



DEPARTMENT OF JUSTICE AND EQUALITY  
IRISH NATURALISATION & IMMIGRATION SERVICE

## Explanatory Leaflet for Form EU1A

APPLICATION TO BE TREATED AS A PERMITTED FAMILY MEMBER OF A UNION CITIZEN  
09/06/2017

### 1. Who should apply on Form EU1A?

Form EU1A is to be completed by each non-EEA national who is applying for a residence card as a **permitted** family member of a European Union citizen, where the applicant and EU citizen are intending to reside in the Republic of Ireland (the "State") for a period greater than 3 months. A permitted family member is a non-EEA national who is:

1. a de facto partner of an EU citizen, or
2. a member of the family of an EU citizen who is not a qualifying family member (see below) and who, in the country from which they have come:
  - a. is a dependent of the EU citizen;
  - b. is a member of the household of the EU citizen;
  - c. requires the personal care of the EU citizen on the basis of serious health grounds.

A **qualifying** family member should **not** apply on Form EU1A, but should instead apply on Form EU1, which is available on the Irish Naturalisation and Immigration Service (INIS) website at <http://www.inis.gov.ie>. 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;
3. a dependent direct relative in the ascending line (parent, grandparent etc.) of an EU citizen or of their spouse or civil partner.

### 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 5 of the Regulations, a permitted family member of a Union citizen seeking to reside on that basis should apply to the Minister for Justice and Equality to be treated as a permitted family member. If a decision is made that a person can be treated as a permitted family member, the Minister will then consider if that person has a right to a residence card under Regulation 7 of the Regulations.

### 3. Making sure your application is complete

Please ensure that all required documents are submitted with your application form. A decision will be made on your application based on the information contained in your application form and the supporting documents you submit with your form. No further information or documentation will be requested. See **Part 9** of this leaflet for information on documents to be submitted.

No original documents should be sent with your application form. 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 9** of this leaflet). **In the event that original documents are required, you will be notified.**
- Sign and date both declarations in **Section 9** of the form.
- If you are 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:

**Permitted Family Member Assessment  
EU Treaty Rights Unit  
Residence Division  
Irish Naturalisation and Immigration Service  
13/14 Burgh Quay  
Dublin 2  
D02 XK70**

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 Unit 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, your INIS Person ID number, and your Application ID number in all correspondence.

#### **4. 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 the applicant to keep this office updated regarding their 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.

#### **5. Immigration status during application process**

If a decision is made that you are to be treated as a permitted family member of an EU citizen, you may be provided with an immigration stamp that will be valid for the period of the residence card application process. This will enable you to remain in Ireland during this period. Please note that receipt of this endorsement is not an acknowledgement of an entitlement to a residence card. This will be determined in due course when your application is either approved or refused.

#### **6. 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 under Section 8 of the Immigration Act 2003 and Regulation 26 of the European Communities (Free Movement of Persons) Regulations 2015, strictly for purposes connected to the application.

Directive 2004/38/EC and the European Communities (Free Movement of Persons) Regulations 2015 allow for extensive examination of the personal circumstances in applications to be treated as a permitted family member of a Union Citizen. All sections appropriate to your application in Form EU1A must be completed and appropriate supporting documentation submitted. EU Treaty Rights Unit requires the information requested in Form EU1A to assist in conducting a full and complete examination of your application.

EU Treaty Rights Unit fully respects your right to privacy. Your personal details will be treated with the highest standard of security and confidentiality and strictly in accordance with appropriate Data Protection legislation. Your personal information and information relating to your family members who are the subject of or relevant to your personal circumstances in the context of this application may be disclosed to other Irish Government Departments and other public bodies for immigration purposes.

You do not have to provide the information requested by EU Treaty Rights Unit. However if you do not provide some or all of the required information and/or documentary evidence requested by EU Treaty Rights Unit, it may have an adverse effect on the outcome of your application.

## 7. 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(3) 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. These details must be provided in Section 3 of the application form. Note that while an EU citizen may also reside on the basis of being engaged in a course of study in the State, a permitted family member of an EU citizen does not have an entitlement to apply for a residence card in that circumstance.

### 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. 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.

### D. Residing with sufficient resources

Where the EU citizen has sufficient resources to maintain themselves and any dependants in the State and is in possession of 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.

## 8. Outline of the form

- Fill out the form in **block letters**, and leave a space between each word.
- Complete all sections relevant to your application. All applicants should complete Sections 1, 2, 3, 7, 8, and 9. The sections are described below.
- Applicants applying as the partner of an EU citizen should complete Section 4.
- Applicants applying as the dependent or member of the household of an EU citizen should complete Section 5.
- Applicants applying on serious medical grounds requiring the personal care of an EU citizen should complete Section 6.
- Additional annex sheets may be required to provide supplementary information regarding residence ([Annex A](#)), activities ([Annex B](#)), or details of other persons such as children ([Annex C](#)), as prompted on Form EU1A.
- Staple the completed pages of the form together before submitting the application. Annexes should be stapled to back of the form. All pages of the form should be included, even if blank.

## Section 1 – Applicant details

This section is for the applicant details and details of the relationship being asserted between the applicant and EU citizen. This section includes details of relationships and children of the applicant, and the immigration history and criminal record of the applicant.

## Section 2 – EU citizen details

This section is for the details of the EU citizen, including details of relationships and children of the EU citizen, and details of the activities of the EU citizen in the country from which they have come.

## 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 four parts (A to D). Complete only the part of Section 3 that is applicable to your circumstances.

## Section 4 – Partners

This section should be completed when the applicant is in a durable (lasting) relationship with the EU citizen but is not their spouse or civil partner.

## Section 5 – Dependents and members of the household

This section should be completed when the applicant is a relative of the EU citizen, or of the EU citizen's spouse or civil partner; was dependent on the EU citizen or was a member of the EU citizen's household before coming to Ireland; and, since entering Ireland, has continued to be dependent on the EU citizen or a member of the EU citizen's household.

## Section 6 – Serious medical grounds

This section should be completed when the applicant is a relative of the EU citizen or of their spouse or civil partner, and requires the personal care of the EU citizen, or of their spouse or civil partner, on the basis of serious health grounds.

## Section 7 – Checklist

This section is to indicate the document types being submitted with the application under each relevant section.

## Section 8 – Document list

This section is for describing the documents enclosed and specifying the purpose of each document. All documents submitted that you wish to be considered for the application must be described in this section. In the event that further lines are required, additional sheets may be used and enclosed with the application form.

## Section 9 – 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.

## 9. Documentation to support an application for a residence card (Form EU1A)

When submitting documents please note the following:

1. All documents submitted must be **photocopies** unless otherwise specified during the application process.

2. Passports should be photocopied in colour, and photocopies should include **all** pages of the passport including blank pages.
3. Civil certificates (e.g. 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 that are not in English must be accompanied by a certified translation.
7. Do not submit original 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 that have not been requested.

Please ensure that all required documents are submitted with your application form. A decision will be made on your application based on the information contained in your application form and the supporting documents you submit with your form. No further information or documentation will be 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.

## EU1A - Required Supporting Documents

### **(a) Evidence of identity**

*For the applicant:*

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

*For the EU citizen:*

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

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

*For a de facto partner of an EU citizen copies of following documents should be provided:*

- Evidence of cohabitation for the last two years (e.g. tenancy agreements, utility bills)
- Evidence of a durable relationship (e.g. evidence of jointly-owned assets, evidence of shared bank accounts or insurance, evidence of travel, birth certificates of any children of the partnership)
- If either person was previously married or in a civil partnership, a decree or other evidence of divorce, dissolution, annulment, or legal separation, or a death certificate as appropriate

*For a dependent of the EU citizen copies of following documents should be provided:*

- Birth certificates and/or marriage certificates showing family relationship with the EU citizen
- Documentary evidence from the relevant authority of the country from which the applicant has come that the applicant is a dependent of the EU citizen (e.g. evidence of financial support such as bank statements, financial transfers, employment documents, tax documents)

*For a member of the household of the EU citizen copies of following documents should be provided:*

- Birth certificates and/or marriage certificates showing family relationship with the EU citizen
- Documentary evidence from the relevant authority of the country from which the applicant and EU citizen have come that the applicant is a member of the household of the EU citizen (e.g. tenancy agreement, utility bills, evidence of shared bank accounts or insurance policy, evidence of travel)

*For dependence on serious health grounds, copies of following documents should be provided:*

- Birth certificates and/or marriage certificates showing family relationship with the EU citizen
- Evidence of serious health grounds that strictly require the personal care of the applicant by the Union citizen (e.g. **original** medical reports from a physician or hospital)

### **(c) 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 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.*

### **(d) 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 with full contact details of employer for confirming employment (e.g. for human resources or personnel manager, owner of the business, or manager in the workplace)
- Letter from employer or contract of employment setting out terms and conditions of employment with full contact details
- 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 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

### **(e) Evidence of previous activities of the EU citizen in the country from which they have come**

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

- Letter from last employer stating period of employment and circumstances of termination of employment
- Payslips from last employment
- Statement of taxes paid in the last financial year when working
- Evidence of financial resources and corresponding bank statements

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

- Tax assessment for the last financial year
- Evidence of trading (e.g. receipts issued to customers and corresponding bank statements)
- Business registration documents from the relevant authority

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

- Letter from college/course provider including start date and completion date
- Certificate or graduation letter
- Letter from private medical insurance provider for EU citizen and any dependents during the period of study
- Evidence of financial resources and corresponding bank statements during the period of study

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

- Evidence of financial resources (e.g. bank statements)
- Evidence of the source of funds (e.g. pension, financial investments)
- Letter from private medical insurance provider for EU citizen and any dependents during the period of time

### **(f) Evidence of residence of applicant and EU citizen in the country from which they have come**

*For each address where renting, copies of the following documents should be provided:*

- Letter from landlord/agency or tenancy agreement
- A utility bill for the applicant and the EU citizen for each year of residence

*If residing at a property owned by the applicant or EU citizen, copies of the following documents should be provided:*

- Letter from mortgage provider or local authority
- Title or deeds as applicable
- A utility bill for the applicant and the EU citizen for each year of 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.