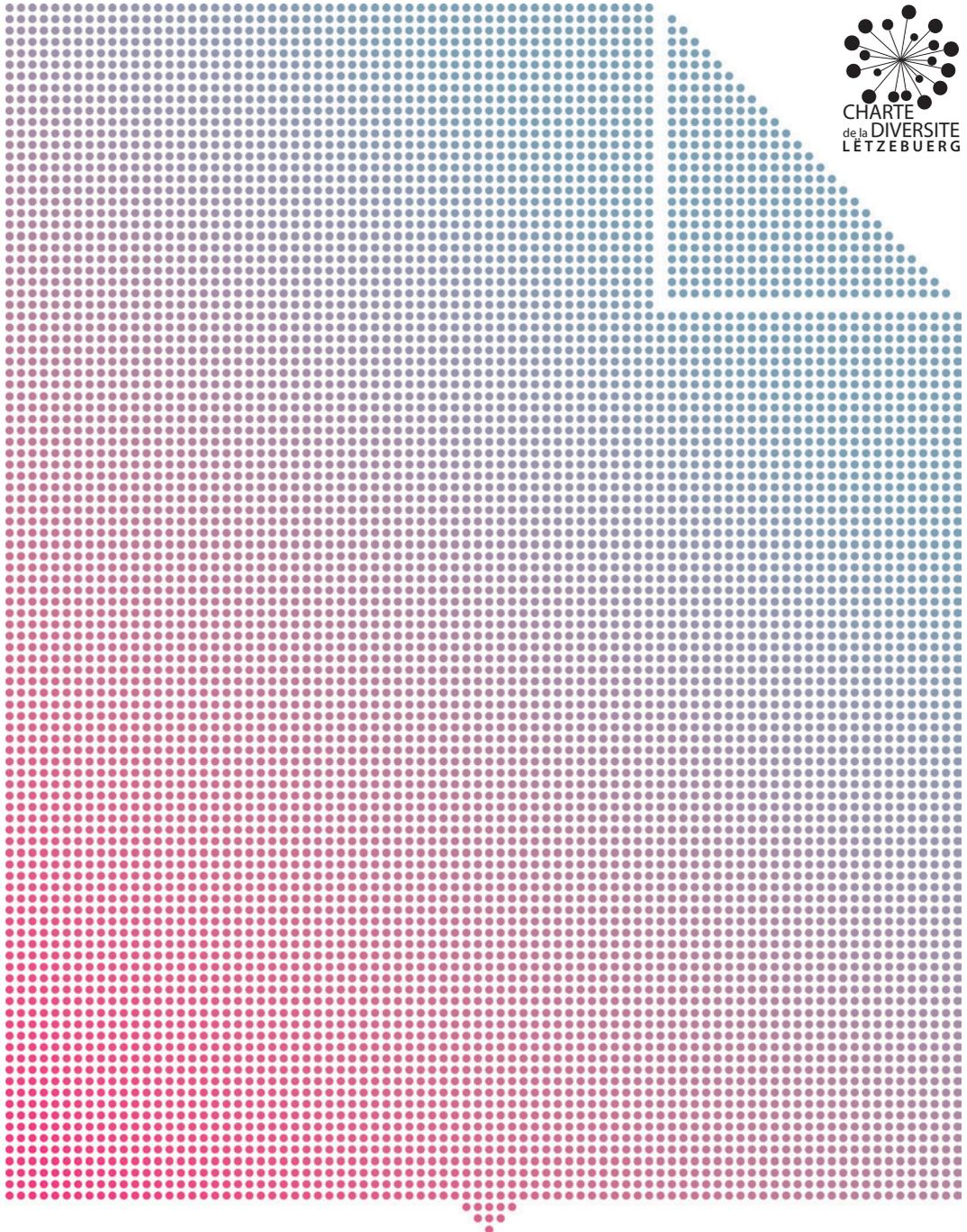


# Migration vers l'emploi

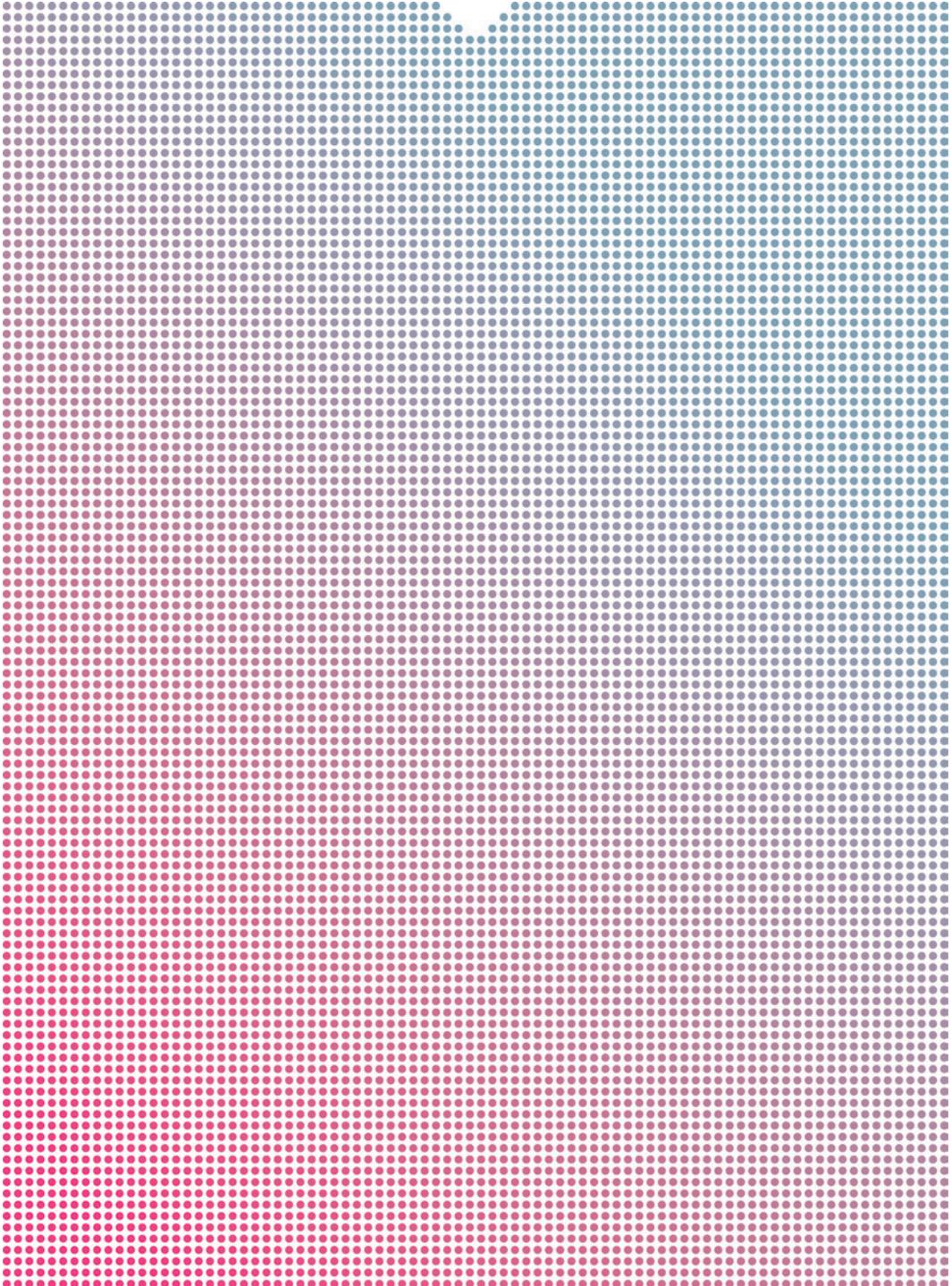
Employers: everything you want to know about third-country nationals



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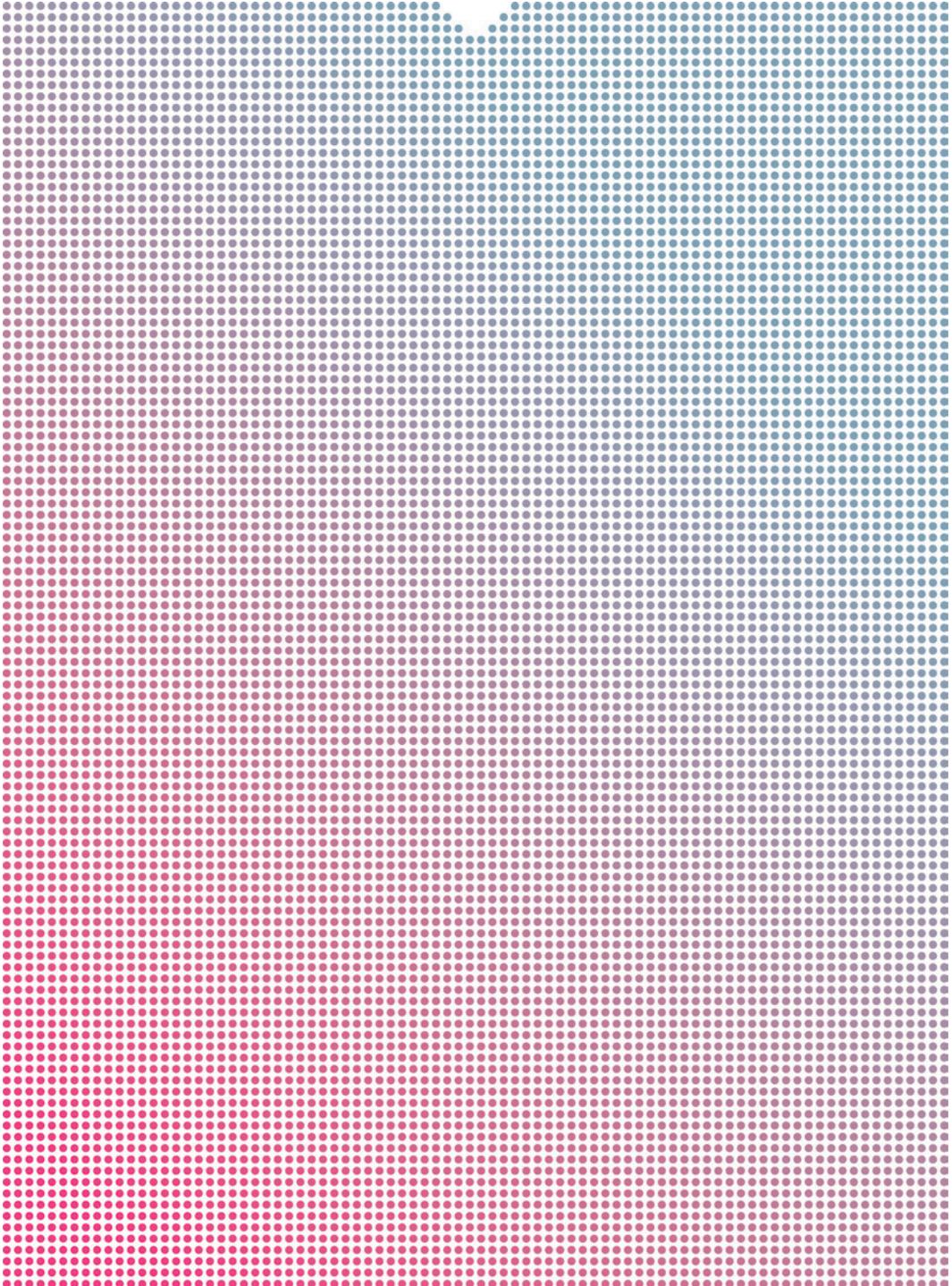


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# EDITORIAL

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A successful integration depends among other things on employment!

Companies are major players at the heart of the integration process of foreigners. It is therefore important to launch information and awareness-raising actions on the recruitment and integration of third-country nationals in companies.

The "*Migration vers l'emploi*" guide for employers is an excellent example. It provides clear definitions of some of the terminology, as well as an overview of recruitment procedures. It presents best practices and success stories that prove that even small-scale actions can have a global impact.

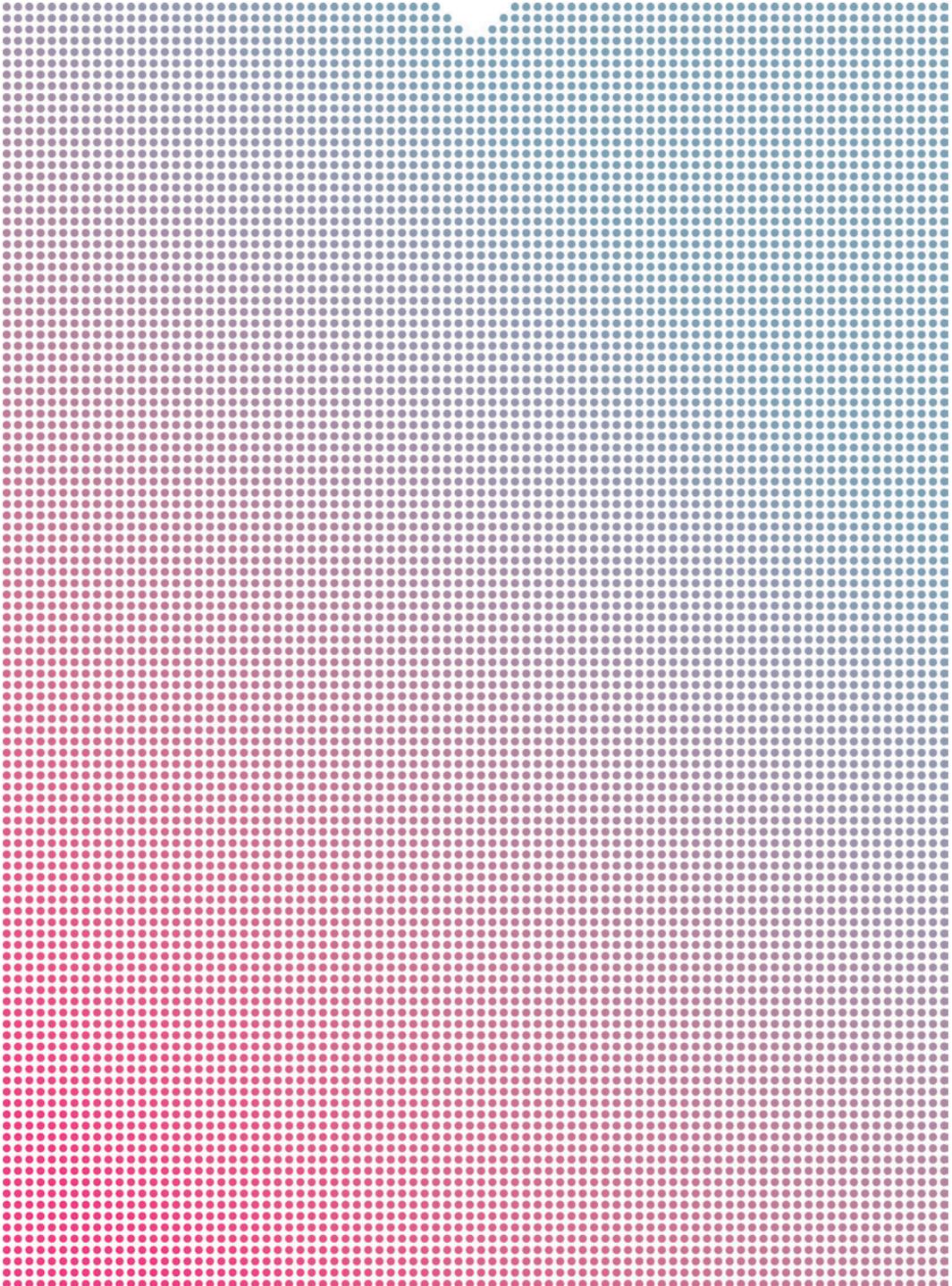
As regards employment, third-country nationals can bring real economic and social added value to a company. Recruiting them can be a source of innovation and creativity and a way to enhance diversity in the company.

I would like to thank all those who contributed to the development of this guide. I hope that it will help us move forward and encourage the integration of third-country nationals into the Luxembourg labour market.

**Corinne Cahen**

*Patron of the Diversity Charter Lëtzebuerg  
Minister for Family and Integration*

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# A practical guide, what for?

• • • • •

The issue of migration concerns not only governments but also businesses. They are the ones that can influence the legal framework that protects migrant workers. Moreover, integration is a complex, multi-faceted process of which labour market participation is one of the keys to success.

IMS Luxembourg has noticed that employers have little information on the subject of third-country nationals, regarding recruitment or integration in the company. Many organisations already welcome and guide third-country nationals immediately on their arrival. Regarding employers, who are essential actors of integration, they do not always know who to turn to.

With this action, IMS Luxembourg aims at:

- ▶ **Informing** all employers interested in the employment process of third-country nationals;
- ▶ **Raising awareness** among employers on the advantages and limits of employing third-country nationals;
- ▶ **Showcasing best practices** in terms of employment and integration of third-country nationals.

This practical guide is the starting point of a long-term process aiming at guiding companies willing to hire and integrate third-country nationals.

## Luxembourg: a country of immigration

Originally, Luxembourg was a country of emigration. Between 1141 and 1161, Luxembourgish people went to Transylvania (Romania today), they went to Hungary in the second half of the 18<sup>th</sup> century, and to North America between 1850 and 1900. Luxembourg became a country of immigration as early as the end of the 19<sup>th</sup> century. During the country's industrialisation era, between 1960 and 1970, a large number of Italian and Portuguese immigrants arrived as part of an immigration policy (in the steel and construction sectors). Nowadays, Luxembourg is the country with the highest percentage of immigrants in Europe, with 46.7% of foreign nationals (on January 1<sup>st</sup> 2016).

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### Migration and diversity management, what return on investment?

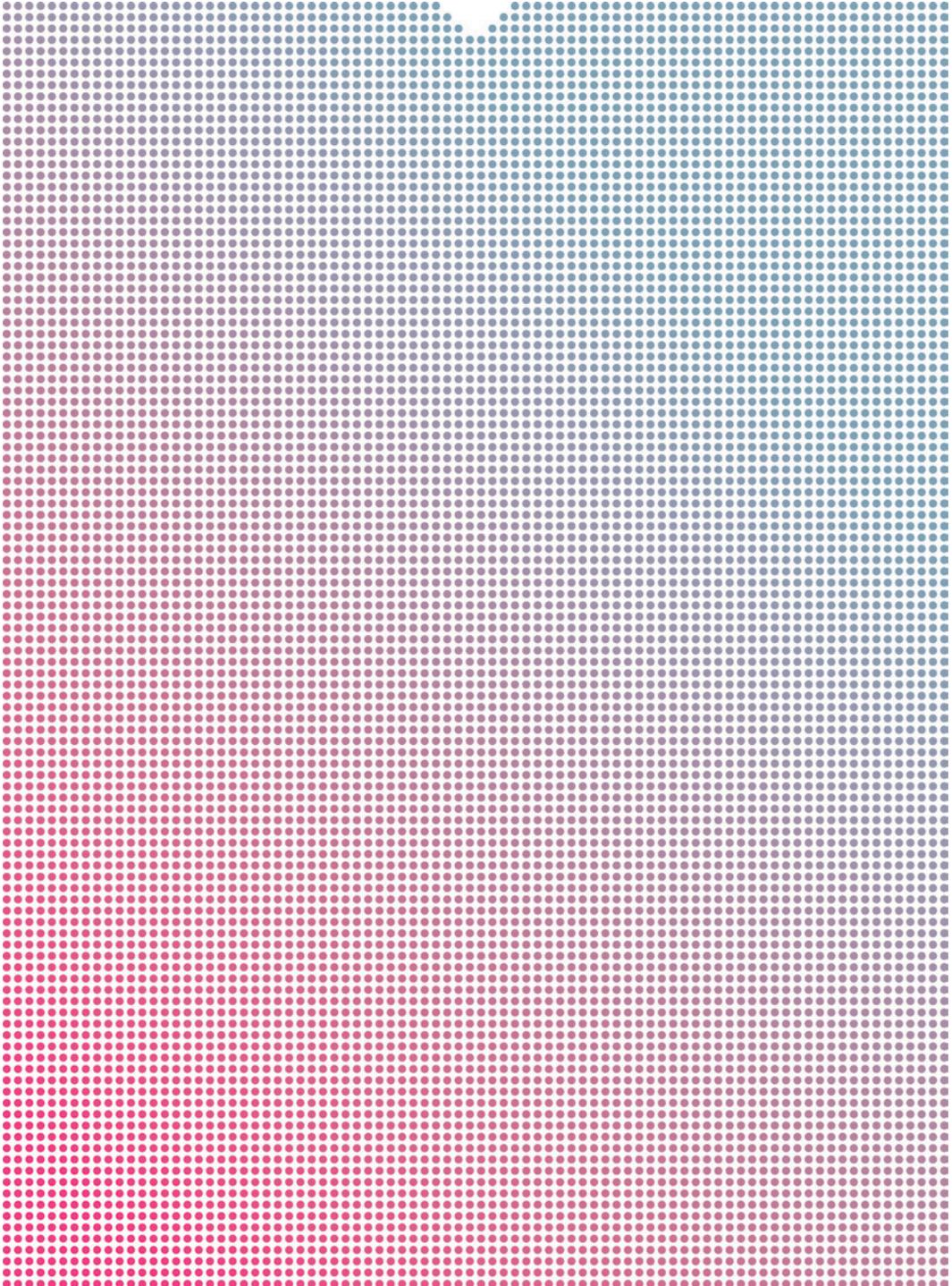
- ▶ Diversity leads to a more tight-knit labour force, in which individuals can share and learn from each other.
- ▶ Migration increases global competitiveness.
- ▶ Migration enables businesses to meet specific skills requirements.
- ▶ Migrants enhance the number of consumers, and thus create new market opportunities.
- ▶ A diversified workplace increases innovation among employees.

Source: *The Hague Process on Refugees and Migration.*

*The Return on Investment on Migration, What is in it for Business? Available on: [www.thehagueprocess.org/roi/](http://www.thehagueprocess.org/roi/). February 2016*

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# 2



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# Understanding to better apprehending

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Very often, the terms “migrant”, “refugee” or “asylum seeker” are used interchangeably although they all have a precise legal meaning. Incorrectly used, these terms can lead to bias and discrimination in the society and in companies.

## **Migrants, asylum seekers, refugees: what differentiates them**

### **Migrants in the broad sense**

The term “migrant”, which includes both immigrants and emigrants, is considered as broad, as it includes: European Union nationals, third-country nationals (non-EU), economic migrants, asylum seekers, beneficiaries of international protection (refugees and beneficiaries of subsidiary protection), climate refugees, etc.

**A migrant** is a person who leaves his/her country in order to go and live on another territory for several reasons, whether on a temporary or a permanent basis. Most of the time, a combination of choices and constraints are involved. Indeed, some migrants voluntarily leave, others are forced to do so, in particular as a result of war or persecution.

**Economic migrants** choose to leave their country to seek better prospects for themselves, their family, but also because of increased poverty in their country of origin. However, no definition for economic migrants is actually legally recognised.

**An illegal migrant** is a person who has not obtained the authorisation to stay in the country or who has overstayed the period of validity of his/her residence permit.

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### **In this guide, we will speak about third-country nationals...**

Third-country nationals, contrary to European citizens, are neither members of the European Union, nor considered as assimilated to the 28 Member States of the European Union.

This guide will address the issue of employment and integration on the labour market of nationals who do not come from a European Union member country, who have left their country for economic, political, family, climate reasons or even to study. Because of the high number of individual, and thus hard to classify, cases, we will focus on the most frequent ones.

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## Asylum seekers, who are they?

Asylum seekers are third-country nationals who have fled their country from fear of persecution.

### Did you know?

European Union nationals can ask for international protection. However, cases remain rare.

**Applicants for international protection (or asylum seekers)** are persons who have left their country seeking international protection, but who have not yet obtained the status of refugee or beneficiary of subsidiary protection (see page 11). They cannot be sent back by force to their country during the examination procedure of the claim for asylum. As long as the definitive status has not been granted, the person retains the status of asylum seeker. The definitive decision from the Ministry of Foreign and European Affairs is made at least six months after the applicant's initial request for international protection.

An applicant for international protection whose request has been filled is authorised to stay on the territory but is not allowed to leave it. This status is not a residence permit, and the person's identity document is kept at the Ministry in exchange for a "pink paper" (papier rose) that proves that the request for international protection has been submitted. Then, each month, the applicant must go to the Ministry in order to extend his/her situation until his/her status has been approved (or rejected).



## Did you know?

### What rights do asylum seekers have?

- ▶ Housing (accommodation centres)
- ▶ Meals
- ▶ Monthly allowance (25 euros per adult, 12.5 euros per child)
- ▶ Basic medical care, social guidance
- ▶ Supervision of non-accompanied minors
- ▶ Public transports
- ▶ Psychological care and counselling (if necessary)

In Luxembourg legislation, the Law of 5<sup>th</sup> May 2006 on the right to asylum and complementary forms of protection, introduced two categories of international protection: the refugee status and the subsidiary protection status.

Not everyone can benefit from the status of refugee, such as war criminals or persons who have committed a serious crime (levels of crime determined by the Geneva Convention).

▶ **Beneficiaries of subsidiary protection** are third-country nationals who do not meet the requirements to be recognised as refugees. Since the Geneva Convention does not protect persons fleeing an armed conflict or a civil war (such as those in Iraq or Somalia), the European Union has set up this status that grants them protection in a country outside of their own.

- ▶ **Refugees** are third-country nationals whose request for asylum/international protection has been accepted.
- ▶ Persons fleeing their country will be recognised as refugees if:
  - they have fled outside of their country;
  - they have legitimate fears of persecution;
  - they cannot ask for protection in their own country.

By definition, "a refugee is a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social or political group, is outside the country of his/her nationality and is unable or, owing to such fear, unwilling to avail him/herself of the protection of that country; or who, not having a nationality and being outside the country of his/her former residence as a result of such events, is unable or, owing to such fear, unwilling to return to it". Excerpt from the 1951 Geneva Convention, Article 1.

▲ Subsidiary protection can be granted to foreign nationals when they:

- — do not meet the requirements to be recognised as a refugee;
- — cannot be authorised to stay for medical reasons;
- — and yet however have a serious risk of being subject to grave harm if they return their country of origin.

Just as for the refugee status, war criminals and persons who have committed a serious crime cannot obtain the status of subsidiary protection (levels of crime determined by the Geneva Convention).

▼ Despite the implementation in 2006 of the Law introducing these two statuses, several differences in terms of rights continued to exist between these two types of beneficiaries. Since the adoption of the Law of 29<sup>th</sup> August 2008 on immigration and free movement of persons, the two categories of beneficiaries have the same rights with a residence permit that can last up to five years each (it used to be one year for the beneficiaries of subsidiary protection).

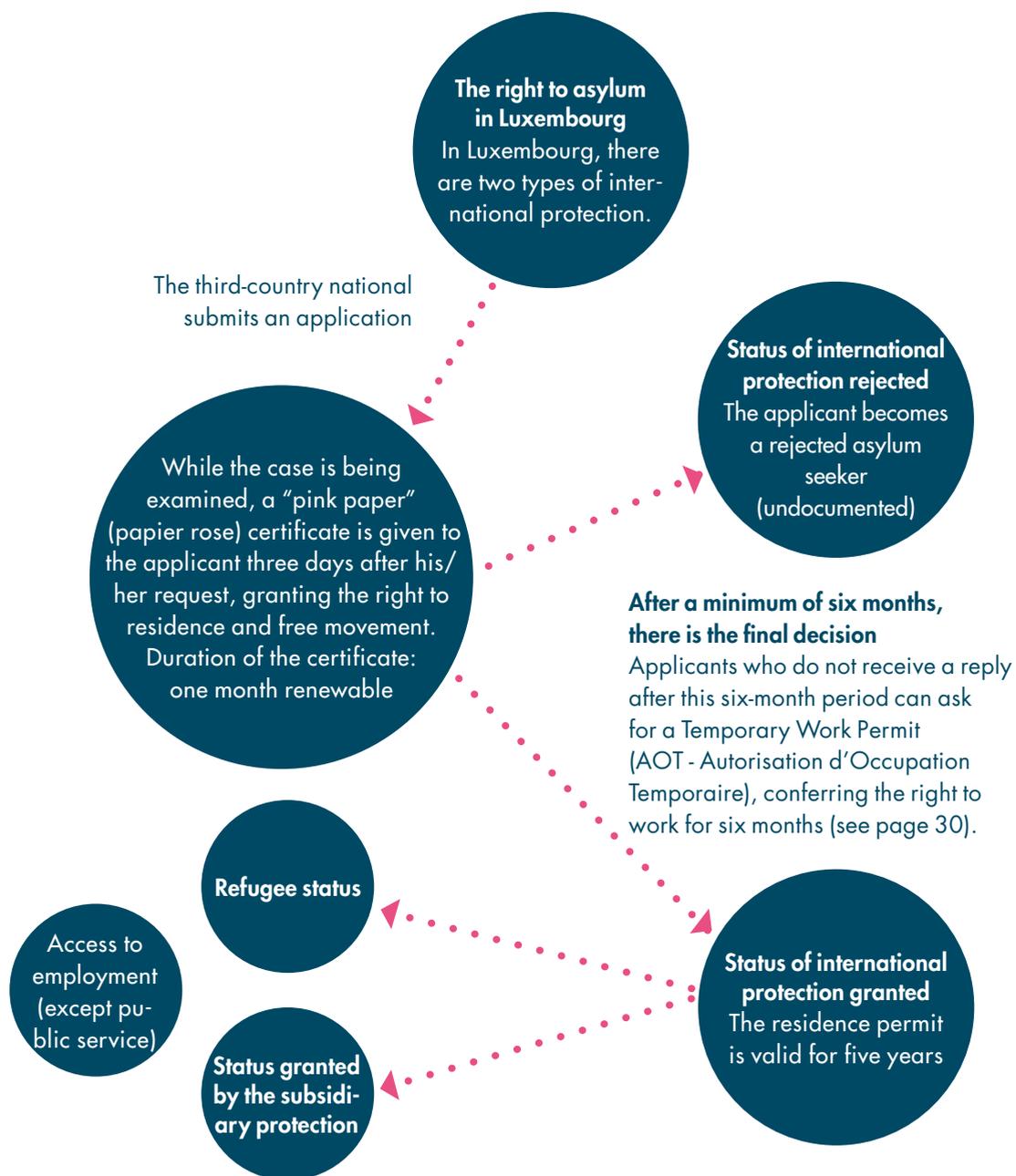
In addition to these two categories, there is a third status of international protection: the temporary/humanitarian protection status. It can be granted in the event of a major influx of displaced people from third countries who can no longer return to their country. Since the creation of this status in 2006, it has not yet been granted in Luxembourg.

### Did you know?

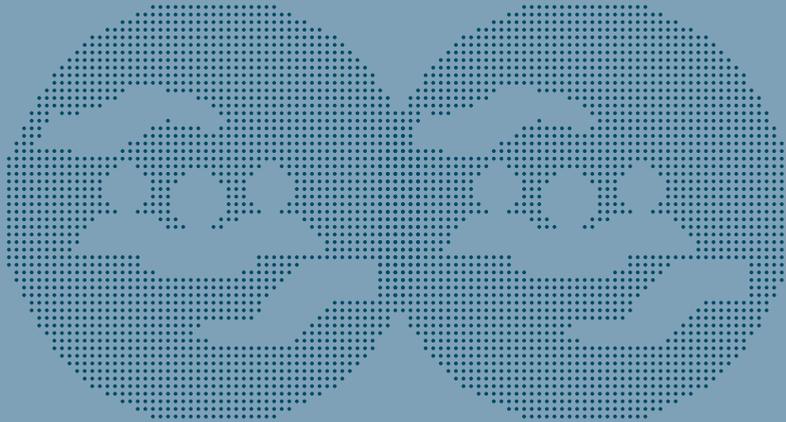
#### Do not forget about climate refugees

The term appeared for the first time in 1985 in the United Nations Environment Programme (UNEP). It considers all the people who are obliged to leave their home as a result of natural disasters mainly due to climate change (floods, storms, earthquakes, etc.). Between 2011 and 2014, 83.5 million climate refugees, mainly from Asia, but also from Africa and the Pacific Region, have fled natural disasters and sought refuge. The United Nations foresee 250 million climate refugees by 2050. These refugees do not however benefit from a unified status as regards international law and are often named as "displaced persons" since most of them move within their own country.

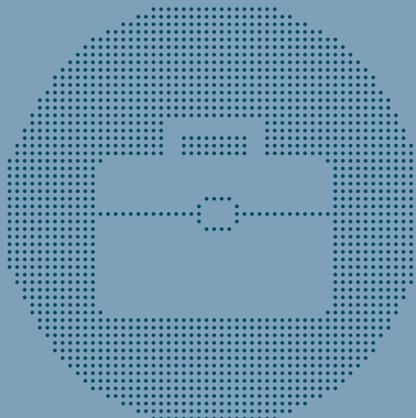
## International protection overview



## TWO TYPES OF INTERNATIONAL PROTECTION...



...GIVING ACCESS  
TO THE JOB MARKET

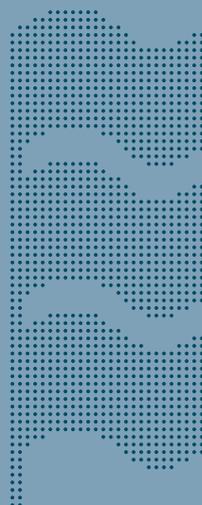


# FIGURES ON MIGRATION

## THIRD-COUNTRY NATIONALS



**6.5%**  
39,669

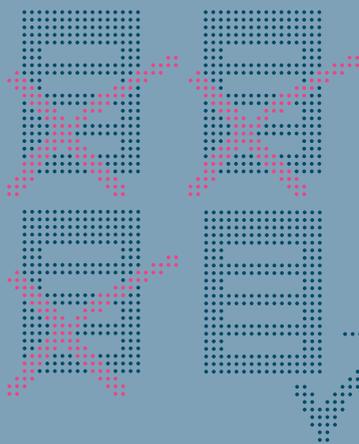


MONTENEGRO

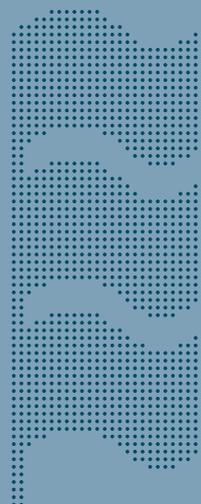
CAPE VERDE

CHINA

## APPLICATIONS FOR INTERNATIONAL PROTECTION



**25%**



SYRIA

ALBANIA

KOSOVO

## The situation in Luxembourg: figures and evolutions

Currently 244 million people are not living in their country of origin. In 2015, across the world, 65.3 million people were displaced, including 40.8 million within their own country, and only 3.2 million were asylum seekers.

According to Eurostat figures, 1.3 million people asked for asylum in Europe in 2015 (1,260,000 were first time applicants for international protection), representing 0.2% of the 508 million people living in Europe.

### On 1<sup>st</sup> January 2016, in Luxembourg, there were:

- ▶ 576,249 residents
- ▶ Of which 269,175 were foreign nationals (that is 46.7% of the total population)
- ▶ Of which 39,669 were third-country nationals

### In 2016 in Luxembourg, among the 39,669 third-country nationals, there were:

- ▶ 3,818 Montenegrins
- ▶ 2,965 Cape Verdeans
- ▶ 2,801 Chinese

### Number of asylum seekers

1,091	2,447	2,035
(2014)	(2015)	(2016)

### Number of international protection applications that were turned down

698	525	409
(2014)	(2015)	(2016)

### Number of granted refugee statuses

148	200	764
(2014)	(2015)	(2016)

### Number of beneficiaries of subsidiary protection

31	28	26
(2014)	(2015)	(2016)

### Country of origin of asylum seekers (in 2016)

1. Syria—13.9% (257 people)
2. Albania—11.3% (209 people)
3. Kosovo—11.2% (207 people)

### Education among asylum seekers (in 2015)

- ▶ Higher education: 15%
- ▶ Secondary education: about 50%
- ▶ Primary education/illiterate: from 30 à 40%

### Rate of recognition of the status of beneficiary of international protection

15%	35%	90%
(2014)	(2015)	(Syrians only)

**Sources :** UNHCR. *Global trends, forced displacement in 2015*

Ministry of Foreign and European Affairs. Immigration Directorate. *Bilan de l'année 2015 en matière d'asile et d'immigration.*

Available on: [www.gouvernement.lu/5680602/Bilan-2015.pdf](http://www.gouvernement.lu/5680602/Bilan-2015.pdf). 2015

Ministry of Foreign and European Affairs. Immigration Directorate. *Statistiques du mois de novembre.*

Available on: [www.statistiques.public.lu/fr/actualites/population/population/2016/12/20161216/20161216.pdf](http://www.statistiques.public.lu/fr/actualites/population/population/2016/12/20161216/20161216.pdf). 2016

STATEC. *Le Luxembourg en chiffres.*

Available on: [www.statistiques.public.lu/catalogue-publications/luxembourg-en-chiffres/2016/luxembourg-chiffres.pdf](http://www.statistiques.public.lu/catalogue-publications/luxembourg-en-chiffres/2016/luxembourg-chiffres.pdf). 2016

CEFIS. *100% Lëtzebuerg.* Available on: [www.cefis.lu/resources.20180109-Luxembourg-100.pdf](http://www.cefis.lu/resources.20180109-Luxembourg-100.pdf). 2017

# EVOLUTION OF THE LEGAL FRAMEWORK



1951 GENEVA  
CONVENTION

1990 DUBLIN  
CONVENTION

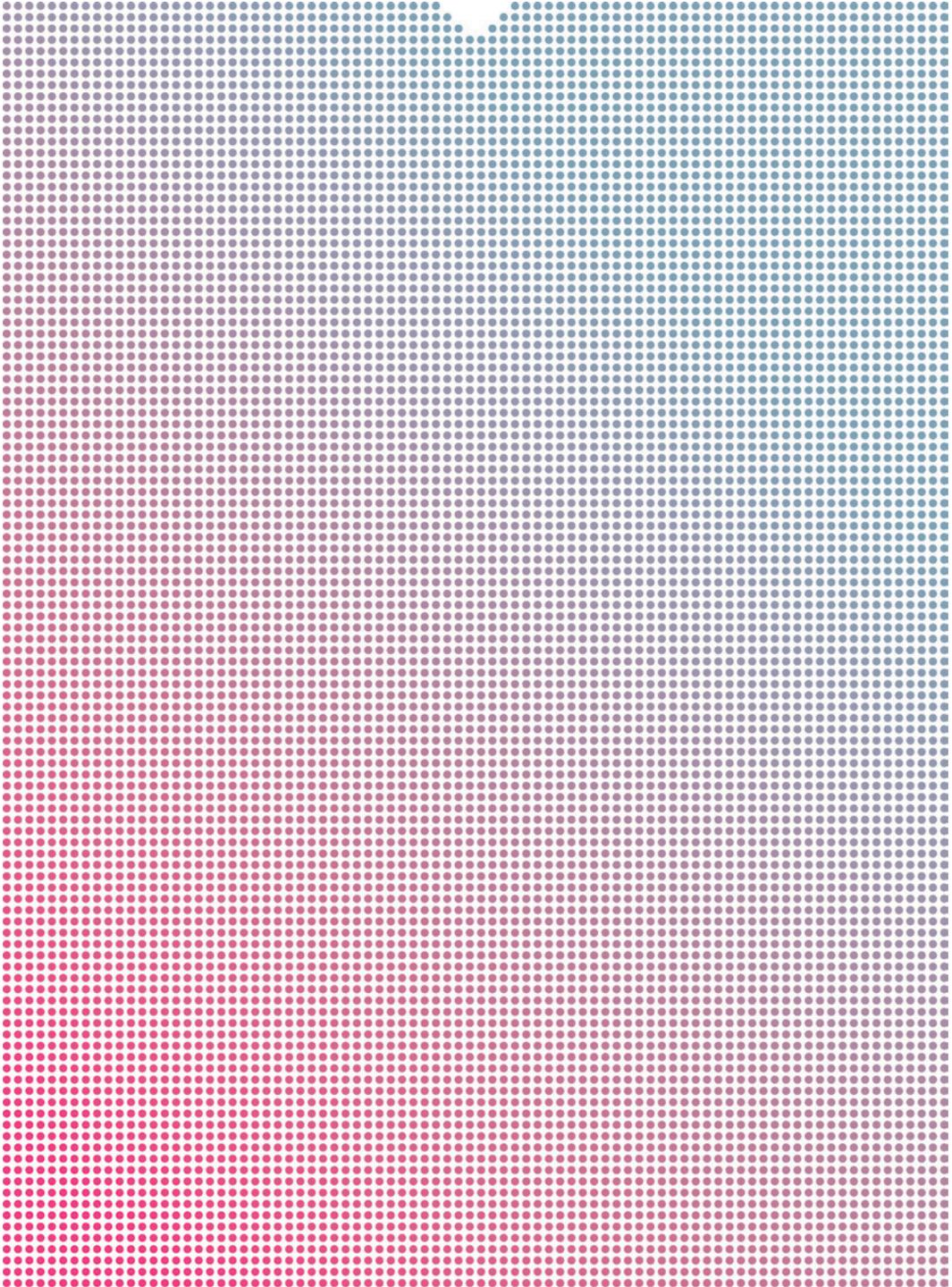


## International protection overview

For several years now the European Union has had a strong will to standardise policy within the Member States as regards asylum and immigration procedures in general at the same time as it puts into practice the principle of non-refoulement that consists in protecting persons whose lives are threatened.

<b>28<sup>th</sup> July 1951</b>	The <b>Geneva Convention</b> protects war refugees. It was signed by 150 countries who committed to protect all the persons who cannot be protected in their own country.
<b>2003</b>	The <b>Dublin II Regulation</b> (initially known as the Dublin Convention, 1990) is a European regulation that determines which European Member State is responsible for examining an asylum application under the Geneva Convention.
<b>5<sup>th</sup> May 2006</b>	<b>The right to asylum is regulated in Luxembourg by the Law of 5<sup>th</sup> May 2006</b> regarding the right to asylum and complementary forms of protection. This law also introduces the authorisation of temporary work. A collective of associations (Lëtzebuerger Flüchtlingsrot or Collectif réfugiés) is careful to monitor the evolution of international and European standards as regards asylum as well as their transposition to Luxembourg legislation.
<b>29<sup>th</sup> August 2008</b>	With the new 2008 Law on immigration, the former work permit was replaced by an authorisation of residence for a salaried worker, which is valid for residence and work (there still are exceptions): it is also called <b>residence permit (titre de séjour)</b> .
<b>1<sup>st</sup> December 2009</b>	The <b>Treaty of Lisbon</b> enables the implementation of a common policy with uniform statuses and procedures within the European Union.
<b>28<sup>th</sup> June 2013</b>	With the <b>Dublin III Regulation</b> , third-country nationals have the possibility to change employer after having worked one year in Luxembourg. After this first year they can also ask for family reunification, a request which will be answered only nine months or more after the initial application has been filled.
<b>1<sup>st</sup> January 2016</b>	The <b>Law on international protection</b> aims at reducing differences between the status of refugee and the one conferred by the subsidiary protection. It <b>repeals and replaces the amended Law of 5<sup>th</sup> May 2006</b> and aims at reinforcing the rights of applicants and accelerate procedures.

# 3



# In Luxembourg, what permit for what rights?

European legislation includes that, for third-country nationals, the right to work in a European Union country depends mainly on the legislation of the Member State in question, unless these nationals are family members of a European Union citizen.

## Did you know?

### “Right of entry” or “right of residence”?

Right of entry is obtained before entering the country. One must apply for a temporary authorisation to stay from the Immigration Directorate and then for a type D visa (for persons who are subject to visa requirements). Right of residence can be obtained once the person is in the country: this is the residence permit.

Every residence permit entails different laws regarding the access to employment:

#### ▶ Residence permit for “salaried workers”

Holders of a “salaried worker” permit have the right to work for the duration of their residence permit. This permit is also granted within the framework of an apprenticeship or paid internship. The first authorisation to stay grants the right to work in only one sector and one profession for a year, before being allowed to access another organisation (see inset page 24 for more information).

#### ▶ Residence permit for “highly skilled workers/ EU Blue Card”<sup>1</sup>

Holders of a “European Blue Card” (EBC) can remain on the territory but also work there, as this residence permit is also a work permit. The EBC introduces a simple admission system for third-country nationals and their families within the framework of highly-skilled employment. Holders have the same rights of access to highly skilled work as nationals. They must have signed an open-ended work contract or a one-year minimum contract. Following a modification in the immigration Law on February 2017, holders of this EU Blue Card can now benefit from administrative simplification measures, as the Law has extended the validity of the card from two up to four years.

Every year, the government adapts the minimum pay level for a highly skilled worker. Thus employers must pay their workers 1.2 or 1.5 times the average gross wage in Luxembourg, a percentage that will vary depending on the group to which the position belongs.

<sup>1</sup> A highly-skilled worker has the required competences, proven by high-level professional qualifications conferred by a higher education diploma or at least five years of professional experience relevant to the profession indicated in the work contract.

### ▶ Residence permit for “long-term residents”

Holders of a “long-term resident” permit must have proved they have lived five years uninterruptedly in the country before applying for long-term residence and a reply is given at least six months after the request has been filled.

### ▶ Residence permit for “posted workers”

Holders of a “posted worker” permit are employees posted in Luxembourg by a service provider established outside the European Union. Holders must be in possession of an authorisation to stay before they enter the Luxembourg territory. The original employment contract and all related rights and obligations remain valid and the employee continues to depend on the social security regime of the state of origin. Employees can be posted if the predictable length of their posting is no more than 24 months. Requests for a posting must be made by the recipient company via the online e-detach service (<https://guichet.itm.lu/edetach/>).

### ▶ Residence permit for “transferred workers”

Holders of a “transferred worker” residence permit are bound by a permanent employment contract to a company based abroad (the transferring company) and have been carrying out specific tasks for which they have acquired professional experience. On the basis of this experiences, an employee can be transferred to Luxembourg to provide a distinct Luxembourg business with the benefits of this experience.

In order to be qualified as a “transferred worker” the employee must:

- ▶ have signed a contract with the transferring company;
- ▶ sign a new contract or a transfer agreement with the recipient company for a specific task and a determined period of time.

During the period of the transfer, the work contract with the transferring company is suspended; the employer/employee bond exists solely between the recipient of the service provision and the transferred worker.

### ▶ Residence permit for “researchers”

Holders of a “researcher” permit get their permit for one year or for the duration of the research project, and is renewable provided that the requirement conditions are still met. The residence permit for researchers includes the authorisation to work as a researcher as well as information on the holder of the permit (name, first name, nationality, date and place of birth) and specific information on the residence permit (category of the title, beginning and end date for the validity of the permit).

▶ Residence permit for “students”

Holders of a “student” resident permit are authorised to carry out salaried work for a maximum number of ten hours a week over a one-month period. There are however exceptions for summer jobs or jobs as assistants at the University of Luxembourg. Students in Licence and Advanced Technician Certificate (Brevet de Technicien Supérieur) are not allowed to work during the first two semesters of their course in Luxembourg.

▶ Residence permit for “family members of a third-country national”

Holders of a “family member of a third-country national” residence permit have access to education or training. This type of permit is considered as temporary. Third-country nationals who are holders of this “family member” permit and wish to work on an accessory basis must request an authorisation to work from the Ministry of Foreign and European Affairs before they start working.

▶ Residence permit for “family members of a European citizen<sup>2</sup>”

There are many holders of the “family member of a European citizen” residence permit in Luxembourg. This type of permit is delivered as a foldable card with a five-year validity, renewable for a ten-year permanent permit. Holders have a direct access to the labour market, without having to undergo any further procedures.

▶ Residence permit for “self-employed workers”

Third-country nationals who hold a “self-employed worker” permit and wish to set up a company must fill in the same professional qualification criteria and carry out the same paperwork as European Union nationals with the Ministry of Economy (General Directorate of Middle Classes). At the same time as they submit the request for setting up a company, applicants must submit a request for a “self-employed worker” authorisation to stay from the Immigration Directorate of the Ministry of Foreign and European Affairs. This authorisation is valid for a maximum of three years.

▶ Residence permit for “seasonal workers”

Holders of a “seasonal worker” residence permit can now benefit from a specific permit not exceeding five months over a period of one year. To obtain this permit, the seasonal worker has to submit the following documents when applying: employment contract, medical coverage and the proof of appropriate housing.

<sup>2</sup> Are considered family members of a European citizen: spouse, registered partner, direct descendants, direct ascendants, any other members of the household.

### What about the renewal of the residence permit?

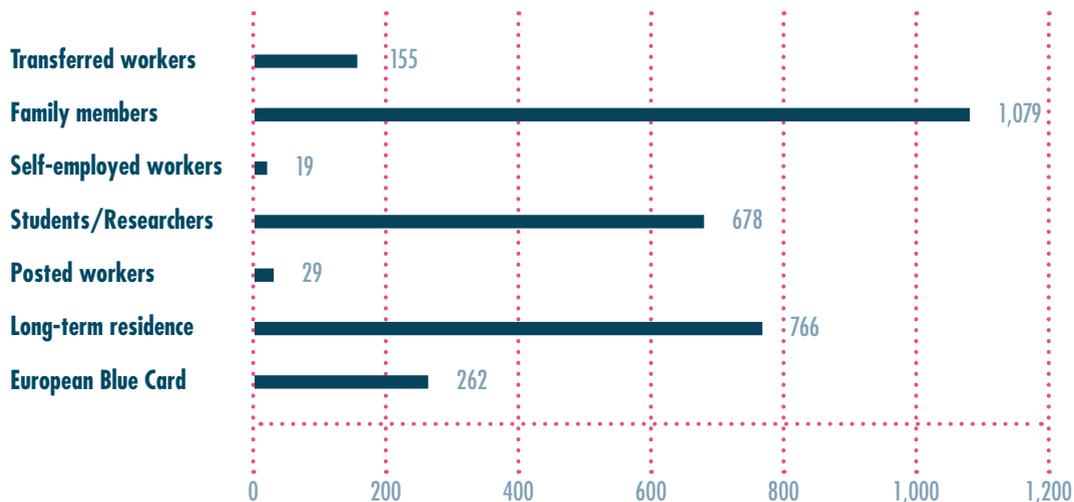
For each of the above-mentioned residence permits, two months before they expire, the third-country national must fill a request for renewal at the Immigration Directorate of the Ministry of Foreign and European Affairs.

Employers are not involved in this procedure in any way. The first residence permit is valid for a maximum of one year (for one profession, with any employer, in only one sector). The first renewal is valid for two years (for one profession, with any employer, in only one sector). And the second renewal is valid three years (all sectors, employers, and professions included).

### And then?

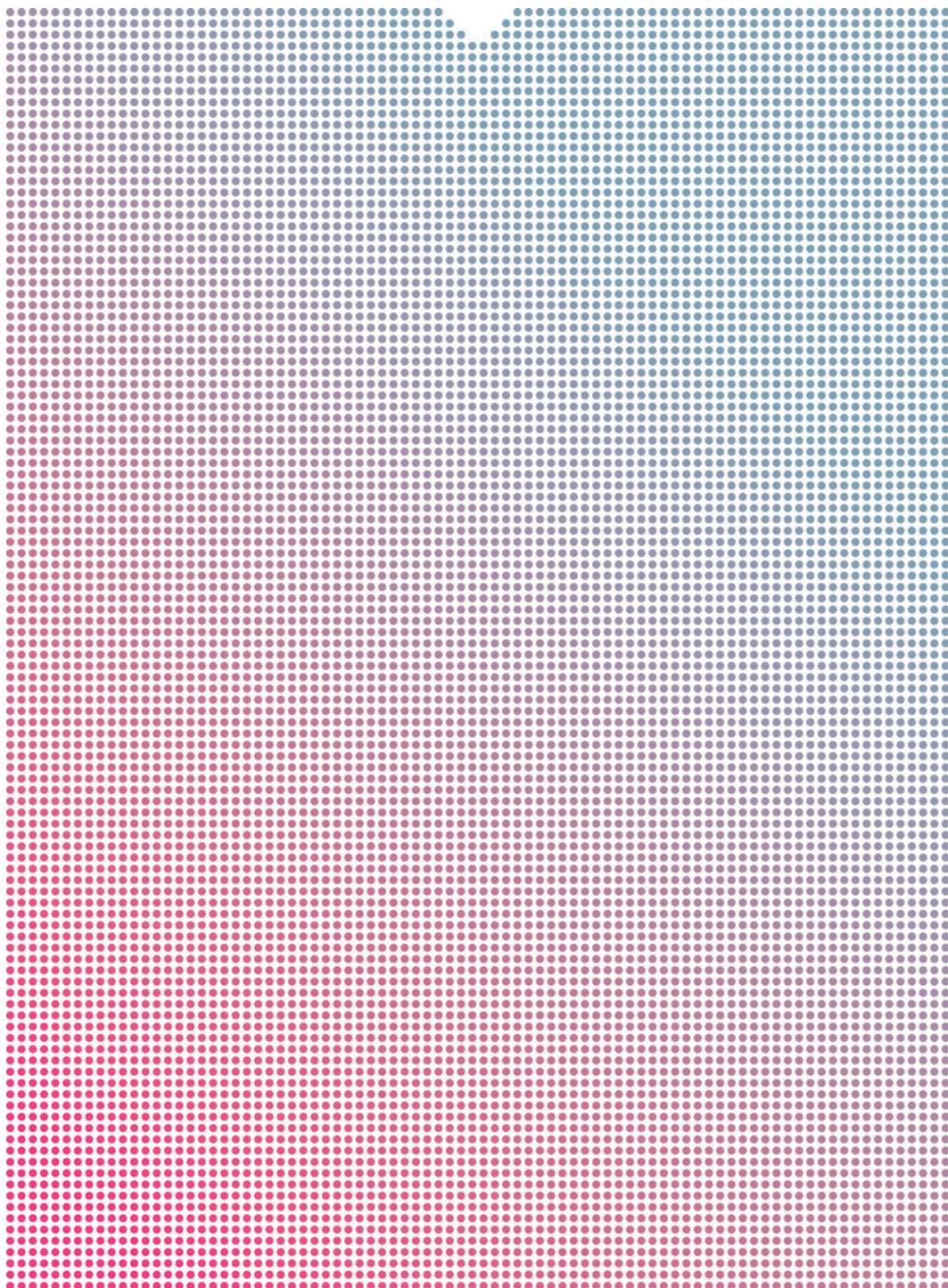
After five years of lawful and uninterrupted residence on the Luxembourg territory, third-country nationals may submit an application for the long-term residence status from the Immigration Directorate of the Ministry of Foreign and European Affairs. After seven years of continuous residence, the person can ask for Luxembourg nationality.

### Share of residence permits granted in Luxembourg (in 2014)<sup>3</sup>



3 Ministry of Foreign and European Affairs. Immigration Directorate. Bilan de l'année 2015 en matière d'asile et d'immigration. Available on: [www.gouvernement.lu/5680602/Bilan-2015.pdf](http://www.gouvernement.lu/5680602/Bilan-2015.pdf). 2015

# 4



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# What is the process for employers?

• • • • •

The truth is that third-country nationals, whatever their status, find it very difficult to access the labour market, at least in the short-term. Luxembourg legislation authorises the beneficiaries of international protection (recognised refugees and beneficiaries of international protection) to have **immediate access to employment**, under the same conditions as Luxembourgish people.

## Did you know?

Just as for domestic or European employees, the minimum social wage is mandatory when employing third-country nationals. Moreover, administrative and criminal penalties are in place for employers who cannot provide their employee's work permit. Formerly, only the employee was punished.

The steps that lead to the employment of a third-country national seem lengthy and opaque. With this in mind, this guide aims at **summarising the procedures concisely**.

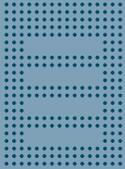
## An overview of the procedures

**Do you wish to employ a third-country national, but are not sure how to proceed?** The following infographic provides an overview and enables you to understand your role in the procedure to employ a salaried worker who is a third-country national (the most frequent case). These six steps are the framework for any other employment of a third-country national, and can be adapted depending on the candidate's status.

# AN OVERVIEW OF THE PROCEDURES

---

**REGISTER ANY VACANT POSITION WITH THE ADEM**



**3 WEEKS**



**CERTIFICATE FROM THE ADEM**



**REQUEST FOR AN AUTHORISATION**



**EMPLOYMENT CONTRACT**



<p><b>Prior the arrival in Luxembourg</b></p>	<p><b>STEP #1 - Request an authorisation to stay (unless the applicant is already in Luxembourg)</b></p> <p>Prior their arrival in Luxembourg, third-country nationals must request a temporary authorisation to stay (valid for 90 days) to the Immigration Directorate of the Ministry of Foreign and European Affairs (a list of countries that do not need the authorisation is provided on the Ministry website). All requests must be submitted before the person enters the territory of Luxembourg. Indeed, even if the third-country national has a valid Schengen visa and all the documents required to apply for a salaried worker's residence permit, the request will be refused on the ground that s/he is already on the territory. Third-country nationals can then proceed to go through all the administrative steps and look for an employer.</p>
<p><b>Looking for candidates</b></p>	<p><b>STEP #2 - Compulsory register vacant positions with the ADEM</b></p> <p>Before employing a salaried worker, the employer must make a declaration of all vacant positions at the National Employment Agency (ADEM). This declaration allows the ADEM to test the labour market and check whether jobseekers are available on the domestic or European labour market. The relevant form can be downloaded on <a href="http://www.adem.lu">www.adem.lu</a> under the <i>employer box</i>.</p>
<p><b>Third-country national candidate who fits the profile</b></p>	<p><b>STEP #3 - Request a certificate from the ADEM</b></p> <p>If three weeks after the declaration of vacant positions, the employer is not offered a suitable candidate on the domestic labour market, s/he can fill a letter requesting a certificate attesting his/her right to recruit the person of his/her choice for that position and therefore to conclude an employment contract with a third-country national (apply for a certificate from the Employer Services, Department for third-country workers, page 51). The certificate is issued within five working days and the employer hands over the original of the certificate to the third-country national.</p> <p><b>STEP #4 - Attach the certificate to the request</b></p> <p>The original of the ADEM certificate must be attached to the request for an authorisation to stay for salaried workers from outside the EU, which the applicant sends to the Immigration Directorate of the Ministry of Foreign and European Affairs (otherwise the request is not admissible).</p>
<p><b>Employment contract and follow-up</b></p>	<p><b>STEP #5 - Draw up the employment contract</b></p> <p>The employer must then sign a dated employment contract with the future employee. The start date of the contract must state: "upon obtaining the authorisation to stay/work" (resolutive clause). This contract is one of the supporting documents required when filling an application for a residence permit for salaried workers.</p> <p><b>STEP #6 - Notify the Ministry of Foreign and European Affairs</b></p> <p>The employer must notify the Immigration Directorate (Department of Foreigners, page 54) in writing the start of the period of employment also indicating within three working days from the first day of work: the identity of the worker, his/her social security number as well as the identity of the employer. The employer must also have a copy of the employee's residence permit and keep it for the duration of the contract.</p>

**Steps to be undertaken by the candidate (non-exhaustive)**

**Steps to be undertaken by the employer**

## Specific procedures for specific profiles

Depending on the candidate's status, recruitment procedures will vary.

### ► Exception #1: asylum seekers

In order to access the labour market, asylum seekers, who thus do not yet have a definitive recognised status, can ask for a Temporary Work Permit (AOT - Authorisation d'Occupation Temporaire) from the National Employment Agency (ADEM), six months at the earliest after they have filled their request for international protection.

### What is a Temporary Work Permit (AOT)?

In Luxembourg, a Temporary Work Permit is valid six months for one specific employer and one profession. This authorisation can be renewed but does not entitle the holder to a residence permit, nor to the payment of any full unemployment benefits. The request must be jointly filled by the employee and the employer.

## Did you know?

Contrary to common misconceptions, it is simpler and faster to hire a refugee. Indeed, a recognised refugee has the same rights of access to employment as Luxembourg nationals and nationals from the European Union. So they are not subject to the test of the labour market.

### ► Exception #2: highly skilled workers

In the case of highly skilled workers, procedures remain the same as those presented page 29, except that no test of the labour market is needed since the highly skilled worker has the same access to employment as Luxembourg nationals and nationals from the European Union. The employer must nevertheless declare its vacant positions.

### ► Exception #3: trainees

Regarding internships, procedures vary depending on whether or not it is a paid internship and whether it lasts less or more than three months. For more information, please see [www.guichet.lu](http://www.guichet.lu)<sup>4</sup>.

Other exceptions<sup>5</sup> also exist for:

- ▶ **Posted employees:** posted employees must be in an open-ended contract for at least six months prior to being posted. The employer who is receiving the employee must fill an application via the e-detach online service on [www.guichet.lu](http://www.guichet.lu). The transferring company is in charge of requesting a renewal of the residence permits for its posted employees (full procedures are available online<sup>6</sup>).
- ▶ **Scientists or researchers:** the host organisation must complete a statement of support for the researcher (form available online<sup>7</sup>). An authorisation to work is implicit in the residence permit for researchers.
- ▶ **Cross-border workers:** in order to work in Luxembourg, a third-country national who resides in another European Union country can apply for an authorisation to work as a cross-border worker to the Immigration Directorate of the Ministry of Foreign and European Affairs. However, no request for an authorisation to stay is needed. For example, an American national living in Arlon will merely only need an employment authorisation to work in Luxembourg.

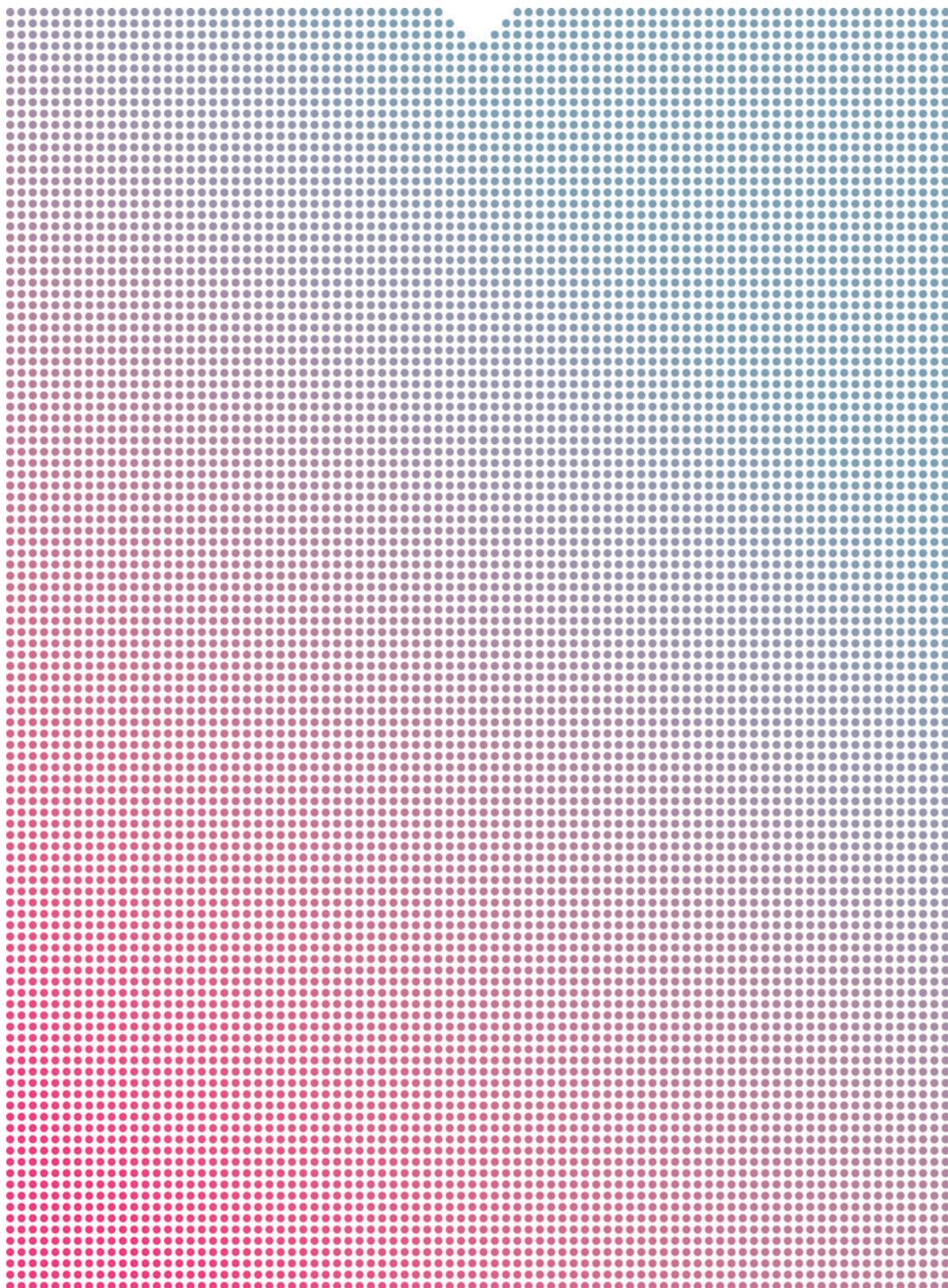
However, cross-border workers who are family members of an EU citizen and whose spouse works in Luxembourg do not need an authorisation to work. They must simply submit an application for an exemption to the Ministry of Foreign and European Affairs.

<sup>5</sup> ASTI Asbl (Association de soutien aux travailleurs immigrés). *Bienvenue au Luxembourg : guide d'information pour les ressortissants de pays tiers et leur famille*. Available on: [www.bienvenue.lu/documents/fck/image/BRNONUEFR.pdf](http://www.bienvenue.lu/documents/fck/image/BRNONUEFR.pdf)

<sup>6</sup> [www.guichet.public.lu/entreprises/fr/ressources-humaines/mobilite/detachement/detache-pays-tiers/index.html](http://www.guichet.public.lu/entreprises/fr/ressources-humaines/mobilite/detachement/detache-pays-tiers/index.html)

<sup>7</sup> [www.guichet.public.lu/citoyens/fr/formulaires/immigration/tiers-chercheur/attestation-prise-charge/attestation-prise-charge-chercheur-FR.pdf](http://www.guichet.public.lu/citoyens/fr/formulaires/immigration/tiers-chercheur/attestation-prise-charge/attestation-prise-charge-chercheur-FR.pdf)

# 5



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# Looking beneath the surface

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In general, third-country nationals are faced with more than one obstacle at once. Whereas one obstacle can be overcome, when they are combined, their cumulative effect makes integration more difficult. This integration largely depends on access to employment: **support from employers in the process is therefore essential.** Third-country nationals are often perceived negatively whereas they should be seen as an asset for the organisation, which can help them reach their full potential. Access to employment will help them integrate economically but also socially, enabling them to build their networks.

In the Luxembourg context, in the summer of 2016, IMS Luxembourg carried out interviews<sup>8</sup> with eight volunteer signatories of the Diversity Charter Lëtzebuerg, representing various activity sectors and different sized companies. In these interviews, signatories highlighted:

- ▶ the issue of cultural differences;
- ▶ the importance of an individualised and specific inclusion;
- ▶ the richness third-country nationals bring to the business;
- ▶ the importance of overcoming stereotypes linked to certain nationalities.

These issues were the most commonly mentioned but are not exhaustive. As a general rule there are solutions to most of the obstacles mentioned.

## Do not be daunted by administrative procedures

Administrative and legal procedures to employ a third-country national are often poorly understood. Employers do not always know at what stage of the process to get involved. As regards the length of time needed to obtain a residence permit (which includes residence and work), it can take up to two months maximum. Durations for the procedures to obtain asylum have been greatly reduced (from several years to six months minimum). This practical guide will also help you have a clearer and simpler view of the administrative procedures and legislation.

## Why are administrative procedures to employ an asylum seeker long?

- ▶ There are too few interpreters for certain languages. However, a cooperation with neighbouring countries has been established to reinforce their number.
- ▶ Many applications are incomplete and so cannot be processed.

- ▶ Each application is checked a second time in order to make sure that the applicant indeed runs a risk if s/he returns to his/her country.
- ▶ Original documents (diplomas, etc.) are requested and asylum seekers are not always in a position to provide them.

### Three steps to obtain international protection (six months minimum)

1. Admissibility of the Dublin III Regulation, according to which a single Member State is responsible for examining an asylum application in order to ensure that the applicant is not sent from one country to another nor applies in several states at once.
2. An individual interview is done so that the applicant explains in detail the reasons for his/her request.
3. Final decision.

### What is/are the solution(s)?

- ▶ **Short-term internships** enable beneficiaries as well as applicants for international protection to work temporarily while awaiting for a reply. For instance, the "Connections" project led by the ASTI (Association de soutien aux travailleurs immigrés) connects applicants or beneficiaries of international protection with volunteer companies for short-term and unpaid internships. Some of the trainees who participated in this project received their definitive status during or just after their internship, opening the path for them to be employed.
- ▶ For applicants for international protection who are still undergoing the process, a **Temporary Work Permit** allows them to work for six months for one specific employer and one specific profession.

### The language as a key element of integration

Since communication is key in today's world, the language barrier is often the first hurdle to proper professional integration. Access to the Luxembourg employment market is made easier by a good mastery of at least one of the country's three administrative and judicial languages (Luxembourgish, French and German). Even though French remains the language that is most in demand on the labour market, in 2014, 42%<sup>9</sup> of job offers sought trilingual profiles.

<sup>9</sup> University of Luxembourg, from a sample of job offers published in the Luxemburger Wort (773 offers in 2014)

Before they are even registered at the ADEM, third-country nationals are integrated into training courses. The Ministry of Education, Childhood and Youth “*Step by step to adult education and training*”<sup>10</sup> leaflet provides guidelines. For most newcomers, there are literacy classes in French, as well as language courses in French, German and Luxembourgish. These take place over the course of one year and can be renewed for another year if the achieved language skills are not satisfactory and before entering the labour market.

### What is/are the solution(s)?

▶ **Linguistic leave** was introduced by the Law of 17<sup>th</sup> February 2009 to reinforce professional training. This “additional special leave” enables a company’s employees of all nationalities to improve their knowledge of Luxembourgish for a better integration on the labour market. Persons eligible to this leave are private sector employees who have been employed in the same position in their company for at least six months as well as persons who have had an independent or self-employed activity for at least six months. The total duration of the linguistic leave is capped at 200 hours and is calculated proportionally for part-time employees. The employer pays out the compensatory benefit and the State reimburses 50% of this allowance (available form for refund online). Since 2009, 2,509 linguistic leaves have been granted<sup>11</sup>. After employer validation, the employee must submit a request to the Ministry of Labour and Employment.

## Dealing with cultural differences

Getting to know people from another culture means confronting one’s own vision of the world to others that can be different. Learning interculturality enables to:

- ▶ understand your interlocutors and be understood by them;
- ▶ reduce cultural shocks;
- ▶ improve your capacity for adaptation;
- ▶ open up to the new culture and its richness;
- ▶ learn more about your own culture.

<sup>10</sup> [www.men.public.lu/catalogue-publications/adultes/informations-generales-offre-cours/pas-a-pas/en.PDF](http://www.men.public.lu/catalogue-publications/adultes/informations-generales-offre-cours/pas-a-pas/en.PDF)

<sup>11</sup> Ministry of Labour and Social and Solidarity Economy

## Managing religious diversity in companies

Contrary to common misconceptions, it is difficult to create a neutral work environment because of all the diversity that makes up a company. Simple solutions can be implemented to take into account everyone's needs: cultural and religious awareness programme, training on unconscious bias, "meditation" room (dedicated to prayers, but not only), flexibility at work, dialogue with minorities before making decisions concerning them, etc.

### What is/are the solution(s)?

- ▶ **Unconscious bias training** is necessary in order first of all to know what bias is and where it stems from, to understand its impact, to learn techniques to reduce or eliminate them in day to day life, as well as effective techniques to reduce their impact on the decisions made.
- ▶ **Internal intercultural actions and/or training** are also synonymous with a proactive diversity approach. Actions such as celebrating international days or carrying out conversations in a foreign language encourage people to open up to others and enable everyone to feel a sense of belonging to the organisation.

## How does diploma recognition work?

Qualification levels are an obstacle that is less often mentioned, probably because it is valid for all candidates, whoever they are, and is not specific to third-country nationals.

Since third-country nationals do not come from a country that is signatory of the Paris or the Lisbon Convention<sup>12</sup>, the Ministry of Education, Childhood and Youth must approve their qualifications as compared to the Luxembourg education system. Luxembourg is one of the last countries of the European Union where certificates and diplomas are recognised by a Ministry and not a university. The Ministry's Department for the recognition of diplomas is competent to provide recognition of general and technical secondary school diplomas (baccalaureate) or vocational certificates (DAP/CATP, brevet de maîtrise). A certificate of education may be issued for an incomplete cycle of studies. The same department also establishes the recognition of vocational qualifications in healthcare (nursing auxiliary, healthcare assistant, nurse, specialist nurse, social worker, physiotherapist, etc.) and socio-educational professions (educators, carers).

<sup>12</sup> European Convention on the equivalence of diplomas leading to the admission to universities, signed in Paris on 11 December 1953

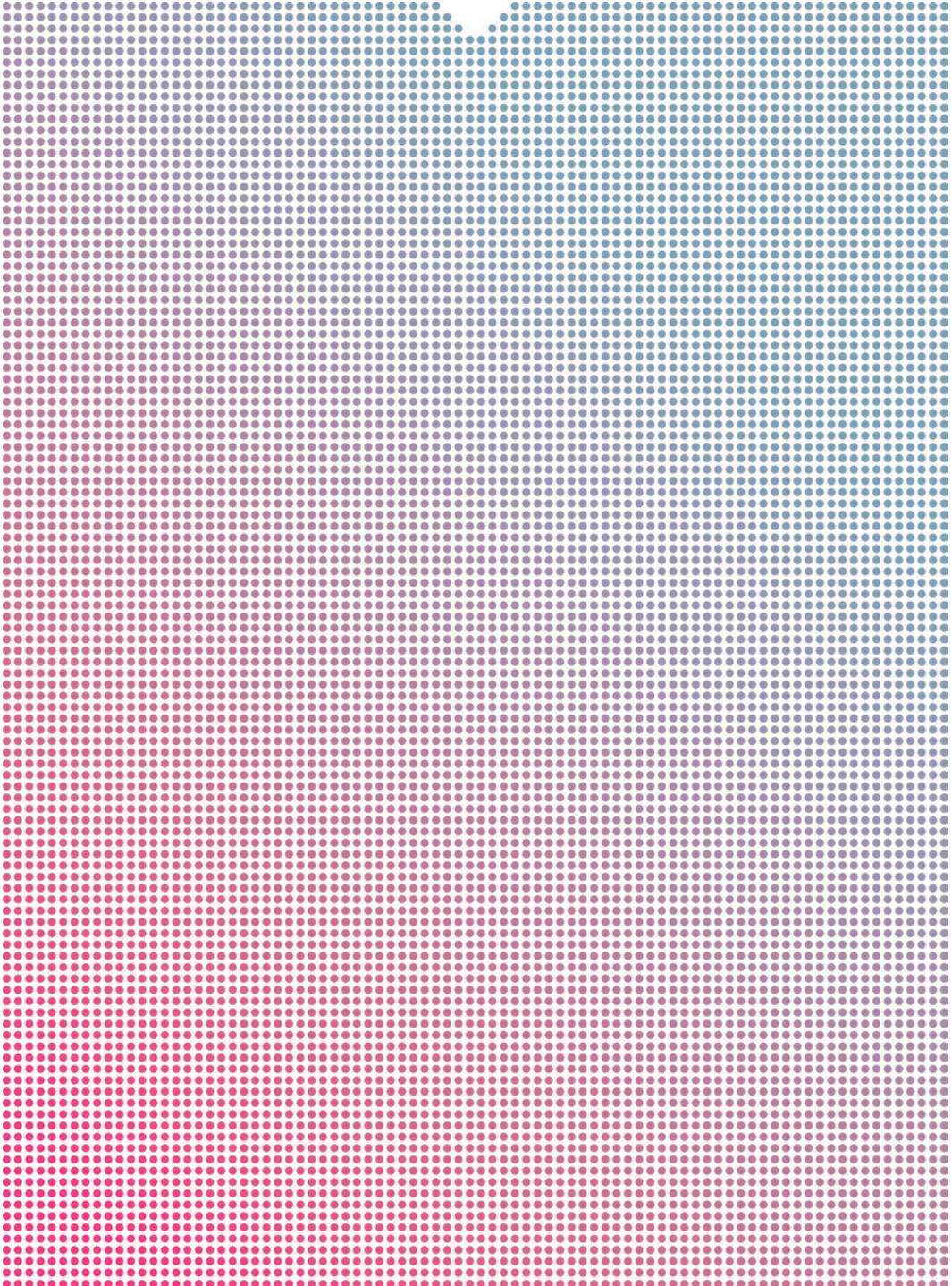
In Luxembourg, formal recognition of higher education diplomas of third-country nationals can be carried out in two ways:

- ▶ By listing the foreign certificates at the register of higher education qualifications that will confirm the value of the diploma. This procedure requires that the applicant is in possession of his/her original diploma or of a true copy, without which recognition cannot be made.
- ▶ By certification of the diploma used by certain regulated professions (education, medical, or pharmacy sectors for example).

What is/are the solution(s)?

- ▶ **Accreditation of prior and experiential learning (VAE - validation des acquis de l'expérience)** enables the formal recognition of skills acquired throughout the person's life by granting a corresponding certificate or diploma. Persons who have 5,000 hours of experience (less than two years) in the field in which they wish to apply in Luxembourg have the right to submit a request to the Ministry of Education, Childhood and Youth. If they meet all the requirements, they can then receive a preliminary technical and vocational certificate (CITP - certificat d'initiation technique et professionnelle), a manual skills certificate (CCM - certificat de capacité manuelle), a vocational skills certificate (CATP - certificat d'aptitude technique et professionnelle), a master craftsman certificate (brevet de maîtrise), a technician diploma or a technical secondary school graduation diploma.
- ▶ **A skills-based recruitment method (MRC)**, also called CV-less recruitment, makes it possible to highlight skills and know-how rather than a career path (work experience and education level). This method focuses mainly on candidates' motivation rather than their career path. This is a way to attract more diversified candidates.
- ▶ **A simulation-based recruitment method (MRS)** makes it possible to assess, through exercises, the ability of candidates in a certain position. MRS consists in analysing a position in a company by highlighting all the capacities needed to carry out the task and then building exercises to assess these capacities in a candidate. These exercises replicate the work position by analogy and puts candidates in a situation to concretely demonstrate their capacities to hold this position.
- ▶ **Adult apprenticeship** is for job seekers registered at the ADEM who are undergoing training for a certificate of professional competence (CCP - certificat de capacité professionnelle) or a vocational skills certificate/diploma (DAP - diplôme d'aptitude professionnelle). Adult apprentices are paid the minimum social wage. Apprenticeship for adults is opened to all third-country nationals except asylum seekers. However, a pilot project<sup>13</sup> is being examined to offer apprenticeships in English to applicants for international protection, by identifying economic sectors ready to offer them a long-term professional project.

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# Best practices from here and abroad

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## Practices made in Luxembourg

### Association de soutien aux travailleurs immigrés (ASTI) - “Connections” project

#### The project

The “Connections” project was launched in January 2016 to prepare applicants or beneficiaries of international protection for the Luxembourg labour market. Financed for a three-year period by Mateneen from the Oeuvre Nationale de Secours Grande-Duchesse Charlotte, this project connects applicants or beneficiaries of international protection wishing to prepare for employment (through a 240-hour internship) with socially engaged companies that are ready to welcome them for a maximum period of six months.

**Michelle Moses**, Project manager, ASTI:  
“We have had extremely positive feedback already, in all regards. It is a project that gives meaning to long months of forced waiting and inactivity. It is a good reason to get up in the morning!”

During these unpaid internships, some employees volunteer to assess and support a trainee by becoming employment mentor. **The main objective is to enable a smooth transition into the labour market.**

#### Actions

- ▶ **First phase: 14 information sessions** on the history, composition of Luxembourg society, the values of our domestic and European institutions, on social security, employment aid, intercultural competences, etc.
- ▶ **Individual interviews** to assess candidates professional skills and experiences. Then the candidates are selected for internships following linguistic criteria and their presence rate at the information sessions (must be over 70%).
- ▶ **Second phase: professional workshops** to learn how to write a CV, to introduce oneself in a professional way, learn the practical aspects (rights and duties of employees), prepare for the internship, encourage entrepreneurship, have access to courses offered by the professional chambers, etc.

#### Facts and figures

- ▶ End of March 2016: project launch;
- ▶ 120 participants for the first information sessions;
- ▶ 58 persons selected for the first phase of the project and 30 for the second;
- ▶ Among these 30 persons, 23 had unpaid internships, two had a scholarship (MBA) and five persons have undertaken training at the Chamber of Employees.

**Do you want to join the project and welcome an applicant or beneficiary of international protection as a trainee?**

The ASTI will put you in contact with applicants or beneficiaries of international protection who would like to get an internship. This step is a chance for them to assess their skills and experiences and is essential to their proper integration in Luxembourg, smoothing their transition into the professional life.

For more information, please contact the ASTI by email ([connections@asti.lu](mailto:connections@asti.lu)).

**Felten & Associés**

Member of IMS Luxembourg, the Felten & Associés law firm took part in the "Connections" project by welcoming Mohamad, an asylum seeker, as a trainee for two weeks.

*"Participation in the 'Connections' project was done naturally via one of our lawyers who was already familiar with this type of initiative. As it turned out, at that stage we had an available position to host a trainee for a short period as a legal expert. The idea was to help the trainee get started. Then the human aspect took over: the 'trainee' was Mohamad, an extremely generous person who we learned to get to know,*

*with such a wonderful joy of living, even with his personal story and the harsh realities he has had to face. It is difficult to know who learned the most during this internship, but what we all remember from it is that one must always put things into perspective."* - Delphine Hames, Office Manager, Felten & Associés.

Mohamad is from Baghdad, in Iraq, where he was a lawyer. He arrived in Luxembourg in 2015 and integrated the "Connections" project in early 2016 which led him to the opportunity of working as a legal expert at Felten & Associés.

*"At first the hardest thing was to live at the shelter with a lot of other people, little hygiene and no intimacy. My experience at Felten & Associés taught me a lot, and granted me the basic knowledge necessary to start a second internship at Arendt & Medernach. Today, I have finally obtained the status of recognised refugee as well as a passport that enables me to travel again. I have had an apartment for a few months now, I signed my contract with Arendt and I speak Luxembourgish almost fluently. For 2017, I intend to work even harder, to learn French and Portuguese, and to start a family here. I thank Luxembourg and the different people I met who helped me achieve the 'Luxembourg dream'."*  
- Mohamad

## Comité de liaison des associations d'étrangers (CLAE) - "InSitu Jobs" project

### The project

Funded by the European Asylum, Migration and Integration Fund (AMIF), the "InSitu Jobs" project aims at informing, guiding and professionally connecting third-country nationals who are legally residing on the territory as well as beneficiaries of international protection.

### Actions

- ▶ **Establish a professional project** through individualised interviews, namely by carrying out a skills assessment, drawing up a CV or a cover letter, validating prior professional experiences, providing help for the recognition of diplomas, providing administrative information, etc. Individualised interviews can be carried out in several languages (mainly French, Portuguese, and English, but also Serbo-Croatian and Arabic with an interpreter), however French is favoured as it is the vehicular language in the business world.
- ▶ **Organise thematic workshops** enhancing active job searches.
- ▶ **Create a network** of professionals, organisations, and associations working in the field of socio-professional integration to help assist people we support.

## InSitu JOBS

**Lucia Coelho**, Social worker, CLAE : "During this first year, our project has been continuously enriched in order to lay the foundation of a bridge between a population that is faced with specific obstacles in a demanding labour market. We are aware that this is a real challenge."

### National Employment Agency (ADEM) - Occupational Counselling and Redeployment Panel

In 2015, 21 applicants for international protection registered at the ADEM's Occupational Counselling and Redeployment Panel. In all, eight of them managed to conclude an apprenticeship contract within the framework of a training course leading to a certificate of professional competence (CCP - certificat de capacité professionnelle) following a validation of experience or a vocational skills certificate/diploma (DAP - diplôme d'aptitude professionnelle) in positions such as electrician, painter, landscaper or waiter.

### **Caritas Luxembourg - “Passerelles pour l’emploi” project**

Since 2001, Caritas Luxembourg has welcomed young people aged 16 to 23, mainly of foreign origin (third-country nationals and others), in two “passerelles” classrooms. These classrooms dispense classes in French and Luxembourgish, provide citizenship training, thematic information and mathematics courses, but also refresher classes and specialised classes such as literacy, welding, cooking, horticulture, sewing, and artistic expression. Caritas Luxembourg is now launching a follow-up project: “Passerelles pour l’emploi” that aims to extend the follow-up of these young people by accompanying them in their first access to employment.

### **Signatories of the Diversity Charter Lëtzebuerg: some practices to replicate**

The following five best practices result from interviews carried out<sup>14</sup> with companies that are signatories of the Diversity Charter Lëtzebuerg.

<p><b>Simulation-based recruitment method</b></p>	<p>“Our company is diverse and inclusive and we want our workers to reflect today’s society. This is why we became involved in the integration of third-country nationals in our teams and why we are studying the various approaches to facilitate their access to employment. With the simulation-based recruitment (MRS), we focus our recruitment on the candidates’ skills and abilities. We are also working with the ADEM on the “Jobelo!” programme, which enables young people to access the labour market through a specialised training course. Thanks to these two actions, we have hired more than 20 third-country nationals on permanent contracts.” - Alexandre Villière, Recruitment Manager, Sodexo</p>
<p><b>Skills-based recruitment method</b></p>	<p>“Within the framework of our “positive action” plan validated by the Ministry for Equal Opportunities, we are going to integrate employment measures in favour of third-country nationals to facilitate their integration. The mix of people at Compass makes it possible for the employees here to be more open-minded regarding cultural differences, which is a core value of our company.” - Béatrice Solda, Human Resources Director, Compass Group</p>
<p><b>Training courses for newcomers</b></p>	<p>“When people arrive in Luxembourg, they do not know all the codes needed to adapt and feel comfortable in their new environment. So to make the integration of our new co-workers easier, we have set up a tailor-made “intercultural” training course. On two half days, the training course presents Luxembourg in all its aspects: social, historical, economic and cultural. Then, by focusing on Hofstede’s four cultural dimensions, we present our dominant values, essential to the integration of third-country nationals. Through role-plays, they understand the keys for a good communication. By understanding the natural cultural differences, work relations are made easier and improved. This training course is very successful: our co-workers are eager to understand the new environment they are in and also discover tools in order to communicate properly in a multicultural context.” - Delphine Houliat, Human Resources Director, Tralux</p>
<p><b>Improvisation theatre on the theme of intercultural stereotypes</b></p>	<p>“In the context of the Diversity Day Lëtzebuerg 2016, the IFSB organised an action with the Luxembourg Improvisation League to tackle the subject of nationalities in a humorous way. We started the day with a session of group laughter. Everyone at our Bettembourg site was invited to share a breakfast during which we laughed together at various caricatures that we knew or discovered about some nationalities.” - Caroline Gontier, Youth and Sustainable Project Manager, IFSB</p>
<p><b>Bilingual training</b></p>	<p>“In 2016, Pall Center chose to focus on training with a specialised agency. More than 200 employees, of all levels and positions, received a training on the values of the company and the excellence of client reception. These courses were led in an original manner by two trainers in French and Luxembourgish, in order to better understand the different client panels in the Grand Duchy.” - Dorothée Motir, Brand Manager, Pall Center</p>

## What our neighbours are doing

### Germany, Siemens

Since February 2015, with 342,000 employees, Siemens has been offering two-month orientation courses to provide vocational guidance to young refugees and asylum seekers and overcome the prejudice that German people may have towards them. The city of Erlangen, where the company is located, has also worked on the project. Siemens has developed special contracts offering paid internships. Each trainee is assigned a volunteer mentor in the company who remains available for any questions or difficulties encountered by the trainee. In addition, Siemens offers training to all employees to prevent the project and reflect their own bias. This programme has been replicated in nine other companies since the end of 2015 in Germany.

**Lars Wissman**, Director of Training, Siemens: "We believe refugees and asylum seekers have a special quality. If you give them a chance and help them to develop, then they really take off. They are much more highly motivated than our average applicant."

Source: BBC news. Why some German companies are offering refugees apprenticeships. Available on: <http://www.bbc.com/news/world-europe-35024124.%20D%C3%A9cembre%202015>. December 2015

### Germany, Reuther STC

With about 300 employees, Reuther STC has set up an intensive three-month training plan for young refugees. The initial idea was to find a way to integrate the refugees into the local community. Participants are selected by a specialised agency. Between February and April 2015, 14 young men learned different welding procedures. This action is carried out in partnership with the city, which provides rooms in its training center.

### Norway, Scandic Hotels

Present in Scandinavia, Germany and Belgium, Scandic Hotels have recently trained cooks among migrants from Arabic-speaking countries. Priority has been given to kitchens where at least one person speaks Arabic, or if necessary one person in the hotel. Migrants are received to work in these kitchens for ten days, and, after this period, they get a document attesting their skills. They are then ready to be hired by any company, even if they do not speak the local language. Once hired, learning the language can be part of the employee's development plan.

### Did you know?

In Sweden, government investment to accommodate 163,000 refugees between 2014 and 2016 contributed to accelerating Swedish growth, which has become the strongest in Europe with an annual growth of 4.5% (twice the one of Germany). An interventionist policy, 2.5 billion euros invested, a key rate cut and the construction of housing contributed to this boom.

## Did you know?

In Sweden, LinkedIn has set up the Welcome Talent (WT) programme that works with the #welcometalent hashtag. Employers wishing to hire trainees whose native language is not Swedish can communicate their needs more directly. As for applicants, they can more easily find companies that are ready to employ them. There are now more than 1,000 job offers listed on LinkedIn using this hashtag.

## The Netherlands, Accenture

Accenture has set up the Refugee Talent Hub (RTH), an online platform to quickly match the skills of refugees to the needs of businesses, governments and NGOs. Through an intelligent algorithm, the Refugee Talent Hub makes it possible to meet the needs of companies and refugees in terms of training, coaching, language courses, education and internships.

## What other countries are doing

### Canada, Nomz

Based in Toronto, Nomz is a fast-growing company that sells nutritional bars in more than 100 stores across the country. Since its inception, the company has been composed mainly of recognised refugees, who have been loyal to the company over the years. For the time being, all the refugees come from Afghanistan, but the company is seeking to support the Syrians who are arriving. And Nomz is not the only company to have this kind of practice.

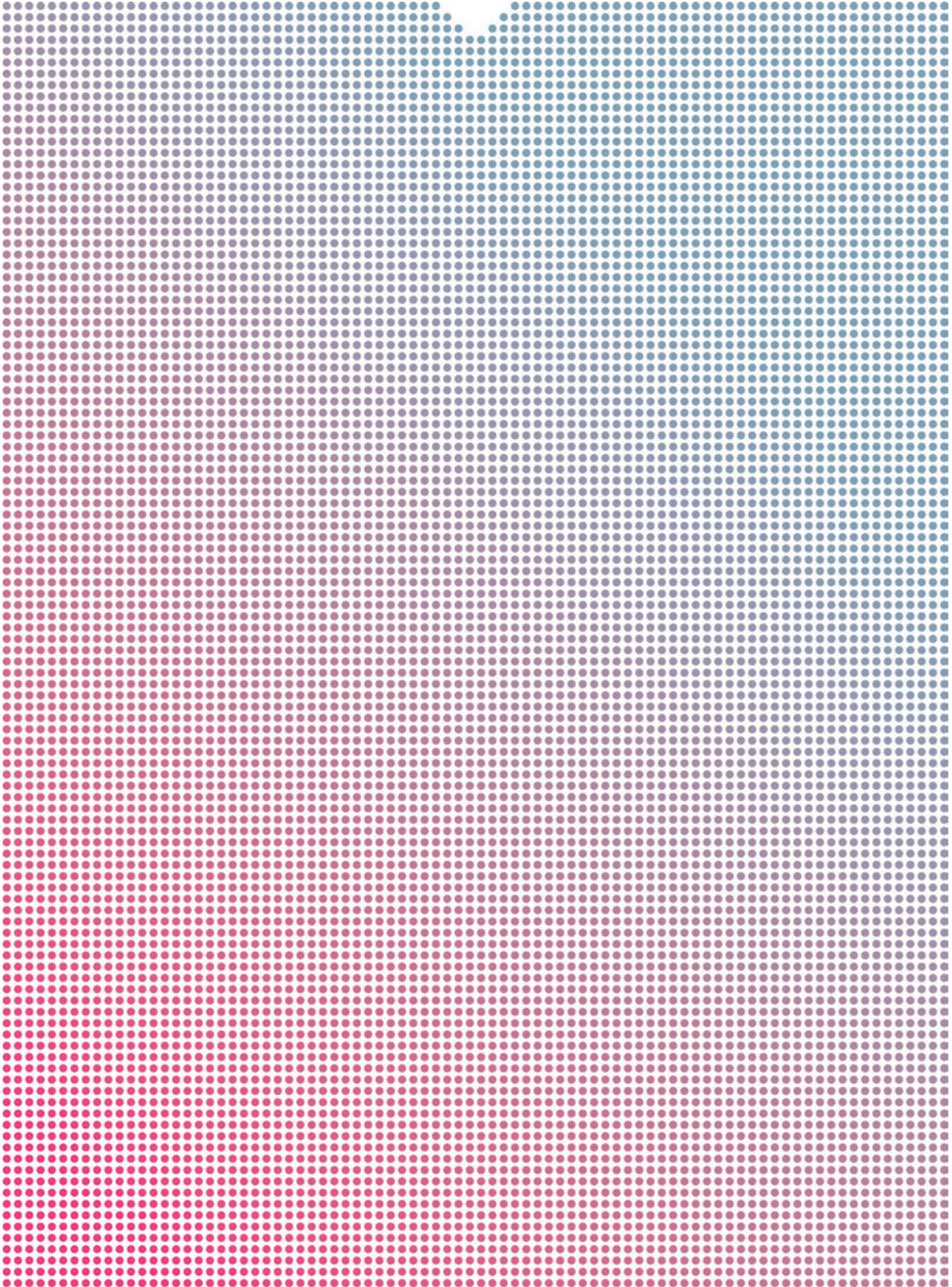
## United States, Mc Donald's

In Chicago, the *English under the arches* programme allows selected employees and managers to learn English as a second language in order to progress within the company. These courses take the form of online conferences and then of on-site practice. This programme enables the individuals who have benefited from this training to work their way up in the company.

## All over the world, Tent Partnership for Refugees

Launched in Davos, Switzerland, at the 2016 World Economic Forum, Tent Partnership for Refugees is a platform that connects organisations, NGOs, and the public sector, to solve the migration challenge. By bringing together their innovations, networks, resources and entrepreneurial spirit, organisations can all act together. This platform also makes it possible to share best practices in order to have a more global impact.

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# Frequent questions from employers

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In order to make the process of integration and employment of third-country nationals more transparent, we wanted to answer some of the potential questions that you, as an employer in Luxembourg, may have.

## Questions on employment

### Who can I contact to know more about the legal framework?

Firstly, you will find a lot of information on the [www.guichet.lu](http://www.guichet.lu) website, arranged according to the different existing statuses and exceptions. If necessary, do not hesitate to contact the Immigration Directorate of the Ministry of Foreign and European Affairs to know your rights and obligations.

### Do I have to follow up with a Ministry regarding my employee's work permit?

Third-country nationals must lodge their own application for the renewal of a residence permit at the Immigration Directorate of the Ministry of Foreign and European Affairs in the two months preceding the date of expiry of their residence permit. Requests for renewal must be made through a specific form and accompanied by supporting documents.

### How much does it cost if I hire a third-country national?

At the financial level, employing a third-country national does not cost the employer anything apart from wage costs (and other associated costs) that are valid for all employees.

### How can I know the status of the third country national I wish to hire?

The status of the third-country national is indicated on his/her residence permit.

### Can a third-country national who fulfills the conditions of entry and residence for a period of less than three months pursue paid employment?

A third-country national who is staying in Luxembourg for a period of less than three months and wishes to pursue an employed activity during the period of his/her limited stay must have an employment permit before starting work.

### **What are the penalties for employing illegally staying third-country nationals?**

An employer who employs one or more illegally staying third-country nationals may be punished with an administrative fine of 2,500 euros per illegally staying third-country national. The employer who has employed a third-country national residing illegally may also be liable to the following penalties:

- ▶ prohibition for a maximum period of three years from carrying a professional or social activity which directly or indirectly served to commit the offense;
- ▶ temporary closure for a maximum of five years or definitive closure of the company or business used to commit the offence.

### **Why hiring a third-country national when I can hire a citizen of the European Union?**

The labor market test encourages companies to find candidates on the local or European labour market. However, third-country nationals bring economic, social and cultural benefits. In Sweden, for example, the country's GDP has increased significantly since 2015, partly due to the employment of third-country nationals. At the company level, the diversity of opinions, experiences and backgrounds leads to greater competitiveness and innovation. Lastly, having diversified profiles is a source of profit, and it has been proved in numerous studies<sup>15</sup>.

### **Can I receive grants for employing a third-country national?**

No grants are provided for the recruitment of third-country nationals, irrespective of their status, with the exception of third-country nationals who have a recognised status as a person with disability and a valid residence and work permit as well as beneficiaries of the international protection. IMS Luxembourg has also published a practical guide on disability in the workplace, available online<sup>16</sup>.

### **In the case of an economic dismissal of a third-country national, are they entitled to unemployment benefit? What about refugees?**

Third-country nationals may, if they meet the admission criteria, receive unemployment benefits. As for recognised refugees (beneficiaries of international protection), they have the same rights as residents and are therefore entitled to unemployment benefits in the event of an economic dismissal, for example.

<sup>15</sup> *The Hague Process on Refugees and Migration. The Return on investment on migration, what is in it for business?*

Available on: [www.thehagueprocess.org/roi/](http://www.thehagueprocess.org/roi/)

<sup>16</sup> On [www.imslux.lu/eng](http://www.imslux.lu/eng) or [www.chartediversite.lu/en](http://www.chartediversite.lu/en)

### **In practical terms, if I want to hire an asylum seeker who does not yet have an approved status, how long does it take?**

First of all, it depends on when the asylum application was submitted. In general, it takes a minimum of six months before the Ministry finalises its report, provided the file is complete and the person truly runs a risk in his/her country of origin.

## **Questions on integration**

### **Once I have hired a third-country national, how can I integrate him/her into my teams?**

There is a whole series of best practices to gradually integrate a new worker. It is first and foremost important to carry out a specific and personalised integration by listening to the needs of each individual. It is also essential to raise employees' awareness internally, for example on unconscious bias and intercultural management. Finally, in the light of the best practices set out in this guide, it seems essential to encourage dialogue between newly recruited third-country nationals, employees as well as the hierarchy. It helps everyone feel they are a part of the organisation.

### **What are my obligations to a third-country national in case of reclassification/disability, etc.? Do they have the same rights as an employee who is a citizen of the European Union?**

In the case of beneficiaries of international protection, since they have the same rights as nationals, the obligations of the employer will be the same as for nationals with recognised disabilities. In other cases, the obligations of the employer and the rights of the employee will vary according to the status of the candidate.

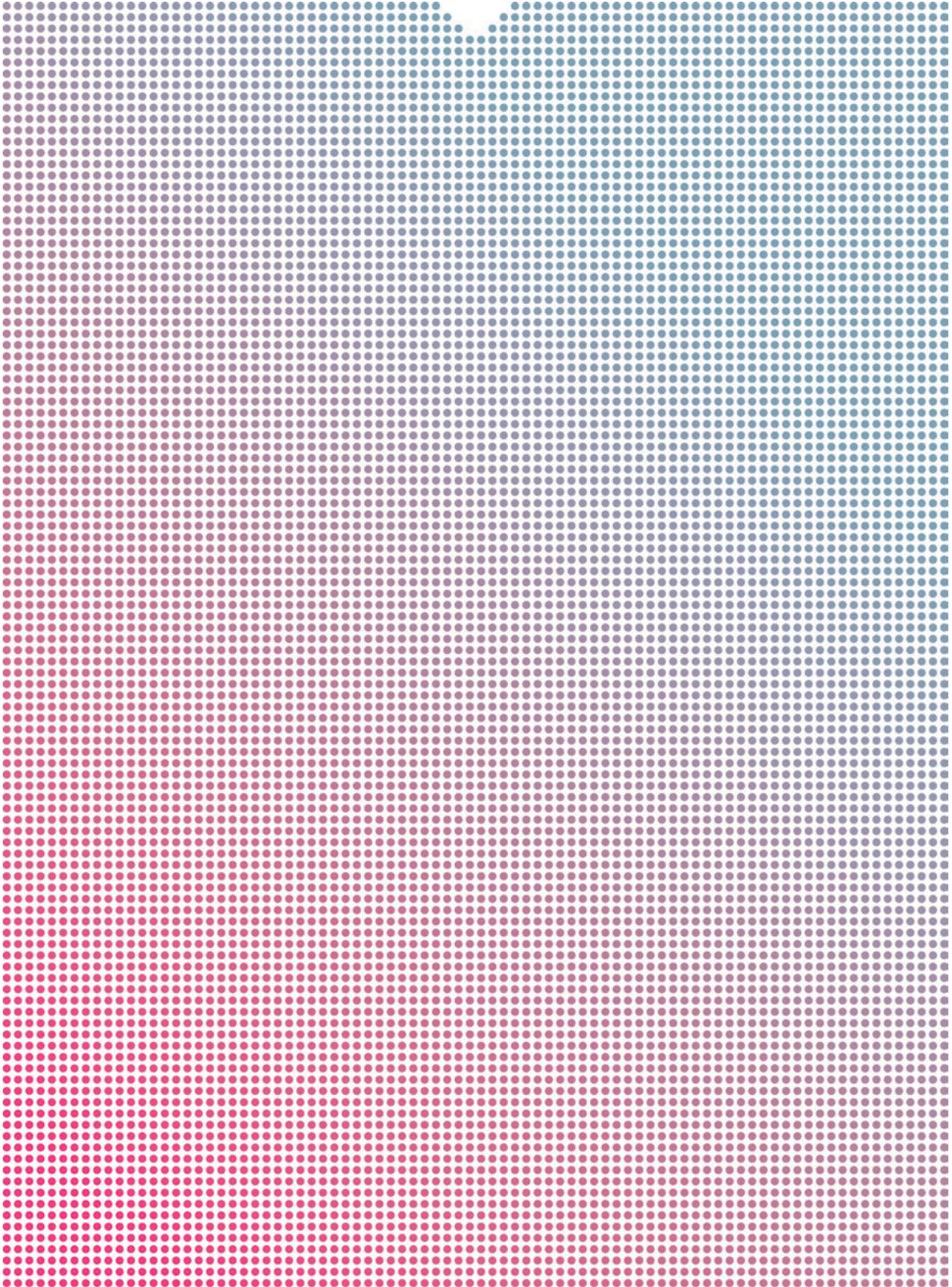
### **▶ Do you have more questions?**

Do not hesitate to go to page 50 to know who to contact according to your needs.

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# ADDRESS BOOK

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In order to better support you in your willingness to employ and/or integrate third-country nationals into your organisation or to answer any questions you may have, here is a non-exhaustive list of partners to contact.

### **American Chamber of Commerce (AMCHAM)**

Among other initiatives, the AMCHAM helps the international community and English-speaking companies succeed in Luxembourg. For example, a "Mylanguage" guide to learn 500 words and phrases in seven different languages as been published.

**Adress:**

6 rue Antoine de Saint-Exupéry,  
L-1923 Luxembourg

Tel.: (+352) 43 17 56  
Email: [info@amcham.lu](mailto:info@amcham.lu)



### **Association de soutien aux travailleurs immigrés (ASTI Asbl)**

ASTI is a non-governmental organisation that promotes equal opportunities for immigrants and their participation in public life. The association also aims to adapt the school and cultural environment of children to promote their development. To achieve these objectives, ASTI carries out socio-cultural projects in partnership with various entities in Luxembourg.

**Adress:**

12 rue Auguste Laval,  
L-1922 Luxembourg

Tel.: (+352) 43 83 33 1  
Email: [ensemble@asti.lu](mailto:ensemble@asti.lu)



## Comité de liaison des associations d'étrangers (CLAE Asbl)

The CLAE, an associative platform created in 1985, advocates citizenship based on residence, for the recognition and enhancement of cultures of immigrant background, for an open immigration policy and solidarity in Luxembourg and Europe. Its actions contribute to the definition and construction of an identity with multiple references in order to found a new approach to citizenship. The non-profit CLAE Services, accredited by the Ministry of Family and Integration, carries out numerous actions in favor of the inclusion in the Luxembourg society of persons with a migration experience. CLAE Services has been recognised as a public utility since 24<sup>th</sup> August 2016.

### **Adress:**

26 rue de Gasperich,  
L-1617 Luxembourg

Tel.: (+352) 29 86 861  
Email: [info@clae.lu](mailto:info@clae.lu)

**CLAE**  
**SERVICES** asbl

## European Migration Network

### National contact point: University of Luxembourg

The objective of the European Migration Network, established in 2008, is to provide up-to-date, objective, reliable and comparable information on migration and asylum to the European institutions, the authorities and institutions of the Member States, and the general public, in view of supporting policy and decision-making in the European Union.

### **Adress:**

*Maison des Sciences Humaines, UR IPSE  
11 porte des sciences,  
L-4366 Esch-Belval*

Email: [emn@uni.lu](mailto:emn@uni.lu)



## Ministry of Education, Children and Youth

### Department for the recognition of diplomas

This Department is competent to provide recognition of secondary education, technical or vocational (DAP / CATP, brevet de maîtrise) diplomas. A certificate of education may be issued for an incomplete cycle of studies. Moreover, this service also establishes the recognition of the professional qualification of health and socio-educational professions.

**Adress:**

18-20 montée de la Pétrusse,  
L-2327 Luxembourg

Tel.: (+352) 247 85910

Email: [info.moe@adem.public.lu](mailto:info.moe@adem.public.lu)

### Department for Adult Education

This Department aims at helping persons who are already qualified for a vocational qualification to adapt or to extend it to suit the changes and progress of the economy. Adult education is part of a lifelong learning context.

**Adress:** 29 rue Aldringen,  
L-1118 Luxembourg

Tel.: (+352) 247 85100



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Ministère de l'Éducation nationale,  
de l'Enfance et de la Jeunesse

## Luxembourg Reception and Integration Agency (OLAI)

The OLAI is in charge of implementing and coordinating the reception and integration policy, facilitating the process of integration of foreigners, monitoring migration and fighting discriminations, but is also in charge of supervising applicants for international protection and managing organised accommodation.

**Adress:**

7-9 avenue Victor Hugo,  
L-1750 Luxembourg

Tel.: (+352) 247 85700

Email: [info@olai.public.lu](mailto:info@olai.public.lu)



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Ministère de la Famille, de l'Intégration  
et à la Grande Région

Office luxembourgeois de l'accueil  
et de l'intégration

## Ministry of Foreign and European Affairs

### Immigration Directorate - Department for Refugees

The Department for Refugees registers, processes and rules on applications for international protection.

**Address:**

26, route d'Arlon,  
L-1140 Luxembourg

Tel.: (+352) 247 84565

Email: [immigration.asile@mae.etat.lu](mailto:immigration.asile@mae.etat.lu)

### Immigration Directorate - Department for Foreigners

The Department for Foreigners is responsible for applications concerning the free movement of people and immigration (entry and residence of third-country nationals).

**Address:**

26 route d'Arlon,  
L-1140 Luxembourg

Tel.: (+352) 247 84040

Email: [immigration.public@mae.etat.lu](mailto:immigration.public@mae.etat.lu)



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Ministère des Affaires étrangères  
et européennes

## National Employment Agency (ADEM)

### Employer service - Department for third-country nationals

The Department for third-country workers has the competence to issue a certificate to employers wishing to employ a third-country national. Applications for a certificate can be made by email or telephone.

**Address:**

19 rue de Bitbourg,  
L-1273 Luxembourg

Tel.: (+352) 247 88000

Email: [info.moe@adem.public.lu](mailto:info.moe@adem.public.lu)



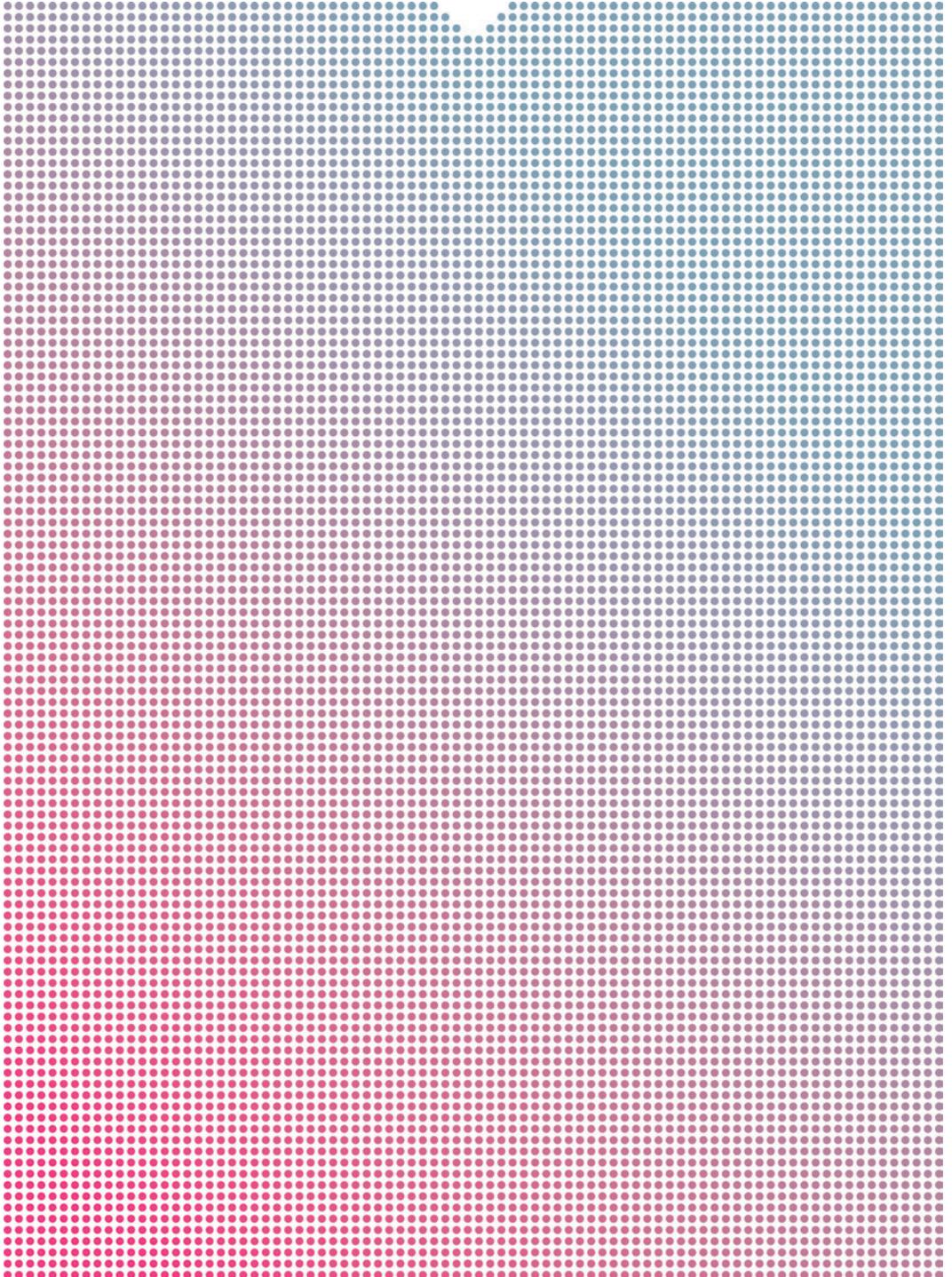
► **You are an association or an institution in Luxembourg and would like to be referenced in this address book?**

Please contact Catia Fernandes,  
Coordinator of the Diversity Charter Lëtzebuerg  
([catia.fernandes@imslux.lu](mailto:catia.fernandes@imslux.lu)).

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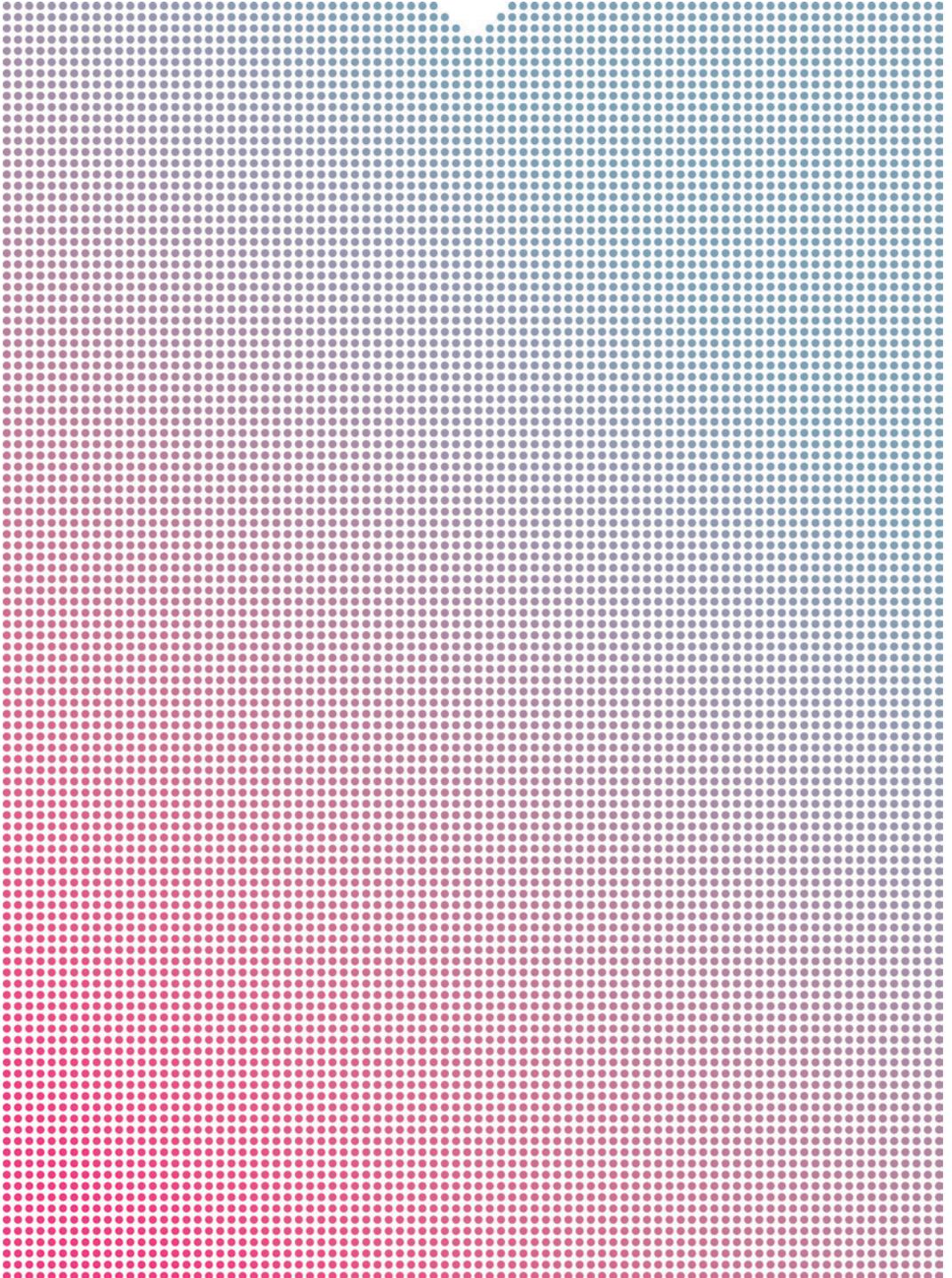
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# ACKNOWLEDGEMENTS

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*“Opinions and interpretations written in this guide only commit to its authors and do not necessarily reflect positions of the Ministry for Family and Integration / Luxembourg Reception and Integration Agency (OLAI).”*

**Did you find this guide inspiring?  
Are you interested in acting with us?  
Then do not hesitate to contact us.**

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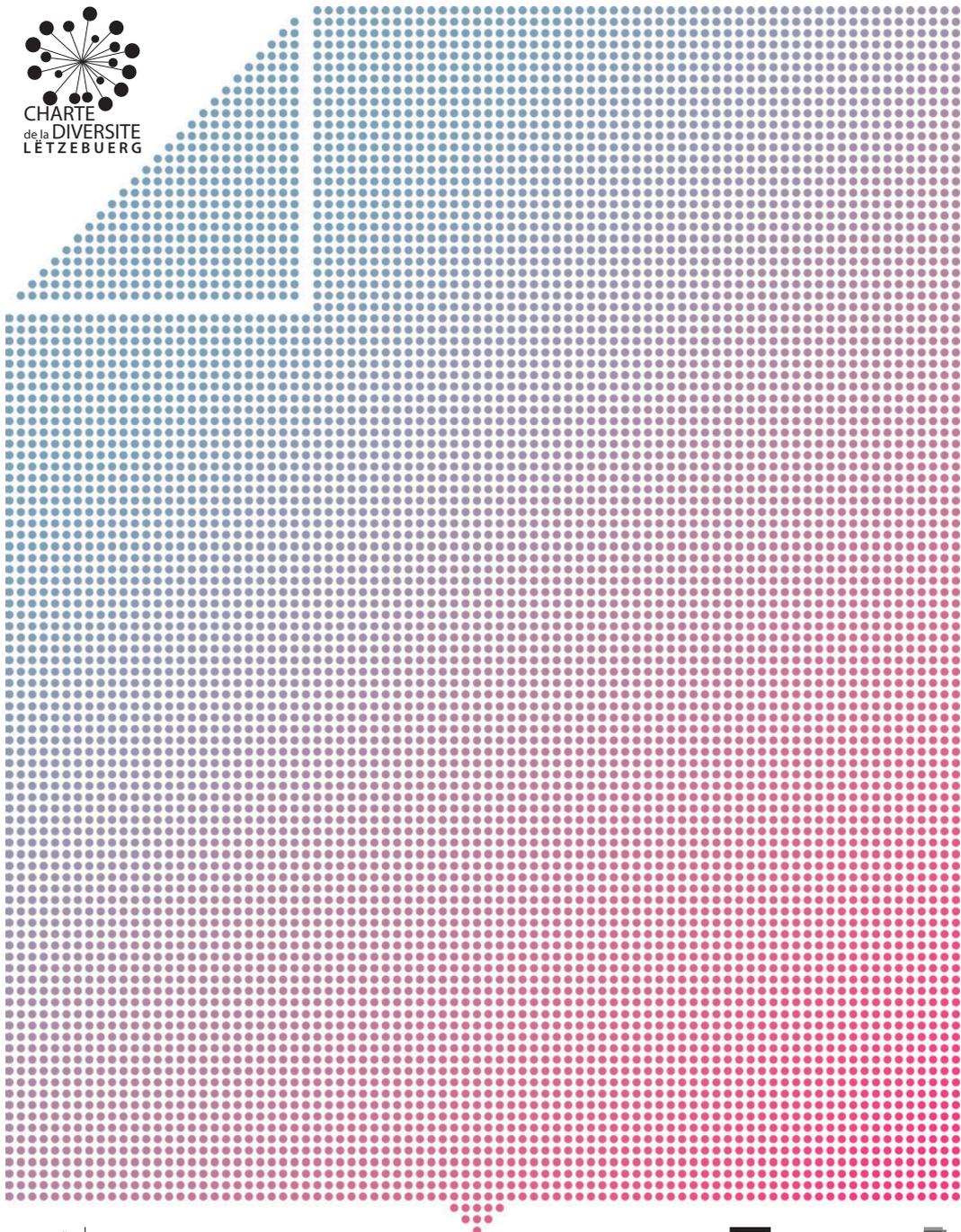
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