



DEPARTMENT OF JUSTICE AND EQUALITY
IRISH NATURALISATION & IMMIGRATION SERVICE

Explanatory Leaflet for FORM EU3 APPLICATION FOR A PERMANENT RESIDENCE CARD (FOR NON-EEA NATIONAL FAMILY MEMBER)

01/02/2016

1. Who should apply on Form EU3?

Form EU3 is to be completed by each non-EEA national applying for a permanent residence card, having resided in the State for five years or more as the family member of a citizen of the European Union under the European Communities (Free Movement of Persons) Regulations 2015. Form EU3 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 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 15 of the Regulations, a non-EEA national family member of a Union citizen who, by virtue of the Regulations, is entitled to remain permanently in the State may, before the expiration date of the residence card issued to him or her, apply for a permanent residence card.

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.

- Complete all relevant sections of the form
- Provide **photocopies** of all required documents (see **Part 11** of this leaflet)
- Sign and date both declarations in **Section 6** 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. 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. 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.

7. Immigration status during application process

If your current permission to remain in the State is due to expire before your application is processed, 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 stamp will allow you to remain in employment and continue to reside in the State until your application has been processed. Please note that receipt of this endorsement is not an acknowledgement of an entitlement to permanent residence under EU Treaty Rights. This will be determined in due course when your application is either approved or refused.

8. How do I acquire a right of permanent residence?

A non-EEA national can acquire a right of permanent residence under the Regulations as the family member of an EU citizen in one of the following circumstances:

Regulation 12(1)(b) – Five years of residence with EU citizen

An entitlement to permanent residence under the Regulations is normally acquired when you have resided in the State as the family member of an EU citizen in conformity with the Regulations for a continuous period of five years or more.

Regulation 13 – Cessation of Activity

You may acquire a right to permanent residence under Regulation 13 if you are residing in the State as the family member of an EU citizen who:

- (i) is retired, having resided continuously in the State for at least 3 years, and having been engaged in employment or self-employment for at least the previous 12 months; OR
- (ii) has ceased employment or self-employment as a result of a permanent incapacity to work, having resided continuously in the State for at least 2 years; OR
- (iii) has ceased employment or self-employment having been incapacitated for work as a result of an accident at work or an occupational illness entitling him or her to a pension which is payable in whole or in part by the State.

Regulation 12(4) - Retention of Rights

When you have resided in the State for a period of five consecutive years and have retained a right of residence following the death of the EU citizen, divorce or annulment of marriage to the EU citizen, or annulment or dissolution of a civil partnership with the EU citizen, you may acquire a right of permanent residence provided that you are employed or self-employed in the State, or possess sufficient resources to support yourself and any dependants.

NOTE: Before you submit an application for a Permanent Residence Card on the basis of Regulation 14, you must first apply for Retention of a Residence Card (Form EU5) and receive approval of your EU5 application.

9. 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)(a) of the Regulations.

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.

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.

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.

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.

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.

10. Outline of the form

- Complete the form in **block letters**
- 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 details of the applicant.

Section 1B - Details of applicant's current activity

This section is for details of the applicant's current activity in the State for cases where the applicant has previously been granted Retention of Rights having applied on Form EU5 and is now seeking a right of Permanent Residence on the basis of Regulation 12(4) of the Regulations.

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 - Activities of the EU citizen in the State

This section is for details relating to the EU citizen's activities in the State under Regulation 6(3) of the Regulations. Activities include employment, self-employment, the pursuit of a course of study, residing as a registered jobseeker after involuntary unemployment, and residing with sufficient resources.

- In the first part of Section 3 you should outline the EU citizen's **current** activity in the State.
- In the second part of Section 3 you should outline **all** previous activities of the EU citizen in the State for the last 5 years or a continuous period of 5 years. If you require additional space, please use **Annex B** and attach it to your application form.
- The final part of Section 3 may be used to record details relating to the cessation of employment or self-employment when applicable.

Section 3 of the form is not required where Section 1B has been used.

Section 4 - Previous addresses in the State

This section is for the history of the applicant and the EU citizen's residential addresses in the State. You must provide details for all addresses at which you have resided for the last 5 years and show a history of residence for a continuous period of 5 years. If you require additional space, please use **Annex A** and attach it to your application form. Supporting documents are required for each address which is given (see **Section 5**).

Section 5 - Document Checklist

This section contains the checklist for the supporting documents which must be submitted with your application. Documents in the shaded boxes are only required for certain applications as specified.

Section 6 - 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.

11. Documentation to support an application for a permanent residence card (Form EU3)

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.

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

For the EU citizen:

- A valid passport *or* an original 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 de facto partnerships:

- Evidence of a durable relationship for the last five years (e.g. evidence of continuous cohabitation, evidence of jointly-owned assets, evidence of shared bank accounts or insurance, evidence of travel, birth certificates of any children of the partnership)

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

- Birth certificate for the applicant
- 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 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

For other family members:

- Birth certificates or other evidence of relationship with the EU citizen
- Evidence of dependence on the EU citizen, AND/OR evidence of membership of the EU citizen's household prior to residing in the State 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 activities in the State for the last 5 years (as per Section 1B or Section 3 as applicable)

For each period of employment, copies of the following documents should be provided:

- Letter from employer setting out terms and conditions of employment AND/OR signed contract of employment
- Two payslips for current employment (if currently employed)
- P60 for the last five years (or for any years applicable)
- Employment permits (if applicable)

For each period of self-employment, copies of the following documents should be provided:

- Agreed Tax Assessment from the Revenue Commissioner for each financial year
- VAT3 receipts (if applicable)
- Bank statements of the business for six months, and copies of corresponding invoices or receipts issued
- Companies Registration Office certificates (if applicable)

For each period of study, copies of the following documents should be provided:

- Letter from college/course provider including course description, start date and completion date
- Letter from private medical insurance provider
- Bank statements AND/OR evidence of financial resources

For each period of involuntary unemployment, copies of the following documents should be provided:

- Letter from Department of Social Protection with details of benefit claims
- Letter from FÁS or Employment Services Office acknowledging registration as a jobseeker
- Letter from prior employer outlining circumstances of redundancy
- P60s for prior two years of employment
- P45 (if currently unemployed)

For each period while residing with sufficient resources, copies of the following documents should be provided:

- Evidence of financial resources
- Bank statements
- Letter from Department of Social Protection with details of any benefit claims
- Letter from private medical insurance provider

(d) Evidence of retirement, permanent incapacity or occupational illness of EU citizen (if applicable)

- Documentary evidence of cessation of employment or self-employment, outlining the circumstances of cessation
- Documentary evidence of receipt of a state pension (contributory or non-contributory), or an allowance, benefit or supplement with respect to a disability, injury or illness (as applicable)

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

For each residential address while renting, copies of the following documents should be provided:

- Letter from landlord/agency, tenancy agreement, or Private Residential Tenancies Board (PRTB) Letters of Registration
- Utility bills in both names for each year of residence

For each residential address as a home-owner, copies of the following documents should be provided:

- Letter from mortgage provider, local authority or County Council
- Title or deeds as applicable
- Utility bills in both names for each year of residence

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.