



Moving the WITHIN EU

This leaflet is a brief guide to the rights of people who move from one EU Member State to another. It is one of a series of leaflets which are designed to provide information about the EU to people living in Ireland





Free movement of people throughout the EU is one of the basic rights of EU citizens. Most of the EU law on free movement also applies to citizens of the other EEA countries - Iceland, Norway and Liechtenstein and to Switzerland. Citizens of Bulgaria and Romania have the same general rights to free movement as all other EU citizens but they are required to have employment permits for a transitional period.

ARRIVING IN IRELAND

If you are an EU/EEA/Swiss national, you and your family members may be refused permission to land in Ireland only if

- You are suffering from a specified disease or
- Your conduct has been such that it would be contrary to public policy or would endanger public security

STAYING IN IRELAND

If you are an EU/EEA/Swiss national then you and your family members have the right to come to Ireland for three months with no conditions attached. You then have the right of residence for longer than three months if:

- You are working or self-employed or
- You have enough resources so that you and your dependants do not become a burden on the social assistance system and you have comprehensive sickness insurance or
- You are a student and you can maintain yourself, you have a place in an educational institution and you have sickness insurance



Family Members

Certain family members have the same right to free movement as the EU citizen even if they are themselves non EU/EEA/Swiss citizens. Family members are:

- Spouses
- Registered partners if the host Member State treats such partnerships as equivalent to marriages
- Direct descendants who are aged under 21 or are dependants (of the EU citizen and the spouse or partner)
- Direct ancestors who are dependant

Other family members who do not have an absolute right may be able to move to Ireland. The Directive requires Member States to facilitate the entry and residence of;

- family members who are dependants or members of the household of the EU citizen or where serious health grounds strictly require the personal care of the family member by the EU citizen and
- a partner with whom the EU citizen has a durable relationship. The Irish authorities consider applications for residence cards from partners of EU nationals who can establish that the relationship has existed for at least two years.

The immigration authorities are required to undertake an extensive examination of the personal circumstances in these cases and must justify any refusal of entry or residence.

In general, your family members retain the right to live here if you die or if they cease to be a spouse or partner.

Registration requirements

EU/EEA and Swiss nationals (including nationals of Bulgaria and Romania) are not required to register with the immigration authorities.

Family members who are not themselves EU citizens are required to get a Residence Card. They cannot be refused this card if they come

within the definition of family members with a right to live here. This residence card can then be used as a re-entry visa if they need a visa to land in Ireland.

After five years living in Ireland, EU citizens and their families may apply for a Permanent Residence Certificate (EU citizens) or a Permanent Residence Card (family members who are not EU citizens). You have the right to get these certificates and cards but there is no requirement that you have them.

RIGHTS WHILE LIVING IN IRELAND

If you are a citizen of one of the EU/EEA countries or of Switzerland, you and your family members have the right to:

- Move to Ireland and live here while looking for work
- Get help from FÁS to find work
- Work without needing an employment permit (except for people from Bulgaria and Romania)
- Establish yourself as a self-employed person (this does apply to citizens of Bulgaria and Romania)
- Transfer your unemployment benefit or equivalent for three months (up to 6 months in some cases), if you are eligible for that benefit in the country you are leaving
- Have your qualifications recognised under EU rules
- Be treated no less favourably than citizens of Ireland
- Qualify for the same social and tax benefits as Irish citizens
- Combine the social security contributions from the relevant countries in which you have worked in order to qualify for benefits
- Come to Ireland to study if you get a place in an educational institution and you are able to support yourself; you are not entitled to help with maintenance costs
- Retire to Ireland if you are able to support yourself.

RIGHTS OF IRISH CITIZENS TO MOVE

If you are an Irish citizen you and your family members have the right to move to another EU Member State (or EEA or Switzerland) in the same way as EU citizens moving to Ireland.

YOUR RIGHTS IN PRACTICE

The following is a summary of the main rights you may exercise if you choose to move within the EU:



Access to employment

If you are unemployed, you have the right to live in another EU country for a reasonable period of time in order to look for a job. You may register at employment agencies and centres without being resident in the country in which you wish to work and you will be given the same help to find work as nationals of that country.

You are entitled to be recruited under the same conditions as nationals of the country in which you are seeking work and cannot be asked to meet any additional requirements. This means that you can apply for any job vacancy advertised in any EU country.

Recognition of diplomas

The basic principle of the EU recognition of qualifications is that if you are qualified to exercise a profession in your home country, you are qualified to exercise the same profession in any other EU country.

Employment rights

You are subject to the same working conditions as nationals of the country you are working in as regards, for example, pay, dismissal, hours of work, maternity leave and health /safety at work. You are also subject to the same conditions as nationals of the host country with regard to the principles of equality between men and women.

Social security

The basic aim of EU policy is to ensure that you are part of a social security system and that you do not lose your rights, regardless of the Member State you decide to work in.

In principle, you are insured for social security purposes in the country you work in. You, and in certain circumstances, your family are entitled to the same social security benefits as nationals of the country in which you work. These rights cover sickness and maternity benefits, disability, old-age and widow's,

widower's or surviving civil partner's benefits, benefits payable for accidents at work, occupational illness, death and unemployment, as well as family allowances. You are required to pay the same level of contributions as host country nationals. If you are drawing unemployment benefit in one Member State, you may, continue to draw benefit from that same country for up to three months after you move to another Member State.

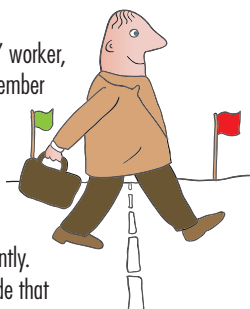
If you work in more than one Member State your social security contributions may be combined to allow you to qualify for benefits.

Taxes

By working in another Member State and by transferring your residence there, you are likely to become "resident for tax purposes" there. The definition of fiscal residence varies from one Member State to another. You must comply with the laws of the country where you have established your residence.

Workers posted to another EU country

You have certain specific rights if you are a "posted" worker, that is, you work for a limited period of time in a Member State other than the one where you normally work.



Freedom to provide services

You may choose to offer your services in another EU country without establishing yourself there permanently. If you comply with the rules of the profession or trade that apply in your own country, you can, in principle, offer those services anywhere else in the EU. You can travel to assist clients located in another EU country or you can provide paid services from your country of residence without travelling there.

Citizens Information 

www.citizensinformation.ie

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