Ambasáid na hÉireann
Embassy of Ireland

# **Confirmation form** for processing under the EU Citizens' Rights Directive *(Directive 2004/38/EC)*

## Overview

This form is to be completed by any individual applying for a visa under the ***Family member of EU/EEA/Swiss cit.*** category.

This visa category is designed for persons applying under the EU Citizens' Rights Directive 2004/38/EC ('the Directive').[1]

Applications under the Directive are assessed under Directive rules by a dedicated team in Dublin, while applications for national visas are assessed under national rules at the Embassy.

As applications lodged under the wrong visa category can lead to unexpected delay and potential refusal, **this form seeks to confirm you have applied under the correct visa category**.

## What is the EU Citizens' Rights Directive?

The Directive governs the rights of citizens of the European Economic Area (EEA) and Switzerland – and their non-EEA/Swiss family members – to move and reside freely within the EEA or Switzerland.[2]

**Visa applications under the Directive are generally for family members who wish to live with their EEA sponsor in Ireland**; however, applications to visit are also permitted.

## Who can apply for a visa under the Directive?

Family members of EEA/Swiss citizens who are living in Ireland can apply for a visa under the Directive.

## Which family members are eligible under the Directive?

Family members are divided into two groups, '*qualifying' and 'permitted'*.

*Qualifying family members* of EEA/Swiss citizens include spouses; children under 21 years, children (under 21 years) of the spouse, adopted children (subject to adoption papers), dependent parents,[3] dependent parent of the spouse;[3] other dependent family members in the direct ascending line (for example grandparent)[3] or the descending line (for example children 21 and over or grandchild)[3] or other dependent family members of the spouse in the direct ascending (for example grandparent)[3] or the descending line (for example children 21 and over or grandchild).[3]

*Permitted family members* include all other *dependent* family members outside those mentioned above.

## My family member is Irish can I apply under the Directive?

Generally, the Directive does not apply to Irish citizens or their family members. Directive rights apply to EEA/Swiss nationals when they move to, or live in, a member state other than their own (for example a Portuguese or French citizen living in Ireland). Irish nationals living in Ireland can avail of the Directive, but only under exceptional circumstances.[4]

**If you are applying for a visa to visit or live with an Irish family member you should not apply for a Directive visa**, unless an exemption applies, and instead apply for a national visa.

## Can I avail of the Directive?

### I want to visit my EEA/Swiss family member, for less than 90 days.

You *can* apply under the Directive. If you choose so your application be will be sent to Dublin for processing.[5]

Alternatively, you can **apply for a national *Visit (family)* visa** and the decision will be made at the Embassy.[6]

### I want to live with my Irish, British or non-EEA/Swiss family member:

Unless the sponsor is Irish and an aforementioned exemption applies then you should not apply under the Directive. Instead, you should **apply for a national *Join family* visa**.[7]

### I want to live with my EEA/Swiss family member:

**You must apply under the Directive**. Your application will be processed free of charge and forwarded to Dublin for processing by a dedicated unit.

## Do I pay visa fees?

*Qualifying family members* applying under the Directive are not **required to pay visa fees once they are travelling with their EEA/Swiss citizen sponsor or to them if they are already in Ireland**.[8]

The fee waiver does not apply to *permitted family members*; however, visa fees are refunded if the application is approved.[9]

**Those applying for national visa are not exempt from visa fees**, unless another fee exemption applies.[10]

## I wish to apply for:

- A **national visa to visit** my EEA/Swiss sponsor in Ireland.[9] ☐

  *Your application will be processed at the Embassy under Visit (family) rules.*

- A **national visa to live** with my EEA/Swiss sponsor in Ireland.[11] ☐

  *Your application will be processed at the Embassy under Join family rules.*

- A **Directive visa**. ☐

  *Your application will be processed in Dublin under the criteria of the Directive.*

Signature: _____

Date: _____

[1] https://www.irishimmigration.ie/coming-to-join-family-in-ireland/joining-an-eea-or-swiss-national/

[2] https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=oj:JOL_2004_158_R_0077_01.

[3] Some family members must demonstrate dependency to be approved under the Directive.

[4] https://www.irishimmigration.ie/coming-to-join-family-in-ireland/joining-an-eea-or-swiss-national/eu-treaty-rights/#Eligible

[5] https://www.irishimmigration.ie/visa-decisions/.

[6] https://www.ireland.ie/en/india/newdelhi/services/visas/processing-times-and-decisions/

[7] https://www.irishimmigration.ie/coming-to-join-family-in-ireland/

[8] https://www.irishimmigration.ie/preclearance-and-entry-visas-fees/#beneficiaries

[9] https://www.irishimmigration.ie/coming-to-join-family-in-ireland/joining-an-eea-or-swiss-national/#fees

[10] https://www.irishimmigration.ie/preclearance-and-entry-visas-fees/

[11] Those applying for national visas should manually correct the visa category on their printed visa application form.

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