

## Legal news in a word

- Free movement of persons and immigration
- Bill of 18 October, 2007
- Global revision of the law on immigration

On 18 October 2007, the government adopted a bill concerning the free movement of persons and immigration.

The legislation aims at developing a global concept to include all aspects of immigration and to transpose several European directives.

First of all, the purpose of the bill is to give citizens of countries, which are members of the European Union, the European Economic Area and Switzerland, the right to freely circulate and sojourn within the territory of the Grand Duchy of Luxembourg.

For these citizens, the bill reduces the administrative formalities which they will have to fulfill in order to stay in Luxembourg. A Grand Ducal Regulation of 21 December 2007 has already abolished the declaration of arrival for a stay of 3 months or less. It also has replaced the resident's permit by a simple record for a stay of 3 months or more and introduced the right to permanent residency after a non-stop stay of 5 years.

The project is an innovative development as it aims at creating a unique permit to include residence and work permits for nationals of those countries which are not members of the European Union.

For employees, this permit will take the name of "sojourn authorisation for employees", instead of the current system, which provides for 4 types of work permits.

Before delivering this authorisation, the Administration will have to verify that the vacant position concerned cannot be occupied by another candidate with similar competences available on the national or European labour market.

Please note that a permit will automatically be granted in the case of secondment of employees if the duration of the secondment exceeds three months.

For jobs requiring particular professional knowledge or competence, a residence permit for highly qualified workers may be granted under certain conditions.

For self-employed workers, the legislation aims at creating a specific residence permit, which is currently not provided for and sets down the conditions upon which the permit can be obtained.

We remain at your disposal, should you have any further questions.

Contacts : Marielle Stevenot  
+352 26 48 42 35 13  
Stevenot@mnks.com

Cindy Arces  
+352 26 48 42 35 45  
Arces@mnks.com