**Legal Status in Ireland and Making a Housing Application (Ref: Housing Circular 41/2012, December 2012)**

If you are a non EEA National you may qualify to make a housing application under one of these criteria;

* **Naturalised Irish Citizens**

An adult originally of non-Irish nationality who has become a naturalized Irish citizen, may be considered for assessment in the same way as all other Irish citizens. Anyone that holds an Irish passport is an Irish citizen. A Certififcate of Naturalisation from the Department of Justice is sufficient proof of Irish citizenship.

* **Joint applications, where 1 person is an Irish citizen**

An application from a non-Irish national married to or in civil partnership with an Irish citizen may be considered as part of joint application provided that the non-Irish national holds a valid Stamp 4.There is no specific length of prior residence required in either case.

* **UK Nationals**

Applications from UK Nationals may be considered and no specific length of prior residence is required.

* **EEA Nationals**

Applications from EEA Nationals may be considered if:

**a)** they’re in employment/self-employed in the State; or

**b)** where they’re not currently working/employed because they’re temporarily unable to work

because of illness/accident or they’re recorded as involuntarily unemployed after being employed for longer than 1 year and they’re registered as a job-seeker with the Department of Social Protection and TUS.

You are considered an EEA National if you come from one of the countries listed below:

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

While Switzerland, Iceland, Litchenstein and Norway are not in the EEA, they have the same rights as EEA Nationals.

 **Spouse/Civil Partner of EEA Nationals**

A non-EEA national who is married to/in a civil partnership with an (non-Irish) EEA national can be considered to have the same application rights and entitlements as their EEA national spouse/civil partner. This means if the EEA national is entitled to apply for housing so is their spouse/civil partner.

(Note: Stamp 4 EU Fam is given to these spouses/civil partners).

 **Asylum Seekers**

Asylum seekers are people seeking refugee status in the State and aren’t eligible to apply for social housing.

 **Refugees or Subsidiary Protection Status**

A non-EEA national who has been granted Refugee, Programme Refugee or Subsidiary Protection status is eligible to apply for social housing from the date of granting of that status, on the same basis as an Irish citizen.

**Note:**

I. A spouse/civil partner of a refugee or person with subsidiary protection status is eligible on

the same basis as their spouse/civil partner

II. Family members of refugees, who have been given leave to remain in Ireland after making a formal application to the Department of Justice for family reunification, are also eligible as part of a joint application with the refugee. If the application is not for the household of the refugee these family members must be assessed on their own merits.

III. Other family members of refugees, who haven’t gone through the family reunification

procedures, must be assessed on their own merits.

 **Other Non-EEA Nationals**

If you are a Non-EEA National and you don’t qualify under any of the criteria set out above, you must be able to show, at the date of application, compliance with the criteria at EITHER (a) or (b) below:

**a) 5 year reckonable residence with current valid Stamp**

An aggregate of at least 5 years prior residence on any combination of Stamp 1, Stamp 3,

Stamp 4 or Stamp 5 (“reckonable residence”) within the last 8 years AND currently hold a valid Stamp 1, 3, 4 or 5

**b) Have any length of reckonable residence with current valid Stamp extending to**

**potentially permit 5 years residence**

Any length of prior residence on any combination of Stamp 1, Stamp 3 or Stamp 4 (“reckonable residence”) within the last 5 years AND currently hold a valid Stamp 1, Stamp 3 or Stamp 4 on which the expiry date would permit their continued residence to an aggregate of 5 years residence in the previous 8 years

 **Non-EEA Spouse/Civil Partner of Non-EEA Nationals**

Once 1 spouse/civil partner meets the criteria their partner may be considered as part of a joint application provided that they are legally resident in the State and currently hold a valid Stamp 1, Stamp 3 or Stamp 4 endorsement. There’s no specific length of prior residence required for such a spouse/civil partner.

 **Non- EEA Nationals with Irish citizen child**

If an applicant for social housing doesn’t appear to qualify on residence grounds under any of the criteria listed above but can show:

**a)** that he/she is the parent of an Irish citizen child

**b)** the child is emotionally and financially dependent on them, and

**c)** has been granted a Stamp 4 by the Department of Justice on that basis and currently continues to hold that valid Stamp 4

Then an application for social housing may be accepted for assessment without need for

compliance with the reckonable residence criteria