



DEPARTMENT OF JUSTICE AND EQUALITY  
IRISH NATURALISATION & IMMIGRATION SERVICE

## Explanatory Leaflet for FORM EU1 APPLICATION FOR A RESIDENCE CARD FOR A QUALIFYING FAMILY MEMBER

01/02/2016

### 1. Who should apply on Form EU1?

Form EU1 is to be completed by each non-EEA national applying for a residence card as a qualifying family member of a European Union citizen residing in the State. A qualifying family member is:

1. the spouse or civil partner of an EU citizen;
2. a direct descendant (child, grandchild etc.) of an EU citizen or of their spouse or civil partner; or
3. a dependent direct relative in the ascending line (parent, grandparent etc.) of an EU citizen or of their spouse or civil partner.

A member of the family of an EU citizen who is not a qualifying family member, including a de facto partner of an EU citizen, should apply on Form EU1A, which is available on the website at <http://www.inis.gov.ie>.

### 2. Legislation

Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (the "Directive") is given effect in Ireland by the European Communities (Free Movement of Persons) Regulations 2015 (the "Regulations").

The Directive and the Regulations apply to citizens of the European Union, citizens of EEA member states and citizens of Switzerland who move to or reside in a Member State other than that of which they are a national, and to their family members who accompany or join them. Under Regulation 7 of the Regulations, the family member of a Union citizen should apply for a residence card if they intend to reside in the State with the Union citizen for more than 3 months.

### 3. Making sure your application is complete

Your application will not be accepted if it is incomplete.

No original documents should be sent with your application form, however you may be requested to submit original documents during the course of your application. Any original documents which are requested will be returned to you by Registered Post at the end of the application process. To avoid delay, please observe the following.

- Make your application on the correct application form, and complete **all** sections relevant to your application
- Fill out a separate application form for each non-EEA national seeking a residence card, including each minor child Provide **photocopies** of all required documents (see **Part 10** of this leaflet)
- Sign and date both declarations in **Section 5** of the form
- If you are presently unable to provide any of the information or details requested in any of the relevant sections, please explain the reasons in a letter and enclose it with the application form

Applications should be posted to:

**EU Treaty Rights Unit  
Residence Division  
Irish Naturalisation and Immigration Service  
13/14 Burgh Quay  
Dublin 2**

If you need to contact the EU Treaty Rights Unit regarding your application you can do so by post at the above address or by email at [eutreatyrights@justice.ie](mailto:eutreatyrights@justice.ie). Please ensure that you include your name, your date of birth, your INIS Person ID number, and your Application ID number in all correspondence.

### 4. Application times

Due to the large volume of applications it can take up to 6 months for an application decision to be reached. All applications are dealt with strictly in chronological order of the date of receipt.

### 5. Changes in circumstances

If your circumstances change (such as a change of address, a change in family status, or a change in the activities of the EU citizen) you must inform the EU Treaty Rights Unit in writing immediately. Failure to do so may result in your application being refused.

Please be advised that the onus is on you to keep this office updated regarding your circumstances and to resubmit any relevant supporting documents in relation to new circumstances. It should be noted that any person seeking to assert rights or entitlements under the Regulations is under an obligation to ensure that they comply with all appropriate provisions of the Regulations. Failure to comply may result in the person being guilty of an offence or offences as provided for in Regulation 30 of the Regulations, and that person may be liable to the sanctions set out therein.

## 6. Immigration status during application process

Subject to consideration of your initial application, you may be provided with an immigration stamp in your passport which is valid for the period of the application process only, i.e. a maximum of 6 months. This would enable you to remain in the State during this period. Please note that receipt of this endorsement is not an acknowledgement of an entitlement under EU Treaty Rights. This will be determined in due course when your application is either approved or refused.

## 7. Data Protection notice

All information provided will be treated in confidence but may be disclosed to other government departments, agencies, the Garda Síochána, local authorities, foreign governments or other bodies strictly for purposes connected to the application.

## 8. Exercise of EU Treaty Rights

An EU citizen residing in the State exercises their rights under the Regulations and the Directive by engaging in one of the following activities, as outlined in Regulation 6(2) of the Regulations. An EU citizen must be engaged in one or more of these activities in order for a family member to qualify for a residence card under EU Treaty Rights.

### A. Employment

Where the EU citizen is working for an employer in the State. This may include vocational training programmes and some non-proprietary directors of a registered company.

### B. Self-employment

Where the EU citizen is a sole trader, engaged in a business partnership, or is a proprietary director of a registered company operating in the State.

### C. Study

Where the EU citizen is engaged in a course of study with a qualifying and accredited educational institute or college in the State, while possessing comprehensive sickness/health insurance in respect of themselves, their spouse, and any dependants.

### D. Involuntary unemployment

Where the EU citizen has been employed in the State for more than one year but has become involuntarily unemployed, and has registered as a job-seeker with a relevant office of the Department of Social Protection.

### E. Residing with sufficient resources

Where the EU citizen has sufficient resources to maintain themselves and any dependants in the State, while possessing comprehensive sickness insurance in respect of themselves, their spouse, and any dependants. A person residing on this basis must have sufficient resources such that they would not become an unreasonable burden on the social assistance system of the State.

## 9. Outline of the form

- Use **block letters** to complete the form
- Please leave a space between each word
- Complete **all** sections relevant to your application
- Staple the completed pages of the form together before submitting the application

### Section 1 - Applicant Details

This section is for the applicant details.

### Section 2 - Details of the EU citizen of whom the applicant is a family member

This section is for the details of the EU citizen.

### Section 3 - Current activity of the EU citizen in the State

This section is for the details relating to the current activity of the EU citizen in the State. Section 3 is divided into five parts (A to E). Complete only the part of Section 3 which is applicable.

### Section 4 - Document Checklist

This section contains a checklist for the supporting documents which must be submitted with your application.

### Section 5 - Declarations

This section is for the declarations to be signed by the applicant and EU citizen affirming that the contents of the application are truthful. Unsigned forms will be returned and will not be treated as applications.

## 10. Documentation to support an application for a residence card (Form EU1)

When submitting documents please note the following:

1. All documents submitted must be **photocopies**.
2. Passports should be photocopied in colour, and photocopies should include all pages of the passport including blank pages.
3. Marriage certificates and birth certificates should be photocopied in colour and should include any Apostilles or legalisation stamps. Copies of translations of documents should also be supplied where appropriate.
4. Other documents may be submitted as colour or as black-and-white photocopies.
5. Photocopied pages of multiple-page documents should be stapled together.
6. Any documents which are not in English must be accompanied by a certified translation.
7. Do not submit GNIB Certificates of Registration – a holder of a GNIB card is required to be in possession of it at all times.
8. Do not submit documents which have not been requested.

The obligation is on the applicant at all times to provide satisfactory evidence as outlined below and to notify this office of any changes to their circumstances in accordance with Regulation 11(2) and 11(4) of the Regulations.

**(a) Evidence of identity**

*For the applicant:*

- A valid passport (colour photocopy of all pages)
- Two passport-size photos of the applicant

*For the EU citizen:*

- A valid passport or National Identity Card (colour photocopy of all pages)
- Two passport-size photos of the EU citizen

**(b) Evidence of relationship with the EU citizen**

*For marriage to the EU citizen:*

- The civil marriage certificate

*For civil partnerships:*

- The civil partnership certificate

*For a child, grandchild or descendent of the EU citizen:*

- Birth certificate for the applicant
- An letter of consent from the absent parent/legal guardian permitting the child to reside in the State, if only one parent or legal guardian of the child is to reside in the State with the child
- Evidence of dependence on the EU citizen (if child is over the age of 21)

*For a child, grandchild or descendent of the spouse of the EU citizen:*

- Birth certificate for the applicant
- The civil marriage certificate for the EU citizen and their spouse
- A letter of consent from the absent parent/legal guardian permitting the child to reside in the State, if only one parent or legal guardian of the child is to reside in the State with the child
- Evidence of dependence on the spouse of the EU citizen (if child is over the age of 21)

*For dependent parents, grandparents and relatives in the ascending line of the EU citizen:*

- Birth certificate for the EU citizen
- Evidence of dependence on the EU citizen

*For the dependent parents, grandparents and relatives in the ascending line of the spouse of the EU citizen:*

- Birth certificate for the spouse of the EU citizen
- The civil marriage certificate for the EU citizen and their spouse
- Evidence of dependence on the spouse of the EU citizen

**(c) Evidence of current activities of the EU citizen in the State**

*If the EU citizen is in employment, copies of the following documents should be provided:*

- Current letter from employer setting out terms and conditions of employment OR signed contract of employment
- Two recent payslips
- Most recent P60 or Tax Credit Certificate

*If the EU citizen is self-employed, copies of the following documents should be provided:*

- Agreed Tax Assessment from the Revenue Commissioner for the last financial year (if applicable) OR Letter of Registration for Self-Assessment (Income Tax) from the Revenue Commissioner
- Receipts issued for sales or services in the last six months
- Bank statements of the business for the last six months
- Companies Registration Office certificates (if applicable)

*If the EU citizen is studying, copies of the following documents should be provided:*

- Current letter from college/course provider including start date and expected completion date
- Letter from private medical insurance provider for EU citizen and any dependants
- Evidence of financial resources and corresponding bank statements

*If the EU citizen is involuntarily unemployed, copies of the following documents should be provided:*

- Current letter from Department of Social Protection with details of current benefit claims
- Letter from previous employer outlining circumstances of redundancy
- P60s for last 2 years of employment
- P45 for last employment

*If the EU citizen has sufficient resources, copies of the following documents should be provided:*

- Evidence of financial resources and corresponding bank statements
- Current letter from Department of Social Protection, with details of any benefit claims, or stating that there are no claims (as applicable)
- Letter from private medical insurance provider for EU citizen and any dependants

**(d) Evidence of residence of applicant and EU citizen in the State**

*If renting, copies of the following documents should be provided:*

- Letter from landlord/agency or tenancy agreement
- Letters of Registration of Tenancy from the Private Residential Tenancies Board
- Utility bills for the applicant and the EU citizen

*If home-owning, copies of the following documents should be provided:*

- Letter from mortgage provider, local authority or County Council
- Title or deeds as applicable
- Utility bills for the applicant and the EU citizen

*Other evidence of residence may be considered if deemed satisfactory. If you are not renting or a homeowner, then the person you are living with should provide the above documents with a written declaration of your residence from the landlord or homeowner in addition to any other evidence of your residence.*

**Note:** If for any reason you cannot supply some or all of the required documentation above, you should provide a written statement explaining why. Provision of some or all of the above documentation is not a guarantee of a successful application.