



Explanatory Leaflet for Form EUTR4

Please read the information below carefully before you submit your application.

Who is this form for?

This form is to be used by each person who wishes to seek a review of a decision made to refuse an EU Treaty Rights application or a decision to revoke a previously obtained EU Treaty Rights permission under the European Communities (Free Movement of Persons) Regulations 2015, as amended, or the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020.

You should use this application form if:

- You wish to review a decision made on an EUTR1, EUTR1A, EUCC, EUTR2, EUTR3 or EUTR5 application made by you which was refused; or
- You wish to review a decision that revoked your residence card, document or permission to remain; and
- You believe the decision maker made an error in fact or law.

What is the relevant 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 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.

The Citizens Rights entitlements guaranteed to United Kingdom nationals and their family members are given effect in Ireland under the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020.

In line with the relevant legislation, where an applicant considers that the deciding officer has erred in fact or law in making the decision to refuse an application for a residence card or document or status or to revoke a previously held permission, it is open to the person concerned to request a review of the relevant decision. In accordance with Regulation 25(2) of the Regulations of 2015, a review must be submitted within 15 working days of the date of receipt of the relevant decision. The review must set out in writing in the grounds for review in Form EUTR4

In accordance with Regulation 19 of the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020, a request for review under Regulation 25 of the Regulations of 2015 shall also apply to a United Kingdom national and his or her family member and references to EEA national in Form EUTR4 or this leaflet shall also apply to the relevant United Kingdom national.

The Minister reserves the right to refuse to accept late requests for review.

What does exercise of EU Treaty Rights mean?

An EEA national 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) of the Regulations of 2015. The EEA national must be engaged in one or more of these activities in order for a family member to qualify for residence under EU Treaty Rights. These details must be provided in Section 5 of Form EUTR4.

A. Employment

Where the EEA national 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 EEA national is a sole trader, engaged in a business partnership, or is a proprietary director of a registered company operating in the State.

C. Studying

Where the EEA national is engaged in a course of study with a qualifying and accredited educational institute or college in the State and is in possession of comprehensive sickness or health insurance cover in respect of themselves, their spouse, and any dependents.

D. Involuntary unemployment

Where the EEA national 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 Employment Affairs and Social Protection.

E. Residing with sufficient resources

Where the EEA national has sufficient resources to maintain themselves and any dependents in the State and is in possession of comprehensive sickness or health insurance cover in respect of themselves, their spouse, and any dependents. An EEA national residing on this basis must have sufficient resources such that they would not become a burden on the social assistance system of the State.

What will my immigration status be during the application process?

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.

However, if you were not granted temporary permission at the application stage, you may not be granted temporary permission during the review process.

Please note that receipt of this endorsement is not an acknowledgement of an entitlement to a residence card, document or status or retention of residence. This will be determined in due course when your request for review is either approved or refused

What should I do if there is a change in my circumstances?

If you have a change in circumstances while your review is being processed, for example:

- if you change your personal details (your name or family status)
- if your contact details change (your address or representative)
- if there is a change in other circumstances (your EEA national family member leaves Ireland, your change of nationality)
- if there is a change in the activities (e.g. employment) of your EEA national family member

you must inform EU Treaty Rights Division in writing immediately either at the postal address below or by email to eutreatyrights@justice.ie and provide any relevant supporting documentation. Failure to do so may result in your application being refused. Please include your Person ID and your Application Reference on any written or email communication.

Review Unit
EU Treaty Rights Division
Immigration Service Delivery
Department of Justice
13/14 Burgh Quay
Dublin 2, D02 XK70

Please note that the onus is on an applicant to keep the Review Unit, EU Treaty Rights Division updated regarding his/her circumstances and to submit any relevant documentation supporting these changes in circumstances.

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 the Regulations, and that person may be liable to the sanctions set out therein.

How to complete this form?

Please ensure that all required documents are submitted with your application form. A decision will be made on your request for review based on the information you provide in your application form and the supporting documents that you submit. The onus is on you, the applicant, to submit the necessary evidence to support your request for review. To avoid delay, please observe the following:-

- You must complete a separate application for each non-EEA national family member, including each child under 18 years of age.
- Please complete this form in CAPITAL letters
- Please ensure to leave a space between each word
- You (or the EEA national) must place a tick (✓) in the boxes that are relevant to your application
- You and the EEA national must complete in full all sections of this form which are relevant to you
- You must submit photocopies of supporting documents for each application. Please refer to the section below titled “*What documentation is required to support an EUTR4 application*”.
- **No original documents should be sent with your application form.**
- If you or the EEA national are unable to provide any of the information requested at this time, please explain the reason in writing and enclose with your request for review.
- Both the applicant and the EEA national, if applicable, must sign the Data Privacy Notice on page 6.

You must send your completed application form and any supporting documents you wish to provide to the address below

**Review Unit
EU Treaty Rights Division
Immigration Service Delivery
Department of Justice
13/14 Burgh Quay,
Dublin 2, D02 XK70**

- Your application may be delayed if you do not send it to the address listed above
- We recommend you send your application by Registered Post
- If you choose to send your application by registered post you can track it on the An Post website, www.anpost.ie

What is the Data Privacy Notice and why do I have to sign it?

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, for purposes connected to the application and derived benefit, where applicable

Both the Directive and the Regulations allow for extensive examination of the personal circumstances of applicants. EU Treaty Rights Division requires the information requested in the application form to assist in conducting a full and complete examination of an application.

EU Treaty Rights Division fully respects an applicant's right to privacy. Personal details will be treated with the highest standard of security and confidentiality and strictly in accordance with appropriate Data Protection legislation.

An applicant does not have to provide the information requested by EU Treaty Rights Division. However failure to provide some or all of the required information and/or documentary evidence requested by EU Treaty Rights Division may have an adverse effect on the outcome of an application.

The Data Privacy Notice must be completed, signed and dated by both the applicant and the EEA national, if applicable.

Outline of Form EUTR1

- Data Privacy Notice (non-EEA national applicant and, if applicable, the EEA national) on pages 3 to 6.
- Sections 1 and 2 must be completed by the applicant
- Sections 3 and 4 must be completed by the EEA national family member, if applicable
- Sections 5 and 6 must be completed by the applicant
- Section 7 must be completed by the applicant and, if applicable, the EEA national family member
- Section 8 – Applicant's Declaration on page 25 to be completed by the applicant
- Section 9 – EEA national's Declaration on page 26 to be completed, if applicable, by the EEA national family member
- Section 10 – Applicant's document and evidence checklist on pages 27 to 29
- Appendix A, if applicable, should be completed by an EEA national who is exercising EU Treaty Rights on the basis of employment in the State
- Appendix B, if applicable, should be completed by the employer of the EEA national who is exercising EU Treaty rights on the basis of employment in the State.

Section 1 Decision to be reviewed

This section relates to the decision that the applicant is seeking to review including details of the date of the relevant and must be completed fully by the applicant.

Section 2 Applicant's personal details

This section relates to the applicant's personal details including the applicant's identity details, contact details, and details of the applicant's nationality and details of the applicant's relationship with the EEA national, if applicable, and must be completed fully by the applicant.

Section 3 EEA national's details

This section asks for the personal details, including identity and contact details of the EEA national. Details are also requested of current entry date to the State and previous visits to the State by the EEA national, if applicable.

Section 4 EEA national's current activity in Ireland

In this section, the EEA national must specify how they are currently exercising their EU Treaty rights in the State and must fill out the appropriate section(s) – Section A to E.

A. For an EEA national who is employed

This section must be completed by an EEA national who is residing in the State and is currently in employment in the State. Details are requested in relation to this employment including the nature of the business, employer contact details, employment contract and income details.

The EEA national must also submit a fully completed declaration of employment in addition to the required documents with Form EUTR4. The “*EEA national's declaration of employment*” is set out in Appendix A to the form (pages 30 to 31).

The employer of the EEA national must also fully complete a declaration “*Employer's declaration*” which is set out in Appendix B to the form (pages 32 to 33). This declaration must also be submitted with Form EUTR4.

B. For an EEA national who is self-employed

This section should be completed by an EEA national who is residing in the State and is currently self-employed in the State. Details are requested in relation to this self-employment including the nature of the business, services provided, trading details including registration and tax returns and operation costs.

C. For an EEA national who is studying

This section must be completed by an EEA national who is residing in the State and is currently pursuing a course of study in the State.

Details of the contact details for the college or institution, course details including duration and intended activity on completion. Details are also requested of financial support available including sources of financial resources and evidence of private comprehensive medical insurance cover.

D. For an EEA national who is involuntarily unemployed

This section must be completed by an EEA national who is residing in the State and is currently unemployed or unable to pursue work, having become involuntarily unemployed after a period of employment in the State.

Details of the most recent employment including contact details for the former employer and the circumstance of unemployment, details of registration with the Department of Social Protection (DSP) and any payments from DSP, if applicable.

E. For an EEA national who is residing with sufficient resources

This section must be completed by an EEA national who is residing in the State with enough financial resources so as not to become a financial burden on the State.

Details are requested of the level of financial support available including sources of income or financial resources, frequency of income, living expenses and evidence of private comprehensive medical insurance cover.

Section 5 Why are you seeking a review

This section must be completed by the applicant who is seeking a review. The relevant box must be ticked to confirm under which section the applicant is seeking a review. The applicant must outline, in the preferred section, the exact reason(s) as to why a review is being requested and must outline any other relevant information that the applicant considers is important to their case. Documentary evidence, as appropriate, must also be submitted to support the details furnished in this section.

Section 6 Additional information

This section must be completed by the applicant. The applicant must declare any further information in relation to all countries they have visited in the previous ten years. Information of all the addresses where the applicant and the EEA national family member lived together both in Ireland and abroad must be provided, if applicable.

If additional space is required, the relevant section can be copied.

Section 7 Details of a Solicitor (if you have one)

This section must be completed by the applicant and, where applicable, the EEA national family member. Details of the solicitor used including contact details should be provided. The authorisation must be signed by the applicant and, where applicable, the EEA national family member

Section 8 Applicant's declaration

This section provide a Declaration which an applicant must read before signing and dating it. The Declaration cannot be signed by a representative of the applicant or some other person acting on the applicant's behalf.

If an applicant is under 18 years of age, the Declaration may be signed by the applicant's parent or guardian.

If the Declaration is submitted unsigned, the Declaration will be returned to the applicant and the application will not progress until the signed and dated Declaration is received.

Section 9 EEA national's declaration

The EEA national must read the Declaration in this section, which must be signed and dated by the EEA national, where applicable. The Declaration cannot be signed by a representative of the EEA national or other person acting on behalf of the EEA national.

If the EEA national is under 18 years of age, a parent or guardian of the EEA national (other than the applicant) may sign the Declaration.

If the Declaration is submitted unsigned by the EEA national, the Declaration will be returned to the applicant and the application will not progress until the signed and dated Declaration is received as appropriate.

Section 10 Additional documentation checklist

This section provides a checklist of documentation that may be submitted as evidence of dependence, relationship and/or exercise of rights. An applicant must complete the checklist in this Section by placing a tick (✓) in the boxes that are relevant to show what documents are being provided with the request for review.

Unless otherwise specified, original documents must not be submitted. Photocopies of the documents listed is sufficient.

Identity documents and civil certificates should be photocopied in colour and photocopies should include all pages (including blank passport pages).

If an applicant wishes to submit any documents that are not in English, the document must be translated by a qualified professional translator. The translator must confirm in writing on the translation

- that the translation is a true and accurate translation of the original document
- the date of the translation

- the full name and contact details of the translator or representative of the translation company

A photocopy of the original document must be submitted with the certified translation of the document.

Multilingual standard forms of certain public documents, civil certificates issued within the European Union may be available without the necessity to obtain a certified translation. For further details, visit the following webpage:- https://e-justice.europa.eu/551/EN/public_documents

Immigration Service Delivery will not provide written correspondence acknowledging each document submitted with an application.

A decision will be made on the request for review based on the information in the application form and any supporting documents submitted with the form.

Appendix A EEA national's declaration of employment

Appendix A asks about the EEA national's current employment details, including employer details, evidence of wages and type of employment contract.

If the EEA national currently has more than one employment, both Appendix A and B should be copied. The EEA national should complete Appendix A for every current employment and enclose with the application.

The EEA national should provide proof of income or salary in respect of each employment. Wage slips for the last three months and bank statements showing receipt of income should be provided.

The EEA national should be aware that failure to answer all of these questions as fully and accurately as possible or providing any false or misleading information or fraudulent supporting documentation may result in the refusal of the application.

It is an offence under Regulation 30 of the European Communities (Free Movement of Persons) Regulations 2015 and under Regulation 21 of the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020 to make a statement that is known to be false or misleading. Any person who asserts an entitlement to any rights on the basis of information which he or she knows to be false or misleading in a material particular 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.

Immigration Service Delivery may contact the employer(s) to verify the information provided.

Appendix B must be completed in full by the EEA national's current employer and submitted with a completed application form. It must be signed, dated and, where applicable, stamped by the employer of the EEA national. If the EEA national has more than one employer, a separate Appendix B must be fully completed in respect every employment and enclosed with the application.

Immigration Service Delivery may contact the employer(s) to verify the information provided.

What documentation is required to support an EUTR4 application?

When submitting documents please note the following:

- All supporting documents submitted must be **photocopies** unless otherwise specified during the review process or in the list of documentation below.
- Passports should be photocopied in colour, and photocopies should include **all** pages of the passport including blank pages.
- Other documents can be submitted as either colour or as black-and-white photocopies.
- Photocopied pages of multiple-page documents should be stapled together.
- 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.
- Any documents that are not in English must be accompanied by a certified translation.
- Multilingual standard forms of certain public documents, civil certificates issued within the EU may be available without the necessity to obtain a certified translation. For further details, visit the following webpage:- https://e-justice.europa.eu/551/EN/public_documents
- Do not submit original IRP Certificates of Registration – a holder of an IRP card is required to be in possession of it at all times.
- Do not submit documents that have not been requested or documents already furnished.
- Please note that the list below is not exhaustive and further documentation may be requested.

(a) Evidence of identity

For the applicant:

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

For the EEA national:

- A valid passport *or* National Identity Card (colour photocopy of all pages including blank pages)

- Two passport-size photos of the EEA national (signed on back)

(b) Evidence of relationship with the EEA national

For a de facto partner of an EEA national:

- Evidence of cohabitation (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 shared 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 EEA national:

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

For a dependent of the EEA national:

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

For a member of the household of the EEA national:

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

For dependence on serious health grounds:

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

For a spouse or recognised civil partner of an EEA national:

- Marriage or recognised civil partnership certificate showing family relationship with the EEA national
- Evidence of cohabitation (e.g. tenancy agreements, utility bills)
- Evidence of a 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 (aged under 21 years) of the EEA national or the spouse/recognised civil partner of the EEA national:

- Birth certificates and/or marriage certificates showing family relationship with the EEA national

- Evidence of custody arrangements in the case of a child of the EEA national or of their spouse/recognised civil partner, if applicable

(c) Evidence of residence of applicant and EEA national in the State

If renting:

- Letter from landlord/agency or tenancy agreement
- Letters of registration of tenancy from the Residential Tenancies Board
- Utility bills for the applicant and the EEA national
- Evidence of rental payments and corresponding bank statements

If residing at a property owned by the applicant or EEA national:

- Letter from mortgage provider, local authority or County Council
- Title or deeds of the property as applicable
- Utility bills for the applicant and the EEA national

Other evidence of residence may be considered if deemed satisfactory. If 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 EEA national in the State

If the EEA national is in employment:

- Current letter from employer operating in the State 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 Employment Detail Summary (available to employees through Revenue MyAccount service) or Tax Credit Certificate
- Bank statements evidencing receipt of wages for employment
- Letter from professional registration or licensing body confirming status (if applicable)
- Current letter from the Department of Social Protection detailing any benefit claims and/or supports awarded **or** stating there are no claims (as applicable)

If the EEA national is self-employed:

- Agreed Tax Assessment from the Revenue Commissioners for the last financial year (if applicable) **or** Letter of Registration for Self-Assessment (Income Tax) from the Revenue Commissioners
- Receipts issued for sales or services or other evidence of trading in the last six months
- Purchase invoices for the business for the last six months
- Bank statements of the business for the last six months
- Companies Registration Office certificates (if applicable)
- Evidence of notification of most recent certified accounts to the Companies Registration Office certificates (if applicable)
- Letter from professional registration or licensing body confirming status (if applicable)

- Current letter from the Department of Social Protection detailing any benefit claims and/or supports awarded **or** stating there are no claims (as applicable)

If the EEA national is pursuing a course of studies:

- Letter from college/course provider which must be accredited by the State providing evidence of registration, course delivery details including start date and completion date
- Letter from medical insurance provider confirming private comprehensive medical insurance cover for the EEA national and any dependants during the period of study
- Evidence of financial resources and corresponding bank statements for the period of study
- Current letter from the Department of Social Protection detailing any benefit claims and/or supports awarded **or** stating there are no claims (as applicable)
- Self-declaration re. educational grants received **or** stating that no educational grants were requested or approved as applicable)

If the EEA national is involuntarily unemployed:

- Current letter from Department of Social Protection with details of **any** benefit claims and/or supports awarded including any current claims
- Letter from last employer stating period of employment and circumstances of termination of employment
- P60s or Employment Detail Summary (available to employees through Revenue MyAccount service) for last 2 years of employment
- P45 or Employment Detail Summary (available to employees through Revenue MyAccount service) for last employment

If the EEA national has sufficient resources:

- Evidence of financial resources and corresponding bank statements
- Evidence of the source of funds (e.g. pension, financial investments) and corresponding bank statements
- Current letter from Department of Social Protection, with details of any benefit claims and/or supports awarded, **or** stating that there are no claims (as applicable)
- Letter from medical insurance provider confirming private comprehensive medical insurance cover for the EEA national and any dependants

(e) Evidence of previous activities of the EEA national in the country from which they have come

If the EEA national was in employment:

- Letter from the 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 EEA national was self-employed:

- Tax assessment for the last financial year (if applicable)
- Evidence of trading (e.g. receipts issued to customers for sales or services, purchase invoices and corresponding bank statements)
- Business registration documents (if applicable)
- Letter from professional registration or licensing body confirming status (if applicable)

If the EEA national was pursuing a course of studies:

- Letter from college/course provider providing course details including start date and completion date
- Certificate or graduation letter
- Letter from medical insurance provider evidencing private comprehensive medical insurance cover for the EEA national and any dependants during the period of study
- Evidence of financial resources and corresponding bank statements for the period of study

If the EEA national was residing with sufficient resources:

- Evidence of financial resources and corresponding bank statements
- Evidence of the source of funds (e.g. pension, financial investments) and corresponding bank statements
- Letter from medical insurance provider evidencing private comprehensive medical insurance cover for the EEA national and any dependents during relevant period of time

(f) Evidence of residence of applicant and EEA national in the country from which they have come

For each address renting:

- Letter from landlord/agency or tenancy agreement
- Utility bill for the applicant and the EEA national for each year of residence

If residing at a property owned by the applicant or EEA national:

- Letter from mortgage provider or local authority
- Title or deeds of the property as applicable
- Utility bill for the applicant and the EEA national for each year of residence

(g) Supplementary details, if applicable

- For minor children applicant / EEA national, evidence of residence in the State such as letter from school, crèche or other education establishment
- For minor children applicant / EEA national, letter from child's doctor as evidence of residence in the State
- For minor children applicant / EEA national, evidence of payments from Department of Social Protection or the HSE (e.g. One-Parent Family Payment, Back to School Clothing and Footwear Allowance) as evidence of residence in the State
- For minor children applicant / EEA national, immunization passport or equivalent, if applicable
- For minor children applicant / EEA national, a letter of consent from the absent parent/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 and/or Court Order outlining agreed custody and access arrangements

Note: If for any reason an applicant and/or EEA national cannot supply some or all of the required documentation above, a written statement explaining why should be included with the application. Provision of some or all of the above documentation is not a guarantee of a successful request for review.