

# Legal Status in Ireland and Making a Housing Application

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

- **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 if they are a non-EEA national. EEA nationals don't need this stamp. 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.

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

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, UK. While Switzerland is not in the EEA, Swiss national 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 has 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 EUFam 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.

**Note:**

- I. Stamp 1 doesn't include Stamp 1A
- II. Stamp 4 includes Stamp4 EUFam
- III. Stamp 5 is given to people who have resided legally in Ireland for 8 years – Stamp 5 holders are eligible to apply for social housing without reference to previous Stamps

• **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 AND
- b) lives with that child in Ireland 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.