



An Roinn Dlí agus Cirt  
Department of Justice

## **EU Treaty Rights Division Impact of Brexit on UK Nationals and their non-EEA national family members residing in Ireland**

### **This information is for:**

UK nationals and non-EEA family members who were residing in Ireland at the end of the Brexit transition period on 31 December 2020.

Non-EEA nationals submitted applications (including review applications) to Immigration Service Delivery for residence in Ireland as a family member of a UK national.

Persons who currently hold a valid EU Treaty Rights residence permission on the basis of relationship with a UK National.

Non-EEA national family members of UK nationals entering the State after 31 December 2020

## Frequently Asked Questions - UK Nationals and non-EEA family members who were residing in Ireland at the end of the Brexit transition period on 31 December 2020

### **Q1. Brexit came fully into effect on 31 December 2020, when the UK left the EU after the end of the transition period. What does this mean for UK nationals living in Ireland?**

A. If you are a UK national living in Ireland nothing will change. The protections provided by the [Common Travel Area](#) (CTA) mean that UK nationals living here (and likewise Irish citizens living in the UK), will continue to travel freely, live, work and access education, healthcare and social services in each other's country after the UK left the EU.

### **Q.2. Is Brexit dependent on the Common Travel Area?**

A. The Common Travel Area pre-dates Irish and UK membership of the EU and is not dependent on it. The Government of Ireland and the UK Government have signed a Memorandum of Understanding, reaffirming their commitment to maintaining the CTA in all circumstances. On the date of the signing, both Governments also issued a Joint Statement.

### **Q.3 Do UK nationals require any documentation to enable them to reside in Ireland after 31 December 2020?**

A. UK nationals do not require any documentation to continue their lives in Ireland after Brexit, although they may request a Withdrawal Agreement Beneficiary residence document under the Withdrawal Agreement if they wish.

This document is free of charge and can be obtained by making an appointment with their local Registration Offices nationwide – see link below for more information: [How to register your immigration permission for the first time - Immigration Service Delivery \(irishimmigration.ie\)](#). Applicants should present their original passport for identification purposes and documents such as a utility bill, employment contract, tenancy agreement and/or landlord's letter showing they were resident in the State, exercising their EU treaty rights prior to the end of the transition period and are continuing to do so.

### **Q.4 Will anything change for Non-EEA family members of UK nationals living in Ireland?**

A. As a non-EEA family member or dependent of a UK national, if you resided here before the end of the transition period in conformity with the Free Movement Regulations and Directive and you continue to do so, you may continue to hold the same residence permission to live, work or study in Ireland.

You are simply be required to replace your current valid IRP Card, free of charge, for a new document stating that you benefit from the Withdrawal Agreement.

This replacement programme applies from 1 January 2021 and is administered by the Immigration Service of the Department of Justice for all applicants nationwide through an on-line renewal system available at <https://inisonline.jahs.ie/user/login>

This replacement programme is due to close for applications on 30 June 2022.

Please see here [Online Registration Renewal information/requirements](#).

**Q.5 Will I or my dependants need to pay a fee for our on-line application for replacement card?**

A. No fee is payable.

**Q.6 How will I receive my Irish Residence Permit (IRP) Card/Withdrawal Agreement Beneficiary Card?**

A. Your Irish Residence Permit (IRP) will be sent to the address you provide by Express Post and should be received within 5-10 working days from the date of finalising your application.

**Q.7 What information will I need to apply online as a non-EEA family member of a UK national?**

A. You will be asked to confirm that you were exercising EU Treaty Rights to reside in the State on or before 31 December 2020 and that you continue to do so. You will also be asked to prove your current residency and your identification through the provision of supporting documentation.

This will include the page in your passport that shows your biometric details and a utility bill, tenancy agreement and/or landlord's letter showing you are currently resident in the State and exercising your EU Treaty rights.

**Q.8 How long do I have to apply?**

A. You will have until 30 June 2022 to apply.

**Q.9 What happens if I don't apply?**

A. After the 30 June 2022, your current EUFam card is no longer valid and will not be accepted as proof of permission. Without a new Withdrawal Agreement Beneficiary card you will not be in permission and thus will not be able to claim your rights.

**Q.10 Can I keep my current card?**

A. After the 30 June 2022, your current EUFam card is no longer valid and will not be accepted as proof of permission. Once you have applied for and received your new IRP card showing you are benefiting from the Withdrawal Agreement you should dispose of the EUFam card safely.

**Q.11 What should I do if I am a UK national Frontier Worker after 31 December 2020?**

A. A UK national Frontier Worker can continue to work in Ireland and reside in the UK after 31 December 2020. They do not require any documentation to do so but may request it under the Withdrawal Agreement if they wish. If you have any queries please email the following address: [burghquayregoffice@justice.ie](mailto:burghquayregoffice@justice.ie) and state Frontier Worker in the subject line of your email.

**Q.12 Can I move freely and reside in other Member States of the European Union after 31 December 2020?**

A. Your entitlements to move freely and reside in other Member States of the European Union ceased to apply from 31 December 2020. If you intend travelling to another EU Member State after that date, you will need to check the relevant visa requirements before you travel.

**Q.13 I am a UK national, can I bring my non-EEA national family members to Ireland after 31 December 2020?**

A. A new scheme was introduced for UK nationals who come to Ireland after 11.01pm on 31 December 2020 and wish to bring their non-EEA family members.

If you resided in Ireland exercising your EU Treaty rights before the end of the transition period and continue to do so, your non-EEA national qualifying family member can apply to EU Treaty Rights Division for a residence document in accordance with the rights and entitlements guaranteed by the Withdrawal Agreement.

**Frequently Asked Questions - Persons who currently hold a valid EU Treaty Rights residence permission based on their relationship with a UK National.**

***Current valid Stamp 4 EUFam card holders***

**Q 14. I am the holder of a Stamp 4 EUFam Residence Card based on my marriage to a UK national. My permission is due to expire in early 2023. Do I need to do anything now to change my permission?**

A. There is no need to apply for a different permission unless your circumstances have changed. This includes separation, divorce and death of your partner or the departure of your UK National spouse from the State. Otherwise, your right of residence will remain unchanged.

Please ensure to update us of any changes by emailing [eutreatyrights@justice.ie](mailto:eutreatyrights@justice.ie).

From 1 January 2021, EUFam4 Residence Card holders can replace their current Irish Residence Permit (IRP) card for a Withdrawal Agreement Beneficiaries document (Stamp 4 permission). IRP Card holders will not incur any fee for this card replacement. Further details on this application process are published on this website.

While your right of residence in the State remains unchanged, your right to free movement within the European Union changed after 31 December 2020. Please see below advice regarding travel to Schengen zone countries after that date.

**Q 15. I am currently the holder of a Stamp 4 EUFam Residence Card which is due to expire in early 2023. My wife (a UK National) and I plan to travel to Germany early this year for a short trip. Can I still travel visa free using my EUFam4 card?**

A. If you hold a valid residence permission in Ireland as a non-EEA family member of a UK National **and** are required to obtain a Schengen visa in order to enter a member country of the Schengen Area, you may be required to obtain an entry visa for the country you are visiting.

If you plan to travel to one of the Schengen Area countries after 31 December 2020, you are advised to check the entry visa requirements for that country **before you travel**.

Schengen Area countries are Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland.

You will not require a re-entry visa for your return trip to Ireland if your permission remains valid.

**Q 16. Where can I find further information on visa requirements for other EU countries?**

Entry visa and immigration information can be obtained from the websites of the embassy of the country you intend to visit, general information is also available from the European Commission website.

Please note that it is your responsibility to check the entry requirements for any EU countries you intend to visit.

**Q 17. I am currently the holder of a residence permission issued based on my marriage to a UK National. What entitlement do I have for my elderly parents to come to reside with me and my UK National spouse now that the UK has left the EU?**

A. If you and your UK National spouse resided in Ireland on or before 31 December 2020 and exercised your free movement rights in Ireland and continue to do so, your parents may be eligible to apply for residence under the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations. They can apply Any such application will be considered in accordance with the Free Movement of Persons Regulations 2015 and the entitlements guaranteed under the Citizens Rights element of the Withdrawal Agreement.

If their application is successful, they will receive a Stamp 4 Residence permission in Ireland and not a Stamp 4 EUFam permission as the free movement element no longer applies after 31 December 2020.

**Q 18. I am currently the holder of a Stamp 4 EUFam Residence Card, which is due to expire in early 2023. I have separated from my UK National spouse who is still residing in Ireland and we have initiated divorce proceedings, which should be concluded shortly. Will I be able to apply to retain these rights after the end of the transition period?**

A. You may be eligible to apply to retain these rights. You can apply to retain these rights by completing and submitting a [Form EUTR5](#). Your application will be considered in accordance with the Free Movement of Persons Regulations 2015 and the entitlements guaranteed under the Citizens Rights element of the Withdrawal Agreement.

If your retention application is successful, you will receive a Stamp 4 Residence permission in the State instead of a Stamp 4 EUFam permission as the free movement element no longer applies after 31 December 2020.

**Q 19. I am currently the holder of a Stamp 4 EUFam Residence Card, which is due to expire in late 2022. Will I be able to apply to apply for permanent residence?**

Yes. You may be eligible to apply for a permanent residence document using [Form EUTR3](#). Your application will be considered in accordance with the Free Movement of Persons Regulations 2015 and the entitlements guaranteed under the Citizens Rights element of the Withdrawal Agreement.

If your application is successful, you will receive a Stamp 4 Residence permission in the State instead of a Stamp 4 EUFam permission as the free movement element no longer applies after 31 December 2020.

**Q. 20. I am currently the holder of a Stamp 4 EUFam residence card in Ireland as the family member of a UK National residing in Ireland. I applied for UK citizenship but my application has not yet been approved. Do I need to exchange my Stamp4 EUFam card for Withdrawal Agreement Beneficiaries (WAB) card (Stamp 4 permission) pending my application for UK citizenship. If I obtain UK citizenship after the transition period, can I obtain a WAB card as a UK National?**

A. You will be able to exchange your Stamp4 EUFam card for Withdrawal Agreement Beneficiaries (WAB) card (Stamp 4 permission) if you have not obtained UK citizenship before the card replacement programme ends on 30 June 2022.

When you receive confirmation of your UK citizenship, please send a copy of your British passport by registered post to EU Treaty Rights Division at the address below to enable that office to update their records together with your original Stamp4 EUFam card or WAB card. Please include your Person ID in your cover letter.

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

If you had not obtained UK citizenship before the end of the transition period, you are not eligible to obtain a WAB card as a UK National. However, your rights as a UK National residing here will be protected by the Common Travel Area (CTA). This means when you obtain UK citizenship you will not require any documentation under the CTA – you will be able to travel freely to Ireland, live and work here and have access to services.

### ***UK Nationals and evidence of permanent residence in Ireland***

**Q 21. I am currently the holder of a Permanent Residence Certificate issued by the Irish authorities as a British EU citizen who was residing here for more**

**than five continuous years. Is this certificate still valid after 31 December 2020 and will I be able to apply for a Withdrawal Agreement Beneficiary card?**

A. Since the end of the transition period, the Permanent Residence Certificate is no longer valid as evidence of residence when travelling outside of Ireland. However, as a UK national living in Ireland, you do not require any documentation to continue to live in Ireland after 31 December 2020.

You may, if you wish, request a Withdrawal Agreement Beneficiary permanent residence document but this is not necessary as your rights to travel here, live and work in Ireland as well as access services will not change as they are protected by the Common Travel Area.

Alternatively, you can apply to replace your permanent residence certificate with a permanent residence document as a United Kingdom national. If your application is successful you can then obtain a Withdrawal Agreement Beneficiary permanent residence document for the remaining period. You can do so by contacting EU Treaty Rights Division by email at [eutreatyrights@justice.ie](mailto:eutreatyrights@justice.ie) or in writing at

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

Please include your Person ID in your correspondence.

**Q. 22. I am currently the holder of a Stamp 4 EUFam residence card in Ireland which I obtained as the child of a UK National residing in Ireland. However, I have received UK citizenship in 2020, before the end of the transition period. Do I need to replace my Stamp4 EUFam card for Withdrawal Agreement Beneficiaries (WAB) card (Stamp 4 permission) or a WAB card as a UK National to continue living in Ireland?**

A. It is not necessary for you to replace your Stamp4 EUFam card for a Withdrawal Agreement Beneficiaries (WAB) card (Stamp 4 permission).

However, if you have not already done so, please send a copy of your British passport by registered post to EU Treaty Rights Division at the following address to enable that office to update their records together with your original Stamp4 EUFam card. Please include your Person ID in your cover letter.

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

As a UK National residing here, your rights are protected by the Common Travel Area (CTA) and you do not require any documentation under the CTA. This means you can continue to travel freely to Ireland, live and work here and have access to

services. In addition, as person who was residing in Ireland as a UK National before the end of the transition period, you do not require any documentation under the Withdrawal Agreement to continue to live here after 31 December 2020, although you may request a Withdrawal Agreement Beneficiaries residence document if you wish.

### ***Non-EEA nationals whose application is still under consideration***

**Q 23. In November 2020, I submitted a request for a review of a decision to refuse my residence application under the Free Movement of Persons Regulations 2015. Will my review application still be considered?**

A. Yes - your request for a review will be processed as normal. A decision on your review application will be made in accordance with the Free Movement of Persons Regulations 2015 and the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020, which guarantees under domestic law any entitlements under the Citizens Rights element of the Withdrawal Agreement.

If your request for review is successful you will receive a Stamp 4 Residence permission instead of a Stamp 4 EU Fam permission and you can then obtain a Withdrawal Agreement Beneficiary residence document for the relevant period.

**Q 24. Will I still be granted a temporary permission while the application is pending?**

A. If you are a person who is entitled to temporary permission while your residence document application is under consideration, the policy regarding the grant of temporary permission will remain unchanged. This means that if you have applied for a residence document or permanent residence document, you continue to be eligible for temporary permission while your application is under consideration.

### ***Non-EEA national family members of UK Nationals entering the State post-transition***

**Q 25. I am a UK National residing in Ireland. If I retain rights under the Common Travel Area, what entitlements will my non-EEA spouse have?**

A. If you were residing in Ireland on 31 December 2020 and exercising your EU Treaty rights here and your non-EEA spouse wishes to join you in the State after the end of the transition period, he or she may still be eligible to apply for residence permission in the State in accordance with the Free Movement of Persons Regulations 2015 and the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020, which guarantees under domestic law any entitlements under the Citizens Rights element of the Withdrawal Agreement.

As a UK National, your rights have not changed as they are protected by the Common Travel Area (CTA). This means UK Nationals can continue to travel freely, live, work and have access to education, healthcare and social services in Ireland. As a UK National you do not require any documentation under the Withdrawal Agreement to continue your life in Ireland, although you may request it if you wish.



However, your spouse's rights have changed as the provisions of the Free Movement Directive 2004/38/EC no longer apply. If your spouse already has a valid residence card (Stamp 4 EUFam), they should replace this residence card free of charge for a Withdrawal Agreement Beneficiaries document. Further details are published on the websites of the Department of Justice and Immigration Service Delivery.

If your spouse had an EU Treaty Rights residence application or a review application still under consideration at the end of transition period, the application will be processed as normal in accordance with the Free Movement of Persons Regulations 2015 and the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020, which guarantees under domestic law any entitlements under the Citizens Rights element of the Withdrawal Agreement..

**Q 26. I am a UK National living and working in Ireland for three years. My spouse is a non-EEA national and plans to join me in Ireland next summer after she finishes college. Will my spouse be able to join me in Ireland in 2023 and avail of EU Treaty Rights?**

A. If you resided in Ireland on or before 31 December 2020 and exercised your EU Treaty rights here at that time and continue to do so and your non-EEA spouse wishes to join you in the State, she may still be eligible to apply for residence permission in the State in accordance with the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020, which guarantees under domestic law any entitlements under the Citizens Rights element of the Withdrawal Agreement.

If her application is successful, your spouse will receive a Stamp 4 Residence permission in the State and not a Stamp 4 EUFam permission as the free movement entitlements no longer apply after 31 December 2020.

**Q 27. I am a UK National who had planned to move to Ireland in December 2020 with my non-EEA national spouse. However, our plans were delayed due to COVID-19 and we will not be moving to Ireland until 2022. Will my spouse still be able to apply for an EU Treaty Rights residence card then?**

A. If you were not residing and exercising your free movement rights in Ireland prior to the end of the transition period on 31 December 2020, your non-EEA national spouse is not eligible to apply for residence permission in the State under EU Treaty Rights.

However, a new pre-clearance scheme was introduced for UK nationals who come to Ireland after the 31 December 2020 and wish to bring their non-EEA family members. Please visit the following web page for information on this scheme [Joining your UK national family member - Immigration Service Delivery \(irishimmigration.ie\)](https://www.irishimmigration.ie)