

Eu Spouse Name
Address
Address
Address
Address

Telephone:
Email:

Date

Dear Sir/Madam,

RE: EEA Family Permit Application Number XXX00000000 - Non EU Name

I am the British spouse of **Non EU Name** as evidenced by our marriage certificate, and I am writing in support of **his** application for an EEA Family Permit. Since **January 2014** we have been residing together in the **Republic of Ireland** where I work, and now wish to return to the UK under the judgment of the CJEU in case C-370/90 Singh.

Before I demonstrate why my **husband** qualifies for the right to return to the UK I would like to refer to the principle of proportionality as laid down in Article 5 of the Treaty on European Union and established in Community law (Case 116/82 Commission v Germany).

“The principle of proportionality requires the measures imposed by the community institutions to be appropriate to achieve the intended objective and not exceed the limits of that is necessary”.

Therefore the evidence submitted with this application should be sufficiently proportionate to prove that my **husband** and I meet the criteria set out under Article 9 with regards to proving employment, residence and the transfer of the centre of our lives.

My **husband** qualifies under Regulation 9 of the Immigration (EEA) Regulations 2006 because during our residence in the **Republic of Ireland** I have worked for **24** hours per week for over **3** months (Regulation 4 (1) (a) and Regulation 9 (2) (a)). This is more than the minimum required (Case C-444/93 Megner and Scheffel and Case C-413/01 Ninni-Orasche) and therefore my employment is genuine and effective. As evidence, please find enclosed:

- **Work Contract from Workplace**
- **Payslips**
- **Tax Credit Certificate - EU Spouse**
- **Bank Statements showing wages paid in each week**

In addition to the above, please find evidence enclosed which proves we have been residing together in **Dublin** (Regulation 9 (2) (b)) since our arrival in the **Republic of Ireland**:

- Letter from AGENT confirming our residence at the address provided **(NB: WE WERE SHARING!!!)**
- Letter from XXXXXX supporting our proof of residence (Housemate/Leaseholder at our residential address)
- UPC Bills in joint names -showing our residential address
- TV license in Joint names - showing our residential address
- UPC DD confirmation - showing our residential address
- Bank Statements in joint names showing our residential address
- PPS Letter - Non EU Spouse - showing our residential address
- PPS Letter - EU Spouse - showing our residential address
- Letter from INIS inviting my husband to request a Stamp 4 - showing our residential address
- Amended Tax Credit Certificate - Non EU Spouse - showing our residential address
- Amended Tax Credit Certificate - Eu Spouse - showing our residential address

My **husband** also qualifies because we have transferred the centre of our lives to (Regulation 9 (2) (c)), and “strengthened a family life” (CJEU Case C-456/12) in the Republic of Ireland. In order to show that we have transferred the centre of our lives to, and strengthened a family life in our host member state please find the enclosed evidence:

- My husbands GNIB card
- Copy of my husband's Stamp 4
- Copy of my husbands Multiple Entry Visa
- Receipt for payment, Certificate of Registration of a Business Name (XXXXXX) and receipt for payment from Companies Registration Office (Before I was offered my job at XXXXXX I tried to set up as self employed).
- Receipts from various trade stores showing purchases made in respect of self employment
- XXXXXX business Facebook Page
- Certificate from Young Nails for a conversion course
- My husbands work contract
- Payslips from my husbands work
- Bank Statements showing my husbands wages are paid into our joint account
- Amended Tax Credit Certificate - Non EU
- PPS Card - Non EU 0000000XX
- PPS Card - EU Spouse 0000000XX
- UPC Bills for television cable services installed in our room
- TV License for our television
- Leap Cards x 2
- Leap card printout (We only registered 1 card online)
- Eurospar frequent shopper rewards tag (our local supermarket)
- Receipts from Ikea showing furniture and household goods purchases

In order to prove who we are, our relationship and my **husband's** eligibility to reside in the **Republic of Ireland** please find enclosed:

- Passport - Non EU (Tunisia XXXXXX)
- Passport - EU Spouse (United Kingdom XXXXXX)
- A certified copy of our marriage certificate (French)
- A certified translation of our marriage certificate (english)
- GNIB card - Non EU
- Copy of Stamp 4 in Non EU's passport
- Copy of Multiple Entry Visa in Non EU's passport

As you can see from the evidence we have provided my **husband** is qualified (under Regulation 9 of the Immigration (EEA) Regulations 2006) to return with me to the United Kingdom under the judgement of the CJEU in case C-370/90 Singh.

However, I would also like to bring to your attention more recent EU case law, namely Case C-456/12 O v Netherlands, where the judgement clearly states that:

“...where a Union citizen has created or strengthened a family life with a third- country national during genuine residence, pursuant to and in conformity with the conditions set out in Article 7(1) and (2)...of Directive 2004/38/EC...in a Member State other than that of which he is a national, the provisions of that directive apply by analogy where that Union citizen returns, with the family member in question, to his Member State of origin. Therefore, the conditions for granting a derived right of residence to a third-country national who is a family member of that Union citizen, in the latter’s Member State of origin, should not, in principle, be more strict than those provided for by that directive for the grant of a derived right of residence to a third- country national who is a family member of a Union citizen who has exercised his right of freedom of movement by becoming established in a Member State other than the Member State of which he is a national.”

Under this new case law, my **husband** qualifies for a right of return to the UK with me because we have had residence in the **Republic of Ireland** for over 3 months in accordance with Article 7 of Directive 2004/38 and during that residence my **husband** and I have lived together, thereby “strengthening a family life”.

I understand that my **husband’s** application for an EEA Family Permit is required by the Home Office to meet the conditions set out in The Immigration (European Economic Area) Regulations 2006, but please bear in mind that there cannot be any additional conditions for an EU citizen’s return to his country with his family members other than those provided for by the directive and this is the only criteria (now legally the ONLY criteria) that must be applied when considering my **husband’s** application.

Should you require any further information regarding my **husband’s** application please do not hesitate to contact either myself or my husband on **INSERT CONTACT NUMBER**.

Yours sincerely

EU SPOUSE