



DEPARTMENT OF JUSTICE AND EQUALITY  
IRISH NATURALISATION & IMMIGRATION SERVICE

## Explanatory Leaflet for FORM EU4 REQUEST FOR REVIEW OF DECISION (FOR EU1, EU1A, EU2, EU3 OR EU5 APPLICANT)

01/02/2016

### 1. When should I use Form EU4?

Form EU4 should be completed if you have received a decision to refuse your application for a residence card (Form EU1 or EU1A), to be treated as a permitted family member (Form EU1A), for a permanent residence certificate (Form EU2), for a permanent residence card (Form EU3) or for the retention of a residence card (Form EU5) and you wish to seek a review of that decision. A request for a review should be made only when you feel that the deciding officer has erred in fact or in law.

A request for a review of a decision should be made within 15 working days of the date of the refusal letter.

### 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 25 of the Regulations, a person to whom the Regulations apply may seek a review of any decision concerning the person's entitlement to be allowed to reside in the State.

### 3. Making sure your application is complete

An application for a review will not be accepted if it is incomplete. To avoid delay, please observe the following.

- Make your application on the correct application form
- Complete **all seven Sections** of the form
- Submit **copies** of supporting documents, except where original documents are requested
- Sign and date both declarations in **Section 7** 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 for a review should be posted to:

**EU Treaty Rights Review Unit  
Residence Division  
Irish Naturalisation & 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 review.

If you need to contact the EU Treaty Rights Review 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, and your INIS Person ID and Application ID 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 Review Unit in writing immediately. Failure to do so may result in your application being refused.

### 5. 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.

### 6. Supporting documentation

When submitting supporting documents please note the following:

1. All documents submitted must be **copies** except where an **original** is specified.
2. Any documents which are not in English must be accompanied by a certified translation.
3. Original documents should always be submitted by Registered Post.
4. Original documents will normally be returned to you by Registered Post within one month of receipt.
5. Do not submit GNIB Certificates of Registration – a holder of a GNIB card is required to be in possession of it at all times.
6. Documents which have been submitted and then returned to you should not be re-submitted unless 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.

## 7. Outline of the form

- Complete the form in **block letters**
- Please leave a space between each word

### Section 1 - Application to be Reviewed

This section is for details of the original application which is to be reviewed.

### Section 2 - Applicant Details

This section is for details of the applicant of the original application which is to be reviewed. For an EU2 application, the applicant is an EU citizen. For EU1 and EU3 applications, the applicant is the family member of the EU citizen.

### Section 3 - Details of EU Citizen *(for Review of EU1, EU3 or EU5)*

This section is for details of the EU citizen of whom the applicant is a family member. This section is not required for a request for a review of an EU2 application.

### Section 4 - 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. Possible activities include employment, self-employment, pursuit of a course of study, residing as a valid jobseeker after involuntary unemployment, and residing with sufficient resources.

### Section 5 - Details of Legal Representation *(if applicable)*

This section is for details of your solicitor or other legal representative. You must sign the declaration in order to authorise your legal representative to act on your behalf for your review application.

### Section 6 - Details of Review

In this section you must state the grounds for your request for a review, make any additional statements which you wish to have considered, and list any additional documents which you are submitting along with your review application.

### Section 7 - Declarations

This section is for declarations to be signed by the applicant and the EU citizen of whom the applicant is a family member affirming that the contents of the request for a review are truthful. Unsigned forms will be returned and will not be accepted as valid applications. For requests for the review of an EU2 application, only the applicant needs to sign the declaration.

## 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(3)(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 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 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 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.