



MARRIAGE AND IMMIGRATION

step by step



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère de la Famille, de l'Intégration
et à la Grande Région

Office luxembourgeois de l'accueil
et de l'intégration



Fonds « Asile, Migration et
Intégration » (AMIF)

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Introduction

The "Support Association for Immigrant Workers" (Association de Soutien aux Travailleurs Immigrés – ASTI asbl) is a non-profit organization engaged in the integration of foreigners into the Luxembourgish society. It is also a grassroots association, a group of reflection and a force of proposals in the fields of immigration, asylum and integration.

ASTI's very varied activities all have as a backdrop the living together. ASTI commits itself to a new society, rich in diversity and defending the motto "living, working and deciding together".

This brochure is meant to contribute to a better understanding of various materials, in both professionals and citizens. As such, it aims to be a straightforward and complete tool for both affected couples, and those who advise them.

The edition of this brochure has been funded in the framework of the project "Réussir sa migration" by the European fund AMIF and OLAI.

The brochure is divided in four chapters:

1/

MARRIAGE AND CIVIL PARTNERSHIP

Definition of marriage and civil partnership and the differences between these two procedures that seek to establish a legal relationship as a couple.

2/

PROCEDURES, RIGHTS AND DUTIES

The different procedures of marriage and civil partnerships. It details the rights and duties of both the potential partners and the civil services concerned.

3/

FAMILY REUNIFICATION

Procedures concerning family reunification following marriage or civil partnership.

4/

USEFUL INFORMATION

Other steps to undertake following a marriage or declared partnership.



1/

MARRIAGE AND CIVIL PARTNERSHIP

Which legal unions are there?

There are two ways to legally formalise a couple's relationship. According to your preferences and legal, as well as practical possibilities, you can either get married, or enter a civil partnership.

Through marriage, you state your desire to establish a lasting legal relationship.

A civil partnership is understood as a legally regulated form of living together, where the partners have jointly declared a partnership at their local council office, in front of the registrar.

One of the main differences between marriage and civil partnership is their impact on your marital status. If you get married, your status will change to 'married'. If you establish a civil partnership, your marital status does not change.

Furthermore, according to whether you are married or in a civil partnership, your duties strongly diverge, as well as the methods of ending the marriage or partnership.

Attention! If either of the two partners does not possess the right of residency in Luxembourg, marriage is the basis for a request for family reunification.

In fact, for people who formed their civil partnership abroad, both parties need to already be legal residents of Luxembourg in order for the partnership to be validated in the Luxembourgish civil directory.

Marriage

The conditions for marriage are established in the Legal Code (Livre 1er – Titre V). Both candidates must be at least 18 years old, and freely consent to the marriage. If one of the candidates is a minor, their parents or legal guardian must consent.

The marriage candidates must not be married to anyone else. Marriage to relations to the 3rd degree (parents, siblings, cousins, uncles, aunts, nieces, nephews) is illegal.

Finally, marriage is legal between same-sex couples as well as between heterosexual couples.

Civil partnership (union)

The Legal Code also allows a civil partnership between two parts of a couple, be they of the same or the opposite sex.

Every legal resident of Luxembourg, regardless of nationality or origin, may establish a civil partnership.

It is however illegal to establish a civil partnership (union) if you are already married or in a different civil partnership.

As with marriage, a civil partnership is not possible with relations up to the 3rd degree (parents, siblings, cousins, uncles, aunts, nieces, nephews).



What is a union of convenience?

A marriage or civil partnership of convenience is a legal union that is established for the sole purpose of gaining any and all benefits imparted by marriage law, especially regarding migration and/or obtaining of nationality.

The Luxembourgish legal system does not have any effective tools to prosecute unions of convenience. The registrar (l'officier de l'état civil) cannot deny the right to marry if all required documents are in order, and cannot contact the state attorney in case they doubt the sincerity of the parties' commitment. The state attorney can only prosecute either party in case of the presentation of fake papers. From a legal standpoint, the only possibility is to

demand an annulment on the grounds of perversion of consent or absence of consent, however, the only people with the legal power to do so are both partners, and their family members. From an administrative point of view, the immigration law of free movement foresees that if the authorities discover, after a check (art.133 ; art.138), that the marriage has been established solely for migration purposes and to obtain the right of residency, they can then revoke or deny the renewal of the right of residency, which entails the inevitable deportation and the prohibition to return to the territory (art.75).



2/

PROCEDURES, RIGHTS AND DUTIES

How to get married or establish a civil partnership in Luxembourg?

Getting married in Luxembourg

In order to get married in Luxembourg, at least one of the two candidates must be a legal resident in Luxembourg or be a Luxembourgish national.

There are two steps to the procedure; the establishment of a marriage file/folder, followed by the celebration of the marriage. These two procedures must be fulfilled with the local (of one or both candidates) registrar.

The establishment of a marriage file/folder essentially means presenting the required documents to the registrar (l'officier de l'état civil), who shall use them to confirm that the conditions for a legal marriage have been fulfilled. The marriage is cemented by the ceremony, which legalises the marriage.

The first step, i.e. the establishment of the marriage file/folder, requires the presence of at least one of the partners, who, along with the registrar, will fill out the necessary forms to start the file/folder. The registrar will furnish the forms concerning the steps to be taken and will state the totality of the requisite documents.

Where can you get married?

You can get married at the register office of the local council as long as one of you is officially registered there.

The marriage file/folder

In order to establish a valid marriage file/folder, the law requires several documents.

The preparation for a marriage starts at the latest:

- 2 months before the marriage date for Luxembourgish nationals residing in Luxembourg
- 3 months before the marriage date for non-Luxembourgish residents.

Attention! Documents that have been created abroad must be legally certified and translated by a certified translator before being transmitted to the registrar. A complete list of certified translators is available on the Ministry of Justice's website: www.justice.public.lu

Required documents

In order to get married at the register office of the local council in Luxembourg, it is necessary to take a number of steps (which can vary according to the nationality of the future partners) and to assemble all of the required documents for the marriage file/folder. A church wedding can only take place after the marriage at the town hall.

The pre-requisite steps are as follows:

- One of the marriage candidates must present themselves to the registrar where one of them is legally residing to fulfill the formalities necessary for the marriage file/folder. They need to be in possession of the identity cards/passports of both candidates.
- The registrar will furnish the required forms and will state which documents are needed. The documents required for the marriage file/folder must be in French, German, or English. If this is not the case, the marriage candidates must either:
 - Have them translated into one of the three languages mentioned above (a complete list of certified translators is available on request at the Ministry of Justice or on their website)
 - Request an international or national deed of the relevant authority of their country of origin which carries a notarised signature or apostille (which allows a document to be validated and to be recognised abroad).

The required documents must be filed with the register office of the local council a month before the marriage, at the latest.

Required documents for the marriage file/folder

- Valid proof of identity (photocopy of the passport or a valid identity card);
- A complete copy of the birth certificates of the marriage candidates (including the names of the parents), furnished by the council of their place of birth. In order to be valid, this complete copy must be less than 3 months old if delivered in Luxembourg, and less than 6 months old if delivered abroad. If the birth certificate is not available, an affidavit by the justice of the peace of the place of birth or legal residence, which must be notarised by the district

court of the area where the marriage will take place. If the birth certificate has been established abroad, one of the following is needed:

- either an international certificate (in accordance with the annexe of the Convention CIEC n. 16);
 - or a national certificate with notarised signature or apostille (The Hague Convention).
- Certificate of residency, less than 3 months old, only for people who are not legal residents of the Grand Duchy of Luxembourg or any proof of residency if such a certificate is not available in their country of residency. The residence of residents of the Grand Duchy will be verified by the registrar in the National Repertory when the marriage file/folder is handed in.
 - Proof of celibacy (with indication of marital status) for the marriage candidates. For Luxembourgish nationals, a recent copy of the birth certificate issued in Luxembourg is sufficient. For foreign nationals, proof of celibacy is established by a certificate of legal capacity to marry. If this certificate cannot be issued by the authorities of the country of origin of the candidate, it can be replaced by a certificate of national custom, completed by a certificate of celibacy. To find out which authority can issue these documents abroad, it is advisable to approach the council of the last place of residency abroad, or a qualified embassy.
 - A certificate of legal capacity to marry is required for nationals of the following countries: Albania, Belgium, Bulgaria, Capo Verde, Croatia, Denmark, Spain, Finland, France, Greece, Italy, Moldavia, the Netherlands, Portugal, Poland, Switzerland, Sweden, and Turkey.
Germany and Austria: Ehefähigkeitszeugnis
United States : affidavit

Great Britain and Ireland: certificate of no impediment
Failing a certificate of legal capacity to marry: Certificate of celibacy (Brazil: Certidão Negativa) and a certificate of national custom issued by the embassy (this is an extract of the laws and regulations of marriage in the country of origin).

If applicable:

- A death certificate of a previous spouse;
- The birth certificates of any children to be legitimized. If there are one or more children born before the marriage, and not acknowledged by the father (and/or mother), it is necessary to legitimize them ahead of the marriage. In fact, the child(ren) cannot have the status of a legitimized child, if the legitimization is not done ahead of the marriage. Consequently, an acknowledged child is automatically legitimized through the marriage;
- A death certificate of the father/mother for minors;
- A marriage certificate stating the divorce or a transcript of the divorce decree.

Regarding documents related to the divorce, the following are relevant:

- A marriage certificate stating the divorce or a transcript of the divorce decree for each previous marriage (if the divorce is not mentioned on the birth certificate);
- For a divorce decree issued abroad:
 - in the case of a decree issued before March 2001: have the divorce confirmed by an enforceable decree of the Luxembourgish tribunal;
 - in the case of a decree issued after March 2001: have the divorce confirmed by a certified certificate from the jurisdiction or relevant/qualified foreign authority of the EU member state in which the decree has been issued. This certificate must be drawn up, dated, and signed.

Needed information to finalise the preparation of the marriage

- The place and date of birth of the parents, their residence and respective jobs. If either of the parents is dead, the place and date of death must be provided;
- The national matriculation numbers of the marriage candidates. The matriculation number is the identifying number given to each person born or resident in Luxembourg. It is based on the date of birth, coupled with a control code;
- The address of the candidates before marriage.
- The address of the candidates after marriage.

Attention! Asylum seekers who are not yet legal residents must prove their marital status with a certificate of their status (issued by the ministry of foreign affairs and immigration – direction of immigration) in order to get married in Luxembourg.

Marriage celebration

Considering that certain formalities must be fulfilled in advance, the marriage candidates ought to present themselves at the register office of the local council from 2 to 3 months, depending on their nationalities before the chosen date:

- The marriage is made posted in the communes where the candidates live for 10 consecutive days. The reason of the posting of the banns is to make each person who has a justified reason to oppose your marriage aware of the marriage and to give them the opportunity to reveal themselves. The marriage must be celebrated within the 12 months following the posting of the banns. For people who have moved to the local council area less than 6 months ago, this step needs to be taken in both communes;

- The date and time of the wedding will be fixed when all the documents are handed in, during the posting of the banns. In theory, marriages can take place on any work day.

Attention! There is no specific provision for the entry to the territory for a marriage. Foreigners who wish to get married to a legal resident of Luxembourg must follow regular procedure for a stay of less than 3 months. They must also, if applicable, ask for a short-term visa and fulfill the conditions for entry and short-term stay.

What if you are getting married abroad?

Which are the steps to be taken by a European foreign national, living in Luxembourg, concerning a marriage abroad?

First, there are certain documents which are likely to be required, depending on the country where the marriage will take place, such as:

- Certificate of residency (text idem marriage)
- Birth certificate (text idem marriage)
- Certificate of celibacy (text idem marriage)
- Notarised copy of the passport (text idem marriage)
- Extract from the criminal record (text idem marriage)
- Certificate of good repute: this is issued by your local council based on your identity card and the extract from the criminal record
- Certificate of national custom (text idem marriage)

It is required, as for a marriage in Luxembourg, to post the banns for 10 consecutive days at the local commune of the candidate residing in Luxembourg. The reason of the posting of the banns is to make each person who has a justified reason to oppose your marriage aware of the marriage and to give them the opportunity to reveal themselves.

Attention! The required documents vary from country to country. You must get the information from the administration of the country where the marriage will take place. In certain countries, like Algeria, a marriage license requires a rather complex procedure, including a police investigation and interviews at the register office.

Translation and legalisation of the documents

Translation

It is imperative to have all the required documents translated into one of the official languages of the country where the marriage will take place. The translation must be done by a certified translator, and notarised by the self-same person. A complete list of certified translators is available on the Ministry of Justice's website. (www.justice.public.lu).

Legalisation (certification/notarisation)

Furthermore, the required documents for a marriage abroad must be legalised (certified/notarised). The legalisation certifies the origins of a document. This is the authentication through an official authority, certifying the authenticity of the signature, the validity of the stamp or seal on the document.

Foreign documents must be legalised in their country of origin. Unless these documents are subject to an apostille, they must be legalised by an embassy or consulate representing Luxembourg abroad.

Each foreign document must be previously notarised by a central authority (generally the ministry of foreign affairs) of the country of origin.

The office of passports, visas, and attestations handles the legalisation of the signatures of Luxembourgish public authorities on documents destined to be used by public authorities abroad.

Civil partnership in Luxembourg

In order to establish a civil partnership in Luxembourg, the two future partners must be legal residents in Luxembourg. Couples who are Luxembourgish nationals, who aren't Luxembourgish nationals, and those where one of the two partners is a Luxembourgish national, can establish a civil partnership in Luxembourg.

To start the procedure, you and your partner must present a declaration of partnership to the local registrar, where you state your cohabitation.

The two future partners must present themselves, with the required documents, to the local registrar of their commune of residence in order to personally, and jointly, declare their partnership.

The required documents must be in French, German or English. If this is not the case, the future partners must:

- Have them translated by a certified translator (a complete list of certified translators is available on the Ministry of Justice's website. (www.justice.public.lu));
- Request an international certificate issued in accordance with Convention n°16 of the CIEC.

Where can a civil partnership be established?

With the local register office of the commune of town where both partners cohabit.

The registrar will verify if you do in fact cohabit, and if you are officially registered.

Which documents are required?

Several legal documents (to be translated into French, German or English) must be provided to declare a partnership:

- A valid identity card for Luxembourgish and European nationals;
- A valid passport for third country foreign nationals;
- A complete copy of the birth certificates of the future partners (including the names of the parents), furnished by the council of their place of birth. In order to be valid, this complete copy must be less than 3 months old if delivered in Luxembourg or in France, and less than 6 months old if delivered abroad. If the birth certificate is not available, an affidavit by the justice of the peace of the place of birth or legal residence;
- The shared legal residence will be verified by the registrar in the National Repertory when the file/dossier is handed in;
- A sworn statement, signed by the partners in front of the registrar, or a notary, who must not be related by blood or marriage, which would constitute a legal obstacle to the recording of the partnership;
- For people not born in Luxembourg:
- A certificate stating that neither future partner has registered another partnership. This certificate can be requested in writing from:
la Cité Judiciaire, Parquet Général, Service du Répertoire Civil, L-2080 Luxembourg
by stating the names and first names, marital status, and address, and in joining a photocopy of the social security cards, and identity cards or passports, all signed by both partners;
- For non-nationals: in addition to the certificate mentioned above, a certificate (with marital status) confirming that neither future partner is in a partnership or any other form of living together abroad;

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- For foreign-nationals born in Luxembourg: a certificate (with marital status) confirming that neither future partner is in a partnership or any other form of living together abroad.

Where applicable:

- for persons who are divorced: the complete divorce decree or a transcript of the divorce, in case the divorce is not mentioned on the birth certificate;
- for persons who are widowed: a death certificate of a previous spouse, or the birth certificate of a previous spouse mentioning their death;
- for persons having already established a partnership before the 1st November 2010: a recent certificate of the National Register with the inscription of the dissolution of the civil partnership;
- proof of an inheritance agreement, if such an agreement has been established between the partners.

Official declaration

If all the required documents are congruent, during the declaration of partnership:

- the registrar verifies that the two partners adhere to the conditions laid out in the law, and registers their partnership on standard paper and issues a certificate declaring their partnership to both partners;
- a declaration (including the mention of an inheritance agreement, if relevant) is sent to the bench (general prosecutor) within 3 days so it can be entered into the National Register. With this entry, the declaration begins its legal effects.
- After the partnership has been confirmed in the National Registry, a certificate of partnership will be sent to the partners in writing.

- Neither the agreement, nor the documents will be kept by the registrar, they will be returned to the partners after having been verified. Thus, it is their responsibility to keep them, or to file them with a notary, a barrister, or a trusted person.
- The establishment of an inheritance agreement is not required; it is however possible. It can be established either during the declaration of partnership or after, and can be modified at any time. If such an agreement has not been established, the declaration of partnership nonetheless established rights and duties between partners. As such, the partners must share material support and contribute to the partnership according to their respective possibilities. They are both responsible towards third parties for all debts incurred for the couple's costs of living and money spent on their shared lodgings. Neither of the partners can, without the other's agreement, get rid of their lodgings or the furniture therein. Partners can reward each other by way of donation or testamentary way.



3/

FAMILY REUNIFICATION

Useful Information

Family reunification is the act of bringing a member of his family, legally, to the Grand Duchy of Luxembourg. The sponsor is a citizen of the European Union or a third-country national already legally established in the Grand Duchy of Luxembourg.

The beneficiary is a member of his / her family, a third-country national, who is abroad and who wishes to come to Luxembourg.

Before joining Luxembourg, the beneficiary must apply for a visa from a family member to the diplomatic representation of Luxembourg in their country of origin. When arriving in Luxembourg, he asks for a family member's residence card.

In order to qualify for family reunification, the sponsor (a citizen of the European Union or third country national legally residing in Luxembourg) must fulfil several conditions. At the same time, the person wishing to join the sponsor must be eligible for family reunification.

Documents required for every request for family reunification:

- a copy of the national identity card or a valid passport in the case of a citizen of an EU member State or a copy of the residency permit of the third country national sponsor which must be valid for over a year;
- proof that the sponsor has sufficient resources for their own needs and those of their family members (i.e. payslips, tax declaration). The proof must encompass the 12 months preceding the request;
- proof of appropriate lodgings on Luxembourgish territory for the sponsor themselves and their family (i.e. rent agreement, certificate of ownership);
- proof of health insurance for the sponsor and their family members;

- if relevant a mandate (the third-country national may confer mandate to a third person so as to submit the application in his/her place).

Family reunification of third country nationals with a citizen of the EU

Who is a member?

- The spouse
- The civil partner
- The direct descendant (or the partner's) if younger than 21
- The dependant direct ascendant (or the partner's)
- The partner with whom one has a lasting relationship

The family member must request a visa with the ministry of immigration (the nationality of the non-EU national determines whether or not he is obliged to have a visa; a list of countries subject to the visa requirement is available on the website of the Ministry of Foreign Affairs). They must state their identity (name and first names), as well as their precise address in their country of residence. They must also join the following documents:

If it is the spouse or registered partner of the sponsor

- A complete notarised copy of the passport, which must be valid for at least 6 months of the spouse/partner;
- An extract of the birth certificate of the spouse/partner;
- An extract of the deed of marriage/copy of the partnership;
- A copy of the "attestation d'enregistrement" of the accompanied or joined European citizen.

If it is the descendant (child) of the sponsor or of the spouse/partner of the sponsor:

- A complete notarised copy of the passport, which must be valid for at least 6 months of the child;
- Proof of family connection with the citizen of the EU citizen they accompany or join (e.g. birth certificate of the child, family booklet);
- If the child is older than 21: proof that they are a dependant of the person whom they accompany or join (e.g. proof of financial support, proof of school attendance of the descendant);
- In case of divorce (only if the child is a minor): The judgment conferring custody of the minor to the parental unit residing in Luxembourg, and if the other parental unit has visitation rights: notarised authorisation of the parental unit residing abroad that the minor child can live in Luxembourg;
- In case of shared custody (only if the child is a minor): notarised authorisation of the parental unit residing abroad that the minor child can live in Luxembourg;
- A copy of the registration certificate (attestation d'enregistrement) of the accompanied European citizen.

If it is the ascendant (parent) of the sponsor or of the spouse/partner of the sponsor:

- A complete notarised copy of the passport, which must be valid for at least 6 months of the ascendant;
- An extract of the birth certificate of the ascendant;
- Proof of family connection with the citizen of the EU citizen they accompany or join (e.g. birth certificate of the child, family booklet);
- An extract of the marital status of the ascendant;

- Proof that the ascendant is dependent on the person they join or accompany (e.g. proof of financial support);
- A copy of the registration certificate (attestation d'enregistrement) of the joined or accompanied European citizen.

If it is the partner with whom the citizen of the EU has a lasting relationship:

The lasting status of the relationship is examined regarding intensity, duration, and stability of the connection between the partners. Proof of lasting status may be shown through any means. It is confirmed if the partners prove:

- **In the case of shared children:** proof that the partners share parental responsibilities of the child(ren) (birth certificate of the child; proof that the partner contributes to the costs of child rearing; if applicable, residence certificate and/or certificate of family composition and/or residence certificate established by the Municipality of the last place of residence);
- **In the case of cohabitation:** proof that the partners have cohabited in a legal and uninterrupted manner for at least one year before the request (residence certificate and/or certificate of family composition issued by the authorities of the country of common residence); proof of regular stays of the partners in the country of residence (residence permit issued by the country of residence) or;
- **In all other cases:** proof of the lasting nature of the relationship by any means knowing that it will be necessary to prove a year relationship (e.g.: chronological summary of relationship, testimonials, photos, plane tickets, etc.)

Of course, The two partners must not be married, in a civil partnership, or a lasting relationship with anyone else and

must attach, at any request, the following documents:

- A complete notarised copy of the passport, which must be valid for at least 6 months;
- An extract of the birth certificate;
- A copy of the identification of the citizen of the EU or the Luxembourgish national who is joined or accompanied;
- A copy of the registration certificate of the joined European citizen
- Proof that neither partner is married, in a civil partnership, or a stable relationship with anyone else (extract of the marital status; certificate of celibacy; residence certificate and/or certificate of family composition established by the Municipality of the last place of residence)
- Proof of the lasting status of the relationship, i.e.;

If the documents are not in either German, French, or English, a notarised translation by a certified translator must be joined.

Attention! Concerning the spouse regarding a marriage, the law differentiates according to the duration of the marriage. Specifically, if the duration of the marriage is more or less than 3 years.

As such, if the marriage lasted at least 3 years before the start of divorce proceedings, the third country national keeps his permit of residency as a family member after the divorce.

On the other hand, if the marriage lasted less than 3 years, the third country national must have a work contract and request a work visa after the divorce in order to keep the permit of residency in Luxembourg.

Exceptions:

- for particularly severe reasons (e.g. domestic violence)
- shared custody or visitation right of the shared child
- in the case of death of the national citizen of the EU: at



least a year's stay in Luxembourg before the death of the spouse is required.

Attention! The family members who reside in Luxembourg during 5 years without interruption attain the permanent right of residency (art. 20).

Family reunification of third country nationals with another third country national

Who is a member?

- The spouse
- The civil partner
- The direct descendant (or the partner's) if younger than 18
- The dependant direct ascendant (or the partner's)

Additional documents that must be joined, depending on the case:

If it is the spouse or registered partner of the sponsor:

- a complete notarised copy of a valid passport of the spouse/partner;
- a birth certificate of the spouse/partner ;
- a recent extract of the criminal record or an affidavit for the spouse/partner, issued in their country of residence;
- a document proving the existence of the marriage or registered partnership (i.e. marriage certificate, deed of partnership, family booklet)

If it is the descendant (child) of the sponsor or that of the spouse/partner of the sponsor:

- a complete notarised copy of a valid passport of the child;
- proof of family relations with the sponsor (i.e. birth certificate of the child, family booklet);

In case of divorce (only for minors):

- The judgment conferring custody of the minor to the parental unit residing in Luxembourg, and if the other parental unit has visitation rights: notarised authorisation of the parental unit residing abroad that the minor child can live in Luxembourg (with valid identification of the parental unit residing abroad);
- In case of shared custody (only if the child is a minor): notarised authorisation of the parental unit residing abroad that the minor child can live in Luxembourg (with valid identification of the parental unit residing abroad).

If it is the ascendant (parent) of the sponsor or of the spouse/partner of the sponsor:

- A complete notarised copy of the valid passport of the ascendant;
- The birth certificate of the ascendant;
- A recent extract of the criminal record or an affidavit for the ascendant, issued in their country of residence;
- Proof of family connection (e.g. birth certificate of the sponsor or their spouse/partner);
- Proof of the marital status and the family situation of the applicant, as well as proof that they do not have the necessary family support in their country of origin (i.e. family booklet, or any other equivalent document issued by the authorities in the country of origin of the applicant);

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- Proof that the ascendant was dependent on the sponsor before the request for family reunification (i.e. regular money transfers from the sponsor to the ascendant);
 - Or a document stating the financial situation of the parent in their country of origin (i.e. their own means of financial support, property, etc.).

If the documents are not in German, French, or English, a translation by a certified translator must be joined.

An incomplete request will be returned to the applicant/petitioner.

Attention! The political refugee who requests family reunification within 3 months following their status does not need to fulfill the resources and accommodation criteria.

Attention! After 5 years of uninterrupted legal stay in Luxembourgish territory, the third country national family member of another third country national may directly request long term resident status.

Steps to be taken once in Luxembourg

What are the steps once family reunification has been authorised?

In case of authorisation, the third country foreign national is given a 'temporary residency permit'. This temporary residency permit will be valid for 90 days. During this time, the third country foreign national must:

- Either request an entry visa to the Schengen area if they are subject to the necessity for a visa;
- Or, if they are not subject to the necessity for a visa, enter Luxembourgish territory and make a notification of arrival at the local council of their place of residence. After their

entry to Luxembourg, the third country foreign national must take the steps necessary to obtain a permit of residence.

Notification of arrival

The family member must, within 8 days of their arrival in Luxembourg, make a notification of arrival at the local council of the place of where they themselves, and the family member they are accompanying or joining have their fixed abode, by presenting the following:

- Valid travel documents (passport, and if relevant, visa or residence permit issued by another EU member state);
- A family booklet or a marriage certificate or a certificate of partnership;
- The birth certificates of the children or the family booklet;
- Where applicable, the declaration of leaving issued by the local council of the previous place of residence.

Request of residence permit

A third country national must start, within 90 days of arrival in Luxembourg, the request for a residence permit for family members of EU citizens (or affiliated countries) at the local council.

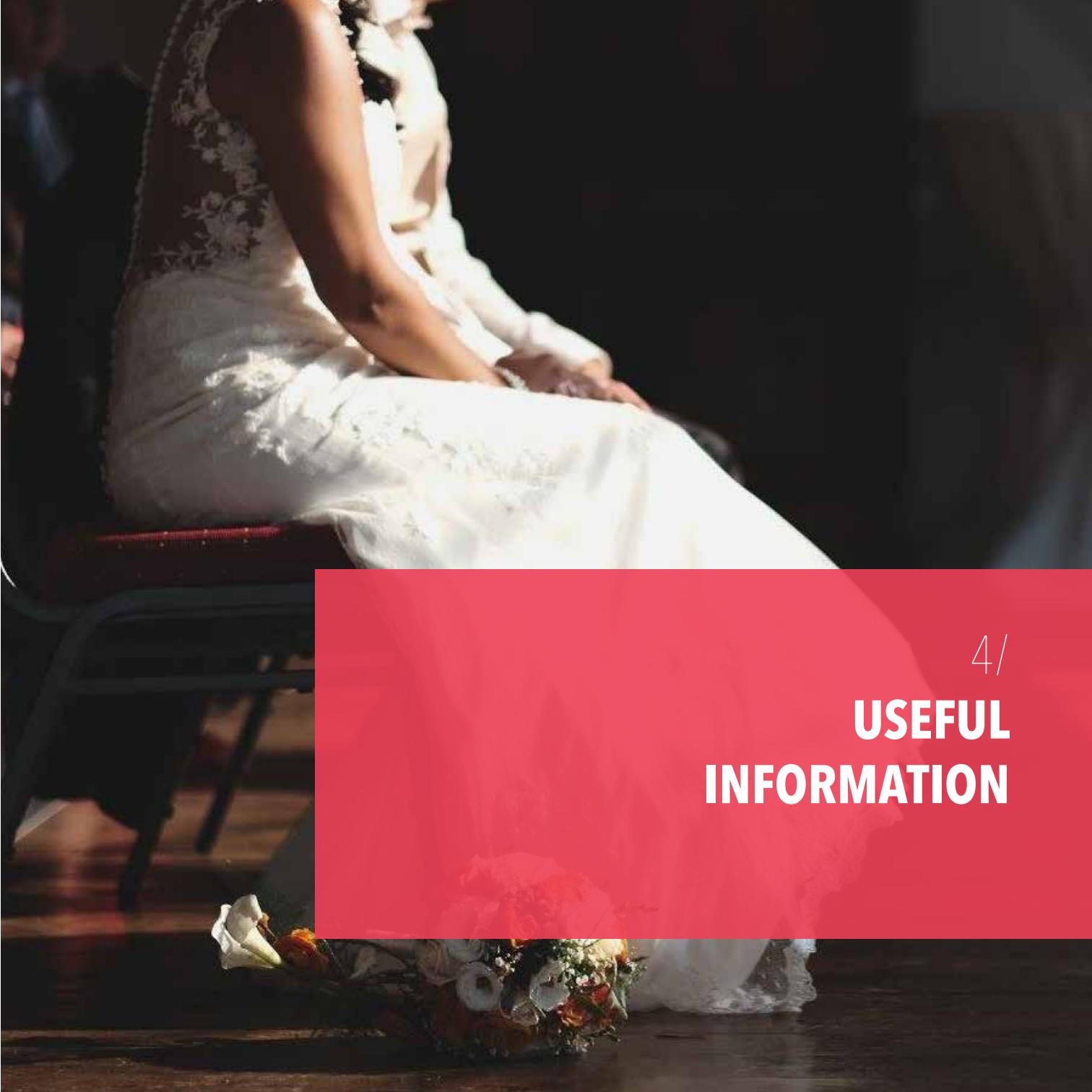
The request for a residence permit necessitates the following documents:

- a complete copy of the travel documents (passport);
- a document proving the existence of the marriage, the registered partnership, of family relation or stable relationship;
- a copy of the registration certificate of the joined European citizen or a certificate of residence if it is a Luxembourgish national;

- a photo to the ICAO/OACI standards (recent picture, in colour, of good quality, face on, sized 45/35 mm);
- in the case of a dependant ascendant or descendant: every document confirming that the head of the family is in fact responsible for the applicant (i.e. tax declaration, bills relating to the schooling of the child if they are younger than 21, bills relating with the support of the person at the family residence, etc.).
- the applicant immediately receives a receipt confirming the deposit of the request for a residence permit. This functions as a residence permit during a period of a maximum of 6 months.

If the request is granted, the applicant will be informed by the local council that they must present themselves in person, with valid identification, at the town hall to receive their 'residence permit for family members of an EU national'

Attention! The residence permit of a third country national family member of an EU national is valid for 5 years, whereas the one for a third country national family member of another third country national is valid one year.



4/

USEFUL INFORMATION

Other steps to be taken following a marriage

Transcription of the deed of marriage into the Luxembourgish register of marital status. It is necessary to go in person to the communal administration (town hall) with a complete copy of the deed of marriage, as well as a certificate of residency of the European person. This is sent to the ministry of justice for verification. Once the file/folder is verified, it is then transcribed. You will then receive an international family booklet. As well as two deeds of marriage.

Sign a marriage contract (optional). The marriage contract is a legal deed written and authenticated, which is meant to determine the status and the fate of possessions during, and up to the end of the marriage. There are three forms of marriage contracts, i.e. the statutory regime, separate ownership of property, and universal joint ownership of property. In order to be valid, the marriage contract must adhere to certain legal dispositions and must be notarised.

Change of marital status at the "Centre des technologies de l'information de l'Etat"

- Request the modification of the tax class (class 2) and ask for the regularisation of the taxes for the year the marriage was celebrated in order to benefit of any tax returns.
- Contact the "Centre Commun de la Sécurité Sociale" in order to request co-affiliation and thus be eligible for a social security card. This is not done automatically. The "Centre Commun de la Sécurité" might request a copy of the deed of marriage, as well as a certificate of residence.
- Remember to inform your various persons of contact of your new marital status (bank, insurance, Air Rescue, etc.). The liability insurance for example is automatically transmitted to your spouse as soon as you live together.

Other steps to be taken following a civil partnership

Registration of a declared partnership made abroad

Partners who have registered a partnership abroad can request registration of their partnership in the Civil Register. For this they must address a request to the Luxembourg Public Prosecutor's Office. The registration in the civil directory of a registered partnership abroad makes it possible to assimilate this partnership to the Luxembourg partnership. Following the inclusion in the civil directory of their partnership, the partners will be granted the same benefits as partners who have declared a partnership in Luxembourg (for example at the level of labour law or the scal regime). In order to register the foreign partnership in the Luxembourg civil directory, the two parties must have fulfilled, at the date of the conclusion of their partnership abroad, the following conditions:

- have the legal capacity to contract;
- not having already been linked by another marriage or other partnership;
- not to have been parents or allies to the third degree;
- for third country nationals only: reside legally in Luxembourg territory;
- reside together at the same address.

Regarding rights following a declaration of partnership

The declaration of partnership implies the application of certain provisions of civil law, social security law and law to partners. Thus, partners enjoy rights similar to those married people. They benefit from the same social protection as married persons (i.e. right to a survivor's pension), and enjoy the same tax relief as married persons, particularly with

respect to registration duties, inheritance taxes and direct taxes. It is important to mention that in the absence of a valid will, partners do not become the heir of their partner. The partners therefore have the possibility to make donations or to be gratified, whether by donation or by will.

Heritage Convention

Following a declaration of partnership, the two partners can conclude a heritage agreement. This agreement is an agreement that can be concluded between the two partners and is intended to resolve the property effects of the partnership.

USEFUL ADDRESSES

Association de Soutien aux Travailleurs Immigrés (ASTI)
10-12, rue Auguste Laval, L-1922 Luxembourg
Tel.: +352 438 333-1, E-mail: guichet@asti.lu
www.asti.lu

Direction de l'Immigration
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

Administrative guide of the Luxembourgish State:
www.guichet.public.lu

Don't forget to contact your municipality for more information.

A list of all the communes can be found on the website of "guichet public"

Note: This brochure has been edited to facilitate the procedures of the concerned persons. However, only the text of the law shall prevail.

You can consult our "Guichet Info-Migrants" (time schedule on www.asti.lu) for further information.

MARRY IN LUXEMBOURG

Go to the commune of residence of one of the future spouses for the opening of the file (2-3 months in advance)



Documents to attach:

- Identity card or passport
- Birth certificates
- Certificate of residency
- Certificate of celibacy
- Certificate of Marital Capacity for Certain Foreign Nationals
- If necessary (in the event of death of a previous spouse, children in common, divorce preceding) other documents are required



Publication of banns
Fix, with the officer of the commune, the date of celebration of the marriage



Marriage celebration

MARRY ABROAD

Preparing the documents for the marriage abroad

- Certificate of residency
- Birth certificate
- Certificate of celibacy
- Notarised copy of the passport
- Extract from the criminal record
- Certificate of good faith
- Certificate of national custom/ law



Posting of the banns in the commune of the residence of the spouse living in Luxembourg



Have the documents translated into a recognized language in the country where the marriage will take place and also have them legalized



Celebrating the marriage abroad



Family reunification, if necessary, of spouses from third countries

DECLARE PARTNERSHIP

Go to the commune where the partners have their common residence



Documents to attach:

- Identity Card or Passport
- Birth Certificate
- Certificate of Honour that there is no obstacle to PACS
- Certificate of non-engagement in a partnership for people who are not born in Luxembourg
- If necessary (in case of divorce, if one of the partners is widowed, if a PACS was concluded before November 2010, if there is an agreement for matrimonial effects) other documents



Declaration of the civil partnership made to the municipality

FAMILY REUNIFICATION

The sponsor attaches the following documents to the family reunification application:

- Copy of his residence permit and / or copy of his identity document (identity card / passport)
- Proof of sufficient resources
- Proof of adequate housing
- Proof of health insurance
- If need be, a mandate

Joining a citizen of the EU

The spouse or the registered partner of the sponsor

The descendant (child) of the sponsor or of his/her spouse/partner

The ascendant (parent) of the sponsor or the spouse/partner

The partner with whom one has a lasting relationship

Joining a third country national

The spouse or the registered partner of the sponsor

The descendant (child) of the sponsor or of his/her spouse/partner

The ascendant (parent) of the sponsor or the spouse/partner

- Certified copy of the entirety of the valid passport still valid 6 months
- Birth certificate
- Extract from the criminal record
- Marriage certificate

- A certified copy of the entirety of the valid passport still valid 6 months
- Proof of family relationship (birth certificate, family record)
- In case of divorce: judgment conferring custody and agreement that the child resides in Luxembourg In case of shared custody: the agreement that the child resides in Luxembourg

- A certified copy of the entirety of the valid passport still valid 6 months
- Proof of family relationship (birth certificate, family record)
- Evidence that the ascendant is dependent
- Extract from the criminal record
- Document certifying the applicant's civil status and marital status as well as proof that he is deprived of the necessary family support in his country of origin

- Full certified copy of passport still valid 6 months
- Extract of birth certificate
- Proof that the two partners are not involved in marriage, declared partnership or long-term relationships (civil status certificate, certificate of celibacy)
- Proof of durability of the relationship (birth certificate of a common child, proof of cohabitation, chronological summary of their relationship with photos, testimonial attestations, ...)

The opinions and interpretations expressed in this report belong exclusively to their authors. They do not necessarily reflect the positions of the Ministry of Family, Integration and the Greater Region/Luxembourg Reception and Integration Agency (OLAI).



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