Home Office

Revocation of a deportation order

Version 3.0

Contents

About this guidance

This guidance explains the policy and processes to be followed when considering a request to revoke a deportation order.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, then email the Migrant Criminality Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Clearance

Below is information on when this version of the guidance was cleared:

- version **3.0**
- published on **04 July 2023**

Changes from last version of this guidance

Minor housekeeping change to amend the name of the business area that deals with requests to revoke a deportation order.

Related content
Contents

Introduction

This section tells you when a deportation order can be made, the effect of a deportation order and when a deportation order can be revoked.

Grounds for deportation

Deportation is the removal of a foreign national from the UK in accordance with a deportation order (DO). A foreign national can be deported from the UK:

- on the ground it is conducive to the public good (conducive grounds) under:
  - section 3(5)(a) of the Immigration Act 1971 (1971 Act)
  - section 32 of the UK Borders Act 2007 (2007 Act)
  - regulation 27A of the Immigration (European Economic Area) Regulations 2016 ('EEA Regulations 2016'), as amended and saved by
    - the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (Grace Period Regulations 2020)
    - the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (Consequential Regulations 2020)
- under section 3(5)(b) of the 1971 Act if they are the family member of a person who has been ordered to be deported or has been deported
- under section 3(6) of the 1971 Act if a court has recommended their deportation following a conviction punishable with imprisonment
- on EU public policy, public security or public health grounds under:
  - regulation 23(6)(b) of the EEA Regulations 2016, as saved
  - regulation 15(1)(b) of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020 (Frontier Workers Regulations 2020)

Further information about the circumstances when it is appropriate to make a deportation order can be found in:

- guidance on conducive decisions
- guidance on public policy, public security and public health decisions

Deportation orders made before 2 October 2000

Section 10 of the Immigration and Asylum Act 1999 (1999 Act) provides for the administrative removal of a person from the UK where they:

- require leave but do not have it (such as overstayers, illegal entrants and those refused leave at a port of entry)
- are found to have breached a restriction or condition of their visa or limited leave
- seek or obtain leave by deception

Before the commencement of section 10 of the 1999 Act on 2 October 2000, a deportation order could be made on the basis a person had overstayed their limited leave or had breached a condition attached to their limited leave.

The effect of a deportation order

A deportation order requires a person to leave the UK and prohibits them from lawfully entering the UK while it remains in force. Entering in breach of a deportation order is a criminal offence under section 24(1)(a) of the 1971 Act.

Leave to enter or remain in the UK (including indefinite leave) granted before the deportation order is made or while it is in force is invalidated (except where the deportation order is made under the 2007 Act while an in-country appeal is pending).

A deportation order remains in force until it is revoked by the Secretary of State, unless:

- the subject becomes a British citizen (although Home Office records would need to be updated to reflect the grant of British citizenship)
- a time-limited deportation order made under the EEA Regulations 2016, as saved, expires
- the deportation order was made against a child of a person subject to a deportation order, and that child is now 18 years old or over
- the deportation order was made against the spouse or partner of a person subject to a deportation order and the marriage or civil partnership has ended
- the deportation order was made against a family member of a person subject to a deportation order made on conducive grounds and the deportation order made against that person ceases to have effect
- the deportation order has been quashed by a Court or Tribunal

An extant deportation order must be revoked before leave can be granted. Any leave granted in error or through deception to a person who is subject to a deportation order will be invalid.

The expiry of a deportation order upon reaching its time-limit or a decision to revoke a deportation order does not restore any leave the person subject to the deportation order had before the deportation order was made.

When a deportation order can be revoked

A person who is subject to a deportation order can apply to the Home Office for revocation of the order. Such an application must be made from outside of the UK after the person has been deported. Requests to revoke a deportation order have no explicit format and can be made as part of an entry clearance application or directly to the Home Office (further details about where to apply are included in the next section).

Requests to revoke a deportation order made under the 1971 Act or 2007 Act will be considered in accordance with paragraphs 13.4.1. to 13.4.5. of the Immigration Rules.

Deportation orders made by virtue of the EEA Regulations 2016:

- before 1 January 2021
- from 1 January 2021 in relation to persons with rights under the Grace Period Regulations 2020
- from 1 January 2021 by virtue of the Restrictions Regulations 2020

may be revoked under regulation 34 of the EEA Regulations 2016, as saved.

Deportation orders made by virtue of the Frontier Workers Regulations 2020 may be revoked under regulation 17 of those regulations.

For guidance on revocation of deportation orders made under the EEA Regulations 2016, as saved, or under the Frontier Workers Regulations 2020 see public policy, public security or public health decisions.

Where a deportation order is revoked, the person concerned cannot lawfully return to the UK unless they meet the relevant requirements for entry.

A deportation order must also be revoked following an allowed appeal (where the Home Office has confirmed it does not intend to challenge).

Related content
Contents
Conducive deportation
Public policy, public security or public health decisions
Section 5(1) of the Immigration Act 1971

Request to revoke a deportation order

This section tells you how a request for revocation of a deportation order can be made.

An application for revocation of a deportation order made on criminality or other grounds may be made:

- to an Entry Clearance Officer (ECO) where the request is made at the same time as an application for entry clearance
- direct to the Home Office

An application to revoke a deportation order must be made from outside the UK after the person has been deported unless removal would result in a breach of a person's human rights.

An application for entry clearance must not be treated as an application to revoke a deportation order unless explicitly stated or where the deportation order was made on non-criminal grounds prior to the commencement of section 10 of the 1999 Act.

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Application to the Home Office

Where an application to revoke a deportation order made under the 1971 Act, 2007 Act, EEA Regulations 2016 or the Frontier Workers Regulations 2020 is made direct to the Home Office, it must be sent to the Foreign National Offender Returns Command (FNO RC) at:

- CCD Intake Team

An application to revoke a deportation order made before 1 October 2000 on non-criminal grounds or because of low-level criminality must be sent to the Referred Casework Unit (RCU) at:

- entry clearance referrals

There is no form specifically for the purpose of applying for a deportation order to be revoked. The request or application to revoke a deportation order must be made in writing and should include the following information about the person who is the subject of a deportation order:

- full name
- date of birth
- nationality
- current location / postal address
- Home Office reference number
- date deported
- full reasons why the deportation order should be revoked and any change in circumstances since the deportation order was originally obtained

Entry Clearance applications

Where a request to revoke a deportation order is made at the same time as an entry clearance application, the Entry Clearance Officer (ECO) must refer the case (as set out below) for consideration to be given to revoking the deportation order.

If the person is the subject of a deportation order made under the 1971 Act, 2007 Act, EEA Regulations 2016 or the Frontier Workers Regulations 2020 is made direct to the Home Office, it must be sent to the Foreign National Offender Returns Command (FNO RC) at:

- CCD Intake Team

If the deportation order was made before 1 October 2000 on non-criminal grounds or because of low-level criminality it must be sent to the Referred Casework Unit (RCU) at:

- entry clearance referrals

In both cases, the following details must be included with the referral:

- full name
- date of birth
- nationality
- Home Office reference number (if known)

In a deportation order made on non / non-serious criminal grounds the email subject should be ‘Non-criminal DO revocation request’ and then the person’s name and Home Office reference number (if known).

Maintaining effective records

The application and decision to maintain or revoke a deportation order must be recorded both on file and on the relevant electronic systems, including CID / ATLAS

and Pathfinder wherever such files and electronic records exist. See also: updating Home Office records

Related content
Contents

Consideration of request to revoke

This section tells you how to consider an application to revoke a deportation order.

Deportation order made on criminal grounds

An application for revocation of a deportation order made on criminal grounds (under the 1971 Act or 2007 Act) must be considered under paragraphs 13.4.1. to 13.4.5. of the Immigration Rules.

An application for revocation of a deportation order will be considered in light of all of the circumstances, including:

- the grounds on which the order was made
- any representations made in support of revocation
- the interests of the community, including the maintenance of effective immigration control
- the interests of the applicant, including any compassionate circumstances

A deportation order will be revoked where maintenance of that deportation order would be contrary to the Human Rights Convention or the Refugee Convention.

Where an ECHR Article 8 claim is made as part of an application to revoke a deportation order, the claim will only succeed:

- in the case of a person sentenced to less than 4 years' imprisonment or who has been convicted of an offence that has caused serious harm or who is a persistent offender, where one of the exceptions to deportation are met or where there are very compelling circumstances which would make a decision not to revoke the deportation order a breach of Article 8 of the Human Rights Convention
- in the case of a person sentenced to at least 4 years' imprisonment, where there are very compelling circumstances over and above the circumstances described in the exceptions to deportation

The exceptions to deportation on the basis of family life are set out at paragraph 13.2.4. of the Immigration Rules, and the exception on the basis of private life is at paragraph 13.2.3.

An Article 8 claim from a foreign criminal who has been sentenced to at least 4 years' imprisonment will only succeed where there are very compelling circumstances over and above the circumstances described in the exceptions to deportation at paragraphs 13.2.3. and 13.2.4.

Guidance on considering Article 8 ECHR claims from a foreign criminal can be found at: Criminality: Article 8 ECHR cases

The passage of time alone is not a determining factor. Each application must be considered on a case-by-case basis on the basis of any representations made. Relevant factors that will be taken into account as part of the consideration process include: the strength of any Article 8 issues raised; the severity of the offending that led to the deportation order being made, and whether there have been any significant change of circumstances since deportation was enforced. A deportation order would not normally be revoked where there are no strong Article 8 considerations.

In all cases you must check for evidence of further offending since the deportation order was originally issued. This would be conducted through an ACRO check to confirm any further criminal activity abroad (or lack thereof). For further information, please see the requests to ACRO for criminal activity checks abroad guidance.

An absence of further offending is not a guarantee that revocation will be granted, and further offending will generally lead to a refusal to revoke the deportation order. The onus is on the applicant to satisfy the Secretary of State that the deportation order should be revoked and not for the Secretary of State to satisfy that the deportation order should remain in force.

Deportation order made under the 2007 Act

Where the deportation order was made under the 2007 Act, any application to revoke must first be considered against section 32(6) of that Act before consideration is given to paragraphs 13.4.1. to 13.4.5. of the Immigration Rules.

Section 32(6) provides that a deportation order may not be revoked unless one of the following circumstances applies:

- an exception under section 33 of that Act applies
- the application for revocation is made while the person is outside the UK
- section 34(4) of that Act applies (this includes where a deportation order was made in error. For further guidance, please see the section below on invalid deportation orders)

If none of the above circumstances apply, there is no discretion to revoke the deportation order and the application must be refused.

Section 34(4) of the 2007 Act provides that a decision to make a deportation order under section 33 may be withdrawn or revoked where that is considered necessary to:

- take action under the Immigration Acts or Immigration Rules
- take a new decision to make a deportation order under section 33

before remaking the deportation decision and deportation order.

This includes the certification of clearly unfounded asylum and human rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002. Once such action is complete a new deportation order may be made.

Person entered in breach of a deportation order

Where a foreign criminal has returned to the UK in breach of a deportation order and makes an Article 8 claim to remain in the UK, you must consider the application against the thresholds set out in paragraph 13.4.4. of the Immigration Rules.

Guidance on considering Article 8 ECHR claims from a foreign criminal can be found at: Criminality: Article 8 ECHR cases

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Deportation order on non-criminal grounds

Where a deportation order was made in relation to a person who has not been sentenced to a custodial sentence, including overstayers deported before 2 October 2000, paragraph 13.4.5. of the Immigration Rules provides that a deportation order may be revoked where there has been a material change in circumstances in relation to the factors that resulted in the foreign national's deportation.

The passage of time since the person was deported may also in itself amount to such a change of circumstances as to warrant revocation of the order.

Deportation order made under the EEA Regulations 2016 or Frontier Workers Regulations 2020

For guidance on revocation of deportation orders made under the EEA Regulations 2016, as saved, or under the Frontier Workers Regulations 2020 see public policy, public security or public health decisions.

Invalid deportation orders

A deportation order can be invalid for the following reasons:

- the order was improperly made and is not in accordance with policy (for example, made in error due to the presence of an exception to deportation)
- the subject acquires a right of abode within the meaning of section 2 of the Immigration Act 1971 or is otherwise exempt by virtue of section 7 of that Act
- the subject is recognised as a British citizen
- where the sentence and / or conviction which led to the deportation order being signed has been quashed and / or the sentence reduced to now fall outside the threshold for deportation – each case should be assessed on its individual merits

An invalid deportation order may still have effect legally and should be revoked in the normal way, even if there are factors which may cause a Court or Tribunal to consider it a nullity. A nullity is different to an invalid deportation order, in that a nullity is a deportation order that has had the legal effect of that order nullified. An invalid deportation order is an order that still has full legal effect but should be revoked as the deportation order should not have been made.

Family members

A family member who is the subject of a deportation order can apply separately or at the same time as their spouse or civil partner or parent to have their deportation order revoked.

A deportation order served on a family member when they are a child will cease to have effect when they turn 18 (see section 5(3) and (4) of the 1971 Act). A deportation order will not require a revocation decision if it has already ceased but you must ensure that all Home Office (HO) records show that the order is no longer in force.

Where a deportation order made on the ground it is conducive to the public good (conducive grounds) is revoked, then the deportation orders made against the person's family members will cease to have effect (unless the deportation order against the family member was made on conducive grounds). You must ensure HO records are updated to show that the deportation orders are no longer in force.

Where a deportation order made on conducive grounds is maintained, you can still revoke the deportation orders made against the person's family members. Each applicant's individual circumstances must be considered. For example, a deportation order may be revoked for a family member where they were not involved in the main deportee's criminality; have continued to not engage in criminal activity; or can demonstrate strong ties to the UK such as other family members who are British citizens or who have indefinite leave to remain. There will need to be clear evidence to support each individual decision.

When you consider a request to revoke from the family member of a person who is the subject of a deportation order made on conducive grounds, there is no obligation to consider revoking the deportation orders made against other individuals deported as part of the family unit.

Related content
Contents
Criminality – Article 8 ECHR cases

Representations made before person deported

This section tells you how to consider representations made once the deportation order has come into force, but before the person has been deported from the UK.

Where a deportation order has come into force and the person has not yet been deported from the UK, further representations made on the basis of human rights or protection grounds must be considered as a request to revoke a deportation order. You must consider those representations and decide whether or not to revoke the deportation order.

If the representations are rejected, you must then go on to consider whether the representations amount to a fresh human rights or protection claim under paragraph 353 of the Immigration Rules. The submissions will amount to a fresh claim if both of the following apply:

- the submissions are significantly different from the material that has previously been considered
- taken together with previously considered material, the submissions create a realistic prospect of success

Both parts of the paragraph 353 test must be met for the representations to be treated as a fresh claim.

Where the test is met, any decision to refuse the human rights or protection claim will attract a right of appeal. This decision may be subject to certification.

Where the further submissions are rejected, there is no right of appeal against the refusal to revoke the deportation order.

For more information on further submissions, please refer to the further submissions guidance.

Article 8 claims

In line with paragraph 13.4.4. of the Immigration Rules, where a foreign criminal makes an ECHR Article 8 claim prior to their deportation, you must consider whether the deportation thresholds set out in paragraphs 13.2.3. or 13.2.4. apply.

If paragraphs 13.2.3. or 13.2.4. do not apply, then the deportation order must be maintained unless the public interest in maintaining the deportation order is outweighed by other factors. This will only occur in very compelling circumstances. For further information see the Criminality – Article 8 ECHR cases

ECHR Article 3 (medical) claims

Where claims such as those around the health and wellbeing of the person to be deported are made, full consideration must be given to the claim. See guidance on ECHR Article 3 (Medical) claims for further information.

Asylum claims

Where an asylum claim is raised for the first time and the claim is not completely without merit or credibility then the subject must be interviewed and the normal process for asylum claims followed before a decision can be taken. First asylum claims may be referred for consideration by UKVI's asylum consideration function.

Related content
Contents
Criminality – Article 8 ECHR cases
ECHR Article 3 (Medical) guidance
Further submissions guidance
Immigration Rules Part 9 - Asylum

Decision to revoke a deportation order

This section tells you who can authorise a decision to revoke a deportation order and action to take once a decision has been made to revoke a deportation order.

Authority levels

The authority level required to revoke a deportation order will depend on the circumstances of the case.

Deportation no longer justified: A decision to revoke a deportation order that has been enforced but where it is considered that deportation can no longer be justified must be authorised at Grade 6 or above. For deportation orders made before 2 October 2000 on non- criminal grounds, a decision to revoke a deportation order may be authorised at Senior Executive Officer (SEO) grade.

Deportation no longer justified and not yet enforced: A decision to revoke a deportation order that has not been enforced but where it is considered that deportation can no longer be justified must be authorised at SCS Pay Band 1 or above.

Deportation order invalid but deportation action to continue: A decision to revoke a deportation order because it is invalid, but where deportation action will ultimately continue, can be authorised at SEO grade or above.

Deportation no longer lawful: where the Home Office has lost an appeal and the Court or Tribunal determines that deportation would amount to a breach of the ECHR, any deportation order in force when the appealable decision was made must be revoked. This can be authorised by a SEO.

Updating Home Office records

Deportation order is revoked

The front of the deportation order (where available) should be clearly marked as “R E V O K E D”. The following text must be added to CID / ATLAS following revocation:

For deportation orders made under the 1971 Act or 2007 Act:

- In pursuance of the power conferred upon [him/her] by section 5(2) of the Immigration Act 1971, the Secretary of State hereby revokes this Deportation Order

For deportation orders made under the 2007 Act where you are revoking and then remaking a deportation order:

- In pursuance of the power conferred upon [him / her] under section 34(4) of the UK Borders Act 2007 the Secretary of State hereby revokes this deportation order

This statement must be concluded with the authoriser's signature, printed name, business area and the date.

Deportation order is invalid

If there is a file copy, you must mark the deportation order across the front with the word "I N V A L I D" and set out your reasons for revoking the deportation order (on the back of the order). You must also include the authoriser's signature, printed name, business area and the date. Any electronic copies must also be marked to reflect the revocation decision. These actions must be completed at HEO grade (or above).

If the original deportation order has been served, it is the file copy of the deportation order that is marked as invalid, any additional copies must be disposed of securely. The file and relevant systems (for example CID / ATLAS) must be updated to record that the deportation order was revoked and the file copy of the deportation order retained.

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Biometric information

Where a decision to revoke a deportation order is made you must check whether the persons' biometric information was retained beyond 15 years (10 years before 1 July 2021), in line with the policy of retaining biometric data beyond 10 / 15 years where a person is subject to a deportation order, exclusion order or decision to exclude.

Where the revocation of the deportation order occurs after 15 years (or 10 years if enrolled before 1 July 2021) after the last enrolment you must consider whether they must be deleted in line with the policy guidance on Biometric Retention and Usage.

Biometric information must be deleted where its retention is no longer necessary for use in connection with a function under the Immigration Acts or in relation to Nationality. Caseworkers must follow the Biometric Retention and Usage guidance when requesting the deletion of biometric information.

Service of the decision

All decisions must be notified to the applicant or applicants **and**, where applicable, their representative.

Copies of all letters, including evidence that the decision has been notified to the subject, must be placed on the HO file (where available) and the electronic records must be updated.

A foreign national deported under the Early Removal Scheme (ERS) or Tariff-Expired Removal Scheme will continue to be liable to return to prison:

- if they return to the UK when their original prison sentence is in effect
- if they were removed from a prison in England and Wales under ERS from 28 June 2022

You must inform the person or their representation at the time their deportation order is revoked of the consequences (arrest and return to prison) if they obtain an entry clearance and decide to return to the UK.

Further information can be found in Continuing liability to be returned to prison and guidance on the Early Removal Scheme or Tariff-Expired Removal Scheme.

Informing DWP and the PNC

The DWP and PNC Bureau must be informed if a decision is made to revoke the deportation order. Examples of this would include where the deportation order is revoked:

- in country and leave is granted
- after the consideration of an application for revocation made from outside the UK
- due to further representations or an allowed appeal

Where possible, you must inform DWP of the basis on which the foreign national is being granted leave to enter or remain in the UK. However, this may not be possible in cases where a deportation order has been revoked but the foreign national has not yet obtained the required entry clearance for admission to the UK.

You must also inform the Police National Computer (PNC) Bureau as details about the foreign national's deportation order will need to be removed from the PNC.

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Related content
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Conducive Deportation guidance
Biometric Retention and Usage policy guidance

Continuing liability to be returned to prison

This section tells you about a foreign national's liability to be returned to prison under the Early Removal Scheme or Tariff Expired Removal Scheme.

A foreign national deported from the UK under the Early Removal Scheme (ERS) or the Tariff-Expired Removal Scheme (TERS) will continue to be liable to return to prison under the provisions of those schemes to serve the original sentence if they return to the UK at a time when their original prison sentence is in effect, regardless of whether the deportation order has been revoked.

ERS: England and Wales

The ERS in England and Wales is set out in Section 260 of the Criminal Justice Act 2003 (CJA 2003). Under this scheme, all eligible offenders (EEA and non-EEA nationals), who have a determinate sentence (sentenced for a fixed or minimum period specified by statute) must be considered. The scheme provides a power for the Secretary of State to allow removal of offenders from prison in England and Wales at an earlier point in their sentence than would otherwise be possible for the sole purpose of removal or deportation from the UK.

Under Section 261 of the Criminal Justice Act 2003 a person **removed before 28 June 2022**, who then re-enters any jurisdiction of the UK during the currency of the original sentence (which will expire on the original sentence expiry date) is liable to be detained in pursuance of the original sentence and returned to a prison in England and Wales.

The Nationality and Borders Act 2022 (NABA 2022) introduced a 'stop the clock provision' for those offenders removed from a prison in England and Wales under the ERS from 28 June 2022. The effect is, that any remaining prison sentence is paused from the date of removal onwards, rather than expiring on the original sentence expiry date. A person covered by the provision, who then re-enters any jurisdiction in the UK, will be liable to be returned to a prison in England and Wales to complete the entirety of the remaining sentence.

ERS: Scotland

In Scotland, Section 19 of the Criminal Justice and Licensing (Scotland) Act 2010 introduced ERS for Scottish offenders (who are serving determinate sentences of less than 4 years), including non-EEA and EEA nationals. A person removed under the scheme who then re-enters any jurisdiction of the UK during the currency of their original sentence is liable to be detained in pursuance of the original sentence and returned to a prison in Scotland.

ERS: Northern Ireland

In Northern Ireland, Section 55 of the Justice Act (Northern Ireland) 2016 introduced ERS for determinate sentenced offenders who were serving sentences of at least 6 months, including non-EEA and EEA nationals. Under section 55(3) of the Justice Act (Northern Ireland) 2016, individuals removed under the scheme are only liable to be returned to a prison in Northern Ireland if they re-enter Northern Ireland during the currency of their original sentence.

TERS

On 2 May 2012 the TERS was introduced when sections 32A and 32B of the Crime (Sentences) Act 1997 was amended by section 119 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The scheme applies to offenders in England and Wales who are liable to have their removal enforced and who are serving indeterminate sentences - this includes all custodial sentences that do not have a fixed length of time, but which have a minimum 'tariff' which must be served before release may be considered.

Whilst release and removal under TERS applies only to eligible prisoners serving a sentence in England and Wales, the provisions in respect of liability to return to prison for a person removed under the scheme, apply to the whole of the UK. Anyone who was removed under TERS who subsequently manages to enter any jurisdiction within the UK will be liable to be detained and returned to a prison in England and Wales in pursuance of the sentence, in accordance with section 32B of the Crime (Sentences) Act 1997.

Related content
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Allowed appeals

This section tells you about revoking a deportation order following an allowed appeal.

Information on appeals can be found in the Rights of appeal guidance.

If an appeal against the refusal of a human rights or protection claim or against a decision to make a deportation order under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 is allowed and the Home Office does not intend to challenge that decision, any deportation order made must be revoked before leave is granted.

The decision to revoke a deportation order must only be made once you are satisfied that the case will not be appealed or is appeal rights exhausted (ARE).

Where an appeal against a deportation order made in accordance with the 2007 Act has been remitted by the Courts for reconsideration there is no requirement to revoke the deportation order pending the final outcome of the appeal.

In the case of a deportation order obtained under the 2007 Act, the order will not invalidate leave to enter or remain until the person's in country appeal rights are exhausted (see s79 Immigration and Asylum Act 2002). Therefore, the deportation order will not have taken effect and there is no need to revoke it.

Revocation of a deportation order does not entitle a person to re-enter the UK or to a grant of leave, however if an application is made that results in revocation of a deportation order and the person is in the UK, the decision maker should consider whether a grant of leave is also required.

Where a deportation order is revoked because the Secretary of State decides that deportation would breach ECHR Article 8, entry clearance or permission to enter or stay must be granted for a period of up to 30 months, subject to such conditions as the Secretary of State considers appropriate.

Where a deportation order is revoked following an allowed non-suspensive appeal (an appeal that is allowed while the FNO is not in the UK), UKVI will issue a visa to facilitate the FNO's return to the UK that is valid for one month. After arriving in the UK, the FNO must promptly engage FNO RC to ensure they are granted 30 months limited leave.

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