



## Explanatory Leaflet for EUTR 1 and EUTR 1A

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

### What is EU Treaty Rights?

EU Treaty Rights allow freedom of movement within other member states of the European Union (EU).

It means EEA Nationals and their family members may visit, enter or live in another EU country if they meet certain legal conditions. It also means being treated the same as citizens of that country in terms of:

- Access to employment, working conditions and taxation
- Access to training and trade unions
- Access to housing
- Access to education for yourself and your children.

### Who are these forms for?

#### EUTR1

Form EUTR1 is to be used by non-EEA nationals applying for a residence card as a qualifying family member of an EEA national.

Under this scheme, the applicant and the EEA national must be 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

#### EUTR 1A

Form EUTR 1A is to be used by each non-EEA national applying to be treated as a permitted family member of an EEA national.

Under this scheme, the applicant and the EEA national must be 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 or involuntarily unemployed)  
and
- The non-EEA national is a permitted family member of an EEA national

Form EUTR 1 and EUTR 1A may also be used by each non-EEA national applying as a Permitted Family Member or Qualifying Family Member of a United Kingdom national who satisfies the relevant criteria under the Withdrawal Agreement.

## 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 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(3) 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.

### 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.

## **How do I apply?**

**NOTE: Online applications for EUTR 1 and 1A will be available through the Online Customer Portal from 10 September.**

**If you have already started an application using the previous paper-based version of the EUTR 1 and 1A forms, these applications can still be submitted by post to us for up to 6 weeks after 10 September.**

To apply to be assessed as a Permitted Family Member OR Qualifying Family Member, please follow these steps:

- Log in to your account on the [ISD Customer Portal](#) (or sign up to create an account if you have not already done so).
- Navigate to the “Make an application” button on the left of the dashboard and select either Form EUTR 1A or Form EUTR 1 depending on your circumstances.
- Follow the guidance provided and fill out the form as prompted, making sure to include all documentation relevant to your application.

Once you have submitted your application, you will be able to track its progress on the homepage of the Portal. You will also receive an immediate email when there is an update on your application or when there is further action required on your part.

If you do not wish to submit an online application, you can request an offline paper form which can be submitted via postal correspondence. Applying offline, however, will likely lead to a longer processing time and you will not be able to track the progress of the application or automated email updates.

To request an offline paper application form, please send us a request via the Online Customer Portal or by sending postal correspondence to –

Customer Service Division  
Immigration Service Delivery  
Department of Justice, Home Affairs and Migration  
13-14 Burgh Quay  
Dublin 2, D02 XK70

## What will my immigration status be during the application process?

You may be provided with an immigration stamp that may 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 immediately by contacting us through the My Applications – Message Centre on the ISD Customer Portal and providing 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, postal or email communication.

The onus is on an applicant to keep EU Treaty Rights Division updated regarding their 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.

## 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 as amended (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.