

LUXEMBOURG FAMILY REUNIFICATION FOR MEMBERS OF AN INTERNATIONAL PROTECTION BENEFICIARY (IPB)

Third-country nationals who wish to settle in Luxembourg for a **period of more than 3 months** in the context of **family reunification** with a beneficiary of international protection (IPB) must, **before entering the territory**, apply for a **temporary residence permit** from the Immigration Directorate of the Ministry of Foreign and European Affairs, be in possession of a valid* passport and for persons subject to a visa requirement to enter the Luxembourg: after obtaining the temporary residence permit apply for a **type D visa**.

This concerns **members of the IPB family, who are themselves third-country nationals** (i.e. a country that is not a member of the European Union or similar), who wish to join the latter to stay with him in Luxembourg.

Family reunification is **not possible for all family members**. The definition of family member includes:

- the sponsor's **spouse or registered partner**, who is over 18 years of age at the time of the application for family reunification (family reunification of a spouse is not allowed in the case of polygamous marriage, if the sponsor already has a spouse living with him or her in Luxembourg);
- **unmarried children under the age of 18** of the sponsor and/or his or her spouse or partner for whom they have custody and responsibility and for whom, in the case of shared custody, the other right holder;
- **direct ascendants in the first degree** (mother and father) of the unaccompanied minor, beneficiary of international protection;

The Minister **may** extend family reunification to:

- **first-degree direct ascendants** of the sponsor or his spouse or partner (mother and father), when they are dependent on him and deprived of the necessary family support in their country of origin;
- **unmarried adult children** of the sponsor or of his spouse or partner, when they are objectively unable to support themselves because of their state of health;
- legal guardian or **any other family member of the unaccompanied minor**, beneficiary of international protection, and having no direct ascendants.

The IPB does not have to fulfil any other conditions when the application for family reunification is submitted **within 6 months** of the granting of its international protection.

**Exceptionally and only if the identity is proven, a laissez-passer may be granted*

After this period, the sponsor must:

- provide **proof that he has stable, regular and sufficient resources** (salaries, income from assets, etc) to support himself and his dependent family members, without recourse to the Luxembourg social assistance system. The level of resources of a third-country national applying for family reunification of his family members shall be assessed by reference to the average of the monthly rate of the social minimum wage of an unskilled worker over a period of 12 months. The resources of the third-country national must reach the level determined by that reference. If this is not the case, the Minister may nevertheless issue a favourable decision taking into account the evolution of the third-country national's situation (such as the stability of his employment and income, access to ownership of housing or enjoyment of housing free of charge);
- have a **suitable accommodation to accommodate the member(s) of his family** (the floor area may not be less than 12 m² for the first occupant and 9 m² per additional occupant, lighting by opening windows measuring at least 1/10 of the floor area and closing hermetically, heated housing, with running water, electricity etc.);
- have **health insurance cover for themselves and their family member(s)** (certificate of medical cover or certificate of co-insurance during the stay in Luxembourg issued by a Luxembourg or foreign social security institution and/or by a private insurance company).

In case of agreement, the third-country national obtains a "temporary residence permit", sent by post. This temporary residence permit will be valid for a period of 90 days. During this time, the third-country national must:

- either apply for the visa to enter the Schengen Area, if subject to the visa requirement;
- or, if not subject to the visa requirement, enter Luxembourg territory and make a declaration of arrival to the municipal administration of the place of residence.

When entering the territory, the third-country national must bring a valid travel document (passport and visa, if applicable), as well as his or her temporary residence permit.

Documents proving the identity of the group and the family relationship with the sponsor:

- passport
- identity card
- birth certificate
- marriage certificate
- baptism certificate
- "asylum seeker certificate" of the host countries, respectively from UNHCR
- Judgment of rights of custody authenticated by a competent authority and legalized by the embassy representing Luxembourg interests