



### Authorization to stay of a third-country national in view of a seasonal activity

(articles 49bis to 49quinquies of the modified law of 29 August 2008 on the free movement of people and immigration)

The third-country national who wishes to reside on Luxembourg territory **for more than 3 months and for a maximum of 5 months in any period of 12 months** in order to work as a seasonal worker, must be holder of an authorization to stay for a seasonal worker. The application must be made and favorably advised before entering on Luxembourg territory. An application made after the entry on the territory is inadmissible.

#### 1. Preliminary step

Before considering the employment of a third-country national as a seasonal worker for more than 3 months, the employer must declare the post vacancy at the Luxembourg Employment Agency (*"Agence pour le Développement de l'Emploi"* - ADEM) in order to allow the labour market test to be made. This test consists in verifying if the post vacancy can be filled with a person available on the local or European labour market. If ADEM cannot come up with candidates that have the asked profile within three weeks, the employer can ask ADEM for a certificate to attest that he may employ a person of his choice for his post. The employer signs a work contract for a seasonal work with the worker he plans to employ. The start date on the contract may mention "as soon as the authorization to stay for seasonal worker is obtained". The employer gives the original of the certificate to the third country national who will enclose it in the application for the authorization to stay as a seasonal worker in Luxembourg.

#### 2. Application for the authorization to stay

The third-country national or his employer must submit an application to the minister in charge of immigration<sup>1</sup>. The applicant must disclose his/her identity (names, first names) as well as his/her exact address in the country of residence. He/she must also enclose the following documents in the application:

- a copy of his/her valid passport, in its entirety (all pages);
- a recent extract from his/her police record or an *affidavit* issued in the country of residence;
- a copy of his/her diplomas or professional qualifications;
- the original recent certificate issued by *"Agence pour le Développement de l'Emploi"*, attesting the employer's right to employ a person of his choice for the vacant post;
- a copy of a valid work contract for a seasonal work with an employer established in Luxembourg;
- evidence that the seasonal worker will have adequate accommodation or that adequate accommodation will be provided;
- if the application is submitted by the employer, a mandate/proxy<sup>2</sup>.

<sup>1</sup> The application can be submitted by sending it to the General Department of immigration (see address below) or by handing it in to a diplomatic or consular representation of Luxembourg or the diplomatic or consular mission representing Luxembourg.

<sup>2</sup> The third-country national may confer mandate to a third person so as to submit the application in his/her place. In this case, the appointed person, except for juridical consultants, must present a duly signed and dated mandate from the third-country national. The signature must be preceded by the handwritten phrase « good for power of attorney ». You can find a model of a mandate/proxy on the internet site [www.guichet.lu](http://www.guichet.lu).

### 3. Important notice

The employment sectors open for seasonal workers with activities dependent on the passing of the seasons are defined by article L-122-1 of the Labour Code.

**In case the documents are not in German, French or English, a conforming translation by a sworn translator must be enclosed. An incomplete application will be sent back to the applicant.**

If granted, the third-country national receives a “temporary authorization to stay” (“autorisation de séjour temporaire”). This temporary authorization to stay is valid for a period of 90 days. During this time, the third-country national must:

- either request a visa to enter the Schengen area, if subject to visa obligation;
- or, if not subject to visa obligation, enter on the territory of Luxembourg and make his/her declaration of arrival at the municipality (“administration communale”) of the chosen place of residence.

After entering Luxembourg, the third-country national has to follow the procedure to apply for the residence permit (“titre de séjour”).

**For further information (in English, French and German), please visit the web site [www.guichet.lu](http://www.guichet.lu).**

**Information note on the protection of personal data:**

The General Department of immigration of the Ministry of Home Affairs collects and uses your personal data in the context of its public interest mission in implementation of the amended law of 29 August 2008 on the free movement of persons and immigration, in compliance with the legal provisions on data protection. More detailed information on the processing of your data, as well as on your rights in the matter, are available on the website: <https://gd.lu/immigration>.