



## Explanatory Leaflet for Form EUTR1

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

### Who is this form for?

Form EUTR1 is to be used by each non-EEA national applying for a residence card as a qualifying family member of an EEA national under the European Communities (Free Movement of Persons) Regulations 2015 as amended, where the applicant and the EEA national are intending to reside in the Republic of Ireland (the “State”) for a period greater than 3 months in the following circumstances:-

- The non-EEA national is living in the State
  - The EEA national is living in the State
  - The EEA national is exercising their EU Treaty Rights in the State (employed, self-employed, residing with sufficient resources, studying or involuntarily unemployed)
- and
- The non-EEA national is a qualifying family member of an EEA national

Form EUTR1A may also be used by each non-EEA national family member of a United Kingdom national applying for a Residence Document as a Qualifying Family Member of a United Kingdom national under the European Union (Withdrawal Agreement) (Citizens’ Rights) Regulations 2020 and the relevant provisions of the 2015 Regulations. References to EEA national in the form and this leaflet shall be deemed to also apply to a United Kingdom national who satisfies the relevant criteria under the Withdrawal Agreement.

A permitted family member of an EEA national should not submit an application on Form EUTR1 but instead should apply on Form EUTR1A, which is available on the Immigration Service Delivery (ISD) website at <https://www.irishimmigration.ie>

### Who are qualifying family members?

A **qualifying family member** is a non-EEA national who is:-

- the spouse or recognised civil partner\* of an EEA national, or
- a direct descendant (child, grandchild, etc.) of an EEA national or of their non-EEA spouse or civil partner and who must be aged under 21 years;
- a direct descendant (child, grandchild, etc.) of an EEA national or of their non-EEA spouse or civil partner and who must be dependent on the EEA national
- a dependent direct relative in the ascending line (parent, grandparent, etc.) of an EEA national or of their non-EEA national spouse or recognised civil partner.

## Who are permitted family members?

A **permitted family member** is a non-EEA national who is:-

- a de facto partner of an EEA national in a durable relationship, or
- a member of the family of an EEA national who is not a qualifying family member (see below) and who, in the country from which they have come:-
  - a. were a dependent of the EEA national;
  - b. were a member of the household of the EEA national
  - c. strictly required the personal care of the EEA national because of serious health grounds.

## What does civil partner mean in the context of qualifying family member?

A **civil partner** for the purpose of the qualifying family member definition above refers to same sex civil partners. Civil partnerships entered into before the commencement of the Marriage Act 2015 may apply using Form EUTR1 while civil partnerships entered into after the commencement of the Marriage Act 2015 may apply using Form EUTR1A.

If you are unsure as to which form you should complete, you can contact EU Treaty Rights Division by email at [eutreatyrights@justice.ie](mailto:eutreatyrights@justice.ie) before you complete and submit your application.

## 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 the application form.

### 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 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 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 "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 6 of the Regulations of 2015, a qualifying family member of a Union citizen seeking to reside on that basis should apply to the Minister for Justice for a residence card under Regulation 7 of the Regulations of 2015.

Under Regulation 5 of the Regulations of 2015, a permitted family member of a Union citizen seeking to reside on that basis should apply to the Minister for Justice 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 of 2015.

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 and the relevant provisions of the 2015 Regulations.

## **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 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 or document. This will be determined in due course when your application 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 application is being processed, for example:

- If you change your personal details (your name, nationality 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)
- If there is a change in the activities 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](mailto: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.

The onus is on an applicant to keep EU Treaty Rights Division updated regarding his/her circumstances and to submit any relevant supporting documents in relation to new 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 Regulation 30 of the Regulations of 2015 and Regulation 21 of the Regulations of 2020, 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 application based on the information contained in your application form and the supporting documents which you submit. No further information or documentation will be requested. The onus is on you, the applicant, to submit the necessary evidence to support your application. 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 EUTR1 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 this application.
- Both the applicant and the EEA national must sign the Data Privacy Notice on page 6.

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

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

If you choose to send your application by registered post you can track it on the An Post website, [www.anpost.ie](http://www.anpost.ie)

- Your application may be delayed if you do not send it by post to the address listed above
- We recommend you send your application by Registered Post

## 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.

## Outline of Form EUTR1

- Data Privacy Notice (non-EEA national applicant and EEA national) on pages 3 to 6.
- Sections 1 to 4 must be completed by the applicant (non-EEA national)
- Section 3 – Applicant’s document and evidence checklist on pages 28 and 29
- Section 4 – Applicant Declaration on page 30
- Section 5 to 8 must be completed by the EEA national
- Section 7 – EEA national’s document and evidence checklist on page 47
- Section 8 - EEA national’s Declaration on page 48
- 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 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 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 must be completed fully by the applicant.

### Section 1B Immigration history of applicant

This section relates to the applicant’s previous immigration history in both the State and elsewhere, including details of entry to the State. Documentary evidence, as appropriate, must also be submitted to support the details furnished in this section.

### Section 1C Applicant’s relationship to EEA national

This section relates to the applicant’s relationship to the EEA national and the basis of the application as a qualifying family member i.e. as a spouse, civil partner or child, grandchild, parent or grandparent of the EEA national or their spouse or recognised civil partner.

It includes details relating to the relationship history, previous relationship history, and dependence on the EEA national as appropriate. Documentary evidence, as appropriate, must also be submitted to support the details furnished in this section.

### Section 2 Applicant’s personal history

This section asks about any criminal convictions an applicant may have in Ireland or in any other country as well as about any involvement in war crimes, genocide, crimes against humanity or terrorism.

An applicant must also provide details of their immigration history in Ireland or in any other country and details of all countries visited in the previous ten years.

If additional space is required, the relevant sections can be copied. All completed sections must be enclosed with Form EUTR1.

### Section 3 Applicant's document and evidence checklist

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

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.

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

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

### Section 4 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 further until the signed and dated Declaration is received.

## Section 5 EEA national's details

This section asks for the personal details, including identity, civil status and contact details of the EEA national.

### Section 5A Immigration history of the EEA national

In this section, details requested include details of current entry date to the State and previous visits to the State by the EEA national, if applicable.

### Section 5B 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 EUTR1. The “*EEA national's declaration of employment*” is set out in Appendix A to the form (pages 49 to 50).

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 51 to 52). This declaration must also be submitted with Form EUTR1.

#### 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 6 EEA national's personal history**

This section asks about any criminal convictions the EEA national may have in Ireland or in any other country as well as about any involvement in war crimes, genocide, crimes against humanity or terrorism. This section also looks for details of the EEA national's travel history as well as details of any immigration permission denied or removal/exclusion from Ireland or any other country.

The information requested in this section is not limited to the period that an EEA national has held Union citizenship.

If additional space is required, the relevant section(s) can be copied and all completed sections enclosed with Form EUTR1.

Failure to answer all of these questions as fully and accurately as possible may result in an application being refused. 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.

## **Section 7 EEA national's document and evidence checklist**

This section provides a checklist of documentary evidence that may be submitted by the EEA national in support of an application including evidence of current activity in the State. The EEA national must complete the checklist in this section by placing a tick (✓) in the relevant boxes to show what documents are being submitted with the application.

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

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

Any documents submitted that are not in English must be accompanied by a certified translation 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 [https://e-justice.europa.eu/551/EN/public\\_documents](https://e-justice.europa.eu/551/EN/public_documents)

## Section 8 EEA national's declaration

The EEA national must read the Declaration in this section, which must be signed and dated by the EEA national. 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 further until the signed and dated Declaration is received as appropriate.

## 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 Employers Declaration

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 EUTR1 application?

When submitting documents please note the following:

- All supporting documents submitted must be **photocopies** unless otherwise specified during the application 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 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 European Union may be available without the necessity to obtain a certified translation. For further details, visit [https://e-justice.europa.eu/551/EN/public\\_documents](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.
- 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 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 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 child or grandchild 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 or grandchild of the EEA national or of their spouse/recognised civil partner, if applicable

*For a dependent child or grandchild of the EEA national or the spouse/recognised civil partner of the EEA national or a dependent parent or grandparent 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
- 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)
- Documentary evidence that the applicant is a dependent of the EEA national in the State (e.g. evidence of financial support such as bank statements, financial transfers, rental receipts, receipts for purchase of essential goods or services)
- 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)

### **(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 (if applicable)
- 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 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) or Tax Credit Certificate
- Bank statements evidencing receipt of wages for employment
- Letter from professional registration or licensing body confirming status (if 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
- Bank statements of the business for the last six months
- Companies Registration Office certificates (if applicable)
- Letter from professional registration or licensing body confirming status (if applicable)

*If the EEA national is studying:*

- 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 private medical insurance provider confirming private comprehensive medical insurance cover for the EEA national and any dependents during the period of study
- Evidence of financial resources and corresponding bank statements for the period of study

*If the EEA national is involuntarily unemployed:*

- Current letter from Department of Social Protection with details of any benefits received including any current claims

- Letter from last employer stating period of employment and circumstances of termination of employment
- P60s (or Employment Detail Summary) for last 2 years of employment
- P45 (or Employment Detail Summary) for last employment

*If the EEA national has sufficient resources:*

- 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 confirming private comprehensive medical insurance cover for the EEA national and any dependents
- Evidence of financial resources (e.g. bank statements)
- Evidence of the source of funds (e.g. pension, financial investments) and corresponding bank statements

**(e) Supplementary details, if applicable**

- For minor children applicants, evidence of residence such as letter from school, crèche or other education establishment
- Letter from child's doctor as evidence of residence
- Immunization passport or equivalent, if applicable
- 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

**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 application.