

The sponsor must have a residence permit that is valid for at least one year, have a sound prospect of

obtaining a long-term right to stay and must have lived and worked in Luxembourg for at least twelve months.

He or she must also supply proof of stable and regular resources sufficient to provide for his or her own needs and those of the dependent family member(s), without relying on the social security system. Furthermore, the sponsor must submit evidence that he or she has appropriate accommodation to provide housing for the member(s) of his or her family, and that he or she has health insurance for him/herself and the family members.

In principle, the application for a residence permit in the context of a family reunification must be



made and granted BEFORE entering the country.

Once the temporary residence permit is granted, the applicant must seek a visa from the Luxembourgish Embassy or the Embassy representing Luxembourg in his or her country of origin. Therefore, the application must be made BEFORE entering Luxembourgish territory.

Steps to follow

In the case of a positive answer, the individual receives a visa to join the family member in Luxembourg.

He or she will then submit an application to obtain the residence permit as a "family member" to the Immigration Directorate of the Ministry of Foreign and European Affairs. This document is valid for one year and may be renewed at the request of the individual as long as the conditions for obtaining it are still met. The period of validity of this residence permit does not exceed the expiry date of the residence permit of the sponsor who is a third country citizen.

- → To see the list of required documents for your application at the Embassy and later in Luxembourg, please refer to the website www.guichet.public.lu
 - heading 'Immigration Staying in Luxembourg for more than 90 days – Family members of third-country nationals'.

4. Long-term resident

The third country citizen who can provide proof a regular, continuous stay in Luxembourg of at least five years immediately prior to making his or her application, can apply for the status of long term resident.

Conditions to be met

Other than fulfilling the preliminary condition of a 5-year legal residency, it is also necessary to:

- provide proof of stable, regular and adequate resources as shown in relation to the minimum salary of an unqualified worker⁴ for the five years prior to making the application;
- provide adequate proof of integration (language classes, testimonial evidences, etc.).

Steps to take

The applicant must fill out a specific application form.

- → To see the list of required documents for your application, please refer to the website www.guichet.public.lu
 - heading 'Immigration Staying in Luxembourg for more than 90 days – After a 5-year stay'.

4. On 1 January 2016 the minimum wage is EUR 1922.96 per month.





5. The third country national as frontier worker

The third-country national who legally resides in another EU country must seek a work permit in order to work in Luxembourg as a frontier worker. His or her work permit will thus not include a residence permit.

Conditions to be met

Nevertheless, a residence permit in the country in which the third country citizen is living is required.

However, for the third country citizen who lives in another EU member state and whose spouse/civil partner or child is an EU citizen working in Luxembourg, the work permit is not required. To enable the Luxembourg authorities to check whether the conditions attaching to the exception are met, the applicant must submit an application in view of being exempted from requesting the work permit.

Steps to take

The application for a work permit and for the exemption of a work permit must be made to the Immigration Directorate of the Ministry of Foreign Affairs.

- → To see the list of required documents for your application, please refer to the website www.guichet.public.lu
 - heading 'Immigration Particular cases.



6. The European blue card

The European blue card scheme applies in all EU member states (except for the United Kingdom, Denmark and Ireland) and is destined for highly educated or skilled third-country nationals who wish to reside in Luxembourg for more than three months and work as a highly qualified worker.

Certain conditions regarding the degree of qualifications, the job position and the yearly salary must be met in order to be eligible to apply.

If the third-country national considers that all

requirements are fulfilled, he or she may apply for the "European blue card" at the Ministry in charge of immigration.

The highly qualified worker may bring along his or her spouse/partner, and unmarried minor children (or those of his spouse or partner). In order to request the family reunification, the applicant must enclose in the initial "European blue card" application the documents required for reuniting family members. Please note that the application must be made and favourably advised BEFORE coming to Luxembourg.

7. Deadlines and appeals

The deadline for an answer from the Ministry in charge of immigration (Immigration Directorate) varies according to the type of request. In principle, the legal deadline is 3 months.

Exceptions:

- Salaried worker: 4 months
- Family reunification of a third-country citizen: 9 months
- Family reunification of an EU citizen: 3 months
- Long-term residency of a third-country citizen:
 6 months

The time limit starts running from the date of the submission of a complete application.

If the answer is negative or if no reply is received, the applicant may introduce an internal administrative appeal (recours gracieux) or lodge an appeal against the decision before the administrative court. However, it is advisable that you first contact the person in charge of your file in order to identify and comprehend the motives for the refusal.



8. Useful information and general advice

The Immigration Directorate of the Ministry of Foreign and European Affairs will only consider complete applications. Please make sure to check that all the documents required for a residence permit are in order (they should not be older than 3 months) and are enclosed in your application.

An application for the renewal of a residence permit should be made at least 2 months prior to its expiry date. All applications to be processed by the Ministry in charge of immigration should be sent by registered mail.

All necessary documents to be appended to the application must either be sealed by the competent local authority of the country of origin of the applicant, or be legalised/certified by the competent local authority of the country of origin and authenticated by the respective Embassy. If the documents are not originally established in German, French or English, a certified translation by a sworn translator in Luxembourg must be attached.

On the website *guichet.public.lu* you will find helpful information regarding the various administrative steps to follow, as well as forms to download and links to other useful websites.

- If you have questions, you can also contact ASTI
 - by phone: 43 83 33-1
 - by e-mail: guichet@asti.lu
- 5. A seal refers to the seal issued by the competent authority to certify the authenticity of a public document. Seals are used by countries adhering to the 1961 Hague Convention, removing the requirement for consular legalization.
- 6. For a current list of official translators and interpreters visit www.mj.public.lu, under Professions-Expert-judicially-List of official translators and interpreters

9. The Welcome and Integration Contract - CAI

Discover the history, the customs, the languages and the values of the Grand Duchy of Luxembourg!

Did you know?

The Luxembourg Government set up a programme/ regime, which enables you to actively contribute to your own integration: the Welcome and Integration Contract (CAI).

A contract aimed at:

- helping you to learn one of the languages of the country;
- enabling you to follow a course on civic education;
- enabling you to take part in an orientation day.

The CAI is relevant for you, if you:

- are a foreign national;
- legally reside on the territory of the Grand Duchy of Luxembourg and wish to remain here in the long-term;
- are at least 16 years of age.

You will benefit from:

- a reduction of the registration fees for language classes;
- an exemption from payment for training on civic information and orientation day;
- an exemption from one of the optional courses on civic education foreseen for the acquisition of Luxembourg nationality;
- taking into account of the CAI for obtaining the status of long-term resident.
- Would you like to find out more?
 Luxembourg Reception and Integration Agency (OLAI)
 www.olai.public.lu
 - bv phone: 2478 5785
 - by e-mail: cai@olai.public.lu

10. Addresses and useful links

ASTI - Association de soutien aux travailleurs immigrés (Support Association for Immigrant Workers)

→ 10-12, rue Auguste Laval ■ L-1922 Luxembourg Tel: +352 438 333-1 ■ E-mail: guichet@asti.lu www.asti.lu

ADEM - Administration de l'emploi

(Agency for the Development of Employment)

→ 10, rue Bender = L-1229 Luxembourg
Job seekers Contact: 24788888
Fax: +352 40 61 40 = E-mail: info@adem.public.lu
www.adem.lu

Cellule d'Accueil Scolaire pour Nouveaux Arrivants (CASNA) (Educational reception centre for newly arrived students)

→ 58, boulevard Grande-Duchesse Charlotte ■ L-1330 Luxembourg

Tel: 247-85207 • E-mail: casna@men.lu

Direction de l'Immigration (Immigration Directorate)

→ 26, route d'Arlon ■ L-1140 Luxembourg
B.P. 752 L-2017 Luxembourg
Tel: +352 2478-4040 ■ Fax: +352 22 16 08
www.mae.lu

Ministère de l'Education nationale, de l'Enfance et de la Jeunesse

(Ministry of National Education, Children and Youth)

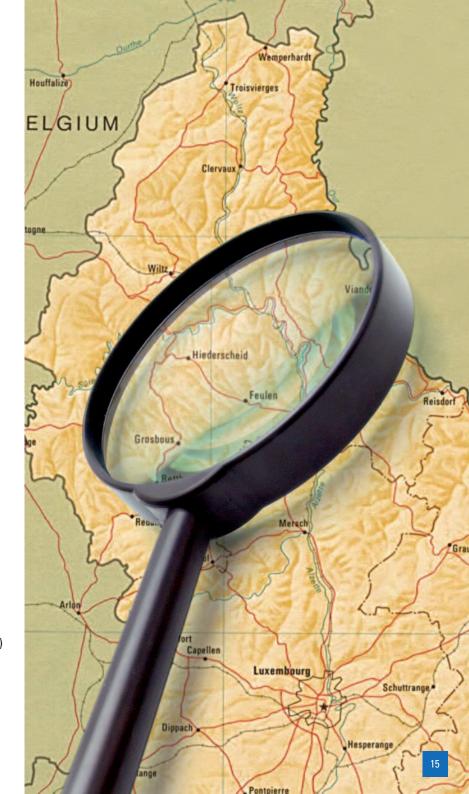
→ 29, rue Aldringen • L-2926 Luxembourg Tel: +352 2478-5100 • www.men.public.lu

Office luxembourgeois de l'accueil et l'intégration (OLAI) (Luxembourg Reception and Integration Agency)

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Administrative guide to the Luxembourg State: www.guichet.public.lu

Reality of the Government: www.gouvernement.lu



Legislation:

→ www.legilux.public.lu

Detailed sheets on the following subjects can be obtained at ASTI:

- Marriage and family reunification
- The European Blue Card
- Family reunification of an ascendant/descendant
- Long term resident
- Renewing residence permit
- Residence permit for a salaried worker

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