

Family members of EU citizens

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This factsheet has been produced for information purposes only and is not a substitute for legal advice. Every effort has been made to ensure it is accurate and up to date at time of publication – August 2013. However, the ICI disclaims any responsibility for errors or omissions in the text.

1. What Does ‘Family Reunification’ Mean?

In this factsheet, and in general, the term ‘Family Reunification’ refers to the process whereby family members who are separated regroup in a country other than their country of origin. It can also include situations where individuals form family relationships within Ireland.

Generally, if you are legally resident in Ireland you can apply to have your dependent family members join you.

However, please note the following:

- In general, at present Irish law does not provide a legal right to family reunification for everyone and there is no clear legal definition of family members who qualify for admission. The situation for EU nationals¹ who have family members who are citizens of countries outside the EEA² is legislated for and is covered by EU directives and domestic regulations.
- Although everyone can apply for family reunification, in most cases, the Minister for Justice and Equality has full discretion whether or not to grant family reunification. Applications for family members are generally handled by the Irish Naturalisation and immigration Service (INIS), which also governs visa applications. In addition, some powers and functions are carried out by the Garda National Immigration Bureau (GNIB)
- Applications often take a long time to be processed and require proof of the genuine nature of the relationship and in some cases sufficient financial resources to support family members while they are in Ireland.

¹ Countries of the European Union are: Austria, Belgium, Bulgaria, Cyprus, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

² ‘European Economic Area’ - The EEA includes the countries of the EU as well as Norway, Iceland and Liechtenstein. Switzerland enjoys bilateral agreements with the EU but is not a member of the EU or EEA.





Family reunification entitlements and application procedures vary from case-to-case and can depend on:

- Your immigration status in Ireland/Your citizenship of Ireland or the EU
- The nationality of the person making the application to join you in Ireland, as your family members may first need a visa to enter Ireland. For a list of countries whose citizens do not require a visa to enter Ireland, see the INIS website: www.inis.gov.ie

For example, the following groups of people have different rights when it comes to having their family members join them in Ireland:

- Irish Nationals (ICI Factsheet 3)
- European Union (EU) Nationals (ICI Factsheet 4)
- Non-Irish or non-EU nationals (ICI Factsheet 5)

The rights to family life of Irish citizen children with non-EEA family members will be dealt with in ICI Factsheet 6.

2. Family members of EU citizens

European Community law provides for the rights of EU citizens to be accompanied by their non-EEA family members when they move to another EU Member State or return to their own country having resided in another EU Member State. However, depending on the circumstances, the relevant criteria for being issued a residence permit may vary.

The application procedure for family reunification depends on whether they are in the State already (possibly on a different type of immigration permission) or if they are outside the State. If the applicant is outside the State they may need a visa to enter Ireland. Detailed information regarding visa applications is set out below.

It is important to note that in all applications where the applicant is applying on the basis of being the spouse or partner of an EU national, the Department of Justice and Equality will need to be satisfied that the relationship is genuine, duly attested, and subsisting.

Definition Of Family Members

The categories of family members allowed to accompany or join an EU national are the same for workers, self-employed people and non-economically active persons, including students:

- Spouse
- Children of the EU citizen or the spouse who are under the age of 21 or are dependent on the EU citizen or his/her spouse, and
- Parents of the EU citizen or his or her spouse.





Permission may also be given for the following family members of the EU citizen:

- Other dependants,
- Members of the household of the EU citizen,
- Other family members who require the personal care of the EU citizen on the basis of serious health grounds, and
- Partners with whom the EU citizen has a durable relationship, duly attested.

This wider definition does not apply to family members of nationals of the non-EU states of the EEA (Iceland, Liechtenstein, Norway) or of Switzerland.

Criteria For Issuing Residence Permits To Family Members

► **Family Members Of EU Citizen Workers Or Business People**

- A valid passport
- Document attesting the existence of a family relationship
- Evidence of EU citizen's residence and employment in Ireland

If you are in a relationship but not married, INIS will require you to provide evidence of the duration of your relationship in order to process a residency application for your partner. In general the INIS require proof of two years cohabitation prior to making an application.

If you are a dependent family member, INIS may require that you submit evidence of dependency, being a member of the household and/or proof of serious health grounds which strictly require the personal care of the family member by the EU citizen.

► **EU Citizen Students**

In addition to the requirements listed above, (for family members of European workers or business people) an EU citizen who is studying in Ireland must show that they are enrolled in a course of study or vocational training, and are in a position to financially support themselves, their spouse/partner and their dependants. They must also have comprehensive health insurance for themselves and their family members.

► **Non-Economically Active EU Citizens**

In addition to the requirements listed above, (for family members of European workers or business people), you must be in a position to financially support yourself, your spouse and your dependants. You must also have comprehensive health insurance for yourself and your family members.





How To Apply: Applicants who are currently outside the State

Non-Visa Required Family Members³

If your family members do not need a visa to travel to Ireland, they cannot make an application for family reunification in advance of their arrival in Ireland. They must first legally enter Ireland. After their arrival, they are required make an application for residency in the State as the family member of an EU national. Detailed information on this application process is set out below.

Visa Required Family Members

If your family members need a visa to travel to Ireland, they will first need to apply for a visa as part of the application for family reunification.

► Where Should I Send The Visa Application?

All visa applications must be submitted online using the INIS online visa application procedure on www.inis.gov.ie . Supporting documentation can then be sent to the Irish Embassy or Consulate nearest the applicant. If there is an Irish Embassy in the country where your family members are living, the supporting documentation should be sent to that Embassy. If there is no Irish Embassy or Consulate in that country, the supporting documentation can be sent to the nearest Irish Embassy or Consulate. The final 'summary' page of the online application informs the applicant as to where the supporting documentation should be sent.

Online applications must generally be made by the applicant themselves, but in cases where the applicant is a minor child applications may be made on their behalf. If the applicant is under the age of 16, the parent/guardian should sign the summary sheet on their behalf.

Fee: In general, a single entry visa application currently costs €60 and a visa application form must be completed for every family member travelling on their own passport. Some applicants are not required to pay a fee. This includes visa-required spouses and certain family members of EEA citizens (including Irish nationals) provided that proof of the relationship is submitted with the application.

It is important to apply for a visa well in advance of travelling and it is recommended that you allow at least six to eight weeks for a visa application to be processed if applying from abroad. A visa reference number will be given to the application and visa decisions are published on the Visa Decision Weekly Listing on the INIS website www.inis.gov.ie.

³ 'Non-Visa required nationals' refers to persons who do not need to make a prior visa application before travelling to the Republic of Ireland. For a full list of non-visa required nationalities, please see <http://www.inis.gov.ie/en/INIS/Pages/Irish%20Visa%20Information> . Please note that while non-visa required nationals may present at the border without making a prior visa application, their entrance into the state is still at the discretion of an Immigration Officer and their continued presence in the State is subject to further permission being issued by the INIS or GNIB.



► What Documents Do I Need To Support The Visa Application?

The process involved and documents required can vary from case to case depending on the circumstances, but generally the following steps should be followed:

- Fully complete the online application form, after which the applicant must submit the signed summary application form, photographs and fee (if applicable).
- In addition to the signed summary application form, please be advised that the applicant should submit a signed cover letter with the supporting documentation outlining their reason for coming to Ireland and giving details of any members of family who are currently in Ireland, or any other EU State. It is often also advisable for the person living in Ireland to write a letter of invitation for the applicant, detailing the circumstances of their relationship and their own situation in Ireland (accommodation, residence status or citizenship, employment etc).
- Passport, valid for 12 months, and copy of previous passport if applicable. If the applicant's passport is relatively new, it may assist the application if they provide the previous passport (or a certified copy of it) showing any previous visas for any other country, and previous travel history.
- If the applicant has been refused a visa for any other country, details of this must be given. You should submit the original letter issued by the authorities of that country. Concealment of visa refusals may result in Irish visa application being refused
- In some cases it is advisable to show a detailed statement of the applicant's bank account covering a six-month period immediately prior to the visa application, and showing sufficient funds to cover initial costs.
- Clear copy of spouse's/partner's passport, or other documentary evidence attesting to their citizenship of an EU country. Generally a certified copy of the passport will suffice for this purpose.
- Marriage Certificate (if applicable) or documentary proof of being in a Civil Partnership (if appropriate). If the application is based on being the cohabiting partner of an EU national documentary proof of two years prior cohabitation will generally be required.
- It is important to include evidence in the application of the employment, study or financial self sufficiency of the EU national. This may take the form of a letter from the employer and certified copies of payslips to show recent wage payments, letters and proof of fee payment form third level institutions where the EU national is studying or financial documents such as bank statements where the EU national is non-economically active. If the EU national is not currently in employment and is not studying evidence of finances should be given, as well as appropriate information on job prospects or qualifications that may potentially lead to employment opportunities.



This information can then be taken into account by the INIS or Visa Office. It should however be noted that the activity of the EU national is a very important factor in determining a residency application of this nature.

- Two colour photographs – these must meet photographic requirements specified by the INIS. (see www.inis.gov.ie)

All documents must be in English or accompanied by a notarised translation.

► **What If The Visa Is Refused?**

Visa decisions are published on the Visa Decision Weekly Listing on the INIS website www.inis.gov.ie . If your application is refused, the reasons for the refusal will be listed on the Visa Decision Weekly Listing and you are entitled to appeal the decision within two months.

Appeals should be submitted in writing to the Embassy or Consulate which issued the negative decision or in some cases, if stated in the refusal, to the Visa Appeals Officer, Department of Justice and Equality, 13-14 Burgh Quay, Dublin 2.

► **What If The Visa Is Granted?**

If your application is granted, a visa will be issued stating its dates of validity and type. A visa does not guarantee entry to Ireland as Immigration Officers retain discretion to grant or refuse entry into the State.

Completing the EU1 application.

Once the applicant is in the Republic of Ireland, they are required to make an application to reside here. This application is made using the application form EU1 which is available on the 'EU Treaty Rights' section of the website of the INIS www.inis.gov.ie Detailed information on the supporting documents required for this application is available on the INIS website, but applicants are advised to note that both original passports (for the EU national and the non-EEA national) must be submitted with the application. For this reason it is always advisable to send the application by registered post. Once the EU Treaty Rights Section of the INIS is satisfied of the authenticity of the passports, they will be returned to the applicants. The time frame for this is usually one month. The overall application for residency will generally be processed with six months, as is set out in EU regulations.

Upon completion and submission of the required documents the EU Treaty Rights Section will issue an acknowledgement of the application. This will be sent by registered post to the applicant along with both passports. The applicant may then go to the GNIB (if in Dublin) or their nearest Garda Immigration Officer (if living outside Dublin) and seek to be registered and issued with a certificate of registration (GNIB card). Applicants awaiting a decision on an application of this nature are issued with a six month Stamp 4 by the GNIB. This Stamp 4 allows the applicant to freely access the labour market or to be self employed.



Following the successful completion of the residency application, applicants can then return to the GNIB (if in Dublin) or their nearest Garda Immigration Officer (if living outside Dublin) and be issued with a 'Stamp 4 EUFAM' on their Certificate of Registration.

If the application for residency is refused for any reason, the applicant has the right to formally appeal this refusal. For further information and advice on this procedure please contact the ICI's Information and Referral telephone helpline on the details below.

How to Apply: Applicants who are already in the State

In many cases the applicant seeking to make a residency application may already be residing in the State on a different immigration status. For example, an individual may be living in Ireland on a student visa but is now in a relationship or is married to an EU national. In cases like this, the procedures are similar to those outlined above but with some variation.

In cases where a non-EEA national is residing in the State on a specific permission (e.g. a student visa, or a work permit) and has entered into a relationship with an EU national, they may seek permission to reside in the State on that basis. However, the nature and duration of their relationship will influence the opportunities that are available to them.

Completing the EU1 application.

Once the applicant is in the Republic of Ireland, they are required to make an application to reside here. This application is made using the application form EU1, which is available on the 'EU Treaty Rights' section of the website of the INIS www.inis.gov.ie. Detailed information on the supporting documents required for this application is available on the INIS website, but applicants are advised to note that both original passports (for the EU national and the non-EEA national) must be submitted with the application. For this reason it is always advisable to send the application by registered post. Once the EU Treaty Rights Section of the INIS are satisfied of the authenticity of the passports, they will be returned to the applicants. The time frame for this is usually one month. The overall application for residency will generally be processed with six months, as is set out in EU regulations.

Upon completion and submission of the required documents the EU Treaty Rights Section will issue an acknowledgement of the application. This will be sent by registered post to the applicant along with both passports. The applicant may then go to the GNIB (if in Dublin) or their nearest Garda Immigration Officer (if living outside Dublin) and seek to be registered and issued with a certificate of registration (GNIB card). Applicants awaiting a decision on an application of this nature are issued with a six month Stamp 4 by the GNIB. This Stamp 4 allows the applicant to freely access the labour market or to be self employed.

Following the successful completion of the residency application, applicants can then return to the GNIB (if in Dublin) or their nearest Garda Immigration Officer (if living outside Dublin) and be issued with a 'Stamp 4 EUFAM' on their Certificate of Registration.



If the application for residency is refused for any reason, the applicant has the right to formally appeal this refusal. For further information and advice on this procedure, please contact the ICI's Information and Referral telephone helpline on the details below.

► **Persons who are residing in the State without an immigration status.**

Undocumented applicants: If the applicant who has entered into the marriage or civil partnership with the EU national (or is the cohabiting partner of an EU national) does not have a current immigration status in Ireland (i.e. is 'undocumented'), advice should be sought prior to making an application of this nature. While the rights of the EU national to have their family member with them, regardless of the status of the family member, are quite strong and are set out by the EU, it is not possible to guarantee that the status of the applicant will not cause any issues during the application.

It is crucial that applicants who are undocumented be aware that, due to the nature of the decision making process in this area, applying for status from a position of being undocumented has no guarantee that status will be issued and could (in the very worst case scenarios) result in the applicants ultimate removal from the State. For this reason it is advisable to seek advice and information from the ICI's Information and Referral telephone helplines before proceeding with an application of this nature. (See useful contacts below)

For further information on the above please also see the website of the INIS. ([Click here](#))

Useful Contacts

Immigrant Council of Ireland

Information and Referral Service
Monday mornings from 10am to 1pm
Tuesday from 10am to 1pm
Thursdays 2pm to 5pm
Phone: **+353 1 674 0200**

EU Treaty Rights Section

INIS

Irish Naturalisation and Immigration Service,
13/14 Burgh Quay, Dublin 2
Lo Call: 1890 551 500 (Please refer to INIS
website for phonenumber opening hours)
Website: www.inis.gov.ie

Garda National Immigration Bureau

13/14 Burgh Quay, Dublin 2
Tel: +353 1 666 9130
Email: gnib_dv@garda.ie
GNIB: <http://tinyurl.com/yjwabo7>