

NEW PROVISIONS ON THE RECRUITMENT OF THIRD-COUNTRY NATIONALS AND WAGE INDEXATION AS OF 1 SEPTEMBER 2023

EXPERTISE

EMPLOYMENT & SOCIAL

I. Recruitment of third-country nationals: changes to take into account!

The Law of 7 August 2023, published in Mémorial A No. 556 of 28 August 2023, introduces changes to the procedure for recruiting a third-country national.

The Law enters into force on 1 September 2023.

The main changes are as follows:

Immediate access to the labour market for third-country nationals with a "family member" residence permit: they will no longer need to apply for a residence permit as employed or self-employed workers.

Extension of the exceptions in the event of a stay of less than 3 months: the exceptions are extended to situations where services are provided on behalf of another company that does not belong to the same group.

Simplification of the recruitment process:

The certificate attesting to the employer's "right to recruit the person of their choice" may be requested from ADEM immediately after the filing of the job vacancy declaration.

If the job appears on the "list of jobs declared to be in particularly high shortage" drawn up by ADEM, the certificate can be issued within 5 working days.

New employer obligation: the employer will have to keep a copy of the work permit for the duration of the third-country national's employment in case of an inspection.

New administrative formalities to be carried out by third-country nationals before entering Luxembourg territory for short stays not exceeding 90 days in a period of 180 days:

Third-country nationals exempt from the visa requirement will have to apply for an ETIAS "European Travel Information and Authorization System" (application to be made online *via* a form set up in the Schengen area, the system is expected to be operational by 2024).

Third-country nationals (whether or not they are subject to a visa requirement) will have to provide their biometric data (EES entry/exit system set up in the Schengen area; the EU has not yet given a date for its implementation).

II. Wage indexation on 1 September 2023

According to the STATEC press release of 31 August 2023, the wage index increases from 921.40 points to **944.43 points on 1 September 2023**, resulting in an increase in the minimum social wage and the adjustment of certain thresholds and ceilings provided for by law.

The new amounts will be communicated once the final results will be published on 6 September 2023.

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