



EUTR4

Request for review of a decision to refuse an EU Treaty Rights application or a decision to revoke a previously obtained EU Treaty Rights permission

Who is this form for?

You should use this application form if:

- You want to review a decision made on an EUTR1, EUTR1A, EUCC, EUTR2, EUTR3 or EUTR5 application made by you which was refused; **or**
- You want to review a decision that revoked your residence card/document or permission to remain;
and
- You believe the decision maker on your application made an error in fact or law.

How to complete this form:

- You must complete a separate application for each negative decision you want reviewed.
- You must complete this form in CAPITAL letters
- You must place a tick (✓) in the boxes that are relevant to you
- You must complete all sections of this form which are relevant to you in full
- You must submit photocopies of supporting documents for each application
- You must complete the checklist on pages **27** to **29** for each application
- You, the applicant, must sign and date the Declaration on page **25**
- The EEA national must sign and date the Declaration on page **26** except if you, the applicant, is seeking a review of a decision made on an EUTR5 (retention) application
- If you or the EEA national are unable to provide any of the information requested at this time, please explain the reason in writing and enclose with this application.
- You must send your completed application form and any supporting documents you wish to provide to the address below

**Review Unit
Join Family
Immigration Service Delivery
Department of Justice
13/14 Burgh Quay
Dublin 2, D02 XK70**

- Your application may be delayed if you do not send it to the address listed above
- We recommend you send your application by Registered Post
- If you choose to send your application by registered post you can track it on the An Post website, www.anpost.ie

Warning:

If you have a change in circumstances while your application is being processed, for example:

- If you change your personal details (your name, nationality, relationship status etc.)
- If your contact details change (your address, phone number, name of legal representative etc.)
- If there is a change in other circumstances (your EEA national family member leaves Ireland etc.), you must inform the Review Unit, EU Treaty Rights Division immediately and provide any relevant supporting documentation.

Data privacy notice

Introduction

1. The data you provide is collected by EU Treaty Rights Division in Immigration Service Delivery (ISD), a Business Unit of the Department of Justice (DoJ). The data controller for the information you provide is the Department of Justice and the data controller's contact details are:

Join Family,
Immigration Service Delivery
Department of Justice,
13/14 Burgh Quay,
Dublin 2,
D02 XK70

How will your personal data be used?

2. We may use the personal data you provide in your application for the purpose of:
 - assessing your entitlement or continued entitlement to reside in the State as the family member of the EEA national named in your application, or
 - assessing your entitlement or continued entitlement to reside in the State as the family member of the UK national named in your application, or
 - assessing your entitlement or continued entitlement to permanent residence in the State as an EEA national,
 - assessing your entitlement or continued entitlement to permanent residence in the State as a UK national.

Legal Basis for processing your Personal Data

3. Our legal basis for collecting and processing this data is in accordance with Section 8 of the Immigration Act 2003 and to fulfil the function of the Minister for Justice in relation to asylum, immigration (including visas) and citizenship matters as designated in the Ministers and Secretaries Act 1924 (as amended).

Further processing of your Personal Data

4. Where it is necessary and proportionate to do so, in accordance with the Data Protection Act 2018 and the GDPR, further personal data may be requested or received from/provided to other Public

Authorities/competent authorities/international organisations for the purpose of:

- Verification of the data received under Directive 2004/38/EC, Regulation 26 of the EC (Free movement of Persons) Regulations 2015 as amended, EU (Withdrawal Agreement) (Citizens' Rights) Regulations 2020, section 3 of the Immigration Act 1999.
Section 8(1) and 8(2) of the Immigration Act 2003, section 4 of Immigration Act 2004,
- Work Permit application for non-EEA nationals in accordance with Section 37 of the Employment Permits Act 2006;
- Processing applications for residence - Section 261(2) of the Social Welfare Consolidation Act and Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2020;
- Section 41 of the 2018 Act.

5. We may also process your personal data for research or statistical purposes as allowed under the Data Protection Act 2018 and the GDPR.

A competent authority means:

A public authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties in the State, including the safeguarding against, and the prevention of, threats to public security, or any other body or entity authorised by law to exercise public authority and public powers for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties in the State, including the safeguarding against, and the prevention of, threats to public security.

Security of Personal Data

6. The personal data provided will be stored securely on DoJ servers. It may be shared, where appropriate, with the following third parties:

- Government Departments and agencies
- An Garda Síochána
- EEA competent authorities
- EEA police forces
- UK competent authorities
- Individuals with your consent for example, employer, landlord
- Service providers of the DoJ, for example, data handling and storage providers, producer of Residence Card/Residence Document/Irish Residence Permit.

Contact for Queries

7. The contact for any queries in relation to this form is Join Family, Immigration Service Delivery,

How long will Personal Data be retained?

8. This data will be stored in accordance with the requirements of the National Archives Act 1986.

How to Request a copy of your Personal Data

9. You can request a copy of your personal data by completing a Subject Access Request (SAR) form, available:

- at http://www.justice.ie/en/JELR/Pages/Data_Protection or
- from the Data Protection Support and Compliance Office (DPSCO) at the address below.

Forward the completed form by email to subjectaccessrequests@justice.ie or by post to the DoJ Data Protection Officer at the address below. You will be required to verify your identity before the data can be forwarded to you. The time limit for responding to a SAR commences once your identity has been verified.

Your Rights in relation to your Personal Data

10. You have the right to rectify any inaccuracies in your data. To do this you should write to the Data Steward, Join Family, Immigration Service Delivery, Department of Justice, 13/14 Burgh Quay, Dublin 2, D02 XK70, documenting the inaccuracies, which need to be rectified. The right to rectification is not absolute and each request will be considered on its own merits.
11. You have the right, where appropriate, to obtain erasure of your data and/or a restriction on the processing of your data as well as the right to object to the processing of your data. The right to erasure, restriction or objection is not absolute and each request will be considered on its own merits.
12. You have the right to lodge a complaint with the Data Protection Commission (DPC). You can contact the DPC by webforms on their website www.dataprotection.ie or by post to: 21 Fitzwilliam Square South, Dublin 2, D02 RD28

Further details in relation to your data protection rights can be found in the Department of Justice Data Protection Policy available at: http://www.justice.ie/en/JELR/Pages/Data_Protection

Contact the DPO

You can contact the Data Protection Officer (DPO) for the Department of Justice by post at:

Data Protection Officer,
Department of Justice,
51 St. Stephen's Green,
Dublin 2, D02 HK52.

or

by email - dataprotectioncompliance@justice.ie

I acknowledge that I have read and understood the information outlined above, which relates to my data protection rights.

Name (Applicant) _____

Signature (Applicant) _____ Date _____

Name of Parent/Guardian if applicant is under 18 _____

Signature of Parent/Guardian _____ Date _____

Name (EEA national) _____

Signature (EEA national) _____ Date _____

4.21 Date business started trading

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| D | D | / | M | M | / | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|---|---|

4.22 Number of employees

| |
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4.23 Date business was registered with Companies Registration Office

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| D | D | / | M | M | / | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|---|---|

4.24 CRO Registration certificate number, if applicable

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4.25 Date you registered with Revenue for self-assessment

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|---|---|---|---|---|---|---|---|---|---|
| D | D | / | M | M | / | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|---|---|

4.26 Has a P35 return or equivalent return been made for the business? (✓)
 Yes No
4.27 Date on which tax returns are due

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| D | D | / | M | M | / | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|---|---|

4.28 Do you pay PRSI? (✓)
 Yes No
4.29 Is the business registered for VAT? (✓)
 Yes No
4.30 Name of accountant/tax advisor, if applicable

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4.31 Are you, the EEA national, a director of the company in which you are self-employed? (✓)
 Yes No
4.31b If yes, do you pay PAYE? (✓)
 Yes No
4.32 What is your role (the EEA national) in the business and how many hours are worked per month?

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4.33 Monthly operating costs

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|---|--|--|--|--|--|--|--|
| € | | | | | | | |
|---|--|--|--|--|--|--|--|

4.34 Monthly net income

| | | | | | | | |
|---|--|--|--|--|--|--|--|
| € | | | | | | | |
|---|--|--|--|--|--|--|--|

4.35 Are you (the EEA national) now, or have you ever been, a director of any other company or companies in the State (✓). If yes, please give names, dates and all other relevant details below.
 Yes (give details below) No

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4.47 Please provide details of your financial resources (for example. unemployment/social assistance, savings, scholarship, bursary, income from relative or friend, income from employment, self-employment or rental property). State how much you receive and how often (e.g. weekly, monthly, annually).

| Source of income | How much you receive (€) | How often do you receive it? |
|------------------|--------------------------|------------------------------|
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4.48 Method of payment (i.e. cash, bank transfer etc.)

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4.49 Name of the person(s) providing financial support, if applicable

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4.50 Do you have comprehensive private medical insurance for yourself and your dependents residing with you in Ireland? (✓)

Yes (give details below)

No

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|---|--|
| <u>Insurance provider -</u> | |
| <u>Name of plan and policy number -</u> | |
| <u>When did the plan commence? -</u> | |
| <u>Evidence of payment -</u> | |

4.62 If you are in receipt of any payments from DSP, please provide details below.

| Type of payment(s) | Date payments started | Amount you receive weekly (€) |
|--------------------|-----------------------|-------------------------------|
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Section 4E For an EEA national who is residing with sufficient resources

Complete this section if you are residing in the State with enough financial resources available so as not to become a financial burden on the State.

4.63 Date you (the EEA national) first resided in the State with sufficient resources

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| D | D | / | M | M | / | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|---|---|

4.64 Source of income (if other give details) (✓)

Pension
 Stocks/Shares etc.
 Third party funds
 Savings
 Other

4.65 Are you (the EEA national) receiving any State funds from this or any other State? (✓)

Yes (give details below)
 No

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4.66 Name of person who owns the funds available to you, the EEA national, their relationship to you and their current place of residence, if applicable

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4.67 Amount of funds available to you

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|---|--|--|--|--|--|--|--|
| € | | | | | | | |
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4.68 If funds are from a third party or other source not covered in questions above, please provide details below

| Method of payment | Regularity of payments | Amount you receive (€) |
|-------------------|------------------------|------------------------|
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4.69 Monthly living expenses of you (the EEA national) and your dependents

| Expenditure | Amount (€) |
|-----------------|------------|
| Rent/Mortgage | |
| Gas | |
| Electricity | |
| Phone | |
| Food | |
| Clothing | |
| Medical Care | |
| Travel expenses | |
| Other | |

4.70 Do you have comprehensive private medical insurance for yourself and your dependents residing with you in Ireland? (✓)

Yes (give details below) No

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| <u>Insurance provider -</u> | |
| <u>Name of plan and policy number -</u> | |
| <u>When did the plan commence? -</u> | |
| <u>Evidence of payment -</u> | |

Section 5 Why are you seeking a Review

5.1 Tick the box or boxes relevant to the decision (✓) and complete the relevant section(s)

- The decision maker erred in fact (Section 5A)
- The decision maker erred in law (Section 5B)
- The decision maker failed to consider information supplied (Section 5C)
- Original decision correct, but new circumstances not considered (Section 5D)
- I failed to keep Immigration Service Delivery updated of my activities (Section 5E)

Section 5A

5.2 Please outline exactly where you believe the decision maker erred in fact

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5.3 Please outline any other information which you think is important in relation to your Decision

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Section 5B

5.4 Please outline exactly where you believe the decision maker erred in law

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5.5 Please outline any other information which you think is important in relation to your Decision

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Section 5C

5.6 Please outline exactly what information you believe the decision maker failed to consider

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5.7 Please outline any other information which you think is important in relation to your Decision

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Section 5D

5.8 Please outline exactly how either your (or the EEA national) circumstances have changed

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5.9 Please outline why this change in circumstances was not communicated to EU Treaty Rights Division

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Section 5E

5.10 Please outline the change in either your activities or those of the EEA national

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5.11 Please outline why this change in activities was not communicated to EU Treaty Rights Division

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Section 6 Additional Information

6.1 Provide details of all countries you have visited in the last 10 years. If necessary, photocopy this section and submit it with this form.

| <u>Country</u> | <u>Date of Travel</u> | <u>Reason for visit</u> | <u>Length of stay</u> |
|----------------|-----------------------|-------------------------|-----------------------|
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6.2 Please provide all addresses where you and the EEA national lived together both in Ireland and abroad. If necessary, photocopy this section and submit with this form.

| <u>Address</u> | <u>Date from</u> | <u>Date to</u> |
|----------------|------------------|----------------|
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Section 10

Additional documentation checklist

- Please complete this checklist to show what documents you are providing with your application
- If you do not submit evidence to show that you qualify for a residence card, your application may be refused
- If you wish to send any documents that are not in English, you must get the document translated by a qualified professional translator. The translator must confirm in writing on the translation:
 - ✓ that the translation is a true and accurate translation of the original document
 - ✓ the date of the translation
 - ✓ the full name and contact details of the translator or representative of the translation company
- Immigration Service Delivery will not provide written correspondence acknowledging each document you submit with this application

| | <u>Description</u> | Tick if you have submitted | Number of pages | For Official Use |
|-----|---|----------------------------|-----------------|------------------|
| | Identity documents | (✓) | | |
| 1. | Passport of the applicant (all pages) | | | |
| 2. | Passport/National Identity Card of the EEA national (all pages) | | | |
| 3. | 2 passport photos for both the applicant and the EEA national | | | |
| | Residency documents if renting | | | |
| 4. | Tenancy Agreement | | | |
| 5. | Letter from landlord/letting agent including contact details | | | |
| 6. | Letter from local authority/County Council | | | |
| 7. | Utility bills in your name and the EEA national's name | | | |
| 8. | Bank statements | | | |
| 9. | Evidence of rent payments | | | |
| | Residency documents if a home owner | | | |
| 10. | Title or Deeds as applicable | | | |
| 11. | Letter from Mortgage Provider/Local authority/County Council | | | |
| 12. | Utility bills in your name and the EEA national's name | | | |

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| Residency documents if living with a home owner | | (✓) | | |
| 13. | Evidence of home ownership, e.g. title deeds/letter from mortgage provider | | | |
| 14. | Utility bills in the home owner's name | | | |
| 15. | Letter from the home owner confirming your and the EEA national's residency there | | | |
| Residency documents if you are living with a tenant | | (✓) | | |
| 16. | Tenancy agreement in the tenant's name | | | |
| 17. | Letter from the tenant confirming the residence of you and the EEA national including contact details | | | |
| 18. | Letter from landlord confirming the residence of you and the EEA national including contact details | | | |
| 19. | Utility bills in the tenant's name | | | |
| Evidence of Relationship | | (✓) | | |
| 20. | Civil marriage certificate | | | |
| 21. | Recognised civil partnership certificate | | | |
| 22. | Birth certificate | | | |
| 23. | Evidence of Guardianship/Custody Papers/ Adoption Papers | | | |
| 24. | Copy of any previously held residency card | | | |
| Evidence of dependency or membership of household | | (✓) | | |
| 25. | | | | |
| 26. | | | | |
| 27. | | | | |
| 28. | | | | |
| 29. | | | | |
| Evidence of exercise of rights | | (✓) | | |
| 30. | | | | |
| 31. | | | | |
| 32. | | | | |
| 33. | | | | |
| 34. | | | | |

| Any other documents you have submitted in this application | (✓) | | |
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| 35. | | | |
| 36. | | | |
| 37. | | | |
| 38. | | | |
| 39. | | | |
| 40. | | | |

A10 Please indicate what type of employment this is (✓)

Permanent full time

Part time

Temporary

If you answered Temporary, please outline the expected duration of the contract.

B11 Method of Payment (✓)

Cash Cheque EFT (electronic funds transfer) Other (Please explain below)

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B12 Name (employer or authorised person) (BLOCK CAPITALS)

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B13 Position held in the company (BLOCK CAPITALS)

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I can confirm that _____ (name of employee) has been, and is currently, employed by _____ (name of company) as set out above.

B14 Signature (employer or authorised person)

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B15 Date

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|---|---|---|---|---|---|---|---|---|---|
| D | D | / | M | M | / | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|---|---|

B16 Company stamp or seal (If you do not have one, please state "None")

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