

BUSINESS-RELATED MIGRATION. THE POSITION OF LUXEMBOURG WITHIN EUROPE AND BEYOND

“EU citizens, foreign residents and frontier workers as “part-time migrants” in Luxembourg. Which legal status for which category of migrants?”

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Abstract

The contribution will concentrate on legal issues of business-related migration in Luxembourg with a special focus on the impact of European law and the fundamental right of free movement within the Union. This requires recalling the particularities of the local situation in order to comprehend the legal challenges in their full dimension.

I. The particular portrait of business-related migration in Luxembourg

A. The demographic situation of Luxembourg

1. Resident Population
2. Labour market structure

B. Legal Categories of Migrants

1. Activity
 - a. Self employed
 - b. Workers: migrant (permanent or seasonal) and posted workers
 - c. No economic activity
2. Residence: Frontier workers as “part-time migrants”?
 - a. Foreign frontier workers
 - b. Luxembourgish, “reverse” frontier workers
3. Citizenship: national and European

C. Legal framework

1. European Union law
notably: Art. 15 CFR, art. 45, 49 and 56 TFEU, regulation 492/2011
2. Domestic Luxembourgish legislation
3. International treaties

II. Main issues and Challenges with regard to the legal status of migrants in the Grand-Duchy

A. Economic establishment, working permit and provision of services

B. Prohibition of discrimination on grounds of nationality (with regard to EU citizens)

Regulation 492/2011, Article 7

“1. A worker who is a national of a Member State may not, in the territory of another Member State, be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work, in particular as regards remuneration, dismissal, and, should he become unemployed, reinstatement or re-employment.

2. He shall enjoy the same social and tax advantages as national workers.”

1. A far reaching principle
2. Social and tax advantages.

C. Voting rights for foreigners?

D. How to ensure societal integration of Frontier workers?