



Home Office

# The Facilitated Return Scheme (FRS)

Version 11.0

This guidance explains the Facilitated Return Scheme (FRS) for foreign national offenders (FNOs).

# Contents

Contents.....	2
About this guidance.....	4
Contacts .....	4
Publication .....	4
Changes from last version of this guidance .....	4
Introduction .....	5
Background .....	5
Resettlement grant .....	5
FRS team .....	6
Reintegration of FNOs.....	8
What the resettlement grant may be used for on return.....	8
Eligibility criteria .....	9
British nationality.....	9
FNOs detained under mental health legislation .....	10
Under 18-year olds .....	10
Service in the British armed forces .....	10
Administrative removal .....	11
Previous removal from the UK.....	11
Family members .....	11
FNOs ineligible for the FRS.....	13
Exempt from deportation .....	14
Previous enforced departure with financial assistance .....	14
Making an application.....	16
Conditions of acceptance .....	17
Consideration of applications .....	18
Checks for confiscation or civil forfeiture orders .....	18
Approval levels .....	19
Representations or appeal against removal .....	20
Previous non-compliance .....	21
Decision.....	22
Withdrawal of acceptance .....	23
Applicant withdraws from the scheme .....	23
Action to be completed after acceptance .....	25
Setting removal directions .....	25

Providing details to the FNO about their claim .....	25
Issuing the cash card.....	25
Departure from prison or immigration removal centre.....	25
Departure on a charter flight .....	26
Departure of non-detained cases .....	26
Delays in departure .....	27
Short term delays.....	27
Long term delays .....	27
Travel document issue delay .....	28
Frequently asked questions from FRS applicants .....	29

# About this guidance

This guidance tells you about the Facilitated Return Scheme (FRS) for foreign national offenders (FNOs), eligibility for the scheme, and how it is administered by the Home Office.

## 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 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.

## Publication

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

- version **11.0**
- published for Home Office staff on **07 August 2023**

## Changes from last version of this guidance

- amendments to the eligibility criteria
- amendments to remove references to AMIF funding and third-party resettlement providers

### Related content

[Contents](#)

# Introduction

This section tells you about the Facilitated Return Scheme.

## Background

The Facilitated Return Scheme (FRS) was established on 12 October 2006 to make the early removal of foreign national offenders (FNOs) to their country of origin easier. The primary aim of the scheme is to encourage FNOs to leave the UK at the earliest possible opportunity, thereby reducing the resources and costs associated with time spent in prison and immigration detention.

The FRS provides financial support for reintegration to encourage FNOs to cooperate with their early removal from the UK. The level of support provided to an FNO will depend on whether they have been given a custodial sentence and, for those given a custodial sentence, whether they apply whilst they are still serving their sentence or whether they are time-served. An FNO who had previously received financial assistance as part of their removal or deportation from the UK will not be eligible for a second payment under the scheme other than in exceptional circumstances.

All foreign national offenders (FNOs) subject to administrative removal or deportation from the UK on the basis of criminality are eligible for the FRS, subject to certain exceptions. This includes FNOs who are currently serving or who have already served their custodial sentence; FNOs with non-custodial sentences and FNOs with overseas convictions.

FRS is a voluntary scheme, those who depart under it are subject to enforcement action (deportation or administrative removal). Departure under the FRS is not an alternative to deportation. All decisions to deport or remove a foreign national under the terms of the scheme must be considered in accordance with Home Office policy and must comply with the UK's international obligations.

## Resettlement grant

FNOs departing under the FRS are eligible for a resettlement grant. To encourage early departure, a higher amount is paid to someone who applies whilst still in custody. The current values of the grants are up to:

- £1,500 where the application is made whilst the FNO is serving their custodial sentence
- £1,500 for qualifying family members
- £750 for FNOs who apply after completing their custodial sentence
- £750 for FNOs who have a non-custodial conviction or who received a conviction overseas

The full settlement grant is paid in cash uploaded onto a card once departure has been confirmed.

## **Family members of FNOs who qualify for the scheme**

Each qualifying family member will be eligible to receive a grant of £1,500. Any qualifying adult will receive a separate pre-paid cash card upon departure in their own right. The flights of these family members will also be paid by the Home Office.

## **Vulnerable FNOs**

A discretionary additional £500 in financial support may be payable upon departure to a small number of vulnerable FNOs in certain circumstances.

Vulnerabilities might include:

- a Mentally Disordered Offender
- FNOs with other mental health vulnerabilities
- FNOs with physical disabilities
- pregnant women
- elderly FNOs
- destitution or homelessness
- serious illness or life limiting conditions

This list is not exhaustive, and the merits of each application will be judged on a case-by-case basis.

FNOs who might be considered vulnerable must be referred to the Senior Executive Officer/ Grade 7 in the FRS team, on a case-by-case basis, who will make the final decision on eligibility.

## **FRS team**

The FNO Returns Command FRS team has sole responsibility for all aspects and decisions relating to the FRS, including the final decision to:

- accept (provisionally or fully) an application
- reject an application
- withdraw previous full or provisional acceptance

If another specialist casework team in FNORC, such as the Mentally Disordered Offenders team, is dealing with the case, the FRS team must liaise with the case owner responsible for the case before an application under the FRS is decided. The case remains with the specialist team and is not formally transferred to the FRS team.

Correspondence relating to the FRS must only be sent to applicants from the FRS team.

The external telephone for FRS applicants is 0300 071 3550.

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**Official – sensitive: Start of section**

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**Official – sensitive: End of section**

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**Related content**

Conducive deportation

Public policy, public security or public health decisions

[Contents](#)

# Reintegration of FNOs

This section tells you about the benefits of the Facilitated Return Scheme (FRS).

FNOs who leave the UK and return to their country of origin under the Facilitated Return Scheme (FRS) are expected to use their resettlement grant to actively reintegrate into life there on a permanent footing.

## What the resettlement grant may be used for on return

FNOs are encouraged to put their resettlement grant towards meaningful activities aimed at creating a stable, settled life in the country of return. FNOs can consider spending their grant on:

- setting up a business, partnership or buy into an existing business
- education or vocational studies
- housing
- medical expenses

### Related content

[Contents](#)



# Eligibility criteria

This section tells you about the eligibility criteria for the Facilitated Return Scheme (FRS).

With certain exceptions, the FRS is available to all foreign national offenders who are liable to deportation. In practice, this means any person served with a notice of decision to make a deportation order or a notice of liability to deportation is eligible for the FRS. This includes FNOs who:

- are British overseas citizens, British protected persons, British nationals (overseas) or British subjects with no automatic right to reside in the UK, provided they can show there is a country or territory where they can be voluntarily removed to and will be lawfully admitted to that country or territory
- the spouse or partner of a British citizen, person with settled status (indefinite leave to remain) or person who is exempt from immigration control
- non-EEA nationals and EEA nationals (regardless of whether they are protected by the [European Union \(Withdrawal Agreement\) Act 2020](#) or not)
- are detained under mental health legislation as a result of a criminal offence, where appropriate arrangements for their care and reception are available and have been made
- are under the age of 18, irrespective of length of sentence, provided:
  - suitable reception and accommodation arrangements are in place
  - the Home Office's duties under [section 55 of the Borders, Citizenship & Immigration Act 2009](#) (to safeguard and promote the welfare of children in the UK) have been met
  - the Office of the Children's Champion agree

Applications from FNOs who are liable to [administrative removal](#) under section 10 of the Immigration and Asylum Act 1999 can also be accepted if the applicant has served a custodial sentence. This is usually only relevant where the FNO has received a short prison sentence and has no previous criminal history.

## British nationality

While a foreign national offender (FNO) with a British Overseas Citizen passport, British National (Overseas) passport or other non-British citizen passport may not be exempt from deportation or immigration control, they will become exempt if an application for registration as a British citizen is made and is successful.

Before an application under the FRS is accepted, the FRS team must confirm an application for registration as a British citizen has not been made or accepted.

If the applicant's passport is available, it must be checked to make sure it does not contain conditions, such as a right of abode in the UK, which exempts the applicant from immigration control.

## **FNOs detained under mental health legislation**

Cases involving people detained under certain parts of mental health legislation are excluded from the automatic deportation provisions of the UK Borders Act 2007. However, deportation on conducive grounds can be taken under the Immigration Act 1971, subject to human rights or protection claims.

As the FRS is designed to encourage early removals, an application must only be accepted from a person detained for mental health reasons where:

- deportation action is already initiated, and a deportation order (DO) has been obtained by an FNORC team - this is normally the Mentally-Disordered Offenders (MDO) team who liaise with the FNO's responsible clinician to make sure they are fit to be removed and able to access their cash card
- in cases where deportation is not to be pursued, Removals Casework in Returns Preparation are able to effect removal after consultation with the responsible clinician

## **Under 18-year olds**

A person who is under the age of 18 is eligible to apply to the FRS. However, any enforcement of a child's departure must be in line with the Home Office's policy on unaccompanied minors and in line with the duty regarding the welfare of children in the UK under section 55 of the Borders, Citizenship and Immigration Act 2009.

Unaccompanied children cannot be returned to their country of origin unless they have adequate reception and safe care arrangements in place. Such cases are currently handled by an FNORC team in Liverpool, and removal arrangements are agreed with the assistance of the Office of the Children's Champion.

See Managing FNOs under 18 years old for more information on consideration of FNOs who are under 18.

## **Service in the British armed forces**

Applicants for the FRS who are currently serving in the armed forces are exempt from immigration control, but not from deportation. In cases where deportation is to be pursued, a deportation order must be made in all cases before removal can take place under the FRS.

In cases where deportation is not being pursued, and the applicant is not discharged from service, they remain exempt from immigration control and are not eligible for the FRS.

If, as a result of a criminal offence, the applicant is discharged by the relevant service, they will no longer be exempt from immigration control. The usual processes must then be followed.

If a member of the armed forces has committed a military disciplinary conduct offence (such as desertion, absence without leave) they will not be eligible for FRS assistance and applications must be rejected.

The FRS team must make enquiries to establish if the applicant has been discharged, by contacting the relevant force using contact details available on their respective websites.

## Administrative removal

Where illegal entry or administrative removal papers have already been served, either Returns Preparation (RP) or the local Immigration Compliance and Engagement (ICE) team who served that decision are responsible for the case. Where they haven't, but there is clear evidence an immigration offence has been committed, the case should be referred to RP to consider initiating action. In either case, the FRS team's responsibility will therefore be limited to:

- deciding whether to accept the application and notifying the FNO accordingly
- arranging the issue of the cash card once either RP or the relevant ICE team have notified the FRS team to confirm removal directions have been set

In removal cases where it is decided that the FRS team should assume casework responsibility, the team must also:

- obtain travel documentation with the help of the FNO
- review detention where the FNO is in immigration detention
- issue the cash card
- update Atlas/file and make sure departure under the FRS is properly recorded
- carry out all appropriate post-removal action, including updating security systems

The FRS team record the removal for management information purposes.

## Previous removal from the UK

Applicants previously removed from the UK either administratively or as illegal entrants, and who are now to be deported as a result of their criminality, are dealt with on the same basis as any other FRS applicant and are eligible to apply.

## Family members

Family members of FNOs who are eligible for acceptance under the FRS and return home at the same time as the qualifying FNO are eligible for FRS reintegration assistance in their own right.

Family members for the purposes of this assistance are the FNO's spouse, partner or children under the age of 18.

**Related content**  
[Contents](#)

# FNOs ineligible for the FRS

This section tells you about those foreign national offenders (FNOs) who are ineligible for the Facilitated Return Scheme (FRS).

Certain categories of FNO are not within the scope of the FRS and if they apply will be rejected. These include an FNO who:

- is not subject to any enforcement action, including where:
  - they are a British citizen
  - they have the right of abode in the UK
  - they are [exempt from deportation under section 7 of the Immigration Act 1971](#)
- is unable to depart the UK voluntarily or has an outstanding claim to remain in the UK - this includes where they are:
  - subject to extradition or a European Arrest Warrant, either to or from the UK
  - a serving member of the armed forces whose repatriation will be arranged by the relevant armed forces
  - pursuing an immigration appeal (including where the appeal has been certified)
  - pursuing judicial review proceedings, unless there is written permission from the court that the judicial review has been accepted as withdrawn
  - pursuing an application for leave to enter or remain
  - pursuing a protection claim or other claim to remain in the UK, unless there is written permission from the individual confirming the claim has been withdrawn
- is subject to reciprocal agreements between the UK prison service and the Isle of Man, and the Bailiwicks of Guernsey and Jersey
- is a serving member of the military who has committed a disciplinary conduct offence (such as desertion, absence without leave)
- is subject to a Prison Transfer Agreement
- was given an indeterminate custodial sentence
- had previously been removed from the UK having been given financial support under the FRS or Voluntary Returns Scheme (VRS)
- has entered the UK in breach of a deportation order, exclusion order or exclusion decision
- has failed to comply with the process required to remove them from the UK including those who:
  - fail to cooperate with any travel documentation procedure
  - are abusive to prison or immigration staff
  - embark on a food and/or fluid refusal where believed to be undertaken to frustrate removal (determined on a case-by-case basis)
  - fail to comply with removal directions on the day
  - make last-minute representations against removal
- has been served with details of their removal before making an application
- is currently the subject of an outstanding Confiscation Order or the subject of cash forfeiture proceedings

- has voluntarily withdrawn from the scheme on two previous occasions due to non-compliance and then attempted to re-apply for the scheme

An FRS application can be accepted exceptionally on a case-by-case basis with authorisation of the FNO Returns Command Director. This might be where, for example, it is considered that enforcing departure of an FNO would be especially difficult without allowing them financial assistance under the FRS. However, such cases will be numerically few.

The FRS team senior manager (a Senior Executive Officer or higher) has the final decision whether to accept such an application.

## Exempt from deportation

Section 7(1) of the Immigration Act 1971 exempts Commonwealth and Irish citizens from deportation provided they:

- were citizens and ordinarily resident in the UK on 1 January 1973 (when the 1971 Act came into force)
- have been ordinarily resident in the UK for at least five years before the decision to make a deportation order - for automatic deportation cases, this is the decision notifying a person they are subject to automatic deportation under section 32(5) of the UK Borders Act 2007

This 5-year period excludes custodial sentences of 6 months or more and a person must satisfy both parts to be exempt. There is no requirement for the period to be a continuous one. It can be a cumulative 5-year period of ordinary residence - an aggregate total not interrupted by periods outside the UK, when the person cannot be considered to be resident in the UK, is equally applicable.

It should be remembered that certain countries may be members of the Commonwealth now but were not in 1973. Furthermore, some countries have left and re-joined the Commonwealth at various points in time (for example, Pakistan withdrew from the Commonwealth in 1972 but later re-joined in 1989). Therefore, confirmation of membership of the Commonwealth on 1 January 1973 should be checked.

When an FRS application is received from an FNO who meets or appears to meet the above criteria, advice must be sought from a senior caseworker before a decision is made on the FRS application. If the applicant meets the exemption provisions, they are not subject to deportation or administrative removal and as such are not eligible for the FRS (as they would likely be eligible for ILR under the Windrush scheme).

## Previous enforced departure with financial assistance

FRS applications where the FNO was previously removed or deported under either the FRS or VRS must normally be rejected.

However, if there is no other means of ensuring necessary cooperation with effecting their deportation, discretion may be exercised with authorisation from a grade 6 on a case-by-case basis.

**Related content**

[Contents](#)

# Making an application

This section tells you how to apply for the Facilitated Return Scheme (FRS).

The Facilitated Return Scheme (FRS) is widely advertised in HM prisons, and immigration removal and reporting centres.

A foreign national offender (FNO) wishing to make an application to the FRS can do so by:

- telephoning the FRS team on 0300 071 3550
- informing a member of prison staff, if still in custody
- informing an Immigration Enforcement officer during a regularly held surgery at their prison

The applicant must complete and sign an FRS disclaimer form. The FRS team in FNORC will consider the application. The FNO will usually receive a response in writing from the FRS team, to confirm if they have been accepted, provisionally accepted, or rejected under the scheme. Full reasons are given for every decision made.

## **Related content**

[Contents](#)



# Conditions of acceptance

This section tells you about the requirements to be accepted onto the Facilitated Return Scheme (FRS).

The purpose of the Facilitated Return Scheme (FRS) is to encourage the early departure of foreign national offenders (FNOs) from the UK. However, only where there is evidence of a valid travel document to effect their departure, or an agreement has been reached for one to be issued, will the application be accepted. Applications where there is currently no travel document, but the FNO is cooperating with Immigration Enforcement in obtaining one, may be accepted on a provisional basis while the documentation process is completed.

An applicant is accepted onto the FRS on the understanding they wish to make a voluntary departure. The applicant must be prepared to:

- disclaim all appeal rights and withdraw any outstanding representations against any decision made by the Home Office
- agree to be removed at the earliest possible date
- comply with any process for obtaining travel documentation, which may require the applicant to:
  - provide any existing passport not in the Home Office's possession
  - accept responsibility for making an application to the relevant high commission or embassy where a personal application will speed up the process

The FRS disclaimer form which applicants are asked to complete is not legally binding, and does not prevent the applicant later lodging an appeal or raising further representations against deportation or removal, either in the UK or after departure. However, where an applicant does lodge further representations of any kind against a Home Office decision, their application to the FRS must be rejected.

## **Related content**

[Contents](#)

# Consideration of applications

This section tells you about the consideration of Facilitated Return Scheme (FRS) applications.

When considering whether to accept or reject an application for the FRS, the FRS team case owner must:

- assess the applicant's eligibility for the FRS against the [eligibility criteria](#)
- if not already determined, decide whether the FNO meets the threshold for deportation (see guidance on conducive deportation or public policy, public security or public health decisions if the person is protected by the EU (Withdrawal Agreement) Act 2020 and has conduct committed before the end of the transition period on 31 December 2020)
- where deportation is not being sought, establish whether [administrative removal](#) will be pursued
- check if there are any barriers to removal, including:
  - confiscation orders
  - civil cash forfeiture orders
  - extradition orders
  - European Arrest Warrants
  - [further representations against removal](#) including an outstanding human rights or protection claim
- [obtain approval](#) at the appropriate level, including from the FNORC Director if the FNO has been convicted of a serious offence
- assess whether the application should be rejected on the grounds of previous conduct or non-compliance
- determine if the applicant has a valid travel document - if not, acceptance onto the FRS must be provisional subject to them meeting all other criteria
- determine the applicant's earliest release date:
  - if this is more than 6 months away, acceptance onto the FRS must be provisional subject to them meeting all other criteria.

## Checks for confiscation or civil forfeiture orders

Providing a financial incentive to an FNO to leave the UK while the UK government is still pursuing that individual for payment could result in serious embarrassment.

When an application is received, the FRS team must check the Joint Asset Recovery Database (JARD) for any record of a confiscation order or civil forfeiture proceedings. A confiscation order is made by a Crown Court and allows confiscation of benefits from all criminal conduct. If evidence is found of a confiscation order being in place, removal under the FRS must be deferred pending the resolution of that confiscation order, or an assessment as to how soon it will be resolved. This requires liaison with the Crown Prosecution Service.

Cash forfeiture proceedings involve the seizure of cash suspected of being linked to an offence. If proceedings are identified on JARD, an application for the FRS must

not be agreed without discussion with the relevant enforcement agency. This is most likely to be the police or the National Crime Agency (NCA).

If the civil proceedings are being taken by the Home Office, the FRS team must contact the Cash Forfeiture and Condemnation Legal Team (CFCLT) before accepting a person onto the FRS.

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### **Official – sensitive: end of section**

All applications from FNOs where money is still owed need to be considered carefully on their individual merits. Factors will include the relative costs likely to be incurred if the application under the FRS is rejected (such as additional costs if the FNO is subsequently detained under immigration powers). These costs must be weighed against that of allowing the FNO to depart voluntarily under the FRS, and how much money is likely to remain unpaid. Senior caseworker advice must be sought in such cases.

## **Approval levels**

### **Convictions for serious offences**

Where the provision of financial support to an FNO could undermine public confidence and bring the scheme into disrepute, for example where an FNO has been:

- involved in a high profile or notorious crime
- involved in a crime of particular concern to the public, such as:
  - murder
  - manslaughter
  - rape
  - sexual offences against children under 16
  - terrorism
  - human trafficking

an application to the FRS must be approved by the FNORC Director. You must consult the Higher Executive Officer of the FRS team before referring a case to the FNO RC Director for a decision. The FRS team must set out the facts of the case in a submission to the FNORC Director with the Judge's Sentencing Remarks.

### **Other FNO cases**

All other cases, including vulnerable cases that are identified, must be authorised at the levels below (with escalation to the G7 if required):

- custodial sentence less than 4 years at AO/EO level
- custodial sentence of at least 4 years and less than 8 years at EO/HEO level
- custodial sentence of 8 years or more at SEO level
- vulnerable and exceptional cases, where consideration is being given to an additional payment, at SEO/G7 level
- cases without a UK custodial sentence (overseas conviction and UK non-custodial cases) at SEO level

## Representations or appeal against removal

If an FRS applicant makes further representations against their deportation or removal, this must be treated as an indication that they do not in fact wish to depart under the FRS in the near future, as the FRS requires a voluntary departure. The scheme is designed to facilitate early departure and the FNO must be notified that their application for the FRS is rejected, or that any previous acceptance onto the scheme has been withdrawn. The case must then be returned by the FRS team to a general FNORC casework team to progress.

### Human rights or protection claim

An FRS application indicating an FNO is willing to voluntarily return to their country of origin clearly conflicts with a protection or human rights claim based on an assertion that they cannot return to their home country. Where it is apparent there is an outstanding protection or human rights claim, the FRS team must undertake checks to ensure the FRS applicant is from a country to which removal would normally be enforced, and that the UK's international obligations are not breached by their removal from the UK. Senior caseworker advice must be sought if this is suspected.

If the FRS applicant has previously been recognised as a refugee or has been granted leave (humanitarian protection, discretionary or exceptional leave) on Article 3 grounds, the application under the FRS will be rejected, unless there is advice from a senior caseworker that:

- confirms removal to their country of origin is considered safe
- the appropriate action has been undertaken to rescind, revoke or cancel their previous status, and as a result, deportation or administrative removal action has been taken

### Appeals against deportation

Where an in-country appeal has been lodged against deportation or removal, the subsequent making of an FRS application indicates that in fact the FNO is able and willing to return home, notwithstanding any claims to the contrary. To be accepted, they must sign the disclaimer form and withdraw any such appeal. If they choose not

to, their FRS application will fall for rejection and any previous acceptance will be withdrawn. This also applies to judicial review applications against decisions in the applicant's case.

## Previous non-compliance

An FRS application will normally be rejected if the previous behaviour of the FNO shows they are unlikely to make a compliant departure, or they are likely to breach the terms of the scheme. This will include those who:

- entered the UK in breach of a deportation order (DO) or exclusion decision
- were previously removed under FRS or the Voluntary Returns Scheme (VRS)
- fail to cooperate with any travel documentation procedure
- are abusive to prison or immigration staff
- embark on a food and/or fluid refusal where believed to be undertaken to frustrate removal (determined on a case-by-case basis)
- fail to comply with removal directions on the day
- make last-minute representations against deportation and/or removal

If following acceptance onto the scheme the applicant then fails to comply with the process required to remove or deport them, the FNO will be withdrawn from the scheme by the FRS team.

### Entry in breach of a DO

Anyone who re-enters the UK whilst the subject of a valid DO is an illegal entrant for as long as the order is in force, and will be guilty of a criminal offence under [section 24\(1\) of the Immigration Act 1971](#) and liable to further removal action. A DO remains in force until it is formally revoked. In cases where revocation is authorised, this must be recorded on the Home Office file and Atlas, and preferably on the file copy of the original DO itself. This includes FNOs recalled to prison or who are serving a subsequent term of imprisonment.

Where a DO was previously made on the basis of overstaying, rather than criminality prior to the commencement of the Immigration and Asylum Act 1999 on 2 October 2000, the entry in breach can be disregarded for the purposes of the FRS. Where in doubt, senior caseworker advice must be sought.

### Previous removal under FRS or VRS

FNOs previously removed under either the FRS or the VRS should be rejected where there is no barrier to their departure. However, an FRS application can be accepted on a case-by-case basis with the authorisation of the FNORC Director, if it is considered that removal would otherwise be difficult to enforce.

Any decision to reject an application from an applicant who is otherwise eligible must be agreed at Senior Executive Officer level or higher within the FRS team and a full explanation of the decision must be given to the applicant.

## Decision

An FNO who meets both the eligibility criteria and the [conditions of acceptance](#) will be accepted under the FRS.

Where the [FNO is ineligible](#) for the FRS their application must be rejected unless the FNORC Director has authorised financial support under the FRS.

The FRS team must liaise with the prison to establish when the FNO is likely to complete their sentence before the FNO is formally notified of the decision.

Where there is a valid travel document in place to enforce the FNO's removal from the UK, full and formal acceptance under the FRS can be agreed 6 months before their ERS eligibility date (ERSED) in determinate sentence cases.

### Provisional acceptance

Applicants who apply for the FRS more than six months before their earliest release date will only be accepted on a provisional basis, subject to their meeting the eligibility criteria and conditions of acceptance. This decision is subject to review.

Applicants who are applying for the FRS at any point during their sentence and who meet the relevant criteria will only be given provisional acceptance on the scheme where there is no valid travel document available with which their future deportation and/or removal can be effected.

Provisional acceptance, usually because of a current lack of a valid travel document, is always subject to the scheme still being available at the time of full formal acceptance and does not guarantee the grant available at the time of application will still be available when the applicant is formally accepted onto the scheme.

If approval is received from the Senior Executive Officer/Grade 7 or FNORC Director for provisional acceptance of an applicant who has committed a very serious offence, further approval is not required unless there is a material change of circumstances, such as a further conviction.

### Related content

[Contents](#)

# Withdrawal of acceptance

This section tells you about withdrawal from the Facilitated Return Scheme (FRS).

Where a person has been accepted onto the FRS and there is a barrier to their removal from the UK which means departure is delayed by 6 months or more, their FRS acceptance must be either withdrawn completely or replaced with a [provisional acceptance](#). This includes cases:

- where there are outstanding offences - this can arise at any time between application and removal under FRS - Police National Computer (PNC) checks before removal, as well as checks with the prison for any outstanding court appearances, will be needed: removal cannot go ahead if an outstanding offence is still being prosecuted
- subject to confiscation orders or civil forfeiture proceedings
- involving people identified as court witnesses
- involving people enrolled in witness protection schemes
- involving people designated as covert human intelligence sources (CHIS)

In cases where acceptance is withdrawn, it is open to the foreign national offender (FNO) to reapply for the FRS once the barrier is resolved and that application may be accepted providing they meet the other eligibility criteria.

If the actions of an FNO who has applied for and been accepted (either fully or provisionally) onto the FRS indicate they are trying to delay their enforced departure from the UK, acceptance onto the scheme must be withdrawn. This includes where the applicant:

- fails to cooperate with any travel documentation procedure
- is abusive to prison or immigration staff
- embarks on a food and/or fluid refusal believed to be in order to frustrate removal
- fails to comply with removal directions on the day
- makes last-minute representations against deportation and/or removal

Withdrawal of acceptance onto the FRS by the FRS team does not prevent a future application being made and accepted if the barriers to deportation or removal are resolved and the FNO is fully compliant with associated processes. Where an applicant is non-compliant or voluntarily withdraws from the scheme on 2 occasions following full or provisional acceptance they will be excluded from the scheme in future. Any further application will usually fall for automatic rejection.

## Applicant withdraws from the scheme

An FNO can withdraw their application to depart under the FRS at any time, including and up to the point of departure itself. If the FNO indicates they wish to withdraw, the FRS team must serve an FRS withdrawal form on the applicant. They must complete and return this before their application can be formally withdrawn.

Once the FRS application is withdrawn, the FNO's case should be returned to either the FNORC case work team who had previous responsibility for the case, or to the FNORC Intake and Triage team for allocation to a new case owner.

**Related content**

[Contents](#)



# Action to be completed after acceptance

This section tells you about action to be completed once an applicant has been accepted onto the Facilitated Return Scheme (FRS).

## Setting removal directions

Successful FRS applicants will have directions set for their departure either by deportation (if they meet the threshold) or administrative removal on the basis that:

- they hold the necessary travel documentation
- there are no other barriers to their departure

Appropriate liaison between the FRS team, the casework team and the relevant operational areas of Immigration Enforcement should take place to set up suitable removal directions. In the case of those FNOs who will be leaving the UK directly after release from prison, the directions must be coordinated with the relevant release date, with minimum time spent in any immigration removal centre before departure.

## Providing details to the FNO about their claim

Once removal directions are set, the FRS team will write to the FNO confirming the time, date, and location of the removal directions. In most cases the cash card will be given to them at the airport before departure. The FRS team will liaise with the relevant operational areas (Returns Logistics, Border Force at the relevant airport, etc.) to ensure that this happens.

If the FNO raises any issues around excess baggage, this must be referred to the case owner.

## Issuing the cash card

FNOs will receive the physical cash card on departure. Once departure has been confirmed as successful, the full resettlement package will be uploaded onto the cash card by the FRS team.

The FRS team has responsibility for the issue of the cash card to successful applicants.

## Departure from prison or immigration removal centre

The FRS team must arrange for the cash card to be uploaded with the full grant the day before departure. The card is held by the escorting contractor, who must arrange for the applicant to be given their card/cash shortly before they depart. Facilities for

securely holding the cards are only available at Heathrow, Luton and Gatwick airports, so all FRS departures must be routed through one of these ports if at all possible. In some exceptional circumstances, if an FNO departs from another port, a cash card will need to be sent to the FNO at their new home address after their return.

Where it is not possible to provide a cash card because of sanctions being in place in the applicant's home country, they are instead given cash upon departure. Where the FNO is detained, the escorting contractor will assist with this process. Otherwise, local arrangements must be made with the port of exit.

## **Departure on a charter flight**

The FRS team must arrange for the cash card to be uploaded with the full grant the day before departure. The card is then given to the FNO by a member of staff from the Removals Support and Coordination Unit (RSCU) during the flight.

## **Departure of non-detained cases**

The escorting contractor is only responsible for providing the cash card to FNOs departing directly from custody or detention.

When the FNO is departing by self-check-in, and there is no opportunity to provide the FRS re-integration letter and cash card before departure. The FNO must provide an address and/contact details in their country of origin before they depart. The FRS team will then arrange for the cash card to be posted to the FNO and ask the FNO to contact the FRS team when they receive it.

The FNO will be asked a number of security questions, and once the FRS team are satisfied the individual is who they claim to be they will upload the full amount to the card.

### **Related content**

[Contents](#)

# Delays in departure

This section tells you how to proceed if there is a delay in the removal of a foreign national offender (FNO).

A number of factors can create delays in the enforcement of a foreign national offender's (FNO's) departure from the UK. The impact of a delay on an FRS application will depend on the specific circumstances, and in particular whether the delay is:

- likely to be short or long term
- the fault of the FNO or other external party

## Short term delays

With the exception of cases where provisional acceptance onto the FRS has been made, the only barriers to an FNO's immediate removal which will not have an impact on their FRS application are as follows:

- their custodial sentence is still being served. An FNO approved for release under the Early Removal Scheme (ERS) can be removed under the FRS once their ERS eligibility date is reached and release is approved by the prison governor
- a travel document is not currently available, but is in the process of being issued
- flights and/or escorts are not available – this should be a short-term operational issue only

These 3 factors are relatively short-term barriers (that is where a delay is not expected to be longer than 6 months), and there should be no circumstances where lengthy delays are justifiable or acceptable.

## Long term delays

If delays of more than 6 months arise, or become likely, the applicant's acceptance under the scheme will either be withdrawn or replaced with provisional acceptance on the basis of the longer-term barriers to departure.

Where the delay is due to the FNO's non-compliance, withdrawal from the scheme will be appropriate and they must re-apply if they wish to benefit from the FRS in the future.

Where the delay is outside the FNO's control, for example their embassy or high commission is yet to consider an application for an emergency travel document, provisional acceptance is likely to be appropriate.

## Travel document issue delay

Any delays in obtaining travel documents can lead to the FRS team deciding to withdraw provisional acceptance under the scheme. Some FNOs will have a valid passport which should be obtained as soon as possible. FNOs must offer as much assistance with this process as they can to help speed up this stage. They must tell the FRS team at the earliest opportunity if they have a valid travel document which is held by friends or family, the police or the Home Office. Arrangements can then be made to retrieve the document.

If there is no valid passport or other travel document available, an application must be made for a new one to facilitate departure, and any acceptance onto the FRS can only be on a provisional basis. The time frame for issuing a travel document varies from country to country and what is considered a reasonable period will vary from case to case, but usually, a document should be obtained within 3 months. FRS applicants must cooperate with the following requirements:

- a bio-data interview - this requires the FNO to provide full, detailed information, including a last known address in their country of origin - this is important because sometimes an embassy or high commission may reject an application for a document if a house number or street is missing or incorrect
- photograph and fingerprint provision - both of these must be taken
- identity questionnaire completion - some countries require this to be done, in English and the FNO's own language
- supporting evidence provision - if the FNO claims to be a particular identity, any documentary evidence supporting this must be made available where possible - this is sent with all other relevant paperwork to the embassy or high commission

Delays because of failure of the high commission or embassy to issue a travel document must be carefully monitored. Such delays might be viewed as outside the control of the applicant, but acceptance under the FRS places the responsibility on the applicant to assist in the documentation process, including applying for such a document in their own right. Where a delay is considered to have become unreasonable and is within the control of the FNO, they must be withdrawn from the scheme.

If acceptance is withdrawn for this reason, and the FNO has not previously been rejected or withdrawn from the FRS, they are eligible to resubmit their application when a travel document is available and must be reminded that they can approach their high commission or embassy to obtain a passport or other travel document direct.

### Related content

[Contents](#)

# Frequently asked questions from FRS applicants

This section tells you about further information available to foreign national offenders (FNOs) wishing to apply to the Facilitated Return Scheme (FRS).

FRS applicants may find the Frequently Asked Question (FAQ) page on the FRS information leaflets useful, as it tells them about the scheme and its advantages in a brief, clear manner.

Also, Home Office or Prison Service staff may find this a useful reference tool when asked these questions by prospective applicants in prisons and immigration removal or reporting centres.

All FAQs about how the scheme operates and its benefits are available in the stand-alone information leaflet on the FRS, which must be issued to FNOs still in custody, detention or if released, and acts as a useful reference guide.

## **Related content**

[Contents](#)