



Application for permission to remain in the State based on *Chen* judgment

Who is this form for?

Please read the information below carefully before you submit your application. If you do not submit sufficient information and/or evidence to show you qualify for permission to remain in the State based on the *Chen* judgment, your application may be refused.

You should use this application form if:

- You are a non-EU national resident in Ireland
- You are the primary carer of an EU citizen child who is residing in the State, or are the minor sibling of an EU citizen child whose primary carer is the same primary carer as the EU citizen child.
- The EU citizen child is under 18 years old and is a citizen of any EU member state except Ireland
- You have comprehensive medical insurance and sufficient resources so as not to be a burden on the State

What is the *Chen* judgment?

This refers to the judgement of the Court of Justice of the European Union in Case C-200/02, *Kunqian Catherine Zhu, Man Lavette Chen v Secretary of State for the Home Department*.

How to complete this form:

- 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 complete the sections relevant to the EU citizen child on their behalf
- You must submit photocopies of supporting documents for each application
- You, the applicant, must sign and date the declaration on page 34
- You must complete the checklist on pages 35 and 36
- If you are unable to provide any of the information requested at this time, please explain the reason in writing and enclose with this application
- The application form will not be considered complete and your application will not be processed unless all relevant parts of the application form have been completed fully and all supporting documents have been submitted with the application
- You must send your completed application form and any supporting documents you wish to provide by post to the address below

**Join Family,
Immigration Service Delivery,
Department of Justice, Home Affairs and Migration,
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

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, etc.)
- If your contact details change (your address or representative etc.)
- If there is a change in other circumstances (your EU National family member leaves Ireland etc.)

you must inform EU Treaty Rights Division office immediately and provide any relevant supporting documentation.

It should be noted that permission granted pursuant to the judgment is granted based on the holder continuing to meet the criteria set out. Where an individual who holds permission under this judgment no longer meets the criteria set out, the Minister may revoke or alter that permission.

Note:

References to “EU National” and “EU Citizen Child” refers to citizens of the European Union, European Economic Area and Swiss citizens.

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, Home Affairs and Migration (DOJ). The data controller for the information you provide is the Department of Justice, Home Affairs and Migration and the data controller's contact details are:

Principal Officer
Join Family,
Immigration Service Delivery
Department of Justice, Home Affairs and Migration,
13/14 Burgh Quay,
Dublin 2,
D02XK70

How will your personal data be used?

2. We will 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 primary carer of the EU Citizen Child or as the non-EU minor sibling of an EU Citizen Child also being cared for by the same primary carer.

Legal Basis for processing your Personal Data

3. Our legal basis for collecting and processing this data is Article 6(1)(e) of the General Data Protection Regulation ("processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller") and the relevant provisions of the Treaty on the Functioning of the European Union.

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, but not limited to, the following pieces of legislation:
 - section 8(1) and 8(2) of the Immigration Act 2003,
 - section 37 of the Employment Permits Act 2006 and section 68 of the Employment Permits Act 2024;

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

Security of Personal Data

6. The personal data provided will be stored securely by the Department. 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, Home Affairs and Migration, 13/14 Burgh Quay, Dublin 2, D02XK70. You can also contact us online by raising a query through the [ISD Customer Service Portal](#).

How long will Personal Data be retained?

8. Personal data will only be stored for as long as is necessary, in accordance with Article 5 of the General Data Protection Regulation. Where personal data must be retained in accordance with the National Archives Act 1986, ISD will ensure that the data is held securely and inaccessible for further processing.

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 <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/services/make-a-subject-access-request-to-the-department-of-justice/> 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 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 can either contact us through the [ISD Customer Service Portal](#) or by post to the Data Steward, Join Family, Immigration Service Delivery, Department of Justice, Home Affairs and Migration, 13/14 Burgh Quay, Dublin 2, D02XK70, 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: 6 Pembroke Row, Dublin 2, D02 X963.

Further details in relation to your data protection rights can be found in the Department of Justice, Home Affairs and Migration Data Protection Policy available at: <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/policy-information/data-protection>

Contact the DPO

You can contact the Data Protection Officer (DPO) for the Department of Justice, Home Affairs and Migration by post at:

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

or

by email - dataprotectioncompliance@justice.ie

1.25 Is there another person in Ireland who could or does assume primary caring responsibility for the EU citizen child?

Yes (Give details below) No

1.25b If you selected “Yes”, please give details below

2.15 Do you provide any financial support or maintenance payments for the child?

Yes No

2.15b If you have answered yes to the question above, please list these payments and the amount received per month:

Payment type	Amount per month

2.16 Is there a formal Court order in place for the child (for example, a custody agreement, residence order, care order or contact order)? If yes, please provide a copy of this agreement/order

Yes No

3.23b Do they hold, or have they ever held any other Nationality or Citizenship? (✓)

Yes (tick relevant box and give details) No

Citizenship

Nationality

3.24 Place and country of birth

3.25 What is their relationship status? (✓)

Single
 Married
 Recognised civil partner
 Divorced
 Widowed
 Unmarried partner
 Surviving recognised civil partner

3.26 Current home address in Ireland

3.27 Address Eircode

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3.28 ISD Person ID number (if they have one)

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3.29 PPS number (if they have one)

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3.29b Date PPS number was issued

D	D	/	M	M	/	Y	Y	Y	Y
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3.30 Old Department of Justice reference number (if they have one)

6	9	/							/		
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Type of permission/Visa applied for	
Country applied to	
Result of application	
Duration of permission/Visa	

4.8 How long do you intend on staying in Ireland? (for example permanently, for the duration of a work contract, for the duration of a course of study etc.)

4.9 Do you have any other family members living in Ireland? (✓)

Yes (give details below) No

4.10 Do you have any other family members living in any of the other EU Member State or the United Kingdom? (✓)

Yes (give details below) No

Section 6

Applicant's Residence Details

6.1 At the address where you reside, do you: (✓)

- Own the property outright either individually or jointly
- Own the property with a mortgage either individually or jointly
- Rent the property
- Reside rent free

6.2 If the property is jointly-owned, please provide the names of all owners

6.3 If the property is rented, please indicate the type of landlord (✓) and provide contact details below:

- Private landlord County council or local authority Voluntary cooperative housing body

6.4 If the property is rented, please provide the names of all named tenants

6.5 Who else lives at the property and what is the relationship between you and the EU Citizen Child and each resident?

Name	Duration of residence	Relationship to you	Relationship to EU Citizen Child

6.6 Do you pay any rent, mortgage or other payment for your accommodation? (✓)

Yes (give details below) No

Expenditure	Amount €	Who pays for this expenditure?
Rent/Mortgage		
Gas		
Electricity		
Phone		
Food		
Clothing		
Medical Care		
Other		

6.7 Give any further information about your financial circumstances before or after coming to Ireland that may be relevant

Section 7

Sufficient Resources details

Section 7A

Applicant's Comprehensive Medical Insurance

Please indicate below the sufficient resources available

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

Yes (give details below) No

Insurance provider	
Name of plan and policy number	
When did the plan commence?	
Evidence of payment	
Other (please provide details)	

Section 7B

Applicant's Activity Type

7.2 Please indicate the type of activity: (✓)

- Employment/Offer of Employment – **Complete Section 7C**
- Self-Employment – **Complete Section 7D**
- Sufficient Resources – **Complete Section 7E**

Other (please give details):

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7.23c If you selected Yes to 7.23, from what country do you receive the funds?

7.23d If you selected Yes to 7.23, how much do you receive per month?

7.24 If funds are from a third party, provide the name of person who owns the funds available to you, the applicant, their relationship to you and their current place of residence to them and their current place of residence.

7.24b Amount of funds available

€

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7.24c If funds are from a third party, please provide details below\:

Method of payment	Frequency of payments	Amount they receive

7.25 Monthly living expenses for you and your dependants

Expenditure	Amount
Rent/Mortgage	
Gas	
Electricity	
Phone	
Food	
Clothing	

Medical Care	
Other	

Section 8

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.

Please note, if you have received more than 3 charges/indictments/convictions, please photocopy the relevant sections and enclose those completed sections with this form

If you fail to answer all of these questions as fully and accurately as possible, your application for permission to remain in the State may be refused

Please note that for immigration purposes, convictions in the State are never spent.

Warning

If you provide any false or misleading information or fraudulent supporting documentation this may result in the refusal of this application.

8.1 Have you ever been charged or indicted in Ireland or 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	

8.2 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 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 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 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	

8.3 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

Type of condition imposed	
Date condition started	
Term of condition (date of expiry)	

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

Yes No

8.5 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

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

Yes (give details below) No

8.7 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 and/or explosives? (✓)

Yes (give details below) No

8.8 If you answered yes to question 2.6., was this compulsory military service? (✓)

Yes (give details below) No

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

Yes (give details below) No

Date of deportation/removal	
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Yes (give details below)

No

Section 11

Document Checklist

Document description		Tick if you have submitted (✓)	Number of pages	For Official Use
Identity documents of applicant				
1.	Full colour copy of the applicant's current passport			
Identity documents of EU citizen child (both must be provided)				
2.	Colour copy of the child's birth certificate			
3.	Colour copy of bio data page of the child's current passport			
Evidence of the child's residence in the State (please provide at least two of the following. If none of these documents are available, please provide any official correspondence you may have which evidences your child's residence in the State)				
4.	Copy of Immunization passport			
5.	Letter from doctor confirming their attendance at medical appointments			
6.	Letter from school/crèche confirming attendance			
Evidence of the applicant's residency in the State (please provide at least two of the following)				
7.	Letter from rental agency, rental contract or tenancy agreement			
8.	Letter of Registration of Tenancy from the Residential Tenancies Board			
9.	Utility bills in the applicant's own name			
10.	Bank statements in the applicant's own name			
11.	Mobile phone bills in the applicant's own name			
12.	Documentation received from another Government Department, e.g. Statement of Liability			
Evidence of applicant's relationship with EU citizen child				
13.	Letter of consent from other biological parent / legal guardian			
14.	Court Order/Care order outlining agreed custody			
15.	Signed colour copy of other biological parent's passport			
Evidence of Comprehensive medical Insurance				
16.	Comprehensive medical insurance policy document for applicant			
17.	Comprehensive medical insurance policy document for EU citizen child			
If the applicant is in employment / under offer of employment				
18.	Offer of Employment Letter OR Signed and dated contract of employment OR Employer or Prospective Employer Declaration signed and stamped by employer (Appendix A)			
19.	Two payslips dated in last three months (where applicable)			

20.	Most recent Statement of Liability OR Employment Detail Summary OR Amended tax credit certificate (or equivalent) OR Corresponding bank statements to show earnings if employment started in current calendar year			
If the applicant is self-employed				
21.	Agreed tax assessment from Revenue for last financial year			
22.	Letter of registration for self-assessment of income tax (Revenue)			
23.	Certificate from Companies Registration Office			
24.	Sales/Service invoices for the last 6 months			
25.	Corresponding bank statements for the business for the last 6 months			
If the applicant is residing with sufficient resources (other than activities mentioned above)				
26.	Evidence of applicant's financial resources (pension, stocks/shares, 3rd party funds, rental income, etc) for intended duration of stay in the state e.g. bank statements			
27.	Letter from Department of Social Protection outlining any benefits which have been received			
Evidence that the applicant is a primary carer of the EU citizen child. Please provide any relevant documents from the following:				
28.	Evidence of receipt of Child Benefit payment			
29.	Letter from school/crèche providing records that the parent attended parent/teacher meetings, or that they drop off or collect the child			
30.	Letter from the doctor confirming that the applicant attended medical appointments with the child			
31.	Access Orders/Agreements and letter from the other biological parent confirming attendance at access appointments			
32.	Maintenance Orders/Agreements and proof of maintenance payments.			
33.	Letter from child's social worker confirming applicant's role in the EU citizen child's life			

