



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)

21/06/2011

### 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, Switzerland or an EEA Member State, under the European Communities (Free Movement of Persons) Regulations 2006 and 2008. 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 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 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. To avoid delay, please observe the following.

- Complete all relevant sections of the form
- Provide all required documents as per the checklist in **Section 5** of the form
- Submit **original** documents only - photocopies are not accepted
- 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

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](mailto:eutreatyrights@justice.ie). Please ensure that you include your Department (69/) reference 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 fact, 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

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.

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

A non-EEA national can acquire a right of permanent residence under the Regulations in one of the following circumstances:

- 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.
- Subject to the conditions of Regulation 13 of the Regulations, you have been 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.
- You have resided in the State for a period of five consecutive years, having retained a right of residence under Regulation 9(2) of the Regulations, arising from the death of the EU citizen. To acquire a right of permanent residence on this basis you must:
  - (i) be employed or self-employed in the State, or possess sufficient resources to support yourself and any dependants; AND
  - (ii) have resided in the State with the EU citizen for at least one year prior to the death of the EU citizen.
- You have resided in the State for a period of five consecutive years, having retained a right of residence under Regulation 10(2) of the Regulations arising from the divorce or annulment of the marriage with the EU citizen. To acquire a right of permanent residence on this basis you must be employed or self-employed in the State, or possess sufficient resources to support yourself and any dependants.

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

### 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.

## 10. 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 1A - Applicant Details

This section is for the details of the applicant.

### Section 1B - Details of applicant's current activity

This section is only required where details of the applicant's current activity in the State are relevant to the application (e.g. where the applicant and the EU citizen are divorced or the marriage has been annulled, or when the EU citizen is deceased).

### 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, and, when applicable, details of the divorce or annulment of the marriage of the applicant and EU citizen, or details of the death or departure from the state 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(2) of the Regulations. Activities include employment, self-employment, pursuit of a course of study, residing as a valid 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. If you require additional space, please use **Annex B** and attach it to your application form.

#### 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. If you require additional space, please use **Annex A** and attach it to your application form. Supporting documents are required for each address (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)

All 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 divorced or annulled marriage to the EU citizen:*

- A civil marriage certificate
- A decree of divorce or decree of annulment (as applicable)

*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

*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

*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

*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

*For other family members:*

- Satisfactory evidence of relationship with the EU citizen
- Evidence of dependency on the EU citizen 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 activities in the State for the last 5 years (as per Section 1B or Section 3 as applicable)**

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

- Letter from employer setting out terms and conditions of employment AND/OR signed contract of employment
- Contact details for employer
- P60 for the last five years (or for any years applicable)
- Copies of employment permit(s), if applicable

*For each period of self-employment, 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
- Registration certificates from the Companies Registration Office (CRO) (if applicable)

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

- Letter from Department of Social Protection with details of benefit claims
- Letter from FÁS acknowledging registration as a jobseeker
- P60s for two prior years of employment

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

- Bank statements AND/OR evidence of financial resources
- 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 death of EU citizen (if applicable)**

- Death certificate

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

*For each residential address while renting:*

- Letter from landlord/agency, rental contract or rent book
- Utility bills

*For each residential address as a home-owner:*

- Letter from mortgage provider OR letter from local authority or County Council
- Utility bills

*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.