



**EUTR5**

## **Application for Retention of a Residence for non-EEA national family member of an EEA national**

### **Who is this form for?**

You should use this application form if:

- You were previously granted five year residence (EUTR1) as the non-EEA national family member of an EEA national under the European Communities (Free Movement of Persons) Regulations 2015, as amended, or the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020 and you wish to retain your residence on an individual and personal basis, for one of the reasons below:
  - A. Category A - Your EEA national family member has died.
  - B. Category B - Your EEA national family member has died or departed the State and you have custody of the children of the EEA national who are in education in the State.
  - C. Category C - Your marriage or civil partnership to the EEA national has legally ended in divorce, annulment or dissolution.

### **Proof of residence in the State at the time of death or departure of the EEA national or at time of divorce, annulment or dissolution**

- Under Category A, you and the EEA national must have been living in the State for at least one year before the EEA national died
- Under Category B, you and the EEA national must have been living in the State at the date of death or departure of the EEA national from the State
- Under Category C, you and the EEA national must have been living in the State at the date legal proceedings began to end your marriage or civil partnership

### **How to complete this form:**

- You must complete a separate application for each non-EEA family member, including each child under 18 years of age
- If you are submitting an application for retention of rights previously granted to you as a family member of a United Kingdom national, references to EEA national in Form EUTR5 shall be deemed to also apply to the United Kingdom national
- You must complete this form in CAPITAL letters and in **black** ink
- 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 set out in Section 6 for each application
- You, the applicant, must sign and date the Declaration set out in Section 7 on page 33, at the end of this form

You must send your completed application form together with supporting documents by post to the address below:

**Retention of rights  
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 by post 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](http://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, your nationality, etc.)
- If your contact details change (your address or representative etc.)
- If there is a change in other circumstances (the children of the EEA national leave Ireland etc.)

You must inform this office 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, Department of Justice, 13/14 Burgh Quay, Dublin 2, D02 XK70.

## **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](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](mailto: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](http://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](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](mailto: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 \_\_\_\_\_





## Section 1D

## Applicant's Personal History

- This section asks about any criminal convictions you have.
- This section asks about any involvement you may have had in war crimes, genocide, crimes against humanity or terrorism.
- If you fail to answer all of these questions as fully and accurately as possible, your application for a residence card may be refused
- Please note, if you have received more than three convictions, charges or indictments you should photocopy the appropriate section, fill it in and return it with this application.

### Warning

It is an offence under Regulation 30 of the European Communities (Free Movement of Persons) Regulations 2015 and under Regulation 21 of the European Union (Withdrawal Agreement) (Citizens' Rights) Regulations 2020 to make a statement that you know to be false or misleading.

**1.18** Have you ever been charged or indicted in Ireland or in any other country with a criminal offence for which you have not been tried in court? (✓)

Yes (give details below)      No

Charge/Indictment No. 1	
Name under which you were charged /indicted	
Country where you were charged/indicted	
Type of offence	

Charge/Indictment No. 2	
Name under which you were charged /indicted	
Country where you were charged/indicted	
Type of offence	

Charge/Indictment No. 3	
Name under which you were charged /indicted	
Country where you were charged/indicted	
Type of offence	

**1.19** Have you ever been convicted of an offence in Ireland or in any other country (✓) If yes, please provide details for EACH criminal conviction, starting with the most recent one.

Yes (give details below)      No

Criminal conviction No. 1	
Name under which you were convicted	
Country where you were convicted	
Type of offence	
Sentence given	
Date sentenced	
Term of imprisonment, if any, in months	

Criminal conviction No. 2	
Name under which you were convicted	
Country where you were convicted	
Type of offence	
Sentence given	
Date sentenced	
Term of imprisonment, if any, in months	

Criminal conviction No. 3	
Name under which you were convicted	
Country where you were convicted	
Type of offence	
Sentence given	
Date sentenced	
Term of imprisonment, if any, in months	

**1.20a** Are you now, or have you ever been required to comply with conditions following release from prison? (✓) (for example a period of probation or restricted licence)

Yes (give details below)      No

<u>Type of condition imposed</u>	
<u>Date condition started</u>	
<u>Term of condition (date of expiry)</u>	

**1.20b** Did you comply, or are you in compliance with the imposed conditions or restrictions? (✓)

Yes      No

**1.21** Have you ever been a member of, or given support to, an organisation, which has been linked with terrorism? (✓)

Yes (give details below)      No


**1.22** Have you, in either peace time or war time, ever been involved in, or been suspected of being involved in, war crimes, crimes against humanity or genocide? (✓)

Yes (give details below)      No


**1.23** Have you ever been involved in, supported, or encouraged terrorist activities in any country? (✓)

Yes (give details below)      No


**1.24** Have you ever served in a military force or State-sponsored private militia, undertaken any military or paramilitary training, or been trained in the use of weapons or explosives? (✓)

Yes (give details below)      No


**1.25** Have you ever been deported/removed from Ireland or from any other country? (✓)

Yes (give details below)      No

<u>Date of Deportation/Removal</u>	
<u>Country deported/removed from</u>	
<u>Country deported/removed to</u>	





## Section 3

## Basis of your application for retention

3.1 Please select the category on which you applying for retention: (✓)

- A  Death of the EEA national and where both you and the EEA national lived in the State for at least one year at the time of the EEA national's death
- B  Death or Departure of the EEA national from the State and where you have custody of children of the EEA national who are in education in the State
- C  Divorce or annulment of marriage to the EEA national, or annulment or dissolution of civil partnership with the EEA national

3.2 Please also provide details of any other family members who are applying to retain a right of residence on the basis they are the family member of the EEA national

Name of family member 1	
Date of birth	
Place of birth	
How long have they lived in the State	
Relationship to the EEA national	
Relationship to you	

Name of family member 2	
Date of birth	
Place of birth	
How long have they lived in the State	
Relationship to the EEA national	
Relationship to you	

If there are more than two family members, make a copy of this page and enclose with your application

In all cases, you must submit the relevant evidence listed in Section 6 with your application.

**Please only fill out the section of the form which corresponds to you**



**3.12** If other members of your family are applying in this category, please list them below and state how long they had been living in the State when the EEA national family member died

Name of family member	Number of years living in the State

If you are applying under Category A please proceed to Section 4 of the application form.

**Category B: EEA national has died or left the State and you have custody of a child or children of the EEA national who are in education in the State**

**3.13** If the EEA national has died, please state the date of death

D	D	/	M	M	/	Y	Y	Y	Y
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**3.14** Place of Death

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**3.15** If the EEA national has left State, what date did they leave?:

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

**3.16** How many children have you custody of?

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Please give details of each minor child of the EEA national of whom you have custody in the State

	<u>Forename(s) of child</u>	<u>Surname of Child</u>	<u>Date of Birth</u>	<u>Nationality</u>
<u>Child 1</u>				
<u>Child 2</u>				
<u>Child 3</u>				

If there are more than three children, make a copy of this page and enclose with your application

**3.17** How long have you had custody of the relevant child or children?

Y	Y	/	M	M
---	---	---	---	---

**3.18** Please confirm the basis of custody of the minor children of the EEA national: (✓)

- By agreement with the EEA national
- By court Order
- Other

If other, please specify:

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**3.19** Are one or more children of the EEA national enrolled in education in the State: (✓)

- Yes
- No

**3.20** If Yes, how many children

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**3.21** Was the child/children in education in the State at the time the EEA national died or left the State? (✓)

- Yes
- No

**3.22** Is the child/children currently in education in the State? (✓)

- Yes
- No

**3.23** Please provide details of each child that is currently in education in the State. If there are more than three children please photocopy this section and include it with your application

Full Name of child (1)	
Name and address of School/College	
Contact email address and phone number of School/College	
Date of enrolment or dates attended (from and to)	

Full Name of child (2)	
Name and address of School/College	
Contact email address and phone number of School/College	
Date of enrolment or dates attended (from and to)	

Full Name of child (3)	
Name and address of School/College	
Contact email address and phone number of School/College	
Date of enrolment or dates attended (from and to)	

If you are applying under Category B please proceed to Section 4 of the application form.

### Category C: Marriage or civil partnership ended by divorce, annulment or dissolution

3.24 Please confirm if you, the applicant, are: (✓)

- i  The former spouse or civil partner of the EEA national
- ii  A member of the family of the former spouse or civil partner of the EEA national

3.25 If you have ticked, 'ii', please give the EEA national's details below:

Full Name	
Date of birth	
Nationality	
Relationship to you	

3.26 Date of marriage/civil partnership

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





**3.40** If no, what date did the EEA national leave the State?

D	D	/	M	M	/	Y	Y	Y	Y
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**3.41** Please give reasons as to why the EEA national left the State (if applicable)

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**Details of Applicant's residence in the State:**

**3.42** Were you living in the State at the date of initiation of divorce, annulment or dissolution?  
(✓)

Yes

No

**3.43** If No, how long had you been living in the State up to the date of initiation of divorce proceedings?

Y	Y	/	M	M
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**If you are applying under Category C(1) – Please proceed to Section 4 of the application.**

**Category C(2) - Custody of or right of access to the child or children of the EEA national**

**Details of legal custody/rights of access to minor child or children of the EEA national**

**3.44** Please state the number of minor children of the EEA national of whom you have custody of in the State

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**3.45** Please state the number of minor children of the EEA national of whom you have a right of access to

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**3.46** Please state the basis of legal custody or right of access to the minor children of the EEA national: (✓)

By agreement with the EEA national

By Court Order

**3.47** How long have you had custody or right of access to the relevant children?

Y	Y	/	M	M
---	---	---	---	---

**3.48** Please give details of each minor child of the EEA national of whom you have custody or right of access to. If necessary, you should photocopy this section and include it with your application to include all minor children of whom you have legal custody or right of access.

	Forename(s) of child	Surname of child	Date of birth	Place of birth	Nationality
Child 1					
Child 2					
Child 3					

**3.49** Give details of custody/access rights

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**If you are applying under Category C(2) – Please now complete Section 4 of the application**

**3.50** If there are any other relevant circumstances you would like the Minister to take into consideration in respect of your application for retention, please detail below.

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**3.51** Please list any supporting documentation or evidence which you have enclosed for consideration in relation to **Q 3.50** above

1.	
2.	
3.	
4.	
5.	











**5.35 Contact telephone for most recent employer**

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**5.36 Date most recent employment started**

D	D	/	M	M	/	Y	Y	Y	Y
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**5.37 Date most recent employment ended**

D	D	/	M	M	/	Y	Y	Y	Y
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**5.38 Why did this employment end?**


**5.39 Are you registered with the Department of Social Protection (DSP)? (✓)**
 Yes       No
**5.40 Are you in receipt of any payment from DSP? (✓)**
 Yes       No
**5.41 If you are in receipt of any payments from DSP, please provide details below.**

Type of payment	Date payment started	Amount you receive (weekly)

**5.42 Please provide details of other persons on your DSP claim.**

Full name	PPS number	Relationship to you

**Section 5(iv)****For an applicant 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.

**5.43 Date you first resided in the State with sufficient resources**

D	D	/	M	M	/	Y	Y	Y	Y
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**5.44 Amount of funds available.**

€								
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**5.45** Source of income (If other give details) (✓)

Pension                       Stocks/Shares etc.                       Third party funds  
 Other                     

**5.46** Are you receiving any State funds from this or any other State? (✓)

Yes (give details below)                       No


**5.47** Name of person(s) who owns the funds available to the you, their relationship to you and their current place of residence.


**5.48** If funds are from a third party, please provide details below

Method of payment	Regularity of payments	Amount you receive (€)

**5.49** Do you have comprehensive private medical insurance for yourself and any dependants living with you in Ireland? (✓)

Yes (give details below)                       No

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

## Section 6

## Applicant's Document and Evidence Checklist

- Please complete this checklist to show what documents you are providing with your application
- Photocopies of all documents unless originals are requested.
- If you do not submit evidence to show that you qualify for retention of residence, 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
  - ✓ Multilingual standard forms of certain public documents, civil certificates issued within the EU may be available without the necessity to obtain a certified translation. For further details, visit the following webpage:- [https://e-justice.europa.eu/551/EN/public\\_documents](https://e-justice.europa.eu/551/EN/public_documents)
- 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
	<b>Identity documents</b>	(✓)		
1.	Passport of the applicant			
2.	Passport photos for the applicant			
	<b>Residency documents if renting</b>	(✓)		
3.	Tenancy Agreement signed and dated			
4.	Letter from landlord/letting agent including contact details signed and dated			
5.	Letter from local authority/County Council signed and dated			
6.	Utility bills in your name			
7.	Bank statements			
8.	Evidence of rent payments			
	<b>Residency documents if a home owner</b>	(✓)		
9.	Title or Deeds as applicable			
10.	Letter from Mortgage Provider/Local authority/County Council			
11.	Utility bills in your name			
	<b>Residency documents if living with a home owner</b>	(✓)		
12.	Evidence of home ownership, e.g. title deeds/letter from mortgage provider			

13.	Utility bills in the home owner's name			
14.	Letter from the home owner, signed and dated, confirming your residency there			
<b>Residency documents if you are living with a tenant</b>		(✓)		
15.	Tenancy agreement in their name			
16.	Letter from the tenant confirming your residence, including contact details			
17.	Letter from landlord confirming your residence, including contact details			
18.	Utility bills in the tenant's name.			
<b>Evidence of Relationship to the EEA national</b>		(✓)		
19.	Civil marriage certificate			
20.	Recognised civil partnership certificate			
<b>Evidence of the Death of the EEA national</b>		(✓)		
21.	Death Certificate			
22.	Evidence of residence in the State as family member of EEA national for at least one year prior to death of EEA national			
23.	Evidence of the activity and residence of the EEA national in the State prior to death of the EEA national			
<b>Evidence of Departure of the EEA national</b>		(✓)		
24.	Travel Documents and/or itinerary confirming departure of EEA national			
25.	Evidence of residence in the State as family member of EEA national up to and including departure of EEA national			
26.	Evidence of the activity and residence of the EEA national in the State prior to departure of the EEA national			
<b>Evidence of Divorce, Annulment or Dissolution</b>		(✓)		
27.	Decree of divorce, nullity or dissolution			
28.	Evidence of date of initiation of divorce or annulment proceedings			
29.	Evidence that the marriage or civil partnership subsisted for at least 1 year in the State			
30.	Evidence of the activity and residence of the EEA national, in the State, up to and including the date of initiation of divorce or annulment proceedings			
<b>Details of children of the EEA national in the State</b>		(✓)		
31.	Evidence of custody or right of access in respect of children of the EEA national (written agreement/Court Order)			
32.	Birth certificates of children of the EEA national			
33.	Letters from educational establishments confirming enrolment and attendance			

<b><u>Evidence of the Applicant's current activity in the State</u></b>		<b>Tick if you submitted</b>	<b>Number of pages</b>	<b>For Official Use</b>
<b>If the Applicant is in employment</b>		(✓)		
1.	Fully completed Appendix A			
2.	Declaration signed and stamped by employer (Appendix B)			
3.	Signed and dated contract of employment			
4.	2 recent payslips			
5.	Recent P21 certificate or Statement of Liability			
6.	Corresponding bank statements to show earnings			
<b>If the Applicant is self-employed</b>		(✓)		
7.	Agreed Tax assessment from Revenue for last financial year			
8.	Letter of registration for self-assessment of income tax (Revenue)			
9.	Certificate from Companies Registration Office			
10.	Sales/Service invoices for the last 6 months			
11.	Corresponding bank statements for the business for the last 6 months			
<b>If the Applicant is involuntarily unemployed</b>		(✓)		
12.	Letter from Department of Social Protection outlining any benefits which have been received			
13.	Letter from most recent employer outlining circumstances of redundancy			
14.	P45 or Employment Detail Summary for last employment			
15.	P21 or Statement of liability and P60 certificates or Employment Detail Summary for previous 2 years			
<b>If the Applicant is residing with sufficient resources</b>		(✓)		
16.	Evidence of Applicant's financial resources e.g. bank statements			
17.	Letter from Department of Social Protection outlining any benefits which have been received			
18.	Letter from private medical insurance provider for Applicant and dependents			
19.	Copy of private health insurance policy			
20.	Evidence of payment of private health insurance policy			
<b>Please list any other documents that you have submitted in this application</b>		(✓)		
21.				
22.				
23.				
24.				





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

Permanent full time

Part time

Temporary

**B12** Name (employer or authorised person)

**B13** Position held in the company

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

**B14** Signature

**B15** Date

D	D	/	M	M	/	Y	Y	Y	Y
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**B16** Company stamp or seal (If you do not have one, state "None")