



## Family Reunification of Third-Country Nationals in Luxembourg: 2017-2024 Situation Analysis

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The European Migration Network, created by Council Decision no. 2008/381/EC of 14 May 2008, has the objective of supplying up-to-date, objective, reliable and comparable information on migration and asylum in the Community institutions, to the authorities and institutions of the Member States and to the general public with a view to support policy and decision-making within the European Union.

## Preface

The opinions expressed in this report are those of the authors. They do not necessarily reflect the positions of the Luxembourg Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees.

The present report was drafted by Adolfo Sommarribas, Zane Rozenberga and David Thiry, staff members of the National Contact Point Luxembourg within the European Migration Network, under the overall responsibility of Prof. Dr. Birte Nienaber. Continuous support was provided by the members of the national network of the National Contact Point Luxembourg: Sylvain Besch (CEFIS), Charlotte Rauchs (General Department of Immigration, Ministry of Home Affairs), François Peltier and Charlie Klein (STATEC), Anne Daems, Pierre Weiss (Division of Living Together, Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees), Pascale Millim (Ministry of Justice) and Pietro Lombardini (ONA, Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees).

## Methodology

National reports are produced by the respective National Contact Points (NCPs) on the legal and policy situation in their Member State according to common specifications. Subsequently, a comparative synthesis report is generated by the European Commission with its service provider giving the key findings from each national report, highlighting the most important aspects, and placing them as much as possible within an EU perspective. The various national accounts and the summary report are made publicly available.

The EMN engages primarily in desk research, i.e. it collects and analyses data and information already available or published at the Member State or international level. Legal texts, official documents (such as parliamentary documents) and reports have been used for this study. Furthermore, experts from the General Department of Immigration at the Ministry of Home Affairs, CEFIS, CLAE, Hëllef um Terrain (HUT) and the Luxembourg Red Cross have been consulted.

*Disclaimer: The following information has been provided primarily for the purpose of contributing to this EMN study. EMN Luxembourg has provided information that is, to the best of its knowledge, up-to-date, objective, and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of Luxembourg.*

## SUMMARY

A precise and detailed legal framework regulating family reunification in Luxembourg was established in 2008, with the entry into force of the amended Law of 29 August 2008 on free movement of persons and immigration (the Immigration Law). Until then, the right to family reunification was solely provided by international law and regulated by administrative practice. Therefor transposition of the Directive 2003/86/EC of 22 September 2003 on the right to family reunification allowed to address this shortcoming.<sup>i</sup>

Notable changes have taken place in the national legislation since the publication of the last EMN Luxembourg study "Family reunification of third-country nationals in the EU: national practices" in 2017.<sup>ii</sup> Namely the Law of 8 March 2017, amending the Law of 29 August 2008 on free movement of persons and immigration, abrogating the 12-month residence requirement for certain categories of applicants, while also amending the deadline for granting the authorization of stay to family members of the EU Blue Card holders and intra-corporate transferees (ICT). (For more see Q2) These amendments were implemented with the aim of improving Luxembourg's attractiveness for legal migration for third-country nationals and their family members.<sup>iii</sup>

To apply for family reunification in Luxembourg, sponsors have to meet a number of requirements, such as the provision of suitable accommodation, health insurance cover, as well as stable, regular and sufficient resources to support themselves and the family members under their care, without having to resort to social welfare. The provision of suitable accommodation was amended by the Law of December 20 2019, relating to the criteria of health, hygiene, safety and habitability of housing and rooms rented or made available for residential purposes.<sup>iv</sup> Similarly, the requirement regarding the resources criteria was amended stating that a third-country national applying for family reunification must have and continue to have resources at least equal to the minimum social wage of an unskilled worker.<sup>v</sup>

The period during which the beneficiary of international protection does not have to fulfil the requirements of appropriate housing and the proof of stable, regular, and sufficient resources to support himself and the family members under his care, has been extended from 3 to 6 months.<sup>vi</sup> This is recognised as a good practice by national stakeholders, while also suggesting that the period could be even further extended, as in some cases, the 6-month deadline is still challenging for family members to be able to provide all the required information to apply for family reunification. Another problem that family members encounter is Luxembourg's limited diplomatic representation abroad.

The requirement of the labour market test for family members of a third-country national legally residing in Luxembourg was eliminated by the Law of 7 August 2023 amending article 74(2) of the Immigration Law. The driver of this change is the socio-economic context in Luxembourg, where sectors of the economy are experiencing labour shortages and measures are needed to make up for this lack of manpower and talent.<sup>vii</sup> (For more see Q2) The elimination of the labour market test has been recognised as a significant and positive development by national stakeholders.

Family members who come to Luxembourg under family reunification have access to education, orientation and training from the moment their residence permit is issued.<sup>viii</sup> The Law of 14 July 2023 created the School Integration and Welcoming Service – SIA, to better address social inequalities and to facilitate the provision of information on the educational offers available to newly arrived pupils and parents.<sup>ix</sup>

## SECTION 1: OVERVIEW OF THE SITUATION ON FAMILY REUNIFICATION

**Q1.** Does your country distinguish between family formation and family reunification?

No.

**Q2.** What are the changes to law and policy (since 2017) in the field of family reunification in your country (including in the context of complementary pathways programmes)?

The key policy changes that have been introduced regarding family reunification since 2017 are the following:

a) Law of 8 March 2017 amending the law of 29 August 2008 on free movement of persons and immigration:

a. Amendment to article 69 eliminating the requirement of a minimum residence on the territory of 12 months.<sup>x</sup>

This amendment is motivated by the legislator's desire to adapt certain provisions on family reunification to the need for flexibility, in order to improve the attractiveness of legal immigration for third-country nationals and their family members.<sup>xi</sup>

b. Amendment to article 73:

i. the deadline for granting the authorisation of stay to the family member of an EU Blue Card holder is reduced to 6 months from the day of the submission of the application (if the conditions for the family reunification are met);<sup>xii</sup>

ii. the deadline for granting the authorisation of stay to the family member of an ICT residence permit holder or a mobile ICT is of 90-days. It also allows that the application of the family member is treated simultaneously with the application of the ICT applicant.<sup>xiii</sup>

c. Amendment to article 74: This article establishes that the validity of the residence permits of family member of an ICT residence permit holder, or a long-term mobile ICT will expire at the same date of the main residence permit holder.<sup>xiv</sup>

b) The aim of this amendment is to transpose the Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer into the national legislation. The major innovation of the Directive 2014/66/EU is the concept of mobility within the European Union of workers who are third-country nationals and are the subject of a temporary intra-corporate transfer. The amendments to the national law facilitate the entry into Luxembourg of managers, experts and trainees as part of an intra-corporate transfer and thus aims to contribute to the advancement of the knowledge-based economy in Luxembourg. This facilitation is aimed at groups of multinational companies and considers the increasing globalization of the economy and the need for flexibility with regard to the conditions of entry and residence of the third-country nationals concerned.<sup>xv</sup> The Grand Ducal Regulation of 1 August 2018 amended the Grand Ducal Regulation of 5 September 2008 regarding the

resources criteria stating, that third-country nationals applying for family reunification must have (and continue to have) resources at least equal to the minimum social wage for unskilled workers.

In addition, a new paragraph details the assessment of the likelihood of maintaining stable, regular and sufficient resources, which is based on a prognosis that resources will be available during the year following the date on which the application for family reunification was submitted, so that the sponsor does not have to resort to the social assistance system. The Minister may consider the applicant's income over the six months preceding the application.<sup>xvi</sup>

This provision is a consequence of the judgment C-558/14 of the Court of Justice of the European Union which recognises the possibility for an administration to assess the likelihood of the sponsor retaining, or failing to retain, the necessary stable and regular resources which are sufficient to maintain himself and the members of his family, without recourse to the social assistance system of the respective Member State.<sup>xvii</sup>

- c) Law of 20 July 2018<sup>xviii</sup> amending article 40 (4) of the Immigration Law stating that in the event of the loss of their residence permit, a third-country national who can prove that they have been a victim of a forced marriage and that they have been forced to leave Luxembourg territory are entitled to a simplified procedure to recover their residence permit. It also, introduced a new paragraph to article 78 (3) granting a residence permit to the victim of domestic violence if the permit is necessary either in view of the victim's personal situation, i.e. their safety, state of health, family situation or situation in their country of origin, or if it is necessary for the purpose of the victim's cooperation with the competent authorities in the context of an investigation or criminal proceedings.

This article was motivated by the approval of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

- d) Law of 1 August 2018 amending article 73 (9) of the Immigration Law allowing family members of researchers to submit the application for the residence permit at the same time with the researcher and foresees that the two applications will be processed simultaneously. If the application for family reunification is submitted afterwards, the authorisation shall be granted no later than ninety days following the date of submission of the application.<sup>xx</sup>
- e) Law of 16 June 2021 amending article 69 (3) of the Immigration Law, extending the deadline to apply for family reunification by beneficiaries of international protection from 3 to 6 months without having to fulfil the requirements that other third-country nationals have to fulfil (adequate housing, sufficient resources and health insurance).<sup>xx</sup> The law also introduces a procedural simplification eliminating the obligation for the family member applying for family reunification to provide certified copies of the travel documents. Instead, a simple copy of the totality of a valid passport is required.<sup>xxi</sup>
- f) Article 28 of the Law of 7 August 2023<sup>xxii</sup> amending article 74 (2) of the Immigration Law, eliminating the requirements of the labour market test for family members of a third-country national legally residing in Luxembourg to access the labour market.

The driver is based on the current socio-economic context, Luxembourg is experiencing shortages of workers in many sectors of the economy, so measures are needed to make up for this lack of manpower and talent. In this respect, but also with a view to simplifying administrative procedures, it was proposed to open up the employment

market for family members - third-country nationals, holders of a Luxembourg residence permit for family reunification purposes - as soon as they arrive in Luxembourg, for all salaried or self-employed activities.<sup>xxiii</sup>

g) Law of 4 June 2024 amending the Immigration Law<sup>xxiv</sup> amends article 72 (3) al. 1 which states that the family members have the right to enter and reside on Luxembourg territory on the basis of the valid residence permit they obtained in the first Member State as family members of an EU Blue Card holder. Also al.2<sup>xxv</sup> states that, where the conditions for family reunification are met and the complete applications have been submitted simultaneously, the residence permit for the family members of the holder of an EU Blue Card issued in another Member State shall be granted at the same time as the EU Blue Card. Where the family member joins the holder of an EU Blue card after the EU Blue Card has been issued, the residence permit for the family member shall be granted no later than 30 days following the date of submission of the complete application, if the conditions for family reunification are met<sup>xxvi</sup> (this deadline can be extended for an additional 30 days by the Minister in charge of immigration under exceptional circumstances and duly justified). The Law of 4 June 2024 also amends article 73 (7)<sup>xxvii</sup> in the sense that the residence permit for family members of a third-country national who applies for a residence permit for the purpose of pursuing highly qualified employment shall be granted at the same time as the EU Blue Card. Finally, article 76 (3)<sup>xxviii</sup> states that the previous dispositions apply to family members even if the EU Blue Card holder has become a long-term resident.

The driver for these amendments<sup>xxix</sup> is the transposition of the revamp EU Blue Card Directive.<sup>xxx</sup> In particular, the text provides for more flexible admission conditions for highly skilled foreign workers, including minimum wage thresholds, enhanced rights, more favourable conditions for family reunification, and the possibility of traveling and working more easily in other EU member states.<sup>xxxi</sup>

**Q3.** Are there planned changes to the law, policy or administrative practice on family reunification which have been announced recently (e.g.in the last two years) in your country (including in the context of complementary pathways programmes)?

No. Besides the changes detailed in the answer to Q.2 there are no changes to the Immigration Law and policy on family reunification recently announced by the government.

With regards to administrative practices the only change introduced concerns the family reunification procedure for Eritreans. Since 4 April 2022, an additional step to verify the existence of family relationships has been added as part of the family reunification procedure. This step, which involves on-site checks, has become necessary due to the growing number of irregularities in the family reunification procedure for Eritrean beneficiaries of international protection. This change is a proactive measure to avoid any problems with the visa-issuing procedure in cooperation with the Belgian authorities.<sup>xxxii</sup>

Luxembourg has adopted the Belgian procedure in countries where Luxembourg is represented by Belgium, and this verification of family relationships is carried out by an external company. The procedure is based on Article 73 (2) of the Immigration Law.<sup>xxxiii</sup>

Currently a similar procedure exists for the family reunification of people from Guinea, Guinea-Bissau and Gambia.<sup>xxxiv</sup>

**Q4.** Has the CJEU/ ECtHR case law (e.g. M.A. vs Denmark, C-560/20 CR, GF, TY v Landeshauptmann von Wien, C-230/21 X, Y, Z v Belgische Staat, C-1/23 PPU (Afrin), etc.) led to changes in policy and/ or practice in family reunification in your country since 2017?

Yes. One of them is the amendment to the Grand Ducal Regulation of 1 August 2018 which amends the Grand Ducal Regulation of 5 September 2008 laying down the means and criteria for accommodation provided for by the Immigration Law<sup>xxxv</sup> which introduces a new paragraph that details the assessment of the likelihood of maintaining stable, regular and sufficient resources, based on a prognosis that resources will be available during the year following the date on which the application for family reunification is submitted, so that the sponsor does not have to resort to the social assistance system. The Minister may take into account the applicant's income over the six months period preceding the application.

This provision is a consequence of judgement C-558/14 of the Court of Justice of the European Union, which recognizes the possibility for an administration to assess the likelihood of the sponsor retaining, or failing to retain, the necessary stable and regular resources which are sufficient to maintain himself and the members of his family, without recourse to the social assistance system of the respective Member State.<sup>xxxvi</sup>

Another example is the position of the court regarding the cases when a minor filing for the family reunification reaches majority before the sponsor is granted refugee status.

In the judgement C-279/20<sup>xxxvii</sup> the European Court of Justice concluded that in those cases where a child has reached the age of majority before the sponsor was granted refugee status and before the application for family reunification was submitted, the date on which the sponsor's asylum application was submitted should be considered. Additionally, the Court pointed out that this consideration is relevant as long as the following application for family reunification is made within a reasonable period, more specifically within three months of the date on which refugee status was granted to the parent sponsor.

In Luxembourg, the sponsor can submit an application for family reunification six months after international protection was granted. If the application for family reunification is filed within six months after international protection has been granted the persons can merit from more advantageous conditions. Meaning the applicant for family reunification does not have to fulfil the requirements of appropriate housing and the proof of stable, regular, and sufficient resources to support himself and the family members under his care.<sup>xxxviii</sup>

In any case, the sponsor, due to the close family ties, can apply for an authorization of stay for private reasons.<sup>xxxix</sup>

**Q5.** Has your country introduced family assistance programmes (e.g. comparable or similar to the one implemented in Germany)?

No, Luxembourg has not introduced family assistance programmes.

**Q6.** Are there any alternative avenues in your country for family members who do not qualify for family reunification under the Family Reunification Directive or national legislation on family reunification to receive valid residence permits (e.g. other complementary pathways such as humanitarian admission programmes or sponsorship pathways, granting refugee status to children born in the host country, granting

residence on the basis of article 8 ECHR, etc.)? If so, can you please explain what these avenues are and to whom they apply?

The Immigration Law foresees certain possibilities for family members who do not qualify for family reunification under the Family Reunification Directive:

1) Insofar as family members have not been granted a residence permit for reasons other than family reunification, an autonomous residence permit may be issued to the spouse, non-married partner or minor who becomes of age, as well as to other cases foreseen in article 70, paragraph a) and b) at the latest after five years of residence or when a break in cohabitation occurs and as a result of:

- a) the death of the sponsor, or divorce, annulment of marriage or breakdown of the partnership occurring at least three years after authorization to stay in the territory for family reunification was granted,<sup>xli</sup> or
- b) when particularly difficult situations require it, in particular when the community of life has been broken down as a result of domestic violence.<sup>xlii</sup>

2) The law foresees granting a residence permit for personal reasons to third-country nationals who do not meet the conditions for family reunification, but whose personal or family ties, assessed in particular in terms of their intensity, length of service and stability, are such that refusal to authorize their residence would infringe their right to respect for their private and family life in a way that would be disproportionate to the grounds for refusal.<sup>xlii</sup>

**Q7.** Please provide national statistics on the total number of applications for family reunification submitted, authorisations granted and applications rejected in 2017-2024, and if available also disaggregated data by the grounds of residence of the sponsor, including whether the sponsor is a beneficiary of international protection and sex.

Table of national data is available as Annex 1.

## SECTION 2: DEFINITION OF SPONSOR AND FAMILY MEMBER

**Q8.a.** Who can be a **sponsor**<sup>1</sup> to an application for family reunification in your country (e.g. unaccompanied minors, students, workers, including highly qualified etc.)?

The Immigration Law defines sponsor as a third-country national who is legally resident in Luxembourg and applies for family reunification, or whose family members apply to join him/her.<sup>xliii</sup>

In Luxembourg, the sponsor to an application for family reunification can be:

- a) Luxembourgish national (Article 12 (3) of the Immigration Law).<sup>xliv</sup>
- b) EU citizen (Article 14 (1) of the Immigration Law).<sup>xlv</sup>
- c) Third-country national who is legally resident in Luxembourg and applies for family reunification, or whose family members apply to join him/her.<sup>xvi</sup>
- d) Third-country national who holds a residence permit valid for at least one year and who has a well-founded prospect of obtaining a long-term residence permit. This article includes salaried workers, independent workers, ICT, sportsmen and trainers and EU Blue Card holders.<sup>xvii</sup>
- e) Unaccompanied minor who is a beneficiary of international protection<sup>xviii</sup>;
- f) Beneficiaries of international protection (refugee and subsidiary protection status).<sup>xix</sup>

**b.** Does the national law of your country allow beneficiaries of subsidiary protection<sup>2</sup>, or holders of similar protection statuses, to apply for family reunification? Y/ N

Yes. The Immigration Law and the Asylum Law do not make any difference between beneficiaries of refugee status and subsidiary protection.<sup>1</sup>

**c.** What is the maximum age for a child to benefit from family reunification and what is the reference point in your country to determine whether a child is a 'minor' for the purpose of family reunification?<sup>3</sup>

The Civil Code and the Asylum Law establishes that a minor is a person who is under the age of 18 years old.<sup>ii</sup>

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<sup>1</sup> Article 3 in Chapter I of 2003/86/EC define who can be a **sponsor** to an application for family reunification in the EU.

<sup>2</sup> Currently, beneficiaries of subsidiary protection are not covered by the Family Reunification Directive.

<sup>3</sup> According to Article 4(6) of the Family Reunification Directive, Member States may request that the applications concerning family reunification of minor children have to be submitted before the age of 15.

**Q9.** Does your country extend the definition of family members who can apply for family reunification beyond nuclear/ core members<sup>4</sup>?

Category of family members	Eligible for family reunification in your country?	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
<b>Parents</b>	Yes.	<p>The Minister can authorise entry and residence for the purposes of family reunification to first-degree relatives in the direct ascending line of an unaccompanied minor who is a beneficiary of international protection.<sup>lii</sup></p> <p>First-degree relatives in the direct line of descent of the sponsor or his/her spouse or partner, when they are dependent on the sponsor and are deprived of the necessary family support in their country of origin.<sup>liii</sup></p>	<p>Unaccompanied minor</p> <p>Third-country nationals who hold a residence permit valid for at least one year and who have a well-founded prospect of obtaining a long-term right to stay in the country. This article includes salaried workers, independent workers, ICT, sportsmen and trainers and EU Blue Card holders.<sup>liv</sup></p> <p>Also, beneficiaries of international protection.<sup>lv</sup></p>

<sup>4</sup> In the context of the Family Reunification Directive, as specified in Article 4 of Directive 2003/86/EC, members of the nuclear family are the spouse and the minor children.

Category of family members	Eligible for family reunification in your country?	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
<b>Adult children</b>	Yes.	Unmarried adult children of the sponsor or his/her spouse or partner, when they are objectively unable to support themselves due to their state of health. <sup>lvi</sup>	Third-country nationals who hold a residence permit valid for at least one year and who have a well-founded prospect of obtaining a long-term right to stay. This article includes salaried workers, independent workers, ICT, sportsmen and trainers and EU Blue Card holders <sup>lvi</sup> and beneficiaries of international protection. <sup>lviii</sup>
<b>Non-married partners</b> <i>(please specify if this applies only to registered partnerships or includes also stable long-term relationship)</i>	Yes.  This includes both persons who have entered civil solidarity pact (PACS) <sup>lx</sup> and persons in stable long-term relationships (Article 78, §1,3 of the Immigration Law)	N/A	N/A
<b>Same-sex partners who are registered</b>	Yes.	In Luxembourg the Civil Code allows same-sex marriages <sup>lx</sup> , as well as legal partnerships between two individuals of the same sex that are duly registered. <sup>lxii</sup>	Third-country nationals who hold a residence permit valid for at least one year and who have a well-founded prospect of obtaining a long-term right to stay. This article

Category of family members	Eligible for family reunification in your country?	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
			includes salaried workers, independent workers, ICT, sportsmen and trainers and blue card holders. <sup>lxii</sup> Also, beneficiaries of international protection. <sup>lxiii</sup>
<b>Dependent persons, i.e. persons receiving legal, financial, emotional or material support by the sponsor or by his/ her spouse/ partner (other than those mentioned above<sup>5</sup>)</b>  <b><i>If yes, please specify how the concept of dependency is defined in the relevant provisions/ practice, and what type of evidence is required to demonstrate dependency</i></b>	No.		Besides first-degree relatives in the direct line of descent as well as unmarried adult children <sup>lxiv</sup> , there is no possibility of family reunification for dependent persons. However, the Immigration Law allows the granting of an authorisation of stay for private reasons to third-country nationals who do not meet the conditions for family reunification, but whose personal or family ties, assessed by reference to, in particular, <sup>their</sup> closeness, the length of time for which they have existed and their stability, are such that a refusal to authorise their stay would disproportionately affect their right to privacy and family life as

<sup>5</sup> I.e. other than those referred to in Article 4(1) of the Family Reunification Directive.

Category of family members	Eligible for family reunification in your country?	If yes, please provide a definition or description of the family members (if applicable)	Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?
<b>Other family members</b>	Yes.	<p>The legal guardian or any other family member of the unaccompanied minor benefiting from international protection, if the latter has no direct ascendants or if they cannot be traced.</p> <p>Formally adopted children may apply for family reunification, if judicial proof for the adoption can be provided (i.e. in the frame of the Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption of 29 May 1993).<sup>70</sup> Foster children, for whom no formal adoption procedure has taken place, do not fall into the scope of article 70 of the Immigration Law. However, a residence permit for private reasons can be granted to a foster child if the Ministry assesses the personal ties with the sponsor as well as their closeness, the length of time for</p>	<p>measured against the grounds of such refusal.<sup>lxv</sup></p> <p>Unaccompanied minor</p>

<b>Category of family members</b>	<b>Eligible for family reunification in your country?</b>	<b>If yes, please provide a definition or description of the family members (if applicable)</b>	<b>Please elaborate if this category is eligible for family reunification for specific categories of sponsors (e.g. beneficiaries of international protection, holders of residence permit for work purposes, etc.)?</b>
		<p>which they have existed and their stability and the fact that such refusal to authorise their stay would disproportionately affect their right to privacy and family life.<sup>lxvi</sup> In general, the General Department of Immigration is cautious to avoid any risk of child abduction.<sup>lxvii</sup></p>	

## SECTION 3: REQUIREMENTS FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION

**Q10.** Does your country apply the following requirements<sup>6</sup> for exercising the right to family reunification (please also indicate if exemptions can be made in individual cases):

- Accommodation suitable for the size of the family, as well as meeting health and safety standards?

Yes.

The sponsor has to demonstrate that s/he has appropriate accommodation to host the family member(s)<sup>lxviii</sup> floor area of at least 9 m<sup>2</sup> for the first occupant and 9 m<sup>2</sup> per occupant, with every room (bedroom/living room) having natural light through one window (which must respect minimum size)<sup>lxix</sup> that can be opened and closed properly, heating, running water, electricity, etc.<sup>lxx</sup> To prove this, the sponsor must provide a copy of the rent agreement or the deed of the property if s/he is the owner. The applicant can prove this by any documents that proof that s/he is the owner or the tenant of the property.<sup>lxxi</sup>

Beneficiaries of international protection who apply for family reunification within 6 months of being granted the status do not have to comply with this requirement.<sup>lxxii</sup>

- Sickness insurance?

Yes.

The sponsor has to prove that s/he has health insurance cover for themselves and the family member(s)<sup>lxixii</sup> (health insurance certificate or certificate of co-insurance covering their stay in Luxembourg issued by a Luxembourg or foreign social security body and/or by a private insurance company).<sup>lxxiv</sup>

Beneficiaries of international protection who apply for family reunification within 6 months of being granted the status do not have to comply with this requirement.<sup>lxxv</sup>

- Stable and regular financial resources?

Yes.

The sponsor must provide proof that s/he has stable, regular and sufficient resources (salary (pay slips), wages, tax return, income from assets) to support themselves and the family members under their care, without having to resort to social welfare.<sup>lxxvi</sup>

Beneficiaries of international protection who apply for family reunification within 6 months of being granted the status do not have to comply with this requirement.<sup>lxxvii</sup>

The sponsor must provide proof that their resources are equivalent to the monthly average rate of the social minimum salary of a non-qualified worker (**EUR 2.570** monthly)<sup>lxxviii</sup> for a duration of 12 months anterior to the application<sup>lxxix</sup>.<sup>lxx</sup>

- If your country sets a different income requirement depending on the type of family member being reunited (e.g. minor children):

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<sup>6</sup> Article 7(1) of the Family Reunification Directive lays down that EU Member States may require the person who has submitted the application to provide evidence that the sponsor has: accommodation suitable for the size of the family, as well as meeting health and safety standards; sickness insurance; and sufficient resources to provide for himself/herself and his/her family.

No.

- The reference period over which this requirement is considered:

Yes, 12 months anterior to the application.<sup>lxxxii</sup>

- How any past/ future income of the sponsor is evaluated in practice:

The resources of the third-country national must be at least equivalent to the reference level provided above. The prospective assessment of the likelihood of maintaining stable, regular and sufficient resources is based on a prognosis that the resources may reasonably be available during the year following the date of submission of the application for family reunification, so that the sponsor should not have to recourse to the social assistance system.<sup>lxxxii</sup>

Also, for the purposes of assessing the resources, income from paid employment or self-employment, including replacement income, and income from assets are taken into account. In addition to the personal resources of the applicant, the resources of the spouse who sustainably supports the family budget are also taken into account.<sup>lxxxiii</sup>

- Whether any exemption grounds (e.g. for severe health issues and vulnerabilities) apply and to what extent non-compliance has consequences for the right to family reunification what are their conditions.

There are two possibilities that are discretionary of the Minister in charge of Immigration and Asylum:

- a) The Minister may take into account the sponsor's income during the 6 months preceding the application, or
- b) Where the applicant's level of resources does not reach the reference level mentioned above, the Minister may nevertheless issue a favourable decision, taking into account the evolution of the applicant's situation, in particular in relation to the stability of their employment and income or in relation to the fact that they are the owner of their dwelling or benefit from free of charge housing.<sup>lxxxiv</sup>

As these exceptions are discretionary of the Minister and do not depend on the applicant, the non-compliance does not have consequences.

In practice, if the sponsor does not meet the financial requirement the application is rejected unless the Minister applies the exemptions.

- At what stage(s) of the examination procedure are the above requirements verified?

The evaluation of the three conditions is done simultaneously once the case officer from the General Department of Immigration considers that the file submitted is completed and after having determined the family link between the sponsor and the family member.<sup>lxxxv</sup>

- Are the (potential) resources of the family member(s) taken into consideration?

Yes.

**Q11. a.** Does the national law of your country require family members specifically applying for family reunification to comply with any integration measures before and/or after admission<sup>7</sup>?

No.

*If yes, are third-country nationals required to comply with the following integration measures:*

**(A) Civic integration exams?**

No

**(B) Language tests?**

No.

**(C) Other integration measures** (please specify)?

No.

**b.** Please specify what exemption grounds apply and to what extent non-compliance has consequences for the right to family reunification.

N/A.

**Q12.** Does your country set a waiting period<sup>8</sup> before a sponsor's family members can reunite with him/ her?

If yes, how long is the waiting period? Can an application be submitted before the period has expired?

A third-country national who holds a residence permit valid for at least one year and who has a well-founded prospect of obtaining a long-term residence permit may apply for family reunification with his family members. This article includes salaried workers, independent workers, sportsmen and trainers.<sup>lxxxvi</sup> EU Blue Card holders<sup>lxxxvii</sup>, researchers<sup>lxxxviii</sup>, ICTs<sup>lxxxix</sup> and beneficiaries of international protection<sup>xc</sup> are exempted from this requirement.

The waiting period only applies in the case of certain type of family members such as ascendants in the first degree and adult dependent children.<sup>xcii</sup>

**Q13.** Are there any residency requirements contained in national law, to incorporate the consideration of the reasonable prospect of obtaining permanent residence as laid down in Article 3(1), or otherwise? What are the parameters taken into account to assess such prospects?

The Immigration Law introduces the requirement that the third-country national who holds a residence permit valid for at least one year and who has a well-founded prospect of obtaining a long-term right to stay is entitled to apply for family reunification. <sup>xcii</sup> The parameter that is taken into consideration is the type of residence permit of the applicant which is considered either as permanent<sup>xciii</sup> either as temporary. In the first case, the residence permit can be renewed if the applicant continues to fulfil the criteria

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<sup>7</sup> Article 7(2) of the Family Reunification Directive established that Member States may require Third-country nationals to comply with integration measures, in accordance with national law.

<sup>8</sup> Article 8 of the Family Reunification Directive established that Member States may require the sponsor to have stayed lawfully on the territory for a period not exceeding two years (or three years by derogation in specific circumstances) before having his/ her family members join him/ her.

required by the Immigration Law which will allow the holder to apply for a long-term residence permit after five-years of continuous residence in the territory. In the case of temporary residence permit (such as student or au pair) <sup>xciv</sup> the holder cannot apply for family reunification.

**Q14.** If the above conditions are not (completely) fulfilled (accommodation, resources, insurance, integration and/or waiting period), how does your country guarantee that individual circumstances and the best interests of the child are taken into account (e.g. nature and solidity of the person's family relationship)?<sup>9</sup>

The Immigration Law foresees an exception for the requirements established above allowing that the minor children of the sponsor can enter the territory immediately with the individual under the condition that s/he has sole custody rights. <sup>xcv</sup>

**Q15.** In addition to any information you have already provided above, does your country apply the following provisions concerning the more favourable family reunification rules for refugees: <sup>10</sup>

- Application and possible extension of the grace period of (minimum) three months before the requirements for exercising the right to family reunification apply? <sup>11</sup>

Yes.

In Luxembourg, the grace period for a beneficiary of international protection is six months. <sup>xcvi</sup>

- Restriction to relationships established before entry into the country? <sup>12</sup>

Yes.

The family links have to be established before the beneficiary of international protection enters the country and applies for international protection. The family links created during the international protection procedure are not taken into consideration.

- Application of a wider definition of family members (going beyond parents) when it comes to UAMs? <sup>13</sup>

Yes.

The Immigration Law foresees that the unaccompanied minor who is a beneficiary of international protection can apply for family reunification with his/her guardian or any other member of his/her family, when the unaccompanied minor does not have direct ascendants or they cannot be found. <sup>xcvii</sup>

- How do you take into consideration the best interests of the child when it comes to unaccompanied minors?

The Asylum Law foresees that if an unaccompanied minor is granted international protection, family members whose tracing has not yet begun are traced as soon as possible after international protection is granted, while protecting the minor's best

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<sup>9</sup>This is laid down in Article 5(5) and Article 17 of the Family Reunification Directive and in the case law of the CJEU.

<sup>10</sup> Article 9-12 in Chapter V of the Family Reunification Directive set out more favourable conditions for family reunification of refugees.

<sup>11</sup> Article 7(1) of the Family Reunification Directive.

<sup>12</sup> Article 9(2) of the Family Reunification Directive.

<sup>13</sup> Article 10(3)(b) of the Family Reunification Directive.

interests. If the search has already begun, search operations are continued, if necessary.<sup>xcviii</sup> In cases where the life or physical integrity of a minor or his or her relatives may be at risk, particularly if they have remained in the country of origin, care will be taken to ensure that the collection, processing and dissemination of information concerning these persons is confidential.<sup>xcix</sup> However, in the case that the minor does not want the family reunification, the case officer will take into consideration the motives for this refusal and if s/he determines that the family reunification is against the best interest of the child, the application will be rejected.

**Q16.** If applicable, does your country apply similar rules for the family reunification of beneficiaries of subsidiary protection or other protection statuses, as for refugees, i.e. in relation to eligible family members, waiting period and requirements for family reunification?

Yes.

**Q17.** Are the requirements for family reunification in your country more favourable for the family reunification of EU Blue Card holders, researchers and intra-corporate transferees<sup>14</sup>?

Yes.

For these three categories of sponsors (EU Blue Card - highly qualified worker, intra-corporate transferee (ICT), researcher) there are more favourable conditions for family reunification. These persons may be accompanied by their spouse or registered partner, as well as their unmarried children aged under 18, when they enter Luxembourg. Also, the treatment of their application is facilitated:

- a) EU Blue Card: If the application for family reunification is made at the same time of the sponsor and it fulfils all the requirements, the authorisation of stay will be issued at the same time as the one of the sponsor. If the application is made afterwards, it will be treated in a maximum deadline of 90 days after the submission of the application.<sup>c</sup> In the case of family members of an EU Blue Card holder who already holds an EU Blue Card from another Member State, this deadline is of 30 days.<sup>ci</sup>
- b) In the case of ICTs<sup>cii</sup> and researchers<sup>ciii</sup>, the application of family reunification will be decided in a maximum deadline of 90 days after the application was submitted if the conditions are met.
- c) In addition, family members' residence permits are valid for the same period as the residence permit issued to EU Blue Card holders<sup>civ</sup>, which is 4 years<sup>cvi</sup>.

**Q18. a.** Please indicate any challenges experienced by

- i) sponsors and/or family members associated with accessing the right to family reunification,

Challenges experienced by sponsor and/or family members have been identified by national stakeholders who provide support to sponsors and family members applying for family reunification.<sup>cvi</sup>

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<sup>14</sup> Article 17 and Article 22 of the revised Blue Card Directive; Article 26, Article 27(3) and Article 30 of the Students and Researchers Directive; Article 19 of the Intra-Corporate Transferees Directive.

Challenges experienced by sponsors:

- a) finding appropriate accommodation, which is a general problem in Luxembourg<sup>cvi</sup>, but even more so a challenge for those third-country national sponsors who apply for family reunification in the framework of Article 69 (1) 2 of the Immigration Law, where appropriate accommodation is one of the eligibility criterions. This has also been mentioned as one of the challenges by some of the national partners<sup>cvi</sup> (see more Q25 a)).
- b) requirement of stable, regular and sufficient resources to meet their own needs and those of their dependent family members deriving from the Article 69 (1) 1 of the Immigration Law. Family reunification cases with ascendants has been indicated as especially challenging by some of the national stakeholders. Old age pensions of some family members are so low, that it is almost impossible to reach the required amount of stable, regular and sufficient resources required as part of the family reunification procedure.<sup>cix</sup>
- c) collecting the documents necessary to complete the file to apply for family reunification in some cases can be a lengthy process and is considered a challenge.

Challenges experienced by family members:

- a) costs related to the procedure in the country of origin and/or in another third country.<sup>cx</sup>
- b) collecting the documents required to complete the file to apply for family reunification is also a challenge for family members. The inability to provide documentation can be caused by the difficult situation in the country of origin, or the differing administrative practices and/or lack of cooperation of institutions in the country of origin.
- c) Luxembourg has only a limited number of diplomatic representations abroad. In order to file the application and to get the required visa, the family members must present themselves at one of the diplomatic missions of another Member State (Belgium), which represents Luxembourg's interest in the country of origin or the neighbouring country.<sup>cxi</sup> One of the examples mentioned by national stakeholders to describe this challenge relates to family members from Eritrea who have to travel to Uganda, as Ethiopia does not issue exit permits to Eritreans any more. Another option would be for them to go to Kenya, but life in Kenya is very expensive and the living costs become an additional challenge if the person has to stay in Kenya for several months while waiting on the decision. From Uganda, Eritreans send their application to the Belgian embassy in Kampala, which checks the application and sends it to the General Department of Immigration in Luxembourg.<sup>cxii</sup>
- d) Changes in the procedures and in practice can be a challenge not only to family members, but also to the non-governmental organisations who provide support to migrants. Up until Summer 2024, Syrians could send their documents for visa application to the Luxembourg embassy in Ankara via post and there was no need to cross any borders to travel to another country. This practice has stopped and people need to apply for the visa in person at the Belgian embassy in Beirut, Lebanon, which creates additional challenges for family members.<sup>cxiii</sup>
- e) Filling in the visa applications has been mentioned by several stakeholders<sup>cxiv</sup> as a challenge. National stakeholders have indicated that the filling in of the visa applications is already a challenging task for professionals from non-governmental organisations, who provide support to migrants on daily basis and therefore have extensive knowledge and experience. For migrants without this specific knowledge, it is even more challenging, especially if they don't have skills that enable them to use computers.

- ii) your national authorities implementing any of the above requirements for family reunification.

Assessment of proof of the existence of the claimed family relationship or dependency on the basis of documents submitted by the applicant.<sup>cxv</sup>

Other challenges experienced by the administration relates to the handling of the requests in absence of any official documents.<sup>cxvi</sup>

**b.** Have there been any good practices put in place to overcome the above-mentioned challenges or to facilitate the family reunification procedure, including innovative practices, work with the diaspora or facilitation of the access to information?

There is no information available about good practices identified through studies and/or evaluations. However, good practices have been identified by national stakeholders:

- a) information and forms required to apply for family reunification are available online on the government website "guichet.lu".<sup>cxvii</sup> The explanation notes as well as the forms provided online are available in French, German and English language.
- b) in some cases, tracing of family members may prove to be difficult. 'Restoring Family Links' (*Service de Rétablissement des Liens Familiaux*) is a service provided by the Luxembourg Red Cross that can help migrants and refugees with tracking family members abroad.<sup>cxviii</sup> When the Luxembourg Red Cross receives a request for tracing, it will launch the search by using its international network of Red Cross and Red Crescent societies or by contacting the International Committee of the Red Cross. The latter is generally contacted for a search in a country affected by war or by internal conflict.<sup>cxix</sup>
- c) Cooperation with the General Department of Immigration of the Ministry of Home Affairs has been mentioned by some of the national stakeholders<sup>cxx</sup> as a good practice example, stating that the officials are very accessible and solution oriented when it comes to more complex cases of family reunification.
- d) The Ministry of Home Affairs also deliver quite easily a « laissez-passer », in situations that require it, especially for Eritreans, knowing they do not have a possibility to acquire a passport.<sup>cxxi</sup>

## SECTION 4: SUBMISSION AND EXAMINATION OF THE APPLICATION FOR FAMILY REUNIFICATION

**Q19.** Please describe where sponsors and family members can find available information on the family reunification procedure.

The information regarding the family reunification procedure as well as all the information required for the application can be found on the government website “guichet.lu”.<sup>cxxii</sup> Information is available in French, German and English language.

**Q20.** Please describe the procedure(s) that apply to the sponsor or his/ her family members when an application for the purpose of family reunification is submitted, as follows:

**a.** Who can lodge the application for family reunification in your country: the sponsor or his/ her family members?<sup>15</sup>

The family members of the sponsor and/or the sponsor him/herself<sup>cxxiii</sup>

The explanation note of the General Department of Immigration expressly indicates that it is the family member who has to file the application. Nevertheless, the sponsor can continue the application through a mandate.<sup>cxxiv</sup>

The application for an authorisation to stay has to be submitted by the third-country national family member before entering the country. However, the third-country national can mandate a third party (i.e. such as their family member living in Luxembourg (e.g. the sponsor) and or through a lawyer who had been granted a power of attorney) to submit the application on their behalf.<sup>cxxv</sup>

**b.** If the sponsor must submit an application for family reunification, where and how can this application be submitted (e.g. in person, online, etc.)?

The sponsor has to file the application to the General Department of Immigration in person or by post. Online applications are not allowed.<sup>cxxvi</sup>

**c.** If the sponsor's family members must submit an application for family reunification, where can this application be submitted (e.g. consulate of the country abroad, possibility to submit the application in the host country, online submission, etc.)?

The application for a temporary authorisation to stay by the family member must be submitted from their country of origin either to:

- a) the General Department of Immigration of the Ministry of Home Affairs; or
- b) to a Luxembourg diplomatic or consular representation or to a diplomatic or consular mission representing Luxembourg.<sup>cxxvii</sup>

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<sup>15</sup> Article 5 of the Family Reunification Directive specifies that Member States determine whether, in order to exercise the right to family reunification, an application for entry and residence must be submitted to the competent authorities by the sponsor or his/ her (family) members.

**d.** What documentary evidence is required from the applicant to confirm i) his/her identity and ii) the family relationship? Please describe separately for each category of family members. Please also indicate if apostille, legalisation or other practices related to the validation of the documents are requested and their associated cost.

The application for a temporary authorisation to stay must contain the applicant's identity details and must be accompanied by the following documents and information to prove the identity and family links of the family member:<sup>cxxviii</sup>

The documents to be enclosed will depend on the case.

**Sponsor's spouse or registered partner:**

- a copy of the entire valid passport of the spouse/partner;
- a recent extract from the criminal records or a sworn affidavit from the spouse/partner drawn up in their country of residence;
- a certificate attesting to the marriage or the registered partnership (marriage certificate, registered partnership certificate, family record book, etc.).<sup>cxxix</sup>

**Descendants (children) of the sponsor or the sponsor's spouse/partner:**

- a copy of the child's entire valid passport;
- proof of the family ties with the sponsor (child's birth certificate, family record book, etc.);
- if the parents are divorced (only applicable to children aged under 18):
  - a copy of the ruling granting custody of the minor child to the parent residing in Luxembourg; **and**
  - if the other parent has visiting or accommodation rights: the notarised authorisation of the parent residing abroad attesting to their agreement to the child moving to Luxembourg (accompanied by an identity document of the parent residing abroad);
- in the case of shared custody (only applicable to children aged under 18): a notarised authorisation of the parent who does not reside in Luxembourg duly authorising the child to move to Luxembourg (accompanied by an identity document of the parent residing abroad).<sup>cxxx</sup>

**Ascendant (parent) of the sponsor or the sponsor's spouse/partner:**

- a copy of the entire valid passport of the ascendant;
- a recent extract from the criminal record or a sworn affidavit of the ascendant established in the country of residence;
- a document attesting to the family relationship (e.g. birth certificate of the sponsor or the sponsor's spouse/partner);
- a document certifying the applicant's civil status and the family situation, as well as proof that they do not have the necessary family support in their country of origin (e.g. family record book or any equivalent document issued by the authorities of the applicant's country of origin, etc.);
- proof that the ascendant was dependent on the sponsor prior to the application for family reunification (e.g. proof of regular payments by the sponsor to the parent's address);
- a document attesting the financial situation of the parent in their country of origin (e.g. proof of the parent's own resources, such as income, assets, etc.).<sup>cxxxii</sup>

The documents enclosed must be **originals or certified true copies** (except for the passport where a plain copy will suffice). Should the authenticity of a document be in doubt, the Minister responsible for immigration can request that the document be authenticated by the appropriate local authority and legalised by the Embassy (or alternatively notarised with an apostille of the Hague).

If the documents are not drawn up in German, French or English, an official translation by a sworn translator<sup>cxxxii</sup>must be attached.<sup>cxxxiii</sup>

**e.** What alternative evidence or methods of investigation are employed by the competent authorities in your country in the absence of documentation (DNA testing, interviews, or alternative means to prove identity and/or family relationships, etc.)?

To obtain proof of the family links, the Minister responsible for immigration or the agent of the diplomatic or consular post representing the interests of the Grand Duchy of Luxembourg in the country of origin of the family member, may conduct interviews with the sponsor or family members, as well as any examination and investigation deemed useful.<sup>cxxxiv</sup>

In the case when a beneficiary of international protection is unable to provide official documentary evidence of family ties, he/she may prove the existence of such ties by any means of proof. The mere absence of supporting documents does not justify a decision to reject the application for family reunification.<sup>cxxxv</sup>

As the burden of proof lays on the applicant, the third-country national can provide DNA testing in order to prove the family ties. However, the government cannot require it.<sup>cxxxvi</sup>

**f.** Is the applicant (be it either the sponsor or the family member) required to pay a fee to apply for family members? If yes, what is the level of this fee and are there exceptions to the payment of this fee?

No fee is required for submitting an application, but there are additional costs (legalisation of documents, exit and travel costs including visa, etc.).<sup>cxxxvii</sup>

**g.** Does your national law provide for a rejection of an application for entry and residence, the withdrawal or non-renewal of the residence permit of family members on grounds of public policy, public security or public health?<sup>16</sup> Y/ N

Yes. Normally during the evaluation of the family reunification the case officer will request the Grand Ducal Police to do a background check of the family member. The Grand Ducal Police will verify if there is not an alert in the databases of Interpol, Europol, VIS, SIS, DISC, etc. If there is an alert, the individual will be considered as a public security risk (in some cases there may be an intervention of the State Intelligence Service - *Service de renseignement de l'Etat du Luxembourg*).

Regarding the threat to public health, if the family member comes from a country that has serious infectious disease with a pandemic risk (declared by the World Health Organisation) the Ministry of Health can issue a report recommending that the third-country national should not be allowed to enter the country.

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<sup>16</sup> Article 6 of the Family Reunification Directive establishes that Member States may reject an application for entry and residence of family members on grounds of public policy, public security or public health.

If this is not the case when the third-country national arrives in the territory, s/he must undergo a medical check for foreigners as soon as possible which consists of:

- a) a medical examination by a doctor established in Luxembourg and authorised to work as a general practitioner, a practitioner specialised in internal medicine or pediatrics; and
- b) a tuberculosis screening performed at a medical analysis laboratory (with a prescription from the doctor who performed the medical examination) or at the Health and Social Welfare League (*Ligue médico-sociale* - LMS), for any person aged 2 years and over;
- c) a tuberculosis screening using a tuberculin test at the LMS for children aged between 2 months and 2 years.

After receiving the results of these examinations, the Health Inspection (*Inspection sanitaire*) of the Health Directorate (Direction de la Santé) will issue a medical certificate, which will be sent to the General Department of Immigration of the Ministry of Home Affairs to allow the residence permit application to be processed. If the Health Inspection issues a negative recommendation the residence permit will not be issued.

**h.** How are the best interests of the child taken into account during the examination of the application?<sup>17</sup>

The best interests of the minor child are always taken into consideration by checking all the pertinent elements of the file.<sup>cxxxviii</sup>

**Q21.** Taking the different steps above into account, what is the duration of the procedure deciding on an application for family reunification in your country – both according to law and in practice:

- Legal time limit for deciding upon an application? Please also indicate what is the period under which an appeal of the decision can be lodged.

The time limit for treating the application is nine months after the application for international protection is filed and it is completed.<sup>cxxxix</sup>

However, in the case of the Blue Card Directive<sup>cxl</sup> (30 days if they are the family members of an EU Blue Card holder from another Member State<sup>cxl</sup>), researchers<sup>cxl</sup> and ICT<sup>cxl</sup>, the time limit is of 90 days.

- Average duration of the procedure in practice, including the notification of the decision? (e.g. in days/months from the date of application until date of notification of the decision)

N/A

- Have any specific measures been taken by your country to shorten processing times? If so, what are these measures?

No.

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<sup>17</sup> Article 5(5) establishes that when examining an application, the Member States shall have due regard to the best interests of minor children.

**Q22.** Is a visa required for family members to enter the territory of your country or is the residence permit delivered abroad?<sup>18</sup>

Yes, a visa is required if the third-country national is a citizen from a country that requires a visa to enter the Schengen area. If the third-country national comes from a country where no visa is required, they may enter Luxembourg with their authorisation of stay and their passport.

**a.** What is the procedure applicable to the visa procedure?

If the third-country national does require a visa, they must apply for a long stay visa (D) before their trip and from their country of origin. The application, along with their authorisation to stay, must be submitted:

- to the Luxembourg diplomatic or consular mission in their country of residence,
- or, failing that, to the embassy or consulate of the country in the Schengen area which represents Luxembourg for the issuance of long-stay visas (the Belgian embassy or consulate only).

The application must be submitted in person within 90 days following the notification of the authorization of stay. It has to be accompanied by the following documents:

- 2 recent and identical identity photos;
- a valid passport or a travel document accepted in the Schengen area, which is valid for at least 3 months after the expiry date of the requested visa;
- the temporary authorisation to stay.

A processing fee of 50 EUR must be paid.

When the visa is granted, it is affixed in the passport in the form of a stamp or vignette.<sup>cxliv</sup>

**b.** What is the legal time limit for deciding upon a visa application?

There is no specific legal time limit for deciding upon a visa application. However, as the temporary authorisation of stay has already been issued, the procedure is relatively quick.

**c.** What is the average duration of the procedure in practice, including the notification of the decision? (e.g. number of days/months)

N/A

**d.** Have any specific measures been taken by your country to shorten processing times for the visa and to facilitate the visa procedure/granting of the visa? Please also indicate if there are any limitations to the number of visas that can be issued in a given period of time.

No.

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<sup>18</sup> Article 13 of the Family Reunification Directive requires Member States to facilitate the entry of family members by authorizing their entry and providing assistance in obtaining the necessary visas once their application for family reunification is accepted.

**Q23.** Does your national law provide for a rejection of an application for entry and residence, or the withdrawal or non-renewal of the residence permit of family members:

**a.** where the conditions laid down by the Family Reunification Directive are not or are no longer satisfied (sufficient resources, accommodation, insurance, etc.)

Yes.<sup>cxlv</sup>

**b.** where the sponsor and his/her family member(s) do not or no longer live in a real marital or family relationship;

Yes.<sup>cxlvi</sup>

**c.** where it is found that the sponsor or the unmarried partner is married or is in a stable long-term relationship with another person.

Yes. The Immigration Law does not authorise family reunification in case of bigamy.<sup>cxlvii</sup>

**d.** false or misleading information, false or falsified documents were used, fraud was otherwise committed, or other unlawful means were used.

Yes.<sup>cxlviii</sup>

**e.** the marriage, partnership or adoption was contracted for the sole purpose of enabling the person concerned to enter or reside in the host country. When making an assessment with respect to this point, national authorities may have regard in particular to the fact that the marriage, partnership or adoption was contracted after the sponsor had been issued his/her residence permit.

Yes.<sup>cxlix</sup>

**Q24.** Does the national law of your country provide for the withdrawal or non-renewal of the residence permit of family members in cases where the sponsor's residence comes to an end and the family member does not yet enjoy an autonomous right of residence?

Yes. The residence permit of the family member is linked to the residence permit of the sponsor so if the residence permit of the sponsor expires, the residence permit of the family member expires as well<sup>cl</sup>, except if the family member does enjoy an autonomous right of residence.<sup>cli</sup>

**Q25. a.** Please indicate any challenges experienced by:

- i) sponsors and/ or family members throughout the above-mentioned procedure(s) (lengthy procedures, difficulty in gathering documents, accessing consular posts, etc.),
- ii) your national authorities in the implementation of the examination procedure (such as limited administrative capacities, division of competences between relevant national authorities, difficulty in the assessment of the family relationship, etc.). Please indicate according to whom this is a challenge. (e.g. through studies/ evaluations/expert opinions)

According to national stakeholders, the provision of proof of identity and family links is a major challenge that family members of beneficiaries of international protection face.

The inability to provide documentation can be caused by the difficult situation in the country of origin, or the differing administrative practices and/or lack of cooperation of institutions in the country of origin. Applicants for family reunification are free to take a DNA test. Administrative Courts consider DNA testing a legal solution, especially since the burden of proof is on the applicant when the family link is not otherwise documented. The General Departement of Immigration accepts DNA results as proof when the process is framed and supervised by credible partners (eg. via a Belgian embassy).<sup>clii</sup>

The Minister for Immigration and Asylum always takes into account the principle foreseen in article 8 of the EHCR and the best interest of the child when taking a decision. Luxembourg only has a restricted number of diplomatic representations abroad. In order to file the applications and to get the required visa, the family member must present him/herself at one of the diplomatic missions of another Member State (mostly Belgium), which represents Luxembourg's interest in the country of origin. It is very difficult to obtain information or make an evaluation *in situ*. However, applications can also be introduced directly to the General Departement of Immigration.<sup>cliii</sup>

Some national partners have indicated challenges faced with the administrative practice in place in Eritrea, Guinea, Senegal and Uganda, where the external private company – TLScontact is involved in collection of initial information required to establish the family link between the sponsor and the family members.<sup>cliv</sup>

According to this procedure, the request for the family reunification is still lodged by the beneficiary of international protection with the General Department of Immigration along with all the necessary documents. However, the General Department of Immigration does not start processing the request, but instead demands family members to file a visa request at the embassy.

Getting an appointment to request a visa is done through TLScontact, an online procedure that is rather complicated. The family receives an appointment at the embassy with a reference number, which must be sent to the General Department of Immigration, which then contacts the embassy. This processing time can take many months, and some lawyers refuse to inform themselves about the case before 18 months have passed since the interview at the embassy.

This procedure is especially problematic for family members who are in Eritrea and need to leave Eritrea to go to the embassy in Uganda or Ethiopia and wait there for over a year and a half until they can come to Luxembourg.<sup>clv</sup>

This practice is complicated not only for the non-governmental organisations, which provide support to families during their journey to family reunification, but it is exceptionally complicated to third-country nationals who have no previous experience with complex administrative procedures.

There is another challenge specific to the situation of Eritreans, who have found asylum in neighbouring countries. These persons can be in a situation where they are not able to acquire a passport and can only receive an emergency travel document, which is valid for 6 months. In case it takes longer than six months to receive a decision on the case, the person does not have a valid travel document.<sup>clvi</sup>

A very specific challenge was mentioned in relation to embassy in Cape Verde, where family members are not in a position to directly book an appointment at the embassy to apply for visa (D) as there is a network of persons who claim all the available appointments and then resell them to persons for a much higher price.<sup>clvii</sup>

Accommodation has been mentioned as another challenge<sup>clviii</sup>, even though this is a general issue in Luxembourg. Finding an appropriate accommodation (see more Q10) can be especially challenging for big families. Furthermore, there can also be occasions when landlords avoid tenants with lower income.

Recently it has been observed that the majority of applications for family reunification with ascendants (parents) are rejected. In many cases, the resources of parents (like old age pension) from third countries are not sufficient to qualify as stable, regular and sufficient resources required as part of the family reunification procedure.<sup>clix</sup>

Another challenge that is experienced by non-governmental organisations which provide support to third-country nationals applying for family reunification, is related to the lack of specific training for lawyers on the family reunification procedure. As mentioned by the representative of Luxembourg Red-Cross, in their experience, there are lawyers who are very well aware of the procedure, but then there are also lawyers who need to be briefed before taking up the cases.<sup>clx</sup>

One national stakeholder indicated a need to have an accelerated procedure for the family reunification cases which involve minors. Often support and protection is requested and available through the Restoring Family Links service of the Luxembourg Red Cross, which can help from case to case to support the minor who is still in a third country (provide shelter, food, medical support, etc.). Unfortunately, currently no priority is given to these cases.<sup>clxi</sup>

The Luxembourg authorities could provide a document to authorities of other countries explaining that they allow people to travel to a specific country, for example Belgium, as it would lower the price of the family reunification and reduce the duration of the travel.<sup>clxii</sup>

**b.** Please provide any examples of identified good practices that might help to overcome the above-mentioned challenges or otherwise. Please indicate according to whom this is a good practice (e.g. through studies/ evaluations/expert opinions).

According to national stakeholders the current legislation is well adopted to the new dynamics of family forms and links, there are ways to prove and recognise stable long-term relationships, even though it only applies to family reunification cases with European nationals. Third-country nationals still need to be officially married.<sup>clxiii</sup>

Cooperation with the General Department of Immigration of the Ministry of Home Affairs has been mentioned by some of the national stakeholders<sup>clxiv</sup> as a good practice example, stating that the state officials are very accessible and solution oriented when it comes to more complex cases of family reunification.

## SECTION 5: ACCESS TO RIGHTS FOLLOWING FAMILY REUNIFICATION

**Q26.** Are family members entitled (in the same way as the sponsor) to access the following rights<sup>19</sup> in your country ():

**a. Access to education?** Yes.

Family members who come to Luxembourg under family reunification have access to education, orientation and training from the moment their residence permit is issued.  
clxv

Every child who lives in Luxembourg and is 4 years old before the 1 September must attend school. This obligation, extending over twelve consecutive years (until the 1 September following the 16th birthday), exists for nationals and foreigners, regardless of the status of the child's parents. With the entry into force of the Law of 20 July 2023<sup>clxvi</sup>, schooling will be compulsory until the age of 18. This change will come into force from the start of the 2026/2027 school year.<sup>clxvii</sup>

The Law of 14 July 2023 created the School Integration and Welcoming Service – SIA, which replaced the Schooling Service for Foreign Children – SECAM, to better address social inequalities and to facilitate the provision of information on the educational offers available to newly arrived pupils and parents.<sup>clxviii</sup>

### Primary education

Enrolment and orientation of recently arrived children aged 4 to 11 are carried out through the SIA who offers information and counselling for pupils and parents and provides individual monitoring for two years, on a voluntary basis.<sup>clxix</sup>

Newly arrived children aged between 4 and 5 are integrated into Cycle 1, which includes two years of compulsory pre-school education where Luxembourgish is the main language of communication.

As soon as children between the ages of 6 and 11 arrive in Luxembourg, they are enrolled in a regular class - *classe d'attache*. Welcome courses (intensive language classes for newly arrived pupils) or support courses (for all kind of school-related difficulties) are organised by the municipalities from the second year of Cycle 2 onwards. The number of hours of intensive language classes varies depending on the child's age, achievements and language knowledge.<sup>clxx</sup>

- Courses in Portuguese language

With Portuguese being the second most important main language spoken in Luxembourg behind Luxembourgish (in 2021, 15,4% of the total population indicated Portuguese was their main language)<sup>clxxi</sup>, different language classes have been created on the primary school level to accommodate the needs of the Portuguese-speaking pupils:

- Integrated courses in Portuguese address Portuguese-speaking pupils from cycles 1 to 4 and are part of the regular school schedule. For two hours a week, pupils follow the national curriculum in science (cycles 2 and 3), natural and

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<sup>19</sup> Article 14 of the Family Reunification Directive establishes that family members are entitled (the same way as the sponsor) to access education, employment and self-employed activity, as well as vocational guidance and training. Article 15 of the Family Reunification Directive additionally specifies that family members are entitled to apply for autonomous right of residence after no later than five years, independent of that of the sponsor (also in case of dissolution of family ties).

human sciences, history or geography (cycle 4) in Portuguese, giving them an opportunity to maintain and develop their knowledge of the Portuguese language while better understanding the respective subjects.<sup>clxxii</sup> In cycle 1, the focus is specifically on language development.

- Complementary Portuguese language courses are offered in addition to the regular schooling offer. For two hours a week, pupils follow a specific program that links the national study plan with the Portuguese teaching abroad curriculum developed by the Portuguese Camões Institute for cooperation and language (*Instituto da cooperacao e da lingua Portugal*). These courses are aimed at Portuguese-speaking pupils in cycles 2 to 4 and the competencies are evaluated in the pupils' intermediate reports.
- Parallel courses in Portuguese language and culture are aimed at pupils in cycles 2 to 4 and are offered outside of school hours. At the rate of three hours a week, pupils follow the Portuguese language programs of the Camões Institute that are part of their Portuguese teaching abroad curriculum. Pupils can obtain a certificate of their skills, but their competencies are not evaluated in their intermediate report.<sup>clxxiii</sup>

- **Specialized state reception classes**

Specialized state reception classes – CSAE (*Classes spécialisées d'accueil de l'Etat*) were set up within reception structures for applicants of international protection or within schools in proximity to receptions structures, as required. In July 2023, there were 34 CSAE classes for 447 pupils. With the entry into force of the Law of 14 July 2023, integration classes for newly arrived pupils - CLI (*Classes d'intégration pour élèves nouvellement arrivés*) have replaced CSAE classes.<sup>clxxiv</sup>

- **Alphabetization in German or French**

Until 2022, alphabetization of children was only offered in German. The pilot project ALPHA - Growing Together (*ALPHA – zesumme wuessen*) was launched in 2022 in four pilot schools and allows parents to choose whether their children are alphabetized in German or French. In September 2024, it was announced that preparations are underway for the project to be implemented on a national level for the 2026/2027 school year, providing an appropriate response to the social and linguistic diversity in Luxembourg.<sup>clxxv</sup>

## **Secondary education**

Recently arrived youngsters aged 12 or above are enrolled in school and guided by the SIA, who assesses their school achievements and language knowledge in order to find a suitable class and level of competencies for them.<sup>clxxvi</sup> There are a number of different options for the pupils depending on their language skills and age on arrival.

- **Classical secondary education**

Reserved for pupils with a good knowledge of mathematics, German and French. Options for those with a very good school record but a lack of certain language skills exist as well (during the first 3 years of secondary education):

- “ALLET” classes for pupils that are relatively weak in German
- “Français Plus” classes for pupils that are relatively weak in French
- “LVF” (*langue véhiculaire française*) classes where all subjects are taught in French

Other options include the International Baccalaureate, English-speaking international education and European public education.

- General secondary education

For pupils who have an intermediate or good level in mathematics, German and French. Different linguistic options exist as well (during the first 3 years of secondary education):

- o “ALLET” classes for pupils that are relatively weak in German
- o “Français Plus” classes for pupils that are relatively weak in French
- o “LVF” (*langue véhiculaire française*) classes where all subjects are taught in French

Integration classes and classes for newly arrived children:

- o Integration classes (*classes d'insertion*) for pupils who have achieved a very good academic level in their country of origin but have little knowledge of the languages taught in Luxembourg
- o Classes for newly arrived pupils - ACCU (*classes d'accueil*), which are transition classes for pupils without the required language skills to join a regular class
- o Integration classes for young adults – CLIJA for 16- to 17-year-olds and Integration classes for young adults – CLIJAA for 18-to 24-year-olds, both providing newly arrived young adults in Luxembourg with basic training in French, opening up access to the general secondary education and to the labor market<sup>clxxvii</sup>

- Classes with specific language regimes (RLS)

RLS classes are available in general secondary education and provide a chance of success for pupils who struggle in either German or French. All courses, except language courses, are given either in French or English, while the course programme is identical to the one of regular classes. RLS classes are also provided as part of vocational training.<sup>clxxviii</sup>

- Guidance and Integration Unit

The Law of 30 June 2023 requires the creation of a guidance and integration unit in each high school, responsible for supporting young people in the guidance process and integrating newly arrived pupils.<sup>clxxix</sup> The orientation unit comprises teachers and members of the teaching or psycho-social staff.

### **Linguistic support for foreign language pupils and their parents**

Parents and guardians as well as teachers and other education professionals can request free help from an intercultural mediator, who provides support to newly arrived pupils and parents. Intercultural mediators facilitate communication and mutual understanding between the family, the pupil and the actors of the school. 40 languages and linguistic variations are offered, requests must be made online.<sup>clxxx</sup>

In 2023, the SIA counted 107 intercultural mediators, with the most requested languages being Arab (3342 or 27,59%), Portuguese (1846 or 15,24%), Bosnian-Croatian-Montenegrin-Serbian (1102 or 9,01%), Tigrinya (1044 or 8,62%) and Ukrainian (892 or 7,37%). Over the last five school years, a growing number of requests from 7475 in the 2018/2019 school year, to 12 109 in 2022/2023 has been recorded.<sup>clxxxi</sup>

### **Support for teachers of foreign pupils**

The SIA Documentation Centre (CDD) is a multifunctional space dedicated to the educational staff who work with newly arrived pupils. The CDD offers information and

exchanges on reception, gives advice and support to teachers, and presents ideas for the classroom and for creating a fun teaching experience. The CDD also organizes educational workshops and provides up-to-date educational materials that can be borrowed by teachers. All these offers are available for teachers from the primary and the secondary educational system.

Furthermore, the Ministry of National Education, Children and Youth, as well as the SIA (which is part of the same ministry) offer intercultural training opportunities for teachers and socio-educational staff, including a welcome day for those who are working with ACCU, CLIJA and CLIJAA classes.<sup>clxxxii</sup> Courses are accessible on the website of the National Education Training Institute (*Institute de formation de l'Education Nationale*).<sup>clxxxiii</sup>

## **Adult education**

The Adult Educational Service - SFA (*Service de la Formation des Adultes*) offers various training courses for adults, including basic instruction, linguistic integration and preparation for the Professional Aptitude Diploma - DAP (*Diplôme d'Aptitude Professionnelle*).

Free language integration courses, created in 2015 in response to the influx of applicants for international protection, are aimed at applicants and beneficiaries of international protection who have no knowledge of any of the country's official languages and non-literate newcomers without any prior French knowledge. The language integration course includes twenty hours of lessons and workshops per week, enrolment is possible at the *Maison de l'Orientation*.<sup>clxxxiv</sup>

In response to growing demand, the SFA has developed its own teaching resources, available free of charge online.<sup>clxxxv</sup>

Additionally, the National Institute of Languages Luxembourg - INLL (*Institut national des langues Luxembourg*) provides language classes for adults and certifies skills in 10 languages.<sup>clxxxvi</sup>

With the Law of 23 August 2023 on intercultural living together, which entered into force on 1 January 2024, the Citizen's Pact (*Biergerpakt*) was created.<sup>clxxxvii</sup> This Pact is open to anyone of legal age who lives or works in Luxembourg and gives access to the intercultural living together programme with various modules (including free online language courses), that promote access to information and encourage civic participation.<sup>clxxxviii</sup>

## **Recognition of diplomas**

The Ministry of Education, Children and Youth deals with the recognition of equivalence for primary and secondary education. Applications regarding these levels of study should be sent to the Department for the Recognition of Diplomas.

For higher education recognition, there are different options. Academic recognition involves registering the qualification in the Register of Formal Higher Education Qualifications while professional recognition provides access to a regulated profession. Applications must be submitted to the Ministry of Research and Higher Education.<sup>clxxxix</sup>

## **Accreditation of prior experiential learning**

Accreditation of prior experiential learning is a process for the formal recognition of professional or personal skills for the purpose of obtaining a qualification. For secondary education accreditation, applications must be submitted to the Ministry of Education,

Children and Youth. For higher education accreditation, the process is decentralised where each institution sets its own procedures for applicants.<sup>cxc</sup>

**b. Access to employment and self-employed activity?**<sup>20</sup> Y/ N

Yes. There is no waiting period to access the labour market.

Furthermore, the amendment introduced by law of 7 August 2023, abolished the Labour Market Test to access the labour market.<sup>cxcii</sup> All family members can access the labour market or engage in self-employed activity once they are granted the residence permit as family members.

There are no announced planned changes in the national legislation/policy/practice.

**c. Access to vocational guidance and training?**

Yes. Family members of third-country nationals have access to vocational guidance and training.<sup>cxciii</sup> They have the same access to the general measures that are available for all third-country nationals residing in Luxembourg. They are also entitled to upskilling and reskilling.<sup>cxciii</sup>

There are no announced planned changes in the national legislation/policy/practice.

**Q27.** After how many years of residence and under which conditions (if any) are family members entitled to an autonomous residence permit, independent of that of the sponsor?

The Immigration Law foresees that insofar as family members have not been issued with a residence permit for reasons other than family reunification, an autonomous residence permit, independent of that of the sponsor may be issued<sup>cxciv</sup>, to the spouse, unmarried partner and child who has reached majority, or the ascendants in the first degree and adult dependent children (articles 70 (5) a) and b) of the Immigration Law) at the latest after five years of residence or when a break in the common life occurs and as a result of:

- a) the death of the sponsor, or divorce, annulment of marriage or partnership breakdown occurring at least three years after the granting of authorization to reside in the territory by way of family reunification, or
- b) when particularly difficult situations so require, in particular when the community of life has been broken off as a result of domestic violence.<sup>cxcv</sup>

To calculate the five years of residence, family members of an EU Blue Card holder may accumulate periods of residence in different Member States.<sup>cxcvi</sup>

**Q28.** Is an autonomous residence permit granted in case of exceptional circumstances such as widowhood, divorce, separation or death? Please detail what qualify as exceptional circumstances in your national law.

Yes, please see the information provided in Q27.

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<sup>20</sup> In addition to the Family Reunification Directive, there are further Legal Migration Directives containing specific provisions on access to employment of family members of certain sponsors, for example, family members of Blue Card holders or ICTs. Please elaborate on such specificities in the above answer.

**Q29. What other rights are granted to family members in your country**, for example, healthcare, social benefits, housing and social housing, possibility for family members to apply for long-term residence status or naturalisation, etc.?

Family members who have resided for five years in Luxembourg have the right to apply for long-term residence status if they fulfil the conditions of the Immigration Law.<sup>cxvii</sup>

Also, in accordance with the Luxembourg nationality law, if the third-country national family member fulfils all the conditions for the normal naturalisation procedure<sup>cxviii</sup> or for one of the 10 simplified options to apply for nationality, they can apply for nationality.<sup>cxix</sup>

**Q30.** Are family members of refugees and/ or beneficiary of subsidiary protection or holders of similar protection statuses granted refugee/ subsidiary protection status or similar protection statuses in their own right or on a 'derived' permit (from that of the sponsor)?

It depends. The applicant for international protection who is of age can introduce the application in his/her name and for those who depend from them.<sup>cc</sup> Nevertheless, for introducing the application all the adult family members have to provide their consent, either at the moment of filing the application or the latest at the personal interview.<sup>cci</sup> Finally, the Asylum Law foresees the right to inform the dependent adult family members of the procedural consequences of introducing an application on their own name and the right to file a different application from the main applicant.<sup>ccii</sup>

If the family member does not apply on its own name, the Minister ensures that members of the family of beneficiaries of refugee or subsidiary protection status who do not individually qualify for such status may enjoy a residence permit which is compatible with the family member's personal legal status.<sup>cciii</sup>

However, if the family member applies on his/her own name and if the application is positive, the Minister will grant him/her an international protection residence permit.<sup>cciv</sup>

**Q31. a.** Please indicate any challenges experienced by family members in your country with regard to accessing the above-mentioned rights (e.g. based on existing studies/ evaluations or information received from relevant authorities and stakeholders/expert opinions) and solutions put in place to tackle them.

There is no information available about challenges identified through studies and/or evaluations. However, challenges have been identified by national stakeholders:

Some national stakeholders have indicated that due to high demand there are not enough places available for the placement of newly arrived youngsters 12 and above in secondary education classes. This is both linked to the lack of teaching staff and lack of premises.<sup>ccv</sup> A specific shortage of integration classes for young adults aged 16 to 17 was also noted during the 2022/23 and 2023/24 school year, with particularly limited access in rural areas.<sup>ccvi</sup>

Eventually this can lead to frustration from the side of the youngster as he/her has no possibility to integrate into his new environment. It has also been indicated that in family reunification cases which concern reunification with adolescents, it is extremely important to ask the opinion of the adolescent him/herself, as there might be cases when the link with the parent is not strong enough. This can lead to further challenges after the adolescent arrives in Luxembourg.<sup>ccvii</sup> Recognition of previous professional experience has been mentioned as a challenge by national stakeholders. It is almost impossible to work in the same profession as before, the only solution being restart of the studies.<sup>ccviii</sup> This challenge has also recently been addressed by national media, stating that around 200 healthcare professionals who have completed their professional

studies in a third country are unemployed in Luxembourg as their diplomas are not recognised in Luxembourg and they are therefore unable to practise their profession.<sup>ccix</sup>

**b.** Please provide any examples of identified (e.g. through studies/ evaluations/expert opinions) good practices with regard to the provision of education/ access to the labour market and vocational guidance and training/ right to autonomous residence for family members in your country/ etc, including support before departure to ensure better access once in the host country.

The amendment introduced by the Law of 7 August 2023, abolished the Labour Market Test to access the labour market.<sup>ccx</sup> All family members can access the labour market or engage in self-employed activity once they are granted the residence permit as family members. This has been mentioned as a good practice example by several national stakeholders.<sup>ccxi</sup>

## SECTION 6: CONCLUSIONS

Luxembourg established a comprehensive legal basis for family reunification with the amended Immigration Law of 29 August 2008, aligning national practices with EU Directive 2003/86/EC. Before that, family reunification in Luxembourg was based on international law and administrative practice.

Since 2017, Luxembourg has made notable legal amendments to make family reunification more accessible and attractive to third-country nationals. Namely, the Law of 8 March 2017 amending the Law of 29 August 2008 on free movement of persons and immigration, eliminated the 12-month residence requirement for certain applicants. The same law also streamlined timelines for EU Blue Card holders and intra-corporate transferees.

Clear socioeconomic requirements were introduced with the amendment of the Law of 20 December 2019, relating to the criteria of health, hygiene, safety and habitability of housing and rooms rented or made available for residential purposes. Other requirements that sponsors need to meet to apply for family reunification in Luxembourg are health insurance cover, as well as stable, regular and sufficient resources to support themselves and family members.

In 2023, another significant change was introduced by the Law of 7 August 2023 amending article 74(2) of the Immigration Law, which abolishes the labour market test for family members. This development is reflecting Luxembourg's need for labour and talent.

The establishment of the School Integration and Welcoming Service (SIA) in 2023 was another significant institutional development. The SIA was created to support newly arrived pupils and their families by providing tailored information and guidance regarding the educational system and available resources. Its mission is to ensure that all children—regardless of their migratory background—are given the tools and support necessary to thrive academically and socially in their new environment.

Despite these improvements, practical challenges remain. Some of the challenges are related to Luxembourg's limited diplomatic representation abroad, which make it hard for family members to submit documents for the family reunification procedure on time. Even though the grace period has been extended from three to six months, many applicants still find the window unduly narrow considering the time needed to gather evidence, translate and legalise documents, and navigate the various administrative intricacies both in their country of residence and in Luxembourg.

It should also be noted that this is the second EMN Luxembourg study on national practices concerning family reunification of third-country nationals. The first study, published in 2017, addresses the practices in place prior to the entry into force of the Law of 8 March 2017 amending the law of 29 August 2008 on free movement of persons and immigration.

## ANNEX: STATISTICAL DATA

<b>Total number of family reunification applications for the last 5 years from 2020 to 2024</b>					
<b>Year</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
<b>Status of the sponsor</b>					
Beneficiaries of international protection:					
- Refugees	377	737	820	889	294
- Beneficiaries of subsidiary protection;					
- Unaccompanied minors (UAMs).					
Persons admitted for remunerated activities*	1,146	1,872	2,381	2,025	1,910
Persons admitted for study purposes	31	37	35	30	35
Other categories of migrants (please specify)	93	158	157	249	182
<b>Total</b>	<b>1,647</b>	<b>2,804</b>	<b>3,393</b>	<b>3,193</b>	<b>2,421</b>

Data provided by the General Department of Immigration

<b>Total number of successful family reunification applications for the last 5 years from 2020 to 2024</b>					
<b>Year</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
<b>Status of the sponsor</b>					
Beneficiaries of international protection:					
- Refugees	324	511	434	464	469
- Beneficiaries of subsidiary protection;					
- Unaccompanied minors (UAMs).					
Persons admitted for remunerated activities*	1,154	1,735	2,209	1,947	1,892
Persons admitted for study purposes	26	33	23	20	26
Other categories of migrants (please specify)	76	123	131	155	142
<b>Total</b>	<b>1,580</b>	<b>2,402</b>	<b>2,797</b>	<b>2,586</b>	<b>2,529</b>

Data provided by the General Department of Immigration

<b>Total number of rejected family reunification applications for the last 5 years from 2020 to 2024</b>					
<b>Year</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
<b>Status of the sponsor</b>					
Beneficiaries of international protection:					
- Refugees	Ni	101	57	78	92
- Beneficiaries of subsidiary protection;					
- Unaccompanied minors (UAMs).					
Persons admitted for remunerated activities*	Ni	35	26	70	93
Persons admitted for study purposes	Ni	4	10	5	4
Other categories of migrants (please specify)	Ni	23	15	35	39
<b>Total</b>	<b>Ni</b>	<b>163</b>	<b>108</b>	<b>188</b>	<b>228</b>

Data provided by the General Department of Immigration

(\*) 'Persons admitted for remunerated activities' includes employed, self-employed, business owners, highly qualified workers under the Directive 2009/50/EC (Blue Card), highly qualified workers under national labour permits for (highly) skilled workers, seasonal workers and intra-corporate transferees.

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<sup>i</sup> Parliamentary Document n° 5802/17 of 3 July 2008, p.23, URL: <https://wdocs-pub.chd.lu/docs/exped/029/722/072281.pdf>

<sup>ii</sup> EMN Luxembourg study "Family reunification of third-country nationals in the EU: national practices". URL: <https://emnluxembourg.uni.lu/family-reunification-of-third-country-nationals-in-the-eu-national-practices/>

<sup>iii</sup> Exposition of motives. Parliamentary document n° 6992/00 of 20 October 2016, p.19. This amendment is motivated by the legislator's desire to adapt certain provisions on family reunification to the need for flexibility, in order to improve the attractiveness of legal immigration for third-country nationals and their family members.

<sup>iv</sup> Article 2, paragraph 1, subparagraph 2 of the Law of December 20, 2019 relating to the criteria of health, hygiene, safety and habitability of housing and rooms rented or made available for residential purposes

<sup>v</sup> Grand Ducal Regulation of 1 August 2018 amending the Grand Ducal regulation of 5 September 2008 regarding the resources criteria.

<sup>vi</sup> Law of 16 June 2021 amending article 69 (3) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law).

<sup>vii</sup> Exposition of motives of bill n° 8227. Parliamentary document n° 8227/00 of 30 May 2023, p. 12.

<sup>viii</sup> Article 74 (2) of the amended law of 29 August 2008

<sup>ix</sup> EMN Luxembourg, Annual Report on Migration and Asylum 2023, 4 July 2023, URL: <https://emnluxembourg.uni.lu/emn-luxembourg-annual-report-on-migration-and-asylum-2023/>

<sup>x</sup> Article 2 (28) amending article 69 (1) of the Immigration Law. Parliamentary document 6992/00 of 18 May 2016, p. 26.

<sup>xi</sup> Exposition of motives. Parliamentary document n° 6992/00 of 18 May 2016. URL: <https://wdocs-pub.chd.lu/docs/exped/134/604/163033.pdf>

<sup>xii</sup> Article 73 (7) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) as amended by law of 8 March 2017. URL: <https://legilux.public.lu/eli/etat/leg/loi/2017/03/08/a298/jo>

<sup>xiii</sup> Article 73 (8) of the Immigration Law as amended by the law of 8 March 2017. This was motivated by the transposition of the ICT directive. Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0066>

<sup>xiv</sup> Article 74 (1) of the Immigration Law.

<sup>xv</sup> Exposition of motives. Parliamentary document n° 6992/00 of 18 May 2016. URL: <https://wdocs-pub.chd.lu/docs/exped/134/604/163033.pdf>

<sup>xvi</sup> Grand-Ducal Regulation of 1 August 2018 amending the amended Grand-ducal regulation of 5 September 2008 defining the resource and housing criteria provided for by the law of 29 August 2008 on the free movement of persons and immigration. URL: <https://legilux.public.lu/eli/etat/leg/rgd/2018/08/01/a828/jo>

<sup>xvii</sup> Judgment of the Court (Fourth Chamber) of 21 April 2016. Mimoun Khachab v Subdelegación del Gobierno en Álava. Case C-558/14. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62014CJ0558>

<sup>xviii</sup> Article 5 (1) of the Law of 20 July 2018 approving the Council of Europe Convention on preventing and combating violence against women and domestic violence, signed in Istanbul on 11 May 2011 and amending 1) the Criminal Code; 2) the Code of Criminal Procedure; 3) the amended Law of 8 September 2003 on domestic violence; 4) the amended Law of 29 August 2008 on the free movement of persons and immigration. URL:

<https://legilux.public.lu/eli/etat/leg/loi/2018/07/20/a631/jo>

<sup>xix</sup> Article 17 of the law of 1<sup>st</sup> August 2018 amending article 73 (9) of the amended law of 29 August 2008 on free movement of persons and immigration. URL: <https://legilux.public.lu/eli/etat/leg/loi/2018/08/01/a827/jo>

<sup>xx</sup> Article 6 of the Law of 16 June 2021 amending the amended law of 29 August 2008 on free movement of persons and immigration. URL: <https://legilux.public.lu/eli/etat/leg/loi/2021/06/16/a490/jo>

<sup>xxi</sup> Article 10 of the Law of 16 June 2021.

<sup>xxii</sup> Article 28 of the law of 7 August 2023, amending: 1º the Labour Code; 2º the amended Act of August 29, 2008 on the free movement of persons and immigration; 3º the amended Act of December 18, 2015 on the reception of applicants for international protection and temporary protection. URL: [https://legilux.public.lu/eli/etat/leg/loi/2023/08/07/a556/jo#art\\_28](https://legilux.public.lu/eli/etat/leg/loi/2023/08/07/a556/jo#art_28)

<sup>xxiii</sup> Exposition of motives of bill n° 8227. Parliamentary document n° 8227/00 of 30 May 2023, p. 12.

<sup>xxiv</sup> Article 6 a) of the Law of 4 June 2024 amending the amended law of 29 August 2008 on free movement of persons and immigration. URL: <https://legilux.public.lu/eli/etat/leg/loi/2024/06/04/a261/jo>

<sup>xxv</sup> Article 6 b) of the Law of 4 June 2024.

<sup>xxvi</sup> Article 73 (7) paragraph 2 of the Immigration Law.

<sup>xxvii</sup> Article 7 of the Law of 4 June 2024.

<sup>xxviii</sup> Article 8 a) of the Law of 4 June 2024.

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<sup>xl</sup> Article 76 a) in accordance with article 78 (1) b) of the Immigration Law.

<sup>xli</sup> Article 76 b) in accordance with article 78 (1) b) of the Immigration Law.

<sup>xlii</sup> Article 78 (1) c) of the Immigration Law.

<sup>xliii</sup> Article 68 b) of the Immigration Law.

<sup>xliv</sup> Article 12 (3) of the Immigration Law.

<sup>xlv</sup> Article 14 (1) of the Immigration Law.

<sup>xlii</sup> Article 68 b) of the Immigration Law.

<sup>xlvii</sup> Article 69 (1) of the Immigration Law.

<sup>xlviii</sup> Article 63 (5) of the amended law of 18 December 2015 on international protection and temporary protection (Asylum Law) in accordance with article 69 (2) of the Immigration Law.

<sup>xlxi</sup> Article 69 (3) of the Immigration Law in accordance with article 56 of the Asylum Law.

<sup>i</sup> See articles 2 (1) and 69 (3) of the Immigration Law and Article 56 of the Asylum Law.

<sup>ii</sup> Article 388 of the Civil Code and Article 2 L) of the Asylum Law.

<sup>iii</sup> Article 70 (4) of the Immigration Law.

<sup>iv</sup> Article 70 (5) a) of the Immigration Law.

<sup>iv</sup> Article 69 (1) of the Immigration Law.

<sup>iv</sup> Article 69 (3) of the Immigration Law.

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<sup>xii</sup> Article 69 (1) of the Immigration Law.

<sup>xiii</sup> Article 69 (3) of the Immigration Law.

<sup>xiv</sup> Article 70 (5) a) and b) of the Immigration Law.

<sup>xv</sup> Article 78 (1) c) of the Immigration Law.

<sup>xvi</sup> Article 78 (1) c) of the Immigration Law.

<sup>xvii</sup> Information provided by the General Department of Immigration on 17 February 2025.

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<sup>ixix</sup> Article 5 and 14 (2) of the Grand-Ducal Regulation of December 20, 2019 determining the minimum criteria of health, hygiene, safety and habitability that must be met by accommodation and rooms rented out or made available for residential purposes.

<sup>lxx</sup> Article 2 (1) infine of the Law of 20 December 2019 on health, hygiene, safety and habitability criteria for dwellings and rooms rented out or made available for

residential purposes. Article 9 (1) of the amended Grand ducal regulation of 5 September 2008 defining the financial resources and housing criteria foreseen by the Law of 29 August 2008 on free movement of persons and immigration. URL: [https://maint.gouvernement.lu/content/dam/gouv\\_maint/le-ministere/immigration/l%a9gislations/update-2022/imm-rgd-ressources-et-logement-vc-sept-2018.pdf](https://maint.gouvernement.lu/content/dam/gouv_maint/le-ministere/immigration/l%a9gislations/update-2022/imm-rgd-ressources-et-logement-vc-sept-2018.pdf)

<sup>lxxxi</sup> Article 9 (2) of the amended Grand ducal regulation of 5 September 2008 defining the financial resources and housing criteria foreseen by the Law of 29 August 2008 on free movement of persons and immigration.

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<sup>lxxiii</sup> Article 69 (1) 3) of the Immigration Law.

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<sup>lxxxiii</sup> Article 6 (2) of the amended Grand ducal regulation of 5 September 2008 defining the financial resources and housing criteria foreseen by the Law of 29 August 2008 on free movement of persons and immigration.

<sup>lxxxiv</sup> Article 6 (1) paragraph 3 of the amended Grand ducal regulation of 5 September 2008 defining the financial resources and housing criteria foreseen by the Law of 29 August 2008 on free movement of persons and immigration.

<sup>lxxxv</sup> Article 73 (1), (2), (3) and (4) of the Immigration Law.

<sup>lxxxvi</sup> Article 69 (1) of the Immigration Law.

<sup>lxxxvii</sup> Article 72 (3) of the Immigration Law.

<sup>lxxxviii</sup> Article 67-2 (1) and 73 (9) of the Immigration Law.

<sup>lxxxix</sup> Article 73 (8) of the Immigration Law.

<sup>xc</sup> Article 69 (3) of the Immigration Law.

<sup>xcii</sup> Article 69 (2) of the Immigration Law.

<sup>xcii</sup> Article 69 (1) of the Immigration Law.

<sup>xciii</sup> In the exposition of motives of the bill n° 5802 on free movement of persons and immigration the legislator stated that all third-country nationals have the right to apply for family reunification once that s/he is regularly installed in the country and that the reception conditions will allow a good integration of the family. See parliamentary document 5802/00, of 20 November 2007, p. 75. URL: <https://wdocs-pub.chd.lu/docs/exped/041/619/064108.pdf>

<sup>xciv</sup> Article 38 (1) of the Immigration Law.

<sup>xcv</sup> Article 71 of the Immigration Law.

<sup>xcvi</sup> Article 69 (3) of the Immigration Law.

<sup>xcvii</sup> Article 70 (5) c) of the Immigration Law.

<sup>xcviii</sup> Article 63 (5) of the Asylum Law.

<sup>xcix</sup> Article 63 (5) of the Asylum Law.

<sup>c</sup> Article 73 (7) of the Immigration Law.

<sup>ci</sup> Article 72 (3) paragraph 2 of the Immigration Law.

<sup>cii</sup> Article 73 (8) of the Immigration Law.

<sup>ciii</sup> Article 73 (9) of the Immigration Law.

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<sup>cxvii</sup> <https://guichet.public.lu/en/citoyens/immigration/plus-3-mois/ressortissant-tiers/membre-famille/regroupement-familial.html>

<sup>cxviii</sup> Website of Luxembourg red Cross, Restoring Family Links. URL:  
<https://www.croix-rouge.lu/en/service/restorating-family-links/>

<sup>cixix</sup> Information provided by the Luxembourg Red Cross on 7 January 2025.

<sup>cxx</sup> Information provided by CLAE on 16 December 2024 and Luxembourg Red Cross on 7 January 2025.

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<sup>cxxii</sup> <https://guichet.public.lu/en/citoyens/immigration/plus-3-mois/ressortissant-tiers/membre-famille/regroupement-familial.html>

<sup>cxxiii</sup> Article 69 (1) of the Immigration Law.

<sup>cxxiv</sup> Guichet.lu, Application for family reunification for third-country nationals. Persons concerned. URL: <https://guichet.public.lu/fr/citoyens/immigration/plus-3-mois/ressortissant-tiers/membre-famille/regroupement-familial.html>

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<sup>cxxxv</sup> Article 73 (3) of the Immigration Law.

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<sup>cxlvi</sup> Article 75 2) of the Immigration Law.

<sup>cxlvi</sup> Article 70 (3) and 75 3) of the Immigration Law.

<sup>cxlvi</sup> Article 101 (1) 4) of the Immigration Law.

<sup>clix</sup> Article 75 4) of the Immigration Law.

<sup>cl</sup> Article 74 (1) of the Immigration Law.

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<sup>ccvi</sup> Information provided by OKAJU on 22 January 2025.

<sup>ccvii</sup> Information provided by CLAE on 16 December 2024.

<sup>ccviii</sup> Information provided by CLAE on 16 December 2024.

<sup>ccix</sup> Article « Malgré leur diplôme, 200 professionnels de santé sont au chômage au Luxembourg », Virgule, 15 January 2025. URL :

[https://www.virgule.lu/luxembourg/malgre-leur-diplome-200-professionnels-de-sante-sont-au-chomage-au-luxembourg/34549638.html?fbclid=IwZXh0bgNhZW0BMOABHeOFNe6dtTNmb9XPLW9zrGiP-1XSRrV-9sVdaiTbcvJv6cqYrSBP3NiJtw\\_aem\\_o7Tn5uUvnJ6ZrTapDhj2EA](https://www.virgule.lu/luxembourg/malgre-leur-diplome-200-professionnels-de-sante-sont-au-chomage-au-luxembourg/34549638.html?fbclid=IwZXh0bgNhZW0BMOABHeOFNe6dtTNmb9XPLW9zrGiP-1XSRrV-9sVdaiTbcvJv6cqYrSBP3NiJtw_aem_o7Tn5uUvnJ6ZrTapDhj2EA)

<sup>ccx</sup> Article 74 (2) of the Immigration Law as amended by law Of 7 August 2023 amending: 1° the Labour Code; 2° the amended Act of August 29, 2008 on the free movement of persons and immigration; 3° the amended Act of December 18, 2015 on the reception of applicants for international protection and temporary protection. URL: <https://legilux.public.lu/eli/etat/leg/loi/2023/08/07/a556/jo>

<sup>ccxi</sup> Information provided in writing by HUT on 5 December 2024 and CLAE on 16 December 2024.

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