



STATUTORY INSTRUMENTS.

S.I. No. 548 of 2015



EUROPEAN COMMUNITIES (FREE MOVEMENT OF PERSONS)
REGULATIONS 2015

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I, FRANCES FITZGERALD, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2004/38/EC¹ of the European Parliament and of the Council of 29 April 2004, hereby make the following Regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the European Communities (Free Movement of Persons) Regulations 2015.

(2) These Regulations shall come into operation on 1 February 2016.

Interpretation

2. (1) In these Regulations—

“civil partner” has the meaning given to it by section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010) and does not include a party to a civil partnership of convenience;

“civil partnership” means—

(a) a civil partnership registration referred to in section 3(a) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010), or

(b) a legal relationship to which section 3(b) of that Act applies;

“Council Directive” means Directive 2004/38/EC¹ of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by all subsequent amendments to that Agreement;

“family member” means a qualifying family member or a permitted family member;

¹Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th December, 2015.*

"immigration officer" has the meaning it has in section 1 of the Immigration Act 2003 (No. 26 of 2003);

"Irish visa" has the meaning it has in section 1 of the Immigration Act 2003;

"Member State" means a Member State of the European Union, other than the State;

"Member State of the European Economic Area" means a state which is a contracting state to the EEA Agreement, other than the State;

"Minister" means the Minister for Justice and Equality;

"non-national" has the meaning it has in section 1 of the Immigration Act 1999 (No. 22 of 1999);

"permanent residence card" means a permanent residence card issued under Regulation 15(3);

"permanent residence certificate" means a permanent residence certificate issued under Regulation 14(3);

"permitted family member" means, in relation to a particular Union citizen, a person who is, under Regulation 3(6), a permitted family member of the Union citizen;

"qualifying family member" means, in relation to a particular Union citizen, a person who is, under Regulation 3(5), a qualifying family member of the Union citizen;

"registration district" means the Dublin Metropolitan Area or a Garda Síochána District situated outside that Area;

"registration officer" means the officer in charge of the Garda National Immigration Bureau in the Dublin Metropolitan Area or the Superintendent of the Garda Síochána District outside that Area;

"Regulations of 2006" mean the European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. No. 656 of 2006);

"residence card" means a residence card issued under Regulation 7(5)(a) or a document called "Residence card of a family member of a Union citizen", as referred to in Article 10 of the Council Directive;

"spouse" does not include a party to a marriage of convenience;

"Union citizen" means any person having the nationality of a Member State.

(2) A word or expression that is used in these Regulations and is also used in the Council Directive shall have in these Regulations the same meaning as it has in the Council Directive unless the contrary intention appears.

- (3) In considering, for the purposes of these Regulations, whether a person—
- (a) has sufficient resources not to become an unreasonable burden on, or
 - (b) is, or would be, an unreasonable burden on,

the social assistance system of the State, the Minister shall have regard to any claim made by him or her for assistance under the Social Welfare Acts and any payment or service received by him or her under the Health Acts 1947 to 2015 and the Housing Acts 1966 to 2014.

(4) In these Regulations a reference to a person who is enrolled in an educational establishment shall be deemed to include a reference to a person who is undertaking a vocational training course.

Application

3. (1) This paragraph applies to—

- (a) Union citizens entering or remaining in the State in accordance with these Regulations, and
- (b) a family member of a Union citizen referred to in subparagraph (a) who—
 - (i) enters the State in the company of the Union citizen,
 - (ii) enters the State for the purpose of joining the Union citizen, or
 - (iii) becomes a family member while in the State and seeks to remain with the Union citizen in the State.

(2) The European Communities (Aliens) Regulations 1977 (S.I. No. 393 of 1977) and the European Communities (Right of Residence for Non-Economically Active Persons) Regulations 1977 (S.I. No. 57 of 1997) shall apply to citizens of Member States of the European Economic Area other than Union citizens entering and remaining in the State in accordance with these Regulations.

(3) A person lawfully resident in the State in accordance with the provisions of the European Communities (Aliens) Regulations 1977, the European Communities (Right of Residence for Non-Economically Active Persons) Regulations 1997 or the Regulations of 2006 shall be deemed to be lawfully resident in the State for the purposes of these Regulations.

(4) Nothing in these Regulations shall affect the validity of a residence permit or residence document issued under the European Communities (Aliens) Regulations 1977 or the European Communities (Right of Residence for Non-Economically Active Persons) Regulations 1997.

(5) For the purpose of these Regulations, a person is a qualifying family member of a particular Union citizen where—

- (a) subparagraphs (a) and (b) of paragraph (1) apply, respectively, to the Union citizen and the person, and
- (b) the person is—
 - (i) the Union citizen's spouse or civil partner,
 - (ii) a direct descendant of the Union citizen, or of the Union citizen's spouse or civil partner, and is—
 - (I) under the age of 21, or
 - (II) a dependent of the Union citizen, or of his or her spouse or civil partner, or
 - (iii) a dependent direct relative in the ascending line of the Union citizen, or of his or her spouse or civil partner.

(6) For the purposes of these Regulations, a person is a permitted family member of a particular Union citizen where—

- (a) subparagraphs (a) and (b) of paragraph (1) apply, respectively, to the Union citizen and the person, and
- (b) the Minister has, in accordance with Regulation 5, decided that the person should be treated as a permitted family member of the Union citizen for the purposes of these Regulations, which decision has not been revoked pursuant to Regulation 27.

Permission for Union citizens and qualifying family members to enter State

4. (1) A Union citizen who is in possession of a valid national identity card or passport as evidence of his or her nationality and identity may not be refused permission to enter the State unless he or she—

- (a) is suffering from a disease specified in Schedule 1, or
- (b) represents a danger for public policy or public security by reason of the fact that his or her personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.

(2) A qualifying family member who is not a national of a Member State and who is in possession of a valid passport as evidence of his or her nationality and identity may not be refused permission to enter the State unless he or she—

- (a) is suffering from a disease specified in Schedule 1, or
- (b) represents a danger for public policy or public security by reason of the fact that his or her personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.

- (3) (a) A qualifying family member who is not a member of a class of non-nationals specified in an order made under section 17 of the Immigration Act 2004 (No. 1 of 2004) as not requiring an Irish visa shall be in possession of a valid Irish visa as a condition of being granted permission to enter the State.
- (b) The Minister shall grant qualifying family members every facility to obtain an Irish visa and, on the basis of an accelerated process, consider an application for an Irish visa from a qualifying family member referred to in subparagraph (a) as soon as possible and if the Minister decides to issue an Irish visa that visa shall be issued free of charge.
- (4) An immigration officer shall not, at the point of entry, place a stamp in the passport of a qualifying family member who presents to the officer a valid residence card.
- (5) Where a Union citizen or a qualifying family member who is not a national of a Member State does not have a valid national identity card or passport or, where required, the necessary Irish visa, the immigration officer shall, before refusing permission to enter the State to that person, give him or her every reasonable opportunity to do any or all of the following:
- (a) obtain the necessary documents;
- (b) present the necessary documents to the immigration officer within a reasonable period of time;
- (c) corroborate or prove by other means that he or she is entitled to enter the State in accordance with these Regulations.
- (6) Before permitting a person to enter the State as a qualifying family member, an immigration officer may require—
- (a) in relation to a person referred to in clause (i) of Regulation 3(5)(b), documentary evidence of the relationship referred to therein,
- (b) in relation to a person referred to in clause (ii) or (iii) of Regulation 3(5)(b), documentary evidence of the relationship and the dependency referred to therein.

Permission for permitted family member to enter State

5. (1) This paragraph applies to a person who—
- (a) irrespective of his or her nationality, is a member of the family (other than a qualifying family member) of a Union citizen to whom paragraph (2) applies and who in the country from which the person has come—
- (i) is a dependant of the Union citizen,
- (ii) is a member of the household of the Union citizen, or

(iii) on the basis of serious health grounds strictly requires the personal care of the Union citizen,

or

(b) is the partner with whom a Union citizen has a durable relationship, duly attested.

(2) Where a Union citizen has entered or is residing in the State in accordance with these Regulations or is proposing to do so, a person to whom paragraph (1) applies may apply to the Minister for a decision that he or she be treated as a permitted family member for the purposes of these Regulations and shall, for the purposes of such an application, produce to the Minister—

(a) (i) where the applicant is a national of a Member State, a valid passport or national identity card, or

(ii) where the applicant is not a national of a Member State, a valid passport,

(b) evidence that he or she is a member of the family of the Union citizen, and

(c) one of the following:

(i) documentary evidence from the relevant authority in the country of origin or country from which he or she has come, that he or she is a dependant, or a member of the household, of the Union citizen;

(ii) proof of the existence of serious health grounds which strictly require the personal care of the applicant by the Union citizen;

(iii) documentary evidence of the existence of a durable relationship with the Union citizen.

(3) Upon receipt of the evidence referred to in paragraph (2), and on being satisfied that the applicant is a person to whom paragraph (1) applies, the Minister shall cause to be carried out an extensive examination of the personal circumstances of the applicant in order to decide whether the applicant should be treated for the purposes of these Regulations as a permitted family member of the Union citizen concerned.

(4) For the purposes of his or her decision under paragraph (3), the Minister may require the applicant to produce such additional evidence as the Minister may reasonably require.

(5) The Minister, in deciding under paragraph (3) whether an applicant should be treated as a permitted family member for the purposes of these Regulations, shall have regard to the following:

- (a) where the applicant is a dependant of the Union citizen concerned, the extent and nature of the dependency and, in the case of financial dependency, the extent and duration of the financial support provided by the Union citizen to the applicant prior to the applicant's coming to the State, having regard, amongst other relevant matters, to living costs in the country from which the applicant has come, whether the financial dependency can be satisfied by remittances to the applicant in the country from which the applicant has come and other financial resources available to him or her;
 - (b) where the applicant is a member of the household of the Union citizen concerned, the duration of the period during which he or she has been living within the household of the Union citizen;
 - (c) where, on the basis of serious health grounds, the applicant strictly requires the personal care of him or her by the Union citizen concerned, the nature of the serious health grounds and the duration of the period in which they have existed;
 - (d) where the applicant is in a durable relationship with the Union citizen concerned, the nature and duration of the relationship;
 - (e) whether the relationship described in subparagraph (a), (b), (c) or (d), as the case may be, was brought about with the objective of obtaining permission to remain in the State or a Member State;
 - (f) the capacity of the Union citizen concerned to continue to support the applicant in the State in the event that the applicant is to be treated as a permitted family member under these Regulations.
- (6) The Minister, following an examination under paragraph (3), shall—
- (a) where he or she decides that an applicant should be treated as a permitted family member for the purposes of these Regulations, notify the applicant in writing of the decision, or
 - (b) where he or she decides that an applicant should not be treated as a permitted family member for the purposes of these Regulations, notify the applicant in writing of the decision and of the reasons for it.
- (7) Without prejudice to any rights or entitlements which he or she may have, on an individual basis, under these Regulations, a permitted family member shall not be refused permission to enter the State unless he or she—
- (a) is suffering from a disease specified in Schedule 1, or
 - (b) represents a danger for public policy or public security by reason of the fact that his or her personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.

(8) (a) A permitted family member who is not a member of a class of non-nationals specified in an order made under section 17 of the Immigration Act 2004 as not requiring an Irish visa shall be in possession of a valid Irish visa as a condition of being granted permission to enter the State.

(b) The Minister shall grant permitted family members every facility to obtain an Irish visa and, on the basis of an accelerated process, consider an application for an Irish visa from a person referred to in subparagraph (a) as soon as possible and, if the Minister decides to issue an Irish visa, that visa shall be issued free of charge.

(9) An immigration officer shall not, at the point of entry, place a stamp in the passport of a person referred to in paragraph (8)(a) who presents to the officer a valid residence card.

(10) Where a permitted family member who is not a national of a Member State does not have a valid national identity card or passport or, where required, the necessary Irish visa, the immigration officer shall, before refusing permission to enter the State to that person, give him or her every reasonable opportunity to do all or any of the following:

(a) obtain the necessary documents;

(b) present the necessary documents to the immigration officer within a reasonable period of time;

(c) corroborate or prove by other means that he or she is entitled to enter the State in accordance with these Regulations.

Residence in the State

6. (1) A person to whom Regulation 3(1) applies may reside in the State for up to 3 months on condition that he or she—

(a) (i) where the person is a Union citizen, holds a valid national identity card or passport,

(ii) where the person is not a Union citizen, holds a valid passport,

and

(b) does not become an unreasonable burden on the social assistance system of the State.

(2) A Union citizen to whom Regulation 3(1)(a) applies who has entered the State seeking employment, and his or her family members, may continue to reside in the State for a period that is longer than 3 months where the Union citizen concerned can satisfy the Minister that he or she continues to seek employment and has a realistic prospect of being engaged in employment.

- (3) (a) A Union citizen to whom Regulation 3(1)(a) applies may reside in the State for a period that is longer than 3 months if he or she—
- (i) is in employment or in self-employment in the State,
 - (ii) has sufficient resources for himself or herself and his or her family members not to become an unreasonable burden on the social assistance system of the State, and has comprehensive sickness insurance in respect of himself or herself and his or her family members,
 - (iii) is enrolled in an educational establishment accredited or financed by the State for the principal purpose of following a course of study there and has comprehensive sickness insurance in respect of himself or herself and his or her family members and, by means of a declaration or otherwise, satisfies the Minister that he or she has sufficient resources for himself or herself and his or her family members not to become an unreasonable burden on the social assistance system of the State,
- or
- (iv) subject to paragraph (4), is a family member of a Union citizen who satisfies one or more of the conditions referred to in clause (i), (ii) or (iii).
- (b) Subject to paragraph (4), a family member who is not a national of a Member State may reside in the State for a period longer than three months where the Union citizen concerned satisfies one or more of the conditions referred to in clause (i), (ii) or (iii) of subparagraph (a).
- (c) Where a person to whom subparagraph (a)(i) applies ceases to be in the employment or self-employment concerned, that subparagraph shall be deemed to continue to apply to him or her, where—
- (i) he or she is temporarily unable to work as the result of an illness or accident,
 - (ii) he or she is in duly recorded involuntary unemployment after having been employed for more than one year and has registered as a job-seeker with a relevant office of the Department of Social Protection,
 - (iii) subject to subparagraph (d), he or she is in duly recorded involuntary unemployment after completing a fixed-term employment contract of less than a year, or after having become involuntarily unemployed during the first year, and has registered as a job-seeker with a relevant office of the Department of Social Protection, or

- (iv) he or she takes up vocational training and, unless he or she is involuntarily unemployed, the training relates to his or her previous employment.
 - (d) In a case to which subparagraph (c)(iii) applies, subparagraph (a)(i) shall be deemed to apply to the person concerned for 6 months after the cessation of the employment concerned only, unless the person enters into employment or self-employment within that period.
- (4) In a case where a Union citizen has an entitlement to reside in the State under paragraph (3)(a)(iii), paragraphs (3)(a)(iv) and (3)(b) shall confer a right to reside in the State on a family member only where the family member is—
- (a) a spouse or civil partner of the Union citizen concerned, or
 - (b) a child of the Union citizen concerned, or of the Union citizen's spouse or civil partner, and is—
 - (i) under the age of 21, or
 - (ii) a dependent of the Union citizen, or of his or her spouse or civil partner.
- (5) (a) Where a Union citizen has an entitlement to reside in the State under paragraph (3)(a)(iii), a person to whom subparagraph (b) applies may apply to the Minister for a permission to remain in the State with that Union citizen.
- (b) This paragraph applies to a direct relative in the ascending line of the Union citizen, or of the Union citizen's spouse or civil partner, who is dependent on the Union citizen, or on the Union citizen's spouse or civil partner.
- (c) In order to decide whether to grant a permission under paragraph (a), the Minister shall cause to be carried out an extensive examination of the personal circumstances of the applicant and shall have regard to the following:
- (i) the extent and nature of the dependency;
 - (ii) in the case of financial dependency, the extent and duration of the financial support provided by the Union citizen or his or her spouse or civil partner to the applicant prior to the applicant's coming to the State, having regard, amongst other relevant matters, to living costs in the country from which the applicant has come, whether the financial dependency can be satisfied by remittances to the applicant in the country from which he or she has come and other financial resources available to him or her;
 - (iii) in the case of dependency on serious health grounds which strictly require the personal care of the Union citizen or his or her spouse

or civil partner, the nature of the serious health grounds concerned and the duration of the period in which they have existed;

(iv) the capacity of the Union citizen concerned to continue to support the applicant in the State in the event that the Minister were to grant a permission.

(6) The Minister, following an examination under paragraph 5(c), shall—

(a) where he or she decides that an applicant may remain in the State, notify the applicant in writing of the decision, or

(b) where he or she decides that an applicant may not remain in the State, notify the applicant in writing of the decision and of the reasons for it.

Residence card for family member who is not a national of a Member State

7. (1) A family member who is not a national of a Member State—

(a) may, within 3 months of the relevant date, apply to the Minister for a residence card, and

(b) shall, where an application under paragraph (a) has not been made within the period specified in that paragraph, before the expiry of 4 months after the relevant date, apply to the Minister for a residence card.

(2) In paragraph (1), the “relevant date” means—

(a) in the case of a qualifying family member, the date on which he or she—

(i) entered the State as a qualifying family member, or

(ii) having already been in the State, became a qualifying family member,

and

(b) in the case of a permitted family member—

(i) the date on which he or she first entered the State as a permitted family member, or

(ii) where he or she was present in the State on the date on which the Minister decided that he or she should be treated as a permitted family member, that date.

(3) An application under paragraph (1) shall contain the particulars specified in Schedule 2 and shall be accompanied by such additional information requirements provided for in that Schedule as are applicable.

(4) The Minister shall cause to be issued a notice acknowledging receipt of an application under paragraph (1).

(5) The Minister shall, within 6 months of the date of receiving an application under paragraph (1)—

- (a) where he or she is satisfied that it is appropriate to do so, issue a residence card containing the particulars set out in Schedule 3 to the family member concerned, or
- (b) notify the family member concerned that his or her application has been refused, which notification—
 - (i) shall be accompanied by a statement of the grounds for the refusal, and
 - (ii) may be accompanied by a notification under Regulation 21(1) or 23(3), or both.

(6) An applicant under paragraph (1) may remain in the State pending a decision on the application.

Validity of residence card

8. (1) The period of validity of a residence card issued under Regulation 7 shall be equivalent to the envisaged period of residence in the State of the Union citizen in respect of whom the recipient of the card is a family member, or 5 years from the date of issue of the card, whichever is the lesser period.

(2) Subject to paragraph (3), the Minister shall revoke a residence card issued under Regulation 7 if the holder of the residence card is no longer entitled to remain in the State under these Regulations.

(3) Before making a decision to revoke a residence card under paragraph (2), the Minister shall—

- (a) send the holder of the card a notification in writing, in a language that he or she may reasonably be expected to understand, informing him or her of his or her proposal and giving the person an opportunity to make representations in writing to the Minister, which shall include the particulars specified in Schedule 4, within 15 working days of the date of issue of the notification, and
- (b) consider any representations which have been made in accordance with subparagraph (a) by the holder of the card.

(4) The holder of a residence card shall, where a removal order is made in respect of him or her, surrender the residence card to the Minister.

(5) The validity of a residence card shall not be affected by any of the following on the part of the recipient of the card:

- (a) temporary absences not exceeding 6 months in a 12 month period;
- (b) absences of a duration longer than 6 months in a 12 month period for compulsory military service;
- (c) one absence of a maximum of 12 consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in a Member State or a third country.

Retention of the right of residence by family member in the event of death or departure from the State of Union citizen

9. (1) Where a Union citizen dies or departs from the State and, at the time of his or her death or departure, he or she had a right of residence in the State under these Regulations, a family member who is a national of a Member State shall retain the right of residence under these Regulations that he or she enjoyed at the time of the Union citizen's death or departure.

(2) Where a Union citizen dies and, at the time of his or her death, he or she had a right of residence in the State under these Regulations, a family member who is not a national of a Member State may, where he or she has been residing in the State as a family member of the Union citizen for at least one year before the death, continue to reside in the State on an individual and personal basis.

(3) Where a Union citizen dies or departs from the State and, at the time of his or her death or departure, he or she had a right of residence in the State under these Regulations, and his or her child, being resident in the State, was enrolled in an educational establishment in the State for the principal purpose of studying there, then the parent, irrespective of nationality—

- (a) who has custody of the child, where the child is under the age of 18 years, or
- (b) whose presence and care continues to be needed by the child, in order for the child to be able to pursue and complete his or her education, where the child is aged 18 years or over,

shall be entitled to reside in the State until completion by the child of the course of studies or training concerned.

Retention of the right of residence by family members in the event of divorce, annulment of marriage, annulment or dissolution of civil partnership

10. (1) Where the marriage or civil partnership of a Union citizen is dissolved or annulled and, at the time of the dissolution or annulment, as the case may be, he or she had a right of residence in the State under these Regulations, a family member who is a national of a Member State shall retain the right of residence that he or she enjoyed at the time of the dissolution or annulment.

- (2) (a) Subject to subparagraph (b), where the marriage or civil partnership of a Union citizen is dissolved or annulled and, at the time of the dissolution or annulment, as the case may be, he or she had a right of residence in the State under these Regulations, a family member who

is not a national of a Member State may retain a right of residence in the State on an individual and personal basis.

- (b) A right of residence of a family member referred to in subparagraph (a) is subject to the Minister being satisfied that—
- (i) prior to the initiation of the dissolution or annulment proceedings concerned, the marriage or civil partnership had lasted at least 3 years, including one year in the State,
 - (ii) by agreement between the spouses or civil partners, or by court order, the spouse or civil partner who is not a national of a Member State has custody of the Union citizen's children,
 - (iii) the retention of such right of residence is warranted by particularly difficult circumstances, such as the spouse, civil partner or child under 18 years of the Union citizen concerned having been a victim of domestic violence while the marriage or civil partnership was subsisting, or
 - (iv) by agreement between the spouses or civil partners, or by court order, the spouse or civil partner who is not a national of a Member State has the right of access to child under the age of 18 years, provided—
 - (I) the agreement or the court order requires access in the State to the child, and
 - (II) the right of residence of the spouse or civil partner is for as long as is required to give effect to that access.

Retention of rights of residence

11. (1) A person residing in the State under Regulation 6, 9 or 10 shall be entitled to continue to reside in the State for as long as he or she satisfies the relevant provision of the regulation concerned and does not become an unreasonable burden on the social assistance system of the State.

(2) A family member to whom paragraph (1) applies who is not a national of a Member State shall notify the registration officer of the registration district in which he or she is located—

- (a) of any of the following, within 7 days of its occurrence:
- (i) a change in his or her place of residence in the State;
 - (ii) a change in his or her civil status being-
 - (I) a dissolution or annulment of marriage or a dissolution or annulment of civil partnership, or
 - (II) entry into a marriage or civil partnership,

and

- (b) of an absence by him or her from the State for a period that is longer than one month, which notification may be made before his or her departure from the State but, in any case, shall be made no later than 7 days after he or she has been absent from the State for a period of one month.

Entitlement to permanent residence in the State

12. (1) Subject to paragraphs (2) and (5) and Regulation 13, the following may remain permanently in the State:

- (a) a Union citizen who has resided in the State in conformity with these Regulations for a continuous period of 5 years, and
- (b) a family member of a Union citizen referred to in subparagraph (a), who is not a national of a Member State and who has resided with the Union citizen in the State in conformity with these Regulations for a continuous period of 5 years.

(2) Paragraph (1) does not apply to a person whose right to reside in the State is based solely on Regulation 9(3).

(3) A person to whom Regulation 9(1) or 10(1) applies may remain permanently in the State where—

- (a) he or she satisfies one or more of the conditions referred to in Regulation 6(3)(a)(i) to (iv), and
- (b) he or she has resided in the State in conformity with these Regulations for a continuous period of 5 years.

(4) A person to whom Regulation 9(2) or 10(2) applies may remain permanently in the State where—

- (a) he or she continues to satisfy one of the following conditions:
 - (i) he or she is in employment or self-employment in the State;
 - (ii) he or she has sufficient resources for himself or herself and his or her family members not to become an unreasonable burden on the social assistance system of the State, and has comprehensive sickness insurance in respect of himself or herself and his or her family members;
 - (iii) he or she is a member of the family, already constituted in the State, of a Union citizen who satisfies clause (i) or (ii); and
- (b) he or she has resided in the State in conformity with these Regulations for a continuous period of 5 years.

(5) For the purposes of these Regulations, continuity of residence in the State shall not be affected by—

- (a) temporary absences not exceeding 6 months in a 12 month period,
- (b) absences of a longer duration for compulsory military service,
- (c) one absence of a maximum of 12 consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or a posting in a Member State or a third country.

(6) Without prejudice to Regulations 20 to 23, where a person has acquired the right to remain permanently in the State pursuant to these Regulations, that right shall cease to exist only where the person concerned has been absent from the State for a period exceeding 2 consecutive years.

(7) In calculating a period of residence for the purposes of this Regulation, a period of residence in accordance with the Regulations of 2006 shall be reckonable.

Entitlement to permanent residence in the State of Union citizen no longer working in the State and his or her family members

13. (1) Notwithstanding Regulation 12, a Union citizen who has resided in the State in accordance with these Regulations but who has not so resided for a continuous period of 5 years may remain permanently in the State if—

- (a) (i) he or she has reached pensionable age as defined in the Social Welfare Acts or has taken early retirement, and
 - (ii) at the time of reaching pensionable age or taking early retirement, he or she has resided continuously in the State for more than 3 years and has been in employment or self-employment in the State for at least the previous 12 months,
- (b) having resided continuously in the State for more than 2 years, he or she ceases to be in employment or self-employment in the State as a result of permanent incapacity for work, or
- (c) he or she has been permanently incapacitated from work as a result of an accident at work or an occupational illness entitling him or her to a pension or other benefit which is payable in whole or in part by the State.

(2) The conditions as to length of residence and employment or self-employment specified in paragraph (1)(a) and the condition as to length of residence specified in paragraph (1)(b) shall not apply if the spouse or civil partner of the Union citizen concerned is a citizen of the State.

(3) A Union citizen who, after 3 years' continuous residence and employment or self-employment in the State, is in employment or self-employment in a

Member State while retaining his or her residence in the State and returning to the State at least once a week may remain permanently in the State.

(4) A period in employment or self-employment, if completed in the territory of a Member State, shall, for the purpose of entitlement to the rights referred to in paragraph (1), be considered as having been completed in the State where the Union citizen during that period retained his or her residence in the State and returned to the State at least once a week.

(5) The following shall be considered as periods in employment or self-employment for the purposes of this Regulation:

- (a) periods in involuntary unemployment which are duly recorded;
- (b) periods of absence from or cessation of employment or self-employment for reasons not of the person's own making;
- (c) periods of absence from or cessation of employment or self-employment due to illness or accident.

(6) Where a Union citizen is entitled to remain permanently in the State pursuant to paragraph (1) or (3), a family member of the Union citizen, irrespective of the family member's nationality, may reside permanently in the State where he or she is residing with the Union citizen.

(7) Where a Union citizen to whom Regulation 3(1)(a) applies is in employment or self-employment in the State and dies while in that employment or self-employment but before acquiring a right to permanent residence in the State, a family member who is residing with him or her at the time of the death, may remain permanently in the State if—

- (a) the Union citizen concerned had, on the date of his or her death, resided continuously in the State for at least 2 years, or
- (b) the death of the Union citizen had resulted from an accident at work or from an occupational illness.

Issue of permanent residence certificate to Union citizen

14. (1) A Union citizen who, by virtue of these Regulations, is entitled to remain permanently in the State may apply to the Minister for a permanent residence certificate.

(2) An application under paragraph (1) shall contain the particulars specified in Schedule 5 and shall be accompanied by such documentary evidence as may be necessary to support the application.

(3) Where the Minister is satisfied that the Union citizen concerned is entitled to remain permanently in the State, he or she shall, as soon as is practicable, issue a permanent residence certificate in the form set out in Schedule 6 to the Union citizen.

- (4) The Minister may refuse to issue a permanent residence certificate where he or she is satisfied that the Union citizen concerned—
- (a) is no longer entitled to be in the State under these Regulations, or
 - (b) represents a danger for public policy or public security by reason of the fact that his or her personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.
- (5) Where the Minister proposes to refuse to issue a permanent residence certificate under paragraph (4), he or she shall send the Union citizen concerned a notification in writing, in a language that the Union citizen may reasonably be expected to understand, which shall contain—
- (a) a statement informing the Union citizen of the proposal,
 - (b) unless the Minister certifies that it would endanger the security of the State to make them known, the reasons giving rise to the proposal referred to in subparagraph (a), and
 - (c) a statement that the Union citizen concerned may make representations in writing to the Minister, which shall include the particulars specified in Schedule 4, within 15 working days of the date of issue of the notification.
- (6) Where the Minister, having considered the representations (if any) made by the Union citizen concerned under paragraph (5)(c), decides to refuse under paragraph (4) to issue a permanent residence certificate, he or she shall send the Union citizen concerned a notification in writing, in a language that the Union citizen may reasonably be expected to understand, of that fact.
- (7) A notification under paragraph (6) may be accompanied by a notification under Regulation 21(1) or Regulation 23(3), or both.
- (8) A permanent residence certificate shall cease to be valid where the person to whom it has been issued—
- (a) has been absent from the State for a period exceeding 2 consecutive years, or
 - (b) is removed from the State pursuant to a removal order or is the subject of an exclusion order.
- (9) Where the holder of a permanent residence certificate is removed from the State pursuant to a removal order, he or she shall surrender the permanent residence certificate to the Minister.

Issue of permanent residence card to family member who is not a national of a Member State

15. (1) A family member who is not a national of a Member State and who, by virtue of these Regulations, is entitled to remain permanently in the State shall, where he or she intends to remain in the State, before the expiration date of the residence card issued to him or her, apply to the Minister for a permanent residence card.

(2) An application made under paragraph (1) shall contain the particulars specified in Schedule 7 and shall be accompanied by such documentary evidence as may be necessary to support the application.

(3) Where the Minister is satisfied that the family member concerned is entitled to remain permanently in the State, he or she shall, as soon as practicable, but not later than 6 months following the date of submission of the application under paragraph (1), issue a permanent residence card containing the particulars set out in Schedule 8 to the family member concerned.

(4) The Minister may refuse to issue a permanent residence card where he or she is satisfied that—

- (a) the Union citizen or the family member concerned is no longer entitled to be in the State under these Regulations, or
- (b) the family member concerned represents a danger for public policy or public security by reason of the fact that his or her personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.

(5) Where the Minister proposes to refuse to issue a permanent residence card under paragraph (4), he or she shall send the family member concerned a notification in writing, in a language that the family member may reasonably be expected to understand, which shall contain—

- (a) a statement informing the family member of the proposal,
- (b) unless the Minister certifies that it would endanger the security of the State to make them known, the reasons giving rise to the proposal referred to in subparagraph (a), and
- (c) a statement that the family member concerned may make representations in writing to the Minister, which shall include the particulars specified in Schedule 4, within 15 working days of the date of issue of the notification.

(6) Where the Minister, having considered the representations (if any) made by the family member concerned under paragraph (5)(c), decides to refuse under paragraph (4) to issue a permanent residence card, he or she shall send the family member concerned a notification in writing, in a language that the family member may reasonably be expected to understand, of that fact.

(7) A notification under paragraph (6) may be accompanied by a notification under Regulation 21(1) or Regulation 23(3) or both.

(8) A permanent residence card shall be valid for a period of 10 years and shall be renewable upon application to the Minister, which application shall be made before the expiration of the permanent residence card.

(9) A permanent residence card shall cease to be valid where the person to whom it has been issued—

(a) has been absent from the State for a period exceeding 2 consecutive years, or

(b) is removed from the State or is the subject of an exclusion order.

(10) Where the holder of a permanent residence card is removed from the State pursuant to a removal order, he or she shall surrender the permanent residence card to the Minister.

Production of evidence

16. Where the Minister has reason to suspect that a person who claims to be residing in the State in accordance with Regulation 6, 9, 10, 12 or 13 has failed or is failing to comply with the Regulation concerned, he or she may require evidence that the person satisfies the requirements of these Regulations.

Entitlements and matters of equal treatment

17. (1) Subject to this Regulation, a person who is residing in the State in accordance with these Regulations shall be entitled—

(a) to the same rights of travel in or to or from the State as those to which Irish citizens are entitled,

(b) to carry on any business, trade or profession and to have access to education and training in the State in the like manner and to the like extent in all respects as Irish citizens, and

(c) to receive, upon and subject to the terms and conditions applicable to Irish citizens, the same medical care and services and the same entitlements as those to which Irish citizens are entitled.

(2) (a) Subject to subparagraph (b), a person to whom Regulation 6(1) or 6(2) applies shall not be entitled to receive assistance under the Social Welfare Acts.

(b) Subparagraph (a) does not apply in relation to a payment under sections 201 and 202 of the Social Welfare Consolidation Act 2005.

(3) Without prejudice to the Student Support Act 2011 (No. 4 of 2011) and subject to paragraph (4), a person who is not entitled to remain permanently in the State under these Regulations shall not be entitled to receive maintenance

grants for students, including maintenance grants for students undertaking vocational training.

(4) Paragraph (3) shall not apply to—

(a) a person to whom Regulation 6(3)(a)(i) applies or is deemed under Regulation 6(3)(c) to apply, or

(b) a family member of a person referred to in subparagraph (a).

(5) Without prejudice to Regulations 9, 10, 12 and 13, a person who has an entitlement under these Regulations on the basis that he or she is a family member shall cease to have that entitlement if the Union citizen concerned is the subject of a removal order or an exclusion order.

Restrictions on the right of freedom of movement and residence on grounds of public policy and public security

18. (1) Where the Minister is satisfied, having taken all the relevant circumstances into consideration, that a person to whom Regulation 3(1) applies represents a danger for public policy or public security by reason of the fact that his or her personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society, he or she may issue to that person a notice under paragraph (2).

(2) A notice under this paragraph shall be in writing and shall require the person concerned to do one or both of the following:

(a) reside or remain in particular districts or places in the State;

(b) report at specified intervals to an immigration officer or member of the Garda Síochána specified in the notice.

(3) A person who is the subject of a notice under paragraph (2) shall comply with the requirements specified in the notice.

(4) For the purposes of paragraph (1), a previous criminal conviction shall not in itself constitute a ground for taking a measure referred to in that paragraph.

Restrictions on the right of freedom of movement and residence on grounds of public health

19. (1) The Minister, where he or she is satisfied that a person to whom Regulation 3(1) applies is suffering from a disease referred to in Schedule 1, may issue to the person—

(a) a notice under paragraph (2), or

(b) within 3 months of the person's arrival in the State, a removal order.

(2) A notice under this paragraph shall be in writing and shall be accompanied by reasons for the issue of the notice and shall require the person to do one or both of the following:

- (a) reside or remain in particular districts or places in the State;
- (b) report at specified intervals to an immigration officer, member of the Garda Síochána, the Health Service Executive, or such other authorities in the State specified in the notice.

(3) A person who is the subject of a notice under paragraph (2) shall comply with the requirements specified in the notice.

(4) Where in the Minister's opinion in any particular case there are serious indications that it is necessary, he or she may require a person to whom Regulation 3(1) applies, within three months of the date of arrival of the person in the State, to undergo, free of charge, a medical examination by a registered medical practitioner for the purpose of ascertaining whether or not the person is suffering from any disease referred to in Schedule 1.

(5) The Minister shall revoke a notice issued under paragraph (2) where he or she is satisfied that the person concerned no longer suffers from a disease referred to in Schedule 1.

Removal orders — general

20. (1) The Minister, in accordance with this Regulation and Regulation 21, may make an order ("removal order") in respect of a person to whom Regulation 3(1) applies where, in the opinion of the Minister—

- (a) the person is not or is no longer entitled to be in the State in accordance with these Regulations, or
- (b) the person represents a danger for public policy or public security by reason of the fact that his or her personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.

(2) A removal order shall require the person in respect of whom it is made to leave the State within the period specified in the order.

(3) The period referred to in paragraph (2) shall, unless the Minister certifies that the matter is urgent, be not less than one month.

(4) Paragraph (1)(a) does not apply to a Union citizen—

- (a) who is in employment or in self-employment, or
- (b) who can satisfy the Minister that he or she continues to seek employment and has a realistic prospect of being engaged in employment or self-employment.

(5) A removal order may not, except on serious grounds of public policy, or public security, be made in respect of a person who has an entitlement to reside permanently in the State.

(6) (a) A removal order may not, except on imperative grounds of public security, be made in respect of a Union citizen who—

(i) has resided in the State for the previous 10 years, or

(ii) subject to subparagraph (b), is a child under the age of 18 years.

(b) Subparagraph (a)(ii) shall not apply where it is in the best interests of the child concerned that he or she be removed from the State.

(7) A previous criminal conviction shall not in itself constitute a ground for the making of a removal order.

(8) A removal order made on the grounds referred to in paragraph (1)(b) that has not, after the expiry of more than 2 years from the date on which it was made, been enforced shall not be enforced unless the Minister—

(a) carries out an assessment to ascertain whether there has been any material change in the circumstances which gave rise to the making of the removal order,

(b) having carried out the assessment referred to in subparagraph (a), is of the opinion that the person represents a danger for public policy or public security by reason of the fact that his or her personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society,

(c) notifies the person concerned that he or she may make representations in writing to the Minister, which shall include the particulars specified in Schedule 4, within 15 working days of the date of issue of the notification, and

(d) considers any representations made by the person concerned under subparagraph (c).

(9) Subject to paragraph (10), an application by a person for leave to apply for judicial review of a removal order which is accompanied by an application for an interim order to suspend enforcement of the removal order shall suspend the removal of the person concerned until such time as the decision on the application for the interim order has been taken.

(10) Paragraph (9) does not apply where the removal order is based on imperative grounds of public security.

(11) The making of a removal order in respect of a person shall, for the purpose of these Regulations, entail a break in the continuity of his or her residence in the State under these Regulations.

Removal orders — procedural requirements

21. (1) Where the Minister proposes to make a removal order, he or she shall notify the person concerned in writing of the proposal and shall provide to the

person a copy of the proposed order, in a language that the person may reasonably be expected to understand.

- (2) A notification under paragraph (1) shall contain—
- (a) unless the Minister certifies that it would endanger the security of the State to make them known, the reasons giving rise to the proposal referred to in paragraph (1), and
 - (b) a statement that the person concerned may make representations in writing to the Minister in the form provided for in Schedule 9 within 15 working days of the date of issue of the notification.
- (3) In determining whether to make a removal order in respect of a person the Minister shall consider any representations made by the person in accordance with paragraph (2)(b) and—
- (a) the age of the person,
 - (b) the duration of residence in the State of the person,
 - (c) the family and economic circumstances of the person,
 - (d) the nature of the person's social and cultural integration in the State, if any,
 - (e) the state of health of the person,
 - (f) the extent of the person's links with his or her country of origin, and
 - (g) any other circumstances or matters that he may consider relevant.
- (4) (a) Where the Minister decides not to make a removal order, he or she shall shall notify the person of that fact.
- (b) Where the Minister decides to make a removal order, he or she shall, in writing and in a language that the person may reasonably be expected to understand, notify the person concerned of that fact and the notification shall, unless the Minister certifies that it would endanger the security of the State to make them known, contain the reasons for the making of the order.
- (5) A notification under paragraph (4)(b) shall be accompanied by the removal order and the person shall comply with the order and the notification.
- (6) A notification under paragraph (4)(b) may require the person the subject of the removal order to do any one or more of the following for the purpose of ensuring his or her removal from the State:
- (a) present himself or herself to such member of the Garda Síochána or immigration officer at such date, time and place as may be specified in the notice;

- (b) produce any travel document, passport, travel ticket or other document in his or her possession required for the purpose of such removal to such member of the Garda Síochána or immigration officer at such date, time and place as may be specified in the notice;
- (c) co-operate in any way necessary to enable a member of the Garda Síochána or immigration officer to obtain a travel document, passport, travel ticket or other document required for the purpose of such removal;
- (d) reside or remain in a particular district or place in the State pending removal from the State;
- (e) report to a specified Garda Síochána station or immigration officer at specified intervals pending removal from the State;
- (f) notify such member of the Garda Síochána or immigration officer as may be specified in the notice as soon as possible of any change of address.

(7) A member of the Garda Síochána or immigration officer may, regardless of whether a notification under paragraph (4)(b) contains a requirement to do an act specified in paragraph (6), if he or she considers it necessary for the purpose of ensuring the removal of the person concerned from the State, require the person in writing to do any one or more of the acts specified in paragraph (6) and any such requirement, which shall be in a language that the person may reasonably be expected to understand, shall have effect as if it were a requirement in a notification under paragraph (4)(b).

(8) A removal order shall be in the form set out in Schedule 10 and shall be accompanied by such information as is necessary to inform the person concerned of the administrative and judicial authorities with whom he or she may seek a review of the order.

(9) A notification under paragraph (1) may, where it is proposed to make a removal order pursuant to Regulation 20(1)(b), be accompanied by a notification under Regulation 23(3).

Arrest and detention for purposes of removal from the State

22. (1) Subject to paragraph (2), a person (other than a person who is under the age of 18 years) in respect of whom a removal order has been made may, for the purpose of ensuring his or her departure from the State in accordance with the removal order and without further notice, be arrested and detained under warrant of an immigration officer or member of the Garda Síochána in any of the places listed in Schedule 11 in the custody of the officer or member of the Garda Síochána for the time being in charge of that place.

(2) An immigration officer or member of the Garda Síochána shall exercise his or her power under paragraph (1) only—

- (a) where the person who is the subject of a removal order has failed to leave the State within the time specified in the order,
- (b) where the person who is the subject of a removal order has failed to comply with a requirement in a notification under Regulation 21(4)(b) or a requirement under Regulation 21(7), or
- (c) he or she suspects that the person may seek to avoid removal from the State in accordance with the removal order.

(3) When an arrest is made under paragraph (1) and the person arrested is brought to a prison or to a Garda Síochána station, the Governor of the prison or the Member in Charge of the Garda Síochána station, as the case may be, shall be informed of the fact.

(4) Subject to paragraph (9), a person arrested under paragraph (1) may be detained only until such time (being as soon as is practicable) as arrangements are made for his or her removal from the State and he or she is removed from the State in compliance with the removal order concerned.

(5) A person arrested and detained under paragraph (1) may be placed on a ship, railway train, road vehicle or aircraft about to leave the State by an immigration officer or a member of the Garda Síochána, and shall be deemed to be in lawful custody whilst so detained and until the ship, railway train, road vehicle or aircraft leaves the State.

(6) The master of any ship and the person in charge of any railway train, road vehicle or aircraft bound for any place outside the State shall, if so required by an immigration officer or a member of the Garda Síochána, receive a person in respect of whom a removal order has been made and his or her family members who are accompanying him or her, if any, on board such ship, railway train, road vehicle or aircraft and afford him or her and his or her family members proper accommodation and maintenance during the journey.

(7) Where an immigration officer or a member of the Garda Síochána has reasonable grounds for believing that a person is not under the age of 18 years, paragraphs (1) to (6) and paragraph (9) shall apply to him or her as if he or she had attained the age of 18 years.

(8) Where an unmarried child under the age of 18 years is in the custody of any person (whether a parent or a person acting in loco parentis or any other person) and such person is detained under paragraph (1), the immigration officer or the member of the Garda Síochána concerned shall, without delay, notify the Health Service Executive of the detention and of the circumstances thereof.

- (9) (a) A person shall not be detained under this Regulation for a period or periods exceeding 28 days in aggregate.
- (b) The following periods shall be excluded in reckoning a period for the purpose of subparagraph (a):

- (i) any period during which the person is remanded in custody pending a criminal trial or serving a sentence of imprisonment,
- (ii) any period spent by the person on board a ship, railway train, road vehicle or aircraft, and
- (iii) if the person has—
 - (I) requested a review under these Regulations of the removal order in relation to which he or she is the subject, or
 - (II) made an application for judicial review as referred to in section 5 of the Illegal Immigrants (Trafficking) Act 2000 (No. 29 of 2000) of the removal order,

any period spent by the person in a place of detention between the date of the request or the application, as the case may be, and the date of its final determination (including where notice of appeal is given, the period between the giving thereof and the final determination of the appeal or any further appeal therefrom or the withdrawal of the appeal) or, as appropriate, the expiry of the ordinary time for instituting any such appeal.

Exclusion orders

23. (1) Subject to this Regulation, the Minister may make an order under this Regulation ("exclusion order") in respect of a person where in the opinion of the Minister the person represents a danger for public policy or public security by reason of the fact that his or her personal conduct represents a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.

(2) An exclusion order shall require the person in respect of whom it is made, for the period specified in the order ("exclusion period"), not to enter the State.

(3) Where the Minister proposes to make an exclusion order, he or she shall notify the person concerned in writing of the proposal and shall provide to the person a copy of the proposed order, in a language that the person may reasonably be expected to understand.

(4) A notification under paragraph (3) shall contain—

- (a) unless the Minister certifies that it would endanger the security of the State to make them known, the reasons giving rise to the proposal referred to in paragraph (3),
- (b) a statement that the person concerned may make representations in writing to the Minister, which shall include the particulars specified in Schedule 4, within 15 working days of the date of issue of the notification, and
- (c) the proposed duration of the exclusion period.

(5) In determining whether to make an exclusion order in respect of a person the Minister shall consider any representations made by that person in accordance with paragraph (4)(b).

(6) (a) Where the Minister decides not to make an exclusion order, he or she shall notify the person of that fact.

(b) Where the Minister decides to make an exclusion order, he or she shall, in writing and in a language that the person may reasonably be expected to understand, notify the person concerned of that fact and the notification shall, unless the Minister certifies that it would endanger the security of the State to make them known, contain the reasons for the making of the order.

(7) The notification referred to in paragraph (6)(b) shall be accompanied by the exclusion order and the person shall comply with the order.

(8) (a) Where there has been a material change in the circumstances which justified the making of an exclusion order, a person who is the subject of the order may apply, in accordance with subparagraphs (b) and (c), to the Minister to have the order revoked or the exclusion period concerned reduced.

(b) An application referred to in subparagraph (a) may be made after—

(i) 3 years, or

(ii) such shorter period as the Minister considers reasonable in all of the circumstances,

has passed since the date of enforcement of the exclusion order concerned.

(c) An application referred to in subparagraph (a) shall contain—

(i) a statement by the person concerned setting out the material change in the circumstances that justified the making of the exclusion order, and

(ii) the particulars specified in Schedule 4.

(9) Subject to paragraph (10), the Minister may revoke an exclusion order or reduce the exclusion period concerned—

(a) on application under paragraph (8), or

(b) on his or her own initiative, where information indicating a material change in the circumstances that justified the making of the exclusion order comes to his or her attention,

(10) Before revoking an exclusion order or reducing the exclusion period concerned, the Minister shall—

- (a) in the case of an application under paragraph (8), consider the information submitted under paragraph (8)(c),
- (b) notify the person who has been the subject of the exclusion order of new information (if any) which is relevant to a decision of the Minister under paragraph (11) and, where such information has been notified by the Minister, give the person concerned an opportunity to make representations in writing to the Minister which shall include the particulars specified in Schedule 4 within 15 working days of the issue of the notification, and
- (c) where applicable, consider the representations (if any) made under subparagraph (b).

(11) The Minister shall, as soon as is practicable and, in any event, not later than 6 months of receiving—

- (a) an application pursuant to paragraph (8), or
- (b) the information referred to in paragraph (9)(b),

decide whether to revoke the exclusion order or reduce the exclusion period concerned, as the case may be.

- (12) (a) Subject to subparagraph (b), the Minister may allow a person who is the subject of an exclusion order to re-enter the State for the purposes of attending a hearing connected with a review of a decision under these Regulations.
- (b) Subparagraph (a) shall not apply where, in the opinion of the Minister the person's presence in the State would be contrary to public policy or public security.
- (c) Nothing in these Regulations shall operate to confer an entitlement on a person who is the subject of an exclusion order to enter the State while the Minister is considering an application under paragraph (8).

(13) An exclusion order shall be in the form set out in Schedule 12 and shall be accompanied by such information as is necessary to inform the person concerned of the administrative and judicial authorities with whom he or she may lodge an application for a review.

Notices etc.

24. (1) Notices, representations in writing or documents required or authorised by these Regulations to be sent or given to the Minister or a registration officer shall be deemed to have been duly sent or given if—

- (a) sent by prepaid registered post, or
- (b) sent by facsimile where confirmed by a successful transmission report, or

(c) delivered to the Minister, where the person concerned has a receipt for delivery.

(2) Where a notification is required or authorised by these Regulations to be served on or given to a person other than the Minister, it shall be addressed to him or her and shall be given to him or her in one of the following ways:

(a) by delivering it to him or her, or

(b) by sending it by prepaid registered post addressed to him or her at the address most recently furnished by him or her or, in the case of his or her solicitor, if any, at his or her address, or, in a case in which address for service has been furnished, at that address.

(3) Where a notice under these Regulations has been sent to a person in accordance with paragraph (2)(b), the notice is deemed to have been duly served on or given to the person on the third working day after the day on which it was so sent.

Review of decisions

25. (1) A person who has, or who claims to have, an entitlement under these Regulations to enter or reside in the State may seek a review of any decision concerning such entitlement or claimed entitlement.

(2) An application for review under this Regulation shall be submitted to the Minister within 15 working days of the receipt by the person concerned of the decision and shall set out in writing the grounds for review and the particulars specified in Schedule 4.

(3) The Minister may, where he or she is satisfied that it is warranted in the particular circumstances, extend the period referred to in paragraph (2) within which a review must be submitted.

(4) A review under this Regulation of a decision under paragraph (1) shall be carried out by an officer of the Minister and who—

(a) shall be a person other than the person who made the decision, and

(b) shall be of a grade senior to the grade of the person who made the decision.

(5) The officer carrying out the review shall have regard to the information contained in the application and may make or cause to be made such enquiries as he or she considers appropriate and may—

(a) confirm the decision the subject of the review on the same or other grounds having regard to the information contained in the application for the review, or

(b) set aside the decision and substitute his or her determination for the decision.

(6) A person who makes an application under paragraph (1) for the review of a removal order may, at the same, make an application for the suspension of the enforcement of the order.

(7) Where a person makes an application under paragraph (6), the removal of him or her from the State shall, unless the officer carrying out the review is of the view that the removal decision is based on imperative grounds of public security, be suspended until such time as that officer makes his or her decision under paragraph (5).

Co-operation with Member State authorities

26. (1) The Minister may—

- (a) within 3 months of the arrival in the State of a person to whom Regulation 3(1) applies,
- (b) for the purposes of ascertaining whether a person represents a danger to public policy or public security, or
- (c) when considering an application for a residence card,

request the competent authorities in the Member State of origin of the person concerned, or any other Member State, to provide information concerning any previous police record that the person may have.

(2) Where, for the purposes of the Council Directive, the competent authority of a Member State requests the Minister to provide information concerning any previous police record that a person may have in the State, the Minister shall, within 2 months of the request being made, provide such information.

(3) Where the competent authority of a Member State requests the Minister to allow the holder of an Irish passport who has been expelled from that Member State on grounds of public policy or public security, to re-enter the State, such person shall be allowed to re-enter the State notwithstanding that his or her passport is no longer valid or that his or her nationality is in dispute.

Cessation of entitlements

27. (1) The Minister may revoke, refuse to make or refuse to grant, as the case may be, any of the following where he or she decides, in accordance with this Regulation, that the right, entitlement or status, as the case may be, concerned is being claimed on the basis of fraud or abuse of rights:

- (a) a decision under Regulation 5(3) that a person be treated as a permitted family member;
- (b) a residence card, a permanent residence certificate or permanent residence card;
- (c) a right of residence under Regulation 9(1);
- (d) a right of residence under Regulation 9(2);

- (e) a right of residence under Regulation 9(3);
- (f) a right of residence under Regulation 10(1);
- (g) a right of residence under Regulation 10(2);
- (h) a right of residence under Regulation 12(1).

(2) Where the Minister suspects, on reasonable grounds, that a right, entitlement or status of being treated as a permitted family member conferred by these Regulations is being claimed, or has been obtained, on the basis of fraud or abuse of rights, he or she shall be entitled to make such enquiries and to obtain such information as is reasonably necessary to investigate the matter.

(3) Where the Minister proposes to exercise his or her power under paragraph (1), he or she shall—

- (a) give notice in writing to the person concerned, which shall set out the reasons for his proposal and shall give the person concerned a period of 21 days within which to give reasons as to why the right, entitlement or status concerned should not be revoked, and
- (b) consider any submissions made in accordance with subparagraph (a).

(4) In this Regulation, ‘abuse of rights’ shall include a marriage of convenience or civil partnership of convenience.

Marriages of convenience

28. (1) The Minister, in making his or her determination of any matter relevant to these Regulations, may disregard a particular marriage as a factor bearing on that determination where the Minister deems or determines that marriage to be a marriage of convenience.

(2) Where the Minister, in taking into account a marriage for the purpose of making a determination of any matter relevant to these Regulations, has reasonable grounds for considering that the marriage is a marriage of convenience, he or she may send a notice to the parties to the marriage requiring the persons concerned to provide, within the time limit specified in that notice, such information as is reasonably necessary, either in writing or in person, to satisfy the Minister that the marriage is not a marriage of convenience.

(3) Where a person who is subject to a requirement under paragraph (2) fails to provide the information concerned within the time limit specified in the relevant notice, the Minister may deem the marriage to be a marriage of convenience.

(4) The Minister may exercise the power under paragraph (2) in respect of a particular marriage whether or not—

- (a) that marriage has previously been taken into account in determining any matter relevant to these Regulations or the Regulations of 2006, or
 - (b) that paragraph has previously been invoked in respect of that marriage.
- (5) The Minister shall determine whether a marriage referred to in paragraph (2) is a marriage of convenience having regard to—
- (a) any information furnished under these Regulations, and
 - (b) such of the following matters as appear to the Minister to be relevant in the circumstances:
 - (i) the nature of the ceremony on the basis of which the parties assert that they are married;
 - (ii) whether the parties have been residing together as husband and wife, and, if so, the length of time during which they have so resided;
 - (iii) the extent to which the parties have been sharing income and outgoings;
 - (iv) the extent to which the parties have been dealing with other organs of the State or organs of any other state as a married couple;
 - (v) the nature of the relationship between the parties prior to the marriage;
 - (vi) whether the parties are familiar with the other's personal details;
 - (vii) whether the parties speak a language that is understood by both of them;
 - (viii) whether a sum of money or other inducement was exchanged in order for the marriage to be contracted (and, if so, whether this represented a dowry given in the case of persons from a country or society where the provision of a dowry on the occasion of marriage is a common practice);
 - (ix) whether the parties have a continuing commitment to mutual emotional and financial support;
 - (x) the history of each of the parties including any evidence that either of them has previously entered into a marriage of convenience or a civil partnership of convenience;

- (xi) whether any previous conduct of either of the parties indicates that either of them has previously arranged a marriage of convenience or otherwise attempted to circumvent the immigration laws of the State or any other state;
- (xii) the immigration status of the parties in the State or in any other state;
- (xiii) any information provided by an tArd-Chláraitheoir or registrar within the meaning of the Civil Registration Act 2004;
- (xiv) any other matters which appear to the Minister to raise reasonable grounds for considering the marriage to be a marriage of convenience.

(6) For the purposes of these Regulations “marriage of convenience” means a marriage contracted, whether inside or outside the State, for the sole purpose of obtaining an entitlement under—

- (a) the Council Directive or these Regulations,
- (b) any measure adopted by a Member State to transpose the Directive, or
- (c) any law of the State concerning the entry and residence of foreign nationals in the State or the equivalent law of another state.

Civil partnerships of convenience

29. (1) The Minister, in making his or her determination of any matter relevant to these Regulations, may disregard a particular civil partnership as a factor bearing on that determination where the Minister deems or determines that civil partnership to be a civil partnership of convenience.

(2) Where the Minister, in taking into account a civil partnership for the purpose of making a determination of any matter relevant to these Regulations, has reasonable grounds for considering that the civil partnership is a civil partnership of convenience, he or she may send a notice to the parties to the civil partnership requiring the persons concerned to provide, within the time limit specified in that notice, such information as is reasonably necessary, either in writing or in person, to satisfy the Minister that the civil partnership is not a civil partnership of convenience.

(3) Where a person who is subject to a requirement under paragraph (2) fails to provide the information concerned within the time limit specified in the relevant notice, the Minister may deem the civil partnership to be a civil partnership of convenience.

(4) The Minister may exercise the power under paragraph (2) in respect of a particular civil partnership whether or not—

- (a) that civil partnership has previously been taken into account in determining any matter relevant to these Regulations or the Regulations of 2006, or
 - (b) that paragraph has previously been invoked in respect of that civil partnership.
- (5) The Minister shall determine whether a civil partnership referred to in paragraph (2) is a civil partnership of convenience having regard to—
- (a) any information furnished under these Regulations, and
 - (b) such of the following matters as appear to the Minister to be relevant in the circumstances:
 - (i) the nature of the ceremony on the basis of which the parties assert that they have become civil partners;
 - (ii) whether the parties have been residing together as civil partners, and, if so, the length of time during which they have so resided;
 - (iii) the extent to which the parties have been sharing income and outgoings;
 - (iv) the extent to which the parties have been dealing with other organs of the State or organs of any other state as civil partners;
 - (v) the nature of the relationship between the parties prior to becoming civil partners;
 - (vi) whether the parties are familiar with the other's personal details;
 - (vii) whether the parties speak a language which is understood by both of them;
 - (viii) whether a sum of money or other inducement was exchanged in order for the civil partnership to be contracted (and, if so, whether this represented a dowry given in the case of persons from a country or society where the provision of a dowry on the occasion of a civil partnership is a common practice);
 - (ix) whether the parties have a continuing commitment to mutual emotional and financial support;
 - (x) the history of each of the parties including any evidence that either of them has previously entered into a civil partnership of convenience or a marriage of convenience;
 - (xi) whether any previous conduct of either of the parties indicates that either of them has previously arranged a civil partnership of convenience or otherwise attempted to circumvent the immigration laws of the State or any other state;

- (xii) the immigration status of the parties in the State or in any other state;
- (xiii) any information provided by an tArd-Chláraitheoir or registrar within the meaning of the Civil Registration Act 2004;
- (xiv) any other matters which appear to the Minister to raise reasonable grounds for considering the civil partnership to be a civil partnership of convenience.

(6) For the purposes of these Regulations “civil partnership of convenience” means a civil partnership entered into, whether inside or outside the State, for the sole purpose of obtaining an entitlement under—

- (a) the Council Directive or these Regulations,
- (b) any measure adopted by a Member State to transpose the Directive, or
- (c) any law of the State concerning the entry and residence of foreign nationals in the State or the equivalent law of another state.

Offences

30. (1) A person who—

- (a) fails to apply for a residence card in accordance with Regulation 7(1)(b),
- (b) fails to surrender his or her residence card in accordance with Regulation 8(4),
- (c) fails to comply with Regulation 11(2)(a)(i),
- (d) fails to comply with Regulation 11(2)(a)(ii),
- (e) fails to comply with Regulation 11(2)(b),
- (f) fails to surrender his or her permanent residence certificate in accordance with Regulation 14(9),
- (g) fails to apply for a permanent residence card under Regulation 15(1),
- (h) fails to surrender his or her permanent residence card in accordance with Regulation 15(10),
- (i) fails to comply with Regulation 18(3),
- (j) fails to comply with Regulation 19(3),
- (k) fails to comply with a removal order or a notification under Regulation 21(4)(b),

- (l) fails to comply with an exclusion order,
- (m) for the purposes of seeking an entitlement conferred by these Regulations, gives or makes any statement, declaration or information which is to his or her knowledge false or misleading in a material particular,
- (n) for the purpose of seeking an entitlement conferred by these Regulations, destroys or conceals documents with intent to deceive, or
- (o) forges, fraudulently alters, assists in forging or fraudulently altering or procures to be forged or fraudulently altered any document for reward where such documents are used or intended to be used in connection with seeking an entitlement conferred by these Regulations, or
- (p) sells or supplies, or has in his or her possession for the purpose of sale or supply, forged documents, where such documents are used or intended to be used in connection with seeking an entitlement conferred by these Regulations,

shall be guilty of an offence.

(2) A person who commits an offence under subparagraphs (a), (b), (c), (f), (g) or (h) of paragraph (1) is liable on summary conviction to a class C fine or imprisonment for a term not exceeding 3 months, or both.

(3) A person who is found guilty of an offence under subparagraph (d) or (e) of paragraph (1) is liable on summary conviction to a Class A fine or imprisonment for a term not exceeding 12 months.

(4) A person who is found guilty of an offence under subparagraph (i), (j), (k) or (l) of paragraph (1) is liable—

- (a) on summary conviction to a Class A fine or imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years, or both.

(5) A person who is found guilty of an offence under subparagraph (m), (n), (o) or (p) of paragraph (1) is liable—

- (a) on summary conviction to a Class A fine or imprisonment for a term not exceeding 12 months, or both, or
- (b) on conviction on indictment, to a fine not exceeding €100,000 or imprisonment for a term not exceeding 3 years, or both.

Transitional provisions

31. (1) Where, before the date on which these Regulations come into operation, a person was granted permission to enter the State as a qualifying family member in accordance with Regulation 4 of the Regulations of 2006 and, immediately before that date, continues to reside in the State on the basis of the permission, that person shall be considered to be a qualifying family member within the meaning of these Regulations.

(2) Where, immediately before the date on which these Regulations come into operation, a person is residing in the State on the basis that he or she is a permitted family member within the meaning of the Regulations of 2006, that person shall be deemed to be a person in respect of whom the Minister has, in accordance with Regulation 5, decided should be treated as a permitted family member.

(3) Where, before the date on which these Regulations come into operation, a person produced evidence in accordance with Regulation 5(1) of the Regulations of 2006 and, by that date, the Minister has not established under that Regulation whether the person concerned is a permitted family member—

(a) that Regulation shall continue to apply for the purpose of establishing whether the person is a permitted family member under the Regulations of 2006, and

(b) where the person is established to be a permitted family member under Regulation 5(2) of the Regulations of 2006, he or she shall be deemed to be a permitted family member under these Regulations.

(4) Where, immediately before the date on which these Regulations come into operation, a person is residing in the State under Regulation 6(1) of the Regulations of 2006 and, by that date, the period referred to in that paragraph has not expired, that person shall be deemed to be residing in the State under Regulation 6(1) and the period during which the person resided in the State under Regulation 6(1) of the Regulations of 2006 shall be reckonable in calculating the period referred to in Regulation 6(1).

(5) Where, immediately before the date on which these Regulations come into operation, a person to whom Regulation 6(3)(a) of the Regulations of 2006 applied was remaining in the State under Regulation 6(2) of those Regulations, the person shall be deemed to be a person with a right to reside under Regulation 6(3)(a)(iv) or 6(3)(b), as the case may be.

(6) Where, immediately before the date on which these Regulations come into operation, a person was permitted to remain in the State under Regulation 6(3)(b) of the Regulations of 2006, that person shall be deemed to be a person whom the Minister has decided, in accordance with Regulation 6(6), may remain in the State.

(7) Where, immediately before the date on which these Regulations come into operation, a person is present in the State as a qualifying family member or a permitted family member, within the meaning of the Regulations of 2006,

then, for the purposes of Regulation 7(1), "relevant date" shall be construed as meaning the date on which that person entered the State as, or became, a qualifying family member or a permitted family member, as the case may be, under the Regulations of 2006.

(8) Where, before the date on which these Regulations come into operation, a person made an application in accordance with Regulation 7(1)(a) of the Regulations of 2006 and, by that date, the application had not been determined by the Minister, that application shall be deemed to be an application made under Regulation 7 and these Regulations shall apply accordingly.

(9) A residence card issued under Regulation 7(2) of the Regulations of 2006 which, immediately before the date on which these Regulations come into operation, remains valid, shall, for the remaining period of its validity, be deemed to be a residence card issued under these Regulations and these Regulations shall apply accordingly.

(10) A person who, immediately before the date on which these Regulations come into operation, has a right of residence under Regulation 9(1) of the Regulations of 2006 shall be deemed to have a right of residence under Regulation 9(1) and these Regulations shall apply accordingly.

(11) A person who, immediately before the date on which these Regulations come into operation, has a right of residence under Regulation 9(2) of the Regulations of 2006 shall be deemed to have a right of residence under Regulation 9(2) and these Regulations shall apply accordingly.

(12) A person who, immediately before the date on which these Regulations come into operation, has a right of residence under Regulation 10(1) of the Regulations of 2006, shall be deemed to have a right of residence in accordance with Regulation 10(1) and these Regulations shall apply accordingly.

(13) A person who, immediately before the date on which these Regulations come into operation, has a right of residence under Regulation 10(2) of the Regulations of 2006, shall be deemed to have a right of residence in accordance with Regulation 10(2) and these Regulations shall apply accordingly.

(14) A person who, immediately before the date on which these Regulations come into operation, has a right to remain permanently in the State by virtue of Regulation 12(1) of the Regulations of 2006, shall be deemed to be a person to whom Regulation 12(1) applies and these Regulations shall apply accordingly.

(15) Where, immediately before the date on which these Regulations come into operation, a person is residing in the State in conformity with the Regulations of 2006, and by that date the period referred to in Regulation 12(1) of those Regulations has not expired, the period during which the person resided in the State in conformity with the Regulations of 2006 shall be reckonable in calculating the period referred to in Regulation 12(1)(a).

(16) Where, immediately before the date on which these Regulations come into operation, a person is residing in the State in accordance with Regulation

13(4)(a) of the Regulations of 2006, and by that date the period referred to in that Regulation has not expired, the period during which the person resided in the State in conformity with Regulation 13(4)(a) of the Regulations of 2006 shall be reckonable in calculating the period referred to in Regulation 13(3).

(17) Where, immediately before the date on which these Regulations come into operation, a person is residing in the State in accordance with Regulation 13(1)(b) or Regulation 13(7) of the Regulations of 2006, and by that date the period referred to in that Regulation had not expired, the period of time during which the person resided in the State in conformity with Regulation 13(1)(b) or Regulation 13(7) of the Regulations of 2006 shall be reckonable in calculating the period referred to in Regulation 13(1)(b) or Regulation 13(7)(a), as the case may be.

(18) Where, immediately before the date on which these Regulations come into operation, a person is residing in the State in accordance with Regulation 14 of the Regulations of 2006, and by that date the period referred to in that Regulation has not expired, the period of time during which the person resided in the State in conformity with Regulation 14 of the Regulations of 2006 shall be reckonable in calculating the period referred to in Regulation 12(3)(b) or Regulation 12(4)(b), as the case may be.

(19) Where, before the date on which these Regulations come into operation, a person made an application under Regulation 13(1) or Regulation 15(1) of the Regulations of 2006 and, by that date, the application had not been determined by the Minister, that application shall be deemed to be an application under Regulation 14(1) and these Regulations shall apply accordingly.

(20) Where, before the date on which these Regulations come into operation, a person made an application under Regulation 16(1) of the Regulations of 2006 and, by that date, the application had not been determined by the Minister, that application shall be deemed to be an application under Regulation 15(1) and these Regulations shall apply accordingly.

(21) A permanent residence certificate issued under Regulation 15(3) of the Regulations of 2006 which, immediately before the date on which these Regulations come into operation, remains valid, shall be deemed to be a permanent residence certificate issued under Regulation 14(3) and these Regulations shall apply accordingly.

(22) A permanent residence card issued under Regulation 16(3) of the Regulations of 2006 which, immediately before the date on which these Regulations come into operation, remains valid, shall, for the remaining period of its validity, be deemed to be a permanent residence card issued under Regulation 15(3) and these Regulations shall apply accordingly.

(23) Where, before the date on which these Regulations come into operation, the Minister made an order under Regulation 20(1)(a) of the Regulations of 2006, that order shall be deemed to be a removal order under these Regulations and these Regulations shall apply accordingly.

(24) Where, before the date on which these Regulations come into operation, the Minister issued a notice under Regulation 19(1) of the Regulations of 2006, that notice shall, in the case of a notice issued on the grounds of public policy or public security, be deemed to be a notice issued under Regulation 18(2), and these Regulations shall apply accordingly.

(25) Where, before the date on which these Regulations come into operation, the Minister restricted the freedom of movement of a person under Regulation 22(1) of the Regulations of 2006 and the restriction still applies after that date, such restriction shall be deemed to be a notice issued under Regulation 19(2) and these Regulations shall apply accordingly.

(26) Where, before the date on which these Regulations come into operation, the Minister issued a notification under Regulation 20(2) of the Regulations of 2006 and, by that date, the Minister had not determined whether to make a removal order under that regulation in respect of that person—

- (a) the notification shall be deemed to be a notification made under Regulation 21(1) and these Regulations shall apply accordingly, and
- (b) the following shall be deemed to be representations made under Regulation 21(2)(b):
 - (i) representations made by the person in accordance with Regulation 20(2) of the Regulations of 2006;
 - (ii) where the 15 day period specified in the notification has not, by that date, expired, representations made by the person within that period.

(27) Where the Minister has notified a person in accordance with Regulation 20(3)(b)(ii) of the Regulations of 2006, the notice concerned shall be deemed to be a notification under Regulation 21(4)(b) and these Regulations shall apply accordingly.

(28) Where, before the date on which these Regulations come into operation, a person has sought a review under Regulation 21(1) of the Regulations of 2006 and, by that date, the review has not been determined, Regulation 21 of the Regulations of 2006 shall continue to apply for the purposes of the determination of the review.

(29) Where, immediately before the date on which these Regulations come into operation, a person was detained in a place of detention pursuant to Regulation 20(4)(a) of the Regulations of 2006, then his or her continued detention in that place is authorised by Regulation 22 and these Regulations shall apply accordingly, and any period of detention under the Regulations of 2006 shall be included in reckoning a period for the purpose of these Regulations.

Revocation

32. Subject to Regulation 31, the Regulations of 2006 are revoked.

SCHEDULE 1

Regulations 4(1) and (2), 5(7) and 19

1. Diseases with epidemic potential as defined by the relevant instruments of the World Health Organisation
2. Other infectious or contagious parasitic diseases in respect of which special provisions are in operation to prevent the spread of such diseases from abroad

SCHEDULE 2

Regulation 7(3) — particulars to be contained in application for residence card by family member who is not a national of a Member State

Applicant's particulars and relevant documentary evidence

1. Name of applicant
2. Address of applicant
3. Date and place of birth of applicant
4. Nationality of applicant
5. Passport of applicant
6. Where the applicant asserts that Regulation 5(1)(a) of these Regulations applies to him or her-
 - (a) documentary evidence from the relevant authority in the country from which he or she has come certifying that he or she is a dependant of the Union citizen or a member of the household of the Union citizen, or
 - (b) proof that on the basis of serious health grounds strictly requires the personal care of the Union citizen
7. Where the applicant asserts that Regulation 5(1)(b) of these Regulations applies to him or her, documentary evidence that the applicant is the partner with whom a Union citizen has a durable relationship
8. Photograph of applicant

Particulars of Union citizen of whom the applicant is a family member/dependant.

9. Name of Union citizen
10. Address of Union citizen in the State
11. Date and place of birth of Union citizen

12. Nationality of Union citizen
13. Number, date and place of issue of Union citizen's passport (original of document to be provided)
14. Date on which Union citizen first entered the State
15. Documentary evidence that the Union citizen satisfies one or more of the conditions referred to in Regulation 6(3)(a)(i) to (iii)

SCHEDULE 3

Regulation 7(5) — particulars to be contained in residence card

The residence card shall contain the following particulars—

1. Name of person
2. Nationality
3. Date of birth
4. Date of issue of card
5. Date of expiry of card
6. Unique number
7. Record in electronic form of biometric data of the person to whom it is given
8. Statement that the card is not, and may not be used as, a document establishing the nationality or identity of the holder
9. An indication that the person is a family member of a Union citizen
10. Statement that the card is a "Residence card of a family member of a Union citizen" and is the property of the Minister for Justice and Equality or is the property of Garda National Immigration Bureau
11. Photograph of person

SCHEDULE 4

Particulars to be included where a person makes representations in accordance with Regulation 8(3), 14(5), 15(5), 20(8), 23(4), 23(8) or 23(10)

1. Name and address in the State of person
2. Immigration reference number (if any) of person
3. PPS number of person
4. Nationality of person

5. Details of solicitor, if any, of person
6. Any documentation which person wishes to be considered

SCHEDULE 5

Regulation 14(2) — particulars to be contained in application for permanent residence certificate

Applicant's particulars

1. Name of applicant
2. Address of applicant in the State
3. Date and place of birth of applicant
4. Nationality of applicant
5. Passport of applicant
6. Duration of residence of applicant in the State
7. Occupation of applicant in the State
8. Duration of employment in the State
9. If no longer in employment/self-employment, state reason (e.g. retired, incapacitated, occupational illness, other)
10. Immigration Reference Number, if any, and PPS number
11. Declaration of any criminal record
12. Photograph of applicant
13. Documentary evidence that the Union citizen has satisfied one or more of the conditions referred to in Regulation 6(3)(a)(i) to (iv) during that Union citizen's residence in the State
14. Where the Union citizen has not resided in the State for a continuous period of 5 years, evidence that the Union citizen satisfies the requirements of Regulation 13(1)(a), 13(1)(b), 13(1)(c) or 13(3)

SCHEDULE 6

Regulation 14(3) — form of permanent residence certificate

Departmental letter to issue to Union citizen stating as follows.

European Communities (Free Movement of Persons) Regulations 2015

To: Name and address of applicant

Date of birth

Nationality

I am directed by the Minister for Justice and Equality and refer to Regulation 14(3) of the European Communities (Free Movement of Persons) Regulations 2015 regarding the issuance of a permanent residence certificate to a European Union citizen who is entitled to remain permanently in the State;

AND WHEREAS you, _____bearing the _____Passport Number _____or National Identity Card Number _____are a person in respect of whom a permanent residence certificate may be issued under the said Regulation 14(3);

I hereby certify that you are entitled to remain permanently in the State.

[Signature of officer of Minister]

[Name and rank of officer of Minister]

On behalf of the Minister for Justice and Equality

[date of signature]

Permanent Residence Certificate Number: _____

Note: This certificate is not, and may not be used as, a document establishing the nationality or identity of the holder.

SCHEDULE 7

Regulation 15(2) — particulars to be contained in application for permanent residence card

Applicant's details

1. Name of applicant
2. Address of applicant
3. Date and place of birth of applicant
4. Nationality of applicant
5. Passport of applicant
6. Occupation, if any, of applicant (copy of employment permit, if applicable)
7. Immigration reference number (if any) and PPS number of applicant

8. Declaration of any criminal record
9. Immigration history in the State
10. Photograph of applicant

Particulars of Union citizen of whom the applicant is a family member or dependant

11. Name of Union citizen
12. Address of Union citizen in the State
13. Date and place of birth of Union citizen
14. Nationality of Union citizen
15. Number, date and place of issue of Union citizen's passport (original of document to be provided)
16. Occupation of Union citizen in the State
17. Immigration Reference Number, if any, PPS number of Union citizen
18. Details of relationship between applicant and Union citizen

SCHEDULE 8

Regulation 15(3) — particulars to be contained in permanent residence card

The permanent residence card shall contain the following particulars and may be issued in the form of a letter from the Minister—

1. Name of the person
2. Nationality of person
3. Date of issue of card
4. Date of expiry of card
5. Unique number
6. Record in electronic form of biometric data of person to whom it is given
7. Statement that the card is not, and may not be used as, a document establishing the nationality or identity of the holder
8. Indication that person is a permanent resident as a family member of a Union citizen
9. Statement that the card is the property of the Minister for Justice and Equality or the Garda National Immigration Bureau

10. Photograph of person

SCHEDULE 9

Regulation 21(2) — representations by person to Minister as to why removal order should not be made

1. Name and address in the State of person
2. Nationality of person
3. Immigration reference number (if any) of person
4. PPS number of person
5. Date of birth of person
6. Duration of residence in the State of person
7. Family and economic circumstances of person
8. Nature of person's social and cultural integration in the State
9. State of health of person
10. Extent of person's links with his or her country of origin
11. Any additional statements which person wishes to be considered
12. Additional documentation which person wishes to be considered

SCHEDULE 10

Regulation 21(8) Form of removal order

European Communities (Free Movement of Persons) Regulations 2015

To: [name and address of applicant]

WHEREAS it is provided by Regulation 20 of the European Communities (Free Movement of Persons) Regulations 2015 that, subject to those Regulations, the Minister for Justice and Equality may by order require a person to whom the Regulations apply to leave the State within the time specified in the order;

AND WHEREAS you are a person in respect of whom a removal order may be made under the said Regulation 20;

NOW I, _____ on behalf of the Minister for Justice and Equality, in exercise of the powers conferred by the said Regulation 20, hereby require you to leave the State within the period ending on the _____.

[Signature of officer of Minister]

[Name and rank of officer of Minister]

On behalf of the Minister for Justice and Equality

[date of signature]

SCHEDULE 11

Regulation 22(1) Places of Detention

A Garda Síochána station

Castlerea Prison

Cloverhill Prison

Cork Prison

Limerick Prison

The Midlands Prison

Mountjoy Prison

Wheatfield Place of Detention

SCHEDULE 12

Regulation 23(13) Form of exclusion order

European Communities (Free Movement of Persons) Regulations 2015

To: [name and address of applicant]

WHEREAS it is provided by Regulation 23 of the European Communities (Free Movement of Persons) Regulations 2015 that, subject to those Regulations, the Minister for Justice and Equality may by order require a person to whom the Regulations apply not to enter the State for the period specified in the order;

AND WHEREAS you are a person in respect of whom an exclusion order may be made under the said Regulation 23;

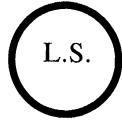
NOW I, _____ on behalf of the Minister for Justice and Equality, in exercise of the powers conferred by the said Regulation 23, hereby impose an exclusion period on you whereby you shall not re-enter or seek to re-enter the State up to _____.

[Signature of officer of Minister]

[Name and rank of officer of Minister]

On behalf of the Minister for Justice and Equality

[date of signature]



GIVEN under my Official Seal,
1 December 2015.

FRANCES FITZGERALD,
Minister for Justice and Equality.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
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