How to apply for a residence permit for the family member of a European Union or similar citizen within the framework of a family reunification process

What is this?
This residence permit is valid for third party country nationals who are family members of a European Union or similar citizen.

Conditions to be fulfilled
Who is considered as the family member of a European?
• a spouse to whom the European is married (also see the pdf file on marriage)
• a civil partner bound by official ceremony (such as Pacte civil de solidarité)
• a direct descendant (child) (or descendant/child of partner) <21 years
• direct ascendant (parent) dependent on Luxembourg resident or partner
• certain exceptions for persons who have lived in the same household as the resident applicant

Steps to be taken
A third party country national who wishes to join a European Union or similar family member must contact the embassy representing Luxembourg in his or her country of origin and apply for a visa in order to join the Luxembourg resident. The documents to be submitted to the embassy are:
• an authenticated copy of the full passport, valid for a further six months;
• an extract from the birth certificate;
• an extract from the police record, established at least three months ago.

To be added in the case of reunification with a partner:
• an extract from the marriage certificate/copy of partnership;
• to be added in the case of a child in the event of divorce from the child’s other parent:
• the copy of the ruling conferring custody of the minor to the parental party resident in Luxembourg;
• notarised authorisation from the other parental party attesting his or her agreement to the minor descendant moving abroad.

To be added in the case of reunification with a parent:
• proof of financial support, in any appropriate means, proving that the ascendant was in a situation of dependency on the descendant for a period of at least six months before the application for family reunification.

This visa enables the family member to come to Luxembourg.
Formalities to complete in Luxembourg

The application for a residence permit as family member should be made upon arrival in Luxembourg to the commune authorities in the place of residence of the resident.

When he or she arrives, the non-resident third party country national should contact the commune authorities of the place of residence of the European resident.

This must be done within three months after arrival, therefore as long as the visa in his or her passport is still valid.

At the commune authorities he or she signs a request for a family member residence permit. Whilst waiting for this permit to be issued, the family member receives a receipt as proof the application has been submitted, which is valid as a residence permit for a period of six months whilst waiting for the residence permit.

N.B. The documents to be submitted must have an apostil added by the competent local authority in the country of origin or certified by the competent local authority in the country of origin and authenticated by the embassy. If the documents are not written in German, French or English, a certified translation by a sworn translator must be enclosed.

Decision – waiting times – appeals

The waiting period for issue of the family member residence permit is a maximum of six months. The receipt received from the commune authorities in the place of residence is valid as a residence permit during this waiting period. If the application is refused or no response is received within these 6 months, the person may appeal to the Administrative Court.

The validity period of the residence permit is the same as that of the European family member.

Miscellaneous – Useful information

If the European resident has permanent residency, the family member is also entitled to this card. Family members who reside in Luxembourg for an uninterrupted period of five years with a European Union or similar citizen that they have joined (the resident applicant) are entitled to permanent residency if their spouse does not enjoy this status.

What are the consequences in the event of the European leaving Luxembourg, divorce or death:

Departure: Departure does not lead to the residence permit being lost as long as there are children registered in an educational establishment in Luxembourg.
Divorce or annulment of marriage or civil partnership does not lead to the residence permit being lost if one of the following conditions is fulfilled:

- the marriage or civil partnership has lasted at least three years before the start of the legal divorce or annulment proceedings, including at least one year in Luxembourg
- the third party country national has been given custody of the children of the European citizen
- in the case of domestic violence
- the spouse or civil partner has visiting rights for the common minor child (under certain conditions)

Death: the death of the resident does not lead to the third party country national losing residency as long as he or she has been resident in Luxembourg for at least one year before the death.

NB: This text is only a summary drawn up by ASTI asbl. Only the text of the law is valid.