

28/06/2024

Flexible admission requirements and easier mobility for highly qualified workers

The Law of 4 June 2024, transposing EU Directive 2021/1883 of 20 October 2021, was published in Mémorial A n°261 of 27 June 2024. The Law comes into force on 1 July 2024. The main changes are as follows:

Extension of the derogation from the work permit requirement for stays of less than 3 months: the derogation is extended to "business trips" by holders of an EU Blue Card obtained in another Member State for a maximum of 90 days out of a period of 180 days.

Modification of some admission criteria for obtaining a residence permit for highly qualified employment ("EU Blue Card"):

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The duration of the work contract must now be at least 6 months (compared to 1 year or more before the entry into force of the Law).

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For unregulated professions, applicants must present documents attesting that they have high professional qualifications linked to the work to be carried out and no longer linked to the activity or sector.

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The Grand Ducal Regulation of 20 June 2024 (Mémorial A No. 262 of 27 June 2024) changes the salary threshold to a minimum of 1 times the average gross annual salary for all occupational categories (previously 1.5 times or 1.2 times the average gross annual salary)

Facilitated access to the Labour market: during the first 12 months of legal employment, EU Blue Card holders must inform the Minister in advance of any change in their employment situation, whereas, before the entry into force of the Law, there was a stricter/longer time limit of 24 months.

It is newly specified that the Minister has a period of 30 days during in which to examine whether the holder of the EU Blue Card still meets the conditions for admission, and may object to the change of employment within the same period.

Easier long-term mobility (mobility between Member States): the holder of an EU Blue Card in a 1st Member State may apply for admission to the territory of the 2nd Member State (following the procedure laid down) after a period of 12 months spent on the territory of the 1st Member State, as opposed to 18 months before the entry into force of the Law.

They may now work immediately on the territory of the 2nd Member State, after submitting a complete application for a new EU Blue Card, without prejudice to the fact that the Minister may subsequently reject the application for a new EU Blue Card.

Modification of the provisions concerning unemployment of highly qualified workers: before the entry into force of the Law, unemployment did not constitute grounds for withdrawal of the EU Blue Card unless it lasted for more than 3 consecutive months or occurred more than once. Unemployment is now grounds for withdrawal:

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if the employee holds the EU Blue Card for less than 2 years and has been unemployed for more than 3 months; or,

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if the employee holds an EU Blue Card for at least 2 years and has been unemployed for more than 6 months.

Facilitated family reunification: when family members join the holder of the EU Blue Card later, a faster procedure is provided for the issuance of residence permits for family members (before the entry into force of the Law, a maximum period of 6 months was provided for).

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