

# Ask the Experts: Update on Insurance, Tax and Immigration Aspects for Expats living in Luxembourg

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# WELCOME REMARKS

Dirk Dewitte  
President  
The China-Luxembourg Chamber of Commerce



*Update on Insurance, Tax and Immigration Aspects for Expats living in Luxembourg*



# **“Am I fully covered?” – what insurance needs expats face in Luxembourg**

**Jérôme Wiwinius**  
Head of Corporate Sales  
**LALUX**





lalux<sup>LU</sup>

Am I fully covered?

-

what insurance needs  
expats face in  
Luxembourg

ChinaLux@lalux

Jérôme Wiwinius

04.04.2019



## What are my Insurance needs and possibilities as an Expat?

Three main commonly used insurance fields on the market :

- ☐ Non-Life Insurances
- ☐ Life Insurances
- ☐ Health Insurances

## Non-Life Insurances (part 1/2)

- The aim is to cover an individual as if nothing happened and reconstitute the person into its initial situation
- Types of insurances
  - ❑ Home insurance (rental or owner)
    - Fire - Water - Storm and related damages
    - Theft
    - Home assistance
  - ❑ Legal protection (lawyer fees)
  - ❑ Personal liability (strongly recommended)
    - Covers you in case you're responsible for a damage to a third party

## Non-Life Insurances - (part 2/2)

- ❑ Car insurance
  - Liability and legal coverage (mandatory!)
  - Damages and total loss
  - Driver insurance
  - Personal belongings
- ❑ Cyber insurance
- ❑ Holidays and leisure (covered in all my activities)
- ❑ Accident (disability/ death)
- ❑ Construction insurance
  - All-Risk Construction Insurance
  - Ten-Year Civil Liability insurance

## Life Insurances

- ☐ Mortgage (cover a debt)
- ☐ Death - accident - invalidity (protecting and preventing)
- ☐ Savings (optimize revenues)
- ☐ Pension (optimize your retirement career)



## Health Insurance

- ❑ Social security system in Luxembourg covers you well but... strongly recommended to be completed by :
  - ❑ Inpatient treatment
    - ❑ In case of hospitalization
  - ❑ Outpatient treatment
    - ❑ Doctor, dental coverage, eye-glasses, etc.
  - ❑ Daily benefit in case of loss of income due to sickness



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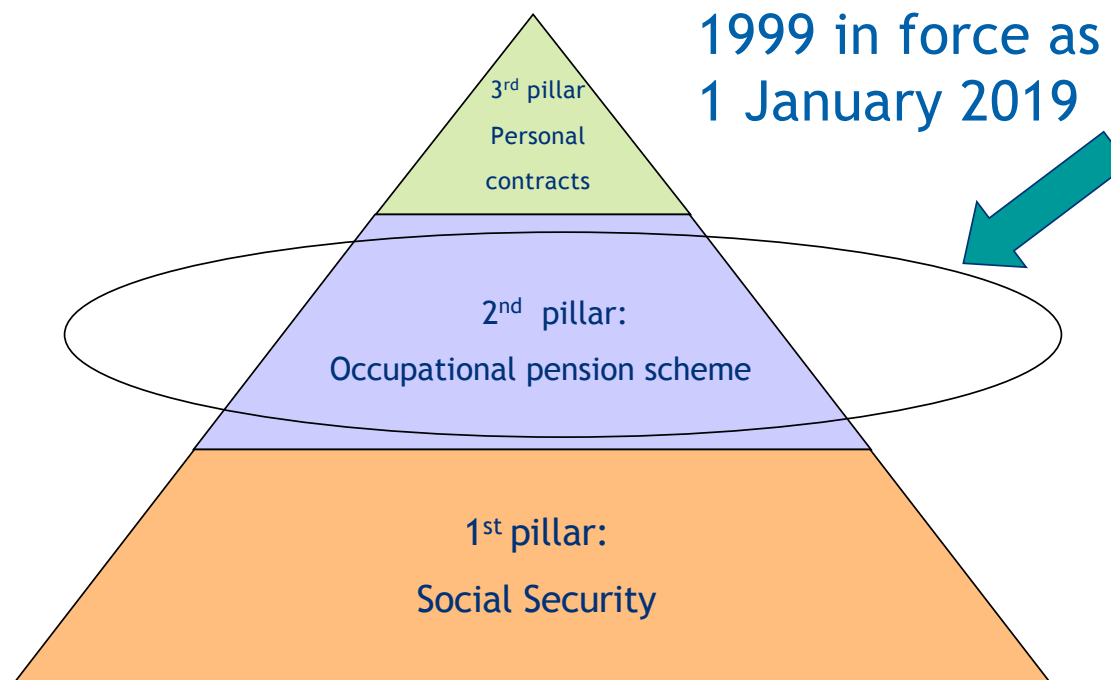
**Focus on pension and  
life insurance and  
their tax advantages**

## Key figures (2018) :

- ❑ 422 010: employees
- ❑ 191 425: cross boarder workers
- ❑ 288 200: number of foreign residents

## Framework

Modified law of 8 June  
1999 in force as of  
1 January 2019





## Situation of 2<sup>nd</sup> pillar in Luxembourg

- ❑ 2 600 companies in favor of their employees [1999 : 400]
- ❑ Weakness of 2<sup>nd</sup> pillar ><1<sup>st</sup> pillar generous :

Average pension : 72% average salary [GE, BE, FR: 40%-45%]

1<sup>st</sup> pillar: 2023 : expenses > incomes

2040 : compensation reserve = 0

2060 : level of debts = 46% PIB

[assumption: residing population x 2]

=> 1<sup>st</sup> pillar will reach its limits, one does not know when exactly...

## An occupational pension scheme ?

- ❑ Tax efficient remuneration package
- ❑ Social security pensions ... gaps !
- ❑ Enhance loyalty and dedication of the staff
- ❑ Employer's attractiveness (concept of Employee Benefits)

## Key features of occupational pension schemes

- ❑ Retirement benefits
  - a defined contribution retirement provision funded by the company, within the framework of a Group Insurance scheme
  - investment options
  - an opportunity for employees to make personal contributions through payroll
- ❑ Death benefit
  - a lump sum payment
  - an additional lump sum payment in case of accidental death
- ❑ Disability benefits
  - pension (defined benefit) based on a formulaic approach
  - lump sum in case of accidental total and permanent disability

## Taxation and social security

### □ Tax rules

- During the financing
  - ✓ a contribution paid by the employer carries a lump sum tax of 20% + a remunerative fee of 0,90%
- Benefits paid out from the scheme
  - ✓ not Taxable in Luxembourg
  - ✓ non-Luxembourg residents are subject to the home country tax rules (! double tax treaty)

### □ Social Security Contributions

- benefits will be subject to 1.4% dependency contribution due on the benefits



## Personal contributions (LIR 110)

### Principles:

- ☐ Opportunity to make Personal contributions through payroll
- ☐ Monthly contribution of EUR 0 / 25 / 50 / 75 or 100
- ☐ You can change the contribution once per year in January
- ☐ As of 1 January 2019, premium can be invested in funds
- ☐ Contribution are tax deductible (max.EUR 1,200/year) in addition to other insurance products (LIR 111, LIR 111bis)
- ☐ Benefits are tax free in Luxembourg
- ☐ Immediate vesting without conditions

## As of 1 January 2019, a new opportunity for self employed and free lance workers

### Principles:

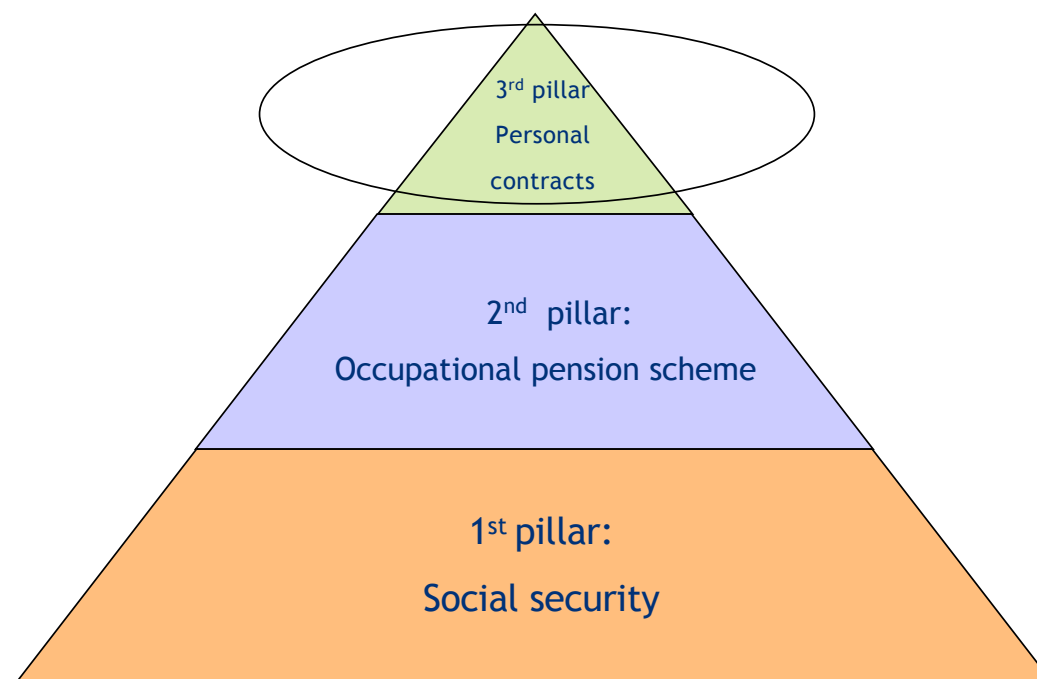
- ❑ Opportunity to subscribe to an occupational pension scheme
- ❑ Maximum deductible premium for retirement : 20% of the net taxable income
- ❑ No limit for the risk cover premiums
- ❑ Premiums are deductible as a “dépense spéciale”
- ❑ The premium is subject to a lump sum tax of 20% + a remunerative fee of 0,90% which are not deductible

## As of 1 January 2019, a new opportunity for self employed and free lance workers

### Principles:

- ❑ Free choice of the retirement premium
- ❑ The premium can be invested in funds or in a traditional insurance product with a guaranteed interest rate plus a possible profit sharing
- ❑ Free choice of the risk covers and their levels
- ❑ Benefits are tax free in Luxembourg (1,4% dependency contribution)

## Framework



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## Old-Age Pension Insurance (1/3)

The essential conditions provided in Article 111bis of the LIR are:

- Maximum 3.200 EUR per year
- minimum contract term of 10 years,
- the benefits (pension and/or capital) may be paid at the earliest at the age of 60 years and the latest at the age of 75 years,
- at maturity, it is possible to obtain all or some of the accumulated savings as capital, the balance in that case being transformed into a monthly annuity,

## Old-Age Pension Insurance (2/3)

The essential conditions provided in Article 111bis of the LIR are (cont.):

- since January 2017, the deductible amount has been set at € 3,200 per annum per taxpayer for all age categories,
- when jointly taxable spouses each subscribe to an old-age pension contract, the deductible amount is calculated individually for each spouse,
- early repayment of the accumulated savings prior to the age of 60 years for reasons other than invalidity or serious illness results in a tax adjustment,

## Old-Age Pension Insurance (3/3)

The essential conditions provided in Article 111bis of the LIR are (cont.):

- classic contracts with a minimum guaranteed rate as well as unit-linked types of contract are admitted. Nevertheless, for the latter, precise rules have been provided by Grand Ducal Regulation,
- the maximum rate of shares as the underlying assets in an investment fund is limited in relation to the age of the insured,
- more advantageous taxation:
  - half of the pension is tax-free, and the other half is taxable as income,
  - the capital paid is taxed at one half of the global rate.

## Taxation

Pour la tranche de revenu annuel imposable	%
De 0 € à 11.265 €	0 %
De 11.265 € à 13.137 €	8 %
De 13.137 € à 15.009 €	9 %
De 15.009 € à 16.881 €	10 %
De 16.881 € à 18.753 €	11 %
De 18.753 € à 20.625 €	12 %
De 20.625 € à 22.569 €	14 %
De 22.569 € à 24.513 €	16 %
De 24.513 € à 26.457 €	18 %
De 26.457 € à 28.401 €	20 %
De 28.401 € à 30.345 €	22 %

Pour la tranche de revenu annuel imposable	%
De 30.345 € à 32.289 €	24 %
De 32.289 € à 34.233 €	26 %
De 34.233 € à 36.177 €	28 %
De 36.177 € à 38.121 €	30 %
De 38.121 € à 40.065 €	32 %
De 40.065 € à 42.009 €	34 %
De 42.009 € à 43.953 €	36 %
De 43.953 € à 45.897 €	38 %
De 45.897 € à 100.002 €	39 %
De 100.002 € à 150.000 €	40 %
De 150.000 € à 200.004 €	41 %
De 200.004 € à 9.999.999 €	42 %

## Life Insurance (art. LIR 111)

Other types of life insurance is possible:

- Insurance premiums are deductible as special expenditure :

	Maximum deductible amounts	
	without spouse	with spouse
Taxpayer	672 €	1 344 €
Taxpayer with 1 child	1 344 €	2 016 €
Taxpayer with 2 children	2 016 €	2 688 €
Taxpayer with 3 children	2 688 €	3 360 €

- If the contract provides for a payment in the case of survival at term, the minimum subscription period must be 10 years;
- The capital paid on a life, death or accident insurance is not taxable as income.



# Are you ready for tax declaration? – what should you pay attention?

Sylvie Leick  
Partner  
EY



*Update on Insurance, Tax and Immigration Aspects for Expats living in Luxembourg*







Are you fully prepared for  
your tax declaration?

你准备好了卢森堡的所  
得税申报表吗？

4 April 2019

**EY**

Building a better  
working world



The background of the slide is a photograph of a cityscape, likely New York City, with a hand holding a magnifying glass over a portion of it. A yellow banner is positioned at the top of the slide, containing the text 'Today's presentation aim is to:'.

## Today's presentation aim is to:

Provide general information for the preparation of your Luxembourg income tax return

Cover main items leading to tax deductions for individuals

Thank you for the  
opportunity!



## Agenda

1. Tax residency and concepts
2. Tax classes
3. Tax return - Income
4. Tax return – Deductible items
5. Tax rates
6. Filing formalities

## 1 – Tax residence\*



### Local rules

An individual is considered a resident of Luxembourg if his **domicile** or customary **place of abode is in Luxembourg**.

In case of conflict of residence, reference to the below provisions must be made:

### Criteria to determine tax residence

1. State where **permanent home** is available;
2. State where the personal and economic relations are closer – usually the family - (**centre of vital interests**);
3. State where the **habitual abode** is located;
4. Citizenship;
5. **Mutual agreement** between the competent authorities of both states.

### Implications:

- **Resident in Luxembourg:**  
Taxation on **worldwide income**
- **Non-Resident:** Taxation on Luxembourg source income only

\* The information provided is based on art. 4 of the Double Tax Treaty signed by The People's Republic of China and the Grand Duchy of Luxembourg



## 2 – Tax Classes

### Single

- Resident or non-resident in Luxembourg ➡ personal taxation ➡ tax class 1

### Married People

- Residents in Luxembourg ➡ by default joint taxation\* ➡ tax class 2
- Non-Residents in Luxembourg ➡ by default individual taxation ➡ tax class 1

In the last case there is the opportunity for benefitting from joint taxation under the following conditions:



❖ More than 90% of the taxpayer's overall income is taxable in Luxembourg. For the purpose of determining whether this condition is met, the first 50 days of professional travels are considered as if they would have been spent in Luxembourg;

❖ The taxpayer's foreign income does not exceed EUR 13.000.

\* As from fiscal year 2018 exists the option for individual taxation with either full individual taxation or individual taxation with reallocation of the income

## 2 – Tax Classes

### Civil partners

- By default ➡ individual taxation (tax class 1) but option for joint taxation (tax class 2) via the filing of a joint income tax return

### Divorced taxpayers (or official separation)

- By default ➡ individual taxation ➡ tax class 1  
➡ tax class 2 during 3 years (as from the year after the divorce/separation)

### Single with dependent children

- By default ➡ tax class 1a

### Widowed people

- Tax class 2 during 3 years and then tax class 1a

### 3 – Tax return: Types of income

#### Main types of Income



Employment Income



Self-employment Income



Movable Income



Rental Income



Miscellaneous Income

## 4 – Employment income



### Certificate of remuneration « Certificat de Salaire ou de Pension »

**Certificat de salaire, de retenue d'impôt et de crédits d'impôt bonifiés 2018 <sup>1)</sup>**

Réinitialiser

salarié(e): nom, prénom, numéro, date de naissance, adresse, téléphone

Employeur: nom, adresse, téléphone

1) période du au

2) A) rémunérations brutes

3) B) déductions

4) C) exonérations

5) D) rémunérations servant de base à la retenue

6) E) impôt retenu

7) F) crédit d'impôt pour salaires bonifié

8) G) crédit d'impôt monoparental bonifié

Signature de l'employeur

1) Ce certificat ne sert pas à la transmission des extraits de certificats des salaires par les employeurs à l'administration des contributions directes. Cette transmission ne peut se faire que par voie électronique.  
2) Indiquer toutes rémunérations en espèces ou de nature, y compris les indemnités pécuniaires de maladie exonérées pour compte de la Caisse Nationale de Santé, les gratifications et autres rémunérations non pécuniaires, l'avantage fiscal de la mise à la disposition d'une voiture de service, etc.  
3) Indiquer séparément en signifiant par des lettres: S = salaires, C = cotisation de sécurité sociale complémentaire, R = rappels d'années antérieures, P = pension.  
4) Part de l'assuré, les cotisations pour l'assurance dépendance non comprises.  
5) Déduction inscrite sur le fiche de retenue pour frais de déplacement (FDS), frais d'abonnement (FAS), dépenses spéciales (DS), charges extraordinaires (CE), abatement comparé (AC) ou abatement pour mobilité durable (AMD).  
6) Cocher, le cas échéant, si y a eu des interruptions de travail pour maladie. Cette rubrique ne s'applique que aux employeurs qui ont liquidé eux-mêmes les indemnités pécuniaires de maladie, pour autant que ces indemnités sont comprises sous A).  
Modèle de certificat de salaires 175/2018 14/07/18

### Form 100, page 7

**REVENU NET PROVENANT D'UNE OCCUPATION SALARIÉE**

N° dossier: Année 2018

Revenus non exonérés: Contribuables, Contribuables conjoints/partenaires

Revenus exonérés: Contribuables, Contribuables conjoints/partenaires

**Détermination du revenu net provenant d'une occupation salariée**

A. Premier contrat de louage de service

B. Deuxième contrat de louage de service

C. Prestations en cas de maladie, de maternité, d'accident et de chômage

D. Autres (à spécifier)

Total A+B+C+D

E. Salaires brut versés dans le cadre du régime d'imposition forfaitaire de l'article 137(1) L.I.R. (en cas de demande en régularisation, veuillez indiquer toutes les rémunérations soumises à l'imposition forfaitaire)

Total A+B+C+D+E

A. Déductions

1. Salaires payés pour les heures supplémentaires

2. Suppléments de salaires pour travail de nuit, de dimanche et de jours fériés

3. Autres exonérations (à spécifier)

B. Frais de déplacement (minimum forfaitaire de 540 € par salarié, majoré en cas d'invalidité ou d'handicap). En cas de déduction des frais effectifs, les détails sont à joindre en annexe

C. Frais de déplacement ( lorsque l'engagement dépasse 4 unités d'engagement sans en dépasser 30, la déduction forfaitaire est de 99 € par unité. Les 4 premières unités ne sont pas prises en compte et la déduction est limitée à 2 574 €)

Déclaration du lieu de travail (en cas de plusieurs lieux de travail, les cases 763 à 778 ci-après sont à remplir)

Total des déductions

Total A+B+C+D+E - déductions (revenu à reporter à la page 20, cases 2013 à 2018)

**Plusieurs lieux de travail**

1<sup>er</sup> lieu de travail: Localité, Période, Fréquence

2<sup>nd</sup> lieu de travail: Localité, Période, Fréquence

Modèle 100 F 7/20

## 4 – Tax return: Deductions      Special Expenses

Special expenses replacing the standard deduction (EUR 480) <sup>1</sup>	Annual ceiling 2018 (EUR)
Alimony payments to divorced spouse	24,000
Voluntary Social security contributions	No ceiling
Interest paid on private loan + Insurance premiums for life, death, accident, invalidity, illness or civil liability	672 per member of the household
3 <sup>rd</sup> pillar pension plans ("prevoyance-vieillesse")	3,200
Home savings schemes	1,344 until the age of 40, 672 afterwards per member of the household
Special expenses in addition to the standard deduction	Annual ceiling 2018 (EUR)
Mandatory social security contributions	No ceiling
Personal contributions to 2 <sup>nd</sup> pillar pension plans	1,200
Charitable contributions for more than EUR 120 to institutions recognized in Luxembourg / EU	20% of the net income up to 1,000,000 maximum. The excess can be carried forward for 2 years

<sup>1</sup> Doubled for married couples jointly taxable who both receive employment income



## 4 – Tax return: Deductions    Extraordinary Expenses



### General Rules:

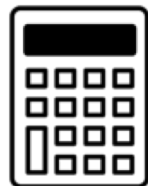
- ▶ Applicable to unusual and unavoidable charges exceeding “normal charge”
- ▶ Eligible expenses :
  - Unreimbursed sickness expenses
  - Disability expenses
  - Support of relatives
- ▶ Only expenses effectively borne by the taxpayer are taken into consideration
- ▶ Determination of the normal charge based on level of income and family situation
- ▶ The part of expenses exceeding the normal charge is deductible as extraordinary expenses

	Tax Class						
	1	2 or 1a					
		Children part of the household					
		0	1	2	3	4	5
<b>Taxable income (EUR)</b>							
< 10,000	2%	0%	0%	0%	0%	0%	0%
From 10,000 to 20,000	4%	2%	0%	0%	0%	0%	0%
From 20,000 to 30,000	6%	4%	2%	0%	0%	0%	0%
From 30,000 to 40,000	7%	6%	4%	2%	0%	0%	0%
From 40,000 to 50,000	8%	7%	5%	3%	1%	0%	0%
From 50,000 to 60,000	9%	8%	6%	4%	2%	0%	0%
> 60,000	10%	9%	7%	5%	3%	1%	0%

## 4 – Tax return: Deductions    Extraordinary Expenses

### Lump sum deduction:

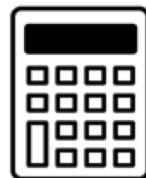
Allowance for:	Maximum per year (EUR)
Disability	Depending on the degree of disability
Housekeeping and childminding	5,400
Alimony paid to children not part of household	4,020 per child



## 4 – Tax return: Deductions    Other allowances

### Mobility allowances:

Other allowances for	2018 annual limit (EUR)
Purchase of “green” cars Fully electric car or hydrogen car (zero CO <sup>2</sup> emission)	5,000
Purchase of bike (e-bike or regular bike)	300
Purchase of plug-in hybrid electric car	2,500



## 5 – Tax rates



- ▶ Unemployment fund: additional surcharge of 7% or 9%
- ▶ Highest tax rate : 45.78%.
- ▶ Tax credit of EUR 922.50 per dependent child.
- ▶ Tax calculation program available on the tax authorities website:

<https://impotsdirects.public.lu/fr/baremes/personnes-physiques.html>

Taxable Income (EUR) From - To	Tax Rate (%)
0 – 11,265	0
11,265 – 13,137	8
13,137 – 15,009	9
15,009 – 16,881	10
16,881 – 18,753	11
18,753 – 20,625	12
20,625 – 22,569	14
22,569 – 24,513	16
24,513 – 26,457	18
26,457 – 28,401	20
28,401 – 30,345	22
30,345 – 32,289	24
32,289 – 34,233	26
34,233 – 36,177	28
36,177 – 38,121	30
38,121 – 40,065	32
40,065 – 42,009	34
42,009 – 43,953	36
43,953 – 45,897	38
45,897 – 100,002	39
100,002 – 150,000	40
150,000 – 200,004	41
200,004 – above	42

## 6 – Filing formalities



- ▶ Deadline : **31 March N+1**
- ▶ Automatic extension : **30 June N+1**
- ▶ Extension upon request : **31 December N+1**
- ▶ Penalties : Up to EUR 25,000
- ▶ Where to find a blank form of the return ?

[www.impotsdirects.public.lu/fr/formulaires.html](http://www.impotsdirects.public.lu/fr/formulaires.html)





**Thank you**  
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# Immigration Opportunities for Investors

Philippe Schmit  
Partner  
Arendt & Medernach



*Update on Insurance, Tax and Immigration Aspects for Expats living in Luxembourg*





# Ask the experts – Luxembourg immigration aspects

Philippe Schmit – Arendt & Medernach

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*Update on Insurance, Tax and Immigration Aspects for Expats living in Luxembourg*





## General considerations

- Why Luxembourg?
- *loi du 29 août 2008 sur la libre circulation des personnes et immigration* as amended (the “Immigration Act”)
- Nationals of the Member States of the EU, the Swiss Confederation, Iceland and Norway :
  - declaration of arrival
- Foreign nationals from third country States :
  - obtain a valid temporary residence authorisation
  - long term residence permit
- Immigration Act provides for different categories of immigration
- Immigration program for investors (“Golden Visa”) has been added in 2017

## Technical overview



- The application for the residence authorisation/permit of a non-EU national is divided into 3 different steps :
  - securing of a temporary residence authorisation
    - various documents to be provided (depending on the immigration category)
    - steps to be completed from country of residence, or
    - via Luxembourg proxy holder
  - registration with the local municipality and medical test
    - immigration to Luxembourg within 90 days
  - application for a subsequent long-term permit
    - steps to be completed on Luxembourg territory
- What about the duration of the stay and renewals?

## Investor immigration scenarios



- EUR 500.000.- investment
  - Invest at least EUR 500.000.- in an existing Luxembourg company
    - commercial, industrial or craft activities
    - maintain the existing jobs for 5 years (except if the company is in difficulties at the time of purchase)
  - Invest at least EUR 500.000.- in a new Luxembourg company
    - with commercial, industrial or craft activities
    - create at least 5 jobs in the next 3 years
- Immigrating investor needs to be involved in the day-to-day management of the company
- Entrepreneurship and business creation is the key requirement
- 75% of the investment need to result from personal funds, 25% may be subject to a loan
- Investment project subject to prior approval of Ministry of Economy
- Residence permit valid for a period of up to 3 years (renewable)



## Golden visa immigration scenarios



### ■ EUR 3.000.000.- investment

- Invest at least EUR 3.000.000.- in an existing or new investment/management structure
  - requirements regarding investment/management structure:
    - registered office in Luxembourg
    - proven appropriate substance (appreciated with respect to the activity of the structure, the office space configuration, the financial, human and technical resources needed, the number of jobs and the contractual relations with the professionals of the financial sector)
    - employ at least 2 persons and have appropriate accounting and governance rules
- Substance within the investment/management structure is the key requirement
- Wealth management needs to be handled in Luxembourg
- Location of the investments' target is not a key criteria
- To be verified: does a collective investment/management structure servicing several investors is acceptable or whether each investor needs a separate (sub-)structure
- 75% of the investment need to result from personal funds, 25% may be subject to a loan
- Investment project subject to prior approval of Ministry of Finance
- Residence permit valid for a period of up to 3 years (renewable)

## Golden visa immigration scenarios



- EUR 20.000.000.- investment
- Deposit at least EUR 20.000.000.- (either in cash or via financial instruments held with one single financial institution)
- Deposit with a financial institution established in Luxembourg
- Maintain this investment for at least 5 years
- 100% of the investment need to result from personal funds
- Investment project subject to prior approval of Ministry of Finance
- Residence permit valid for a period of up to 3 years (renewable)

## What about a stay for private reasons?



- Granted to third country nationals who do not fulfill the relevant conditions for another immigration category (e.g. certain investors)
- Applicants must prove, amongst others:
  - that they have appropriate health insurance (as long as they are not affiliated to Luxembourg social security system)
  - that they have adequate housing at their disposal in Luxembourg; and
  - that they can prove that they are able to satisfactorily support themselves from their own financial resources
    - immigration authorities usually request that such financial resources are to be appreciated as regards their regularity
    - such financial resources must not be below EUR 2.071,10.- gross per month (i.e. at least equivalent to the Luxembourg social minimum salary)
- Permit granted is valid for a maximum of 3 years (renewable)

## Practical considerations

- The Immigration act is favorable to family reunification
  - most immigration categories allow the concerned applicants to be accompanied or followed by their direct family members
  - conditions applying to family reunification (e.g. potential waiting periods) may differ from one immigration category to another
- Timing?
  - in case the applicant has not received a decision regarding his/her application within 3 months, his/her application is deemed rejected
  - the announced delay for the treatment of an application is of 3 months

# Panel discussion



**Dirk Dewitte**  
President  
The China-Luxembourg  
Chamber of Commerce



**Jérôme Wiwinius**  
Head of Corporate Sales  
LALUX



**Sylvie Leick**  
Partner  
EY



**Philippe Schmit**  
Partner  
Arendt & Medernach



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# Q&A



# THANK YOU

**Ask the Experts: Update on Insurance, Tax and Immigration  
Aspects for Expats living in Luxembourg  
4<sup>th</sup> April 2019, LALUX Auditorium**



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