



DEPARTMENT OF JUSTICE AND EQUALITY
IRISH NATURALISATION & IMMIGRATION SERVICE

Explanatory Leaflet for FORM EU1 APPLICATION FOR A RESIDENCE CARD (FOR NON-EEA NATIONAL FAMILY MEMBER)

21/06/2010

1. Who should apply on Form EU1?

Form EU1 is to be completed by each non-EEA national applying for a residence card as the family member of a European Union citizen residing in the State. Form EU1 can be downloaded from 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 2006 and 2008 (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. To avoid delay, please observe the following.

- Make your application on the correct application form
- Fill out a separate application form for each non-EEA national seeking a residence card, including each minor child
- Complete **all** sections relevant to your application
- Provide all required documents as per the checklist in **Section 4** of the form
- Submit **original** documents only - photocopies are not accepted
- 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

All correspondence containing original documentation should be submitted by **Registered Post**. Applications should be posted to:

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

You and the EU citizen of whom you are a family member may be required to attend for an interview in connection with your application.

If you need to contact the EU Treaty Rights Section regarding your application you can do so by post at the above address or by email at eutreatyrights@justice.ie. Please ensure that you include your name, your date of birth, and your Department reference number (69/ 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 Section 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 a person who asserts an entitlement to any rights under the Regulations on the basis of information which he or she knows to be false or misleading in a material particular, or fails to comply with any requirement of the Regulations, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000 or to a term of imprisonment not exceeding 12 months, or both.

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)(a) of the Regulations.

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, 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 recognised educational institute or college in the State, while possessing comprehensive sickness/health insurance in respect of them self, 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 and FÁS.

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/health insurance in respect of them self, their spouse, and any dependants. A person shall be regarded as not having sufficient resources to support them self and any dependants where that person would qualify for assistance under Part 3 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005) if a claim were made by them or on their behalf.

Please note: the EU citizen of whom you are a family member must be engaged in one or more of these activities in order for you to qualify for a residence card under their EU Treaty Rights.

9. Outline of the form

- Use **BLOCK CAPITALS** and a **black pen** to complete the form
- Please leave a space between each word
- Complete **all** sections relevant to your application

If you are at present unable to provide any of the information or details requested in any of the relevant sections, please provide a letter of explanation with this application form.

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 to the activity through which the EU citizen is exercising their EU Treaty Rights in the State.

Section 4 - Document Checklist

This section contains the 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)

Any documents submitted with the application must be **original**. Photocopies of documents cannot be accepted. Any documents which are not in English must be accompanied by a certified translation. Documents will normally be returned by Registered Post within one month of receipt, however, it may occasionally be necessary to retain some documents until such time as the application is finalised. Please note that any documents submitted may be subject to verification.

Note on passport-size photos

- Minimum size 35mm x 45mm, maximum size 38mm x 50mm
- Photographs should be not more than 6 months old
- The photograph should show a full front view of the subject's head, as he or she would normally appear
- The image must be sharp and clear, and taken against a plain white or light grey background
- Sunglasses are not acceptable - tinted glasses may be worn provided they do not obscure the person's eyes
- Only head coverings worn for religious reasons are permitted; hair bands are not allowed

The obligation is on you at all times to provide satisfactory evidence as outlined below and to notify this office of any changes to your circumstances in accordance with Regulation 11(2) and 11(4) of the European Communities (Free Movement of Persons) Regulations 2006 and 2008.

Required Supporting Documents

(a) Evidence of identity

For the applicant:

- A valid passport
- Two passport-size photos of the applicant

For the EU citizen:

- A valid passport or National Identity Card
- Two passport-size photos of the EU citizen

(b) Evidence of relationship with the EU citizen

For marriage to the EU citizen:

- A civil marriage certificate

For partnerships (including same sex):

- A civil partnership certificate OR other satisfactory evidence of a durable relationship being in existence for at least two years

For a child, grandchild or descendent (under 21) of the EU citizen:

- Birth certificate(s)
- Written 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

For a child, grandchild or descendent (under 21) of the spouse of the EU citizen:

- Birth certificate(s)
- A civil marriage certificate for the marriage between the EU citizen and their spouse
- Written 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

For a dependent child, grandchild or descendent (over 21) of the EU citizen:

- Birth certificate(s)
- Evidence of dependency on the EU citizen, including dependency prior to residing in the State

For a dependent child, grandchild or descendent (over 21) of the spouse of the EU citizen:

- Birth certificate(s)
- A civil marriage certificate for the marriage between the EU citizen and their spouse
- Evidence of dependency on the EU citizen, including dependency prior to residing in the State

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

- Birth certificate(s)
- Other satisfactory evidence of relationship with the EU citizen
- Evidence of dependency on the EU citizen, including dependency prior to residing in the State

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

- A civil marriage certificate for the marriage between the EU citizen and their spouse
- Birth certificate(s) OR other satisfactory evidence of relationship with the spouse of the EU citizen
- Evidence of dependency on the EU citizen, including dependency prior to residing in the State

For other family members:

- Satisfactory evidence of relationship with the EU citizen
- Evidence of dependency on the EU citizen, including dependency prior to residing in the State OR evidence of membership of the EU citizen's household OR medical evidence, including a medical report from a physician, hospital etc., that you require the personal care of the EU citizen for health reasons

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

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

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

If the EU citizen is self-employed, the following supporting documents should be submitted to show that the business is a viable trading concern and provides the EU citizen with sufficient income to maintain and accommodate themselves and any dependents without resorting to social assistance.

- 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
- Copies of receipts issued for sales or services in the last six months
- Bank statements of the business for the last six months

If the EU citizen is studying, 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
- Bank statements AND/OR evidence of financial resources

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

- Current letter from Department of Social Protection with details of current benefit claims
- Current letter from FÁS acknowledging registration as a jobseeker.
- P60s for last 2 years of employment
- P45 for last employment

If the EU citizen has sufficient resources the following documents should be provided:

- Bank statements AND/OR evidence of financial resources
- 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:

- Letter from landlord/agency, rental contract or rent book
- Letter of Registration of Tenancy from the Private Residential Tenancies Board
- Utility bills for applicant and EU citizen

If home-owning:

- Letter from mortgage provider OR letter from local authority or County Council
- Utility bills for applicant and 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 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 must provide a written statement explaining why. Provision of some or all of the above documentation is not a guarantee of a successful application.