



Home Office

Immigration Returns, Enforcement and Detention
General Instructions

Re-entry bans

Version 7.0

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About this guidance

This guidance tells Immigration Enforcement officers the policy, processes and procedures relating to mandatory re-entry bans. It tells them when the varying levels of re-entry ban must be applied and how to record bans at the point at which a person leaves the UK.

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 Enforcement Policy.

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 and publication

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

- version **7.0**
- published for Home Office staff on **6 April 2017**

Changes from last version of this guidance

Immigration Rules change: grace period for overstayers reduced from 90 to 30 days

Related content

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Re-entry bans: reasons and lengths

This page gives Immigration Enforcement officers general information about the reasons for, and lengths of, re-entry bans.

The guidance is based on [paragraphs A320 and 320\(7B\) of the Immigration Rules](#) which set out the general grounds on which entry clearance or leave to enter the UK is to be refused.

Reasons for, and lengths of, re-entry bans

People seeking to come to the UK may be refused entry because they are the subject of a one year, 2 year, 5 year or 10 year re-entry ban. For reasons for the re-entry ban lengths, see:

- [Re-entry bans after voluntary departure](#) (one year, 2 years or 5 years)
- [Re-entry bans after enforced removal or deportation](#) (10 years)

People may be the subject of a re-entry ban where they have previously breached the UK's immigration laws by:

- overstaying, for definition see 'Administrative removal: categories' of Liability to administrative removal (non EEA) - consideration and notification
- breaching a condition attached to their leave
- being an illegal entrant, for definition see 'Administrative removal: categories' of Liability to administrative removal (non EEA) - consideration and notification
- using deception in an application for entry clearance, leave to enter or remain (whether successful or not)

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Re-entry bans after voluntary departure

This page tells Immigration Enforcement officers what length of re-entry ban is set following a person's voluntary departure from the UK.

Voluntary departure at person's own expense

Unless they are applying for entry clearance as a family member (under [Appendix FM of the Immigration Rules](#)), or they were under 18 at the time of their most recent breach (as set out at [paragraphs A320 and 320\(7B\) of the Immigration Rules](#)), the following categories of offender will ordinarily be subject to a **mandatory one year** re-entry ban if they leave the UK voluntarily at their own expense:

- illegal entrants
- those who breach a condition attached to their leave
- those who overstay their lawful leave by more than:
 - 90 days, excluding any [exceptional](#) periods, where the overstaying began up to and including the 5 April 2017
 - 30 days, excluding any [exceptional](#) periods, where the overstaying began on or after 6 April 2017

Overstaying period: exceptions

Where you are calculating a period of overstaying you must disregard the following:

- overstaying of up to 28 days, where, prior to 24 November 2016, an application for leave to remain was made during that time, together with any period of overstaying pending the determination of that application and any related appeal or administrative review
- overstaying in relation to which [paragraph 39E of the Immigration Rules](#) (concerning out of time applications made on or after 24 November 2016) applied, together with any period of overstaying pending the determination of any related appeal or administrative review
- overstaying arising from a decision of the Secretary of State which is subsequently withdrawn, quashed, or which the Court or Tribunal has required the Secretary of State to reconsider in whole or in part, unless the challenge to the decision was brought more than three months from the date of the decision

Voluntary departure at the Secretary of State's expense

People who breach UK immigration laws and leave the UK voluntarily at the expense (directly or indirectly) of the Secretary of State are subject to [2 year](#) or [5 year](#) re-entry bans. This includes those who leave the UK through an assisted voluntary return (AVR) programme at the Secretary of State's expense, or otherwise voluntarily.

Person left the UK otherwise voluntarily at the Secretary of State's expense

Not all people who leave the UK voluntarily at the Secretary of State's expense will necessarily depart through an AVR programme. Some may express a desire to leave the UK, but departure through an AVR programme is not pursued because either:

- they do not wish to return by this route
- they are not eligible to return by this route
- their application has been rejected or excluded

Those who leave the UK voluntarily, but their flight ticket is purchased by the Secretary of State (self check-in removals for example) are also recorded as voluntary departures at Secretary of State's expense.

Two year re-entry bans

Where [paragraph 320\(7B\) of the Immigration Rules](#) applies, people who leave the UK voluntarily at the Secretary of State's expense are subject to a **mandatory 2 year** re-entry ban if the date of their departure was **no more than 6 months** after the date on which they either:

- were given notice of their removal decision
- no longer had a pending appeal against that decision (appeal rights exhausted)

whichever is the later.

Resetting the 6 month time period

In some cases, the 6 month time window in which a person must depart to benefit from a [2 year re-entry ban](#), rather than a [5 year re-entry ban](#), may be re-set to start again. The 6 month clock will have been re-set where the:

- removal decision was substituted for a new removal decision where a fault is found with the original decision
- person was appeal rights exhausted (ARE), but then lodged an out-of-time notice of appeal with the First-tier Tribunal seeking an extension of that time limit and the First-tier Tribunal extended the time limit:
 - the 6 month clock starts on the date the person was given notice of their removal decision or the date on which the subsequent out-of-time appeal was eventually dismissed, whichever is the later
- person made further submissions to the Secretary of State which following consideration under [paragraph 353 of the Immigration Rules](#), are refused but found to constitute a fresh claim:
 - the 6 month clock restarts on the date the person is given notice of their new removal decision (which accompanies the refusal of their fresh claim) or the date on which they exhaust their appeal rights against that decision, whichever is the later
- person made further submissions to the Secretary of State which were only determined more than 12 months after their submission:

- the 6 month time limit restarts from the point where the further submissions are determined and found not to constitute a fresh claim

Five year re-entry bans

Where [paragraph 320\(7B\) of the Immigration Rules](#) applies, and where the lesser [2 year ban](#) does not apply, people who leave the UK voluntarily at the Secretary of State's expense (directly or indirectly) are subject to a **mandatory 5 year** re-entry ban if the date of their departure was **more than 6 months** after the date on which they either:

- were given notice of their removal decision
- no longer had a pending appeal against that decision (appeal rights exhausted)

whichever is the later.

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Re-entry bans after enforced removal or deportation

This page tells Immigration Enforcement officers what length of re-entry ban is set following a persons enforced removal or deportation from the UK.

People removed as the subject of a deportation order will continue to be excluded whilst the order is extant. The criteria for the revocation of a deportation order are contained in [paragraphs 390 to 392 of the Immigration Rules](#).

Where [paragraph 320\(7B\) of the Immigration Rules](#) applies, and the person was forcibly removed from the UK, they are subject to a **mandatory 10 year** re-entry ban. For the purposes of this re-entry ban, an enforced removal is one where the person refuses to leave the UK voluntarily and the Home Office enforces their departure in order to ensure they leave. Enforcement includes the use of detention powers immediately before departure from the UK if applicable.

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Re-entry bans: criminal history

This page tells Immigration Enforcement officers about refusing entry clearance or leave to enter or remain in the UK to a person with a criminal history.

Changes to the general grounds for refusal under [part 9 of the Immigration Rules](#) came into effect on 13 December 2012. The changes provide for mandatory or discretionary refusal of entry clearance and leave to enter or remain where the applicant has a criminal history or due to their character, conduct or associations.

The length of time for which refusal will remain appropriate will depend on the date and length of sentence imposed, and the person's character, conduct or associations.

For guidance on criminality and general grounds for refusal, see:

- entry clearance mandatory refusals: Deportation order or conviction
- entry clearance discretionary refusals: Criminal convictions and offending
- entry at UK port mandatory refusals: Criminal history
- entry at UK port discretionary refusals: Non-custodial sentences, offending causing serious harm, persistent offenders
- leave to remain: Criminality: leave to remain

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Re-entry bans: recording departure

This page tells Immigration Enforcement officers what information to record following a person's voluntary or enforced departure from the UK.

Once it is confirmed that a person has departed voluntarily or their removal has been enforced, whoever is responsible for recording their departure must ensure that the date and the manner of the departure is properly and promptly recorded on CID. This is, in part, so that the correct re-entry ban can be considered, and applied if necessary, where the person applies to return to the UK before their mandatory ban expires.

Where applicable, staff responsible for recording the departure must carefully check the person's CID record to ensure that the date on which they were last served notice of a removal decision has been correctly recorded. Where the person appealed against that decision, staff must also check that the date on which they exhausted their appeal rights has been recorded. Where either or both of these dates have not been entered on CID without reasonable explanation, staff must, where possible, examine the person's Home Office file and any related databases or paperwork in order to confirm and record these dates.

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