



Home Office

Returns, Enforcement & Detention policy
General Instructions

Voluntary and Assisted Returns

Version 4.0

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About this guidance

This guidance tells Immigration Enforcement (IE) staff about the procedures when promoting voluntary return and considering eligibility in relation to the various categories of voluntary return.

The information may also be useful as an overview to UK Visas and Immigration (UKVI) and Border Force about the IE Voluntary Returns Process.

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 Voluntary Returns Service.

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 published:

- version **4.0**
- published for Home Office staff on **28 May 2021**

Changes from last version of this guidance

- review of references to EEA nationals to reflect changes to eligibility
- review of references to Third Country Unit, inadmissible countries
- changes to the structure and amount of reintegration support that is available for applicants

Related content

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Related external links

Voluntary and assisted returns: introduction

This page provides Immigration Enforcement (IE) with information and case working instructions on voluntary and assisted returns for non-detained cases. Voluntary and assisted returns may be either at public expense or at the expense of the individual.

The information may also be useful as an overview to UK Visas and Immigration (UKVI) and Border Force about the IE Voluntary Returns Process.

What is a voluntary return?

Voluntary return (VR) is an umbrella term referring to any non-enforced departure of an immigration offender (or their family members) from the UK to the country of return.

VRs may be paid for at the [individual's own expense](#) or at the [expense of the Secretary of State \(public expense\)](#).

What is an assisted return?

An assisted return (AR) is a specific type of voluntary return designed to assist those who require more help to return home (for example, those returning to a developing country or those with complex needs or vulnerabilities). This includes supporting resettlement in the country of return by providing financial or 'in kind' support from an overseas provider to sustain their return.

As part of an AR, the Home Office may provide up to £3,000 in reintegration support for those who are eligible (see the table in [Assisted voluntary returns: eligibility](#)). This can pay for set up costs for a business, temporary accommodation, or training and education for children in the country of return.

To benefit from an AR managed by the Voluntary Returns Service (VRS), individuals must apply, and meet the relevant criteria.

See also: [VRS assisted return: additional assistance](#).

IS.101 disclaimer: informed consent

When serving removal directions, the individual must be given a minimum notice period of 72 hours, or 5 working days for certified cases, before their removal. However, the individual may make a voluntary return at any time provided that they have given their informed consent to waive this period using the IS.101 disclaimer where they are requesting the secretary of state to pay for their return. The 101 disclaimer is now incorporated into the online form

If an immigration offender agrees to leave the UK voluntarily, they **must** sign the relevant IS.101 disclaimer (unless applied via the online application). For more information, see [Judicial review and injunctions](#).

Signing the disclaimer is indication by the individual that they give their informed consent to be considered for a voluntary return. In accordance with General Data Protection Regulation (GDPR) 2018, consent must be freely given, specific, informed and unambiguous. There must be a positive opt-in, consent cannot be inferred from silence, pre-ticked boxes or inactivity.

If there is a legal representative on record they must be sent a copy of the IS.101 disclaimer without delay, provided they are still acting on behalf of the individual.

See also: [Information Commissioner's Office \(ICO\) guidance on GDPR](#).

If an appeal or judicial review application is outstanding, the individual must be advised to contact the relevant appeal authorities to withdraw action. If they do not, the appeal or judicial review will be treated as abandoned on leaving the UK. See: [Judicial review and injunctions](#).

If the return is accepted, the immigration database must be updated to show that the person is making a voluntary return.

A person may rescind their wish to make a voluntary return at any time up to departure, but you must make sure that they are aware of the consequences of not leaving the UK voluntarily, including the possibility of being detained as part of an enforced return.

Recording information about voluntary return

UK Visas and Immigration (UKVI) caseworkers, family engagement managers (FEMs), Immigration Compliance and Enforcement (ICE) officers, reporting and offender management (ROM) officers, and Detention Gatekeepers must provide information about voluntary returns at various points throughout the progression of a case, including during:

- family engagement meetings
- personal encounters
- at the point of service of papers
- surgeries

Information about the VRS must also be provided to immigration offenders who are released from detention without being removed if appropriate to do so.

Each time you provide an individual with information about voluntary return, you must create a special conditions flag with 'Voluntary Return/Assisted Voluntary Return Offered Verbally' or 'Voluntary Return/Assisted Voluntary Return Offered in Writing' as appropriate. This must also be noted on the individual's enforcement

case on the immigration database. You must also update the special condition 'Additional Information' field with a brief note of the individual's response.

The information must also be updated on the new immigration database using the manage contact service delivery – this will be the primary system for recording this information once the old immigration database is decommissioned.

This information can then be collated from the immigration database(s) for statistical purposes and used to support future promotion or indicate whether an individual has not yet discussed the options available to them.

Voluntary return should always be promoted, either verbally or in writing (included within a refusal letter or otherwise) before an individual is detained. However, there will be circumstances where this is not possible, for example where someone transfers into immigration detention from the prison estate. In all circumstances a detaining officer should make every effort to have a voluntary return conversation prior to detaining. Voluntary return options and implications should be explained to the individual when they are in a location that is safe for all present and allows the individual to understand the information they are being given. See: [IS.101 disclaimer: informed consent](#).

See also:

- Reporting and offender management
- Enforcement planning assessments
- Enforcement visits
- Family returns process (FRP)
- Arranging removals

Voluntary return instead of enforced return

Immigration Enforcement (IE) officers and reporting and offender management (ROM) officers must fully consider all options if they encounter an immigration offender who has a pending or new application for a voluntary return (VR).

Documentation held by other directorates that could assist with a return, such as passports, identity cards, or supporting evidence, will be released to IE for this purpose.

New voluntary return applications

Where a person who is subject to enforcement action makes an application for VRS, or a request for a voluntary return, unless the Home Office staff can demonstrate a compelling reason why an enforced removal should take place, that person will be accepted on a VRS scheme (subject to the standard exclusions) or have their voluntary return facilitated by IE.

You must consider the individual circumstances and decide on the appropriate course of action where removal directions have already been set before a voluntary return request or VRS application is submitted. In this context:

- a VRS application is the date it was received by the VRS team, identified via the creation of the VR card on the new immigration database
- a request for a voluntary return (outside of the VRS process) is the date it was received by the IE officer, Family Engagement Manager (FEM), or other caseworker.

FEMs will only deal with family voluntary returns exceptionally and will refer cases into VRS.

Even where a VRS application or other voluntary return request has been approved, it may once again become appropriate to set removal directions for an enforced return, for example in cases where non-compliance indicates that the individual may fail to fully comply with the process or fail to depart.

Pending voluntary return applications

If you encounter an individual who has a live VRS application pending, or has had a voluntary return request already agreed, the presumption must be that the applicant will be permitted to make their voluntary return.

If you become aware of information that may change that person's eligibility for VRS, you must email Voluntary Returns Service. A decision as to whether the VRS return will continue will be made by the VRS team and noted on the immigration database.

Related content

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Voluntary returns: basic checks

Caseworkers must conduct basic checks before confirming eligibility for a voluntary return. Where the case is being referred to Voluntary Returns Service (VRS), the caseworkers will conduct the relevant checks.

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Voluntary returns: contact management

Individuals who have a new or live voluntary return application pending may be granted, or remain on, immigration bail up until the point of removal.

The Reporting Office Manager (ROM) will decide any reporting frequencies and locations on a case by case basis in accordance with the reporting and offender management guidance.

See also: [Reporting and offender management](#).

Related content

[Contents](#)

The Voluntary Returns Service (VRS)

This page tells you about the remit of the VRS and how individuals can access their services.

What is the Voluntary Returns Service (VRS)?

The VRS provides help, guidance and practical support (including reintegration funds where applicable) for **non-detained** individuals who want to return to their country of origin, where those individuals are remaining in the UK and:

- you're in the UK illegally or have overstayed your visa or permission to stay
- you've withdrawn, or want to withdraw, your application to stay in the UK
- you've made a claim for asylum in the UK
- you have a letter from UK Visas and Immigration confirming you're a victim of modern slavery
- you're an EEA national who is without settled status or leave in the UK, and not exercising treaty rights prior to 30 June 2021

The VRS provides information about return options and assistance with obtaining a passport, emergency travel document or UK travel letter, purchasing tickets or more complex assisted returns for those who require additional assistance.

The VRS facilitates both types of return, voluntary return (VR) and assisted return (AR), at either the individual's expense or the expense of the Secretary of State, **but only for non-detained cases**.

The VRS have a dedicated team and processes to deal with all aspects of voluntary return and should be viewed as the preferred route for voluntary returns of non-UK nationals who are not detained, all eligible individuals who express an interest or request to depart from the UK, and who wish to access financial assistance or reintegration funding, must be referred to VRS.

The VRS provides reintegration support for people who may need assistance on return from the UK to a country recognised as developing by the OECD. They can apply for up to £3000 to help with reintegration costs.

You will not qualify for reintegration support if you are a non-resident national of a developing country who is returning to a country that is not on the list.

For example, you may have dual citizenship or settled status in a developed country.

This support is a one off payment per person who is subject to immigration control and does not hold extant leave in the UK. The support can be used to meet immediate needs on return, to find somewhere to live, support education, find a job or start a business in their country of return.

If someone is returning to a country that is not defined as developing by the OECD they can apply for help with reintegration costs if they have additional needs. This may include, but isn't exclusive to: returning as a family; being a care leaver (21 and under); being an unaccompanied child; being a confirmed victim of modern slavery; being a rough sleeper; receiving a negative asylum decision. Each case will be considered on its merit, and support may be available from £1500, depending on individual circumstances.

VRS will review the list of countries that are defined as developing by the OECD annually (on 2 January each year), and will adopt the most up to date country list on that date. Anyone who is returning to a country that has been removed from the list, but whose country of return was defined as developing at the time they made their application, will be eligible for the higher level of support.

The VRS programmes include:

- VRS voluntary return – for non-detained self-funded or public expense return (PER)only cases
- VRS voluntary return family – for non-detained self-funded or PER only families
- VRS assisted – ODA Country
- VRS assisted – additional assistance

There may be individual cases where it is more appropriate (for example, same day returns at the weekend) for the voluntary return of a non-detained individual or family group, to be facilitated outside of the VRS by Immigration Compliance and Enforcement (ICE) teams (see: [Non-detained voluntary returns](#)), or family engagement managers (FEM) (see: [Voluntary returns: families](#)), but the VRS should be used for the majority of returns.

Referrals to the VRS

Individuals who confirm they would like to depart on a voluntary basis and require assistance such as providing travel, obtaining a travel document or providing a passport at the port of departure must be advised to contact the VRS directly or, if it is appropriate, you can refer the case on behalf of the person to the VRS to find out:

- their options for return, including eligibility for an AR
- what help is available (the Home Office VRS team will determine eligibility)
- how long it is likely to take to arrange return

Individuals and families wishing to apply for an voluntary return, may make an application by telephone, or they can complete the [online form](#).

Voluntary returns service: contact details

Available: Monday to Friday, 9am to 5pm

Telephone: 0300 004 0202

Website (GOV.UK): [Get help to return home if you're a migrant in the UK](#)

See also [VRS eligibility criteria](#).

Regardless of nationality, if a person confirms they would like to depart on a voluntary basis, they must be advised to book a ticket and depart if they:

- hold their own travel document
- are paying for their own ticket
- do not require any form of assistance to leave the UK

In these circumstances, as no assistance is provided by the Home Office, the [basic checks](#) do not need to be completed, but you must update the immigration database with any travel details.

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Eligibility and costs: voluntary returns

This page provides case-working instructions and eligibility criteria for the various voluntary return routes for **non-detained** cases, including non-assisted voluntary returns (VR), and the Voluntary Return Service (VRS) assisted return (AR) programmes.

See also: [Arranging removal](#).

Voluntary return: liability for travel expense

Voluntary return at the individual's own expense (self-funded)

When an individual, or family, who is liable to removal from the UK, requests to leave voluntarily at their own expense (self-funded voluntary returns), this should generally be approved unless there is reason to believe:

- that this will unduly delay return
- the individual will not depart as stated
- the person is currently subject of possible prosecution action - see returns consideration guidance – impending prosecutions for full detail and the police/CPS have been contacted to discuss the relative merits of return verses prosecution
- deportation is more appropriate
- removal directions (RDs) are already in place but the person wishes to leave later than the set RDs, unless there are exceptional circumstances to support this, for example, a family group wishing to delay for a child to complete imminent educational exams

You must consider serving a notice of liability to removal before departure where an individual has not been served enforcement papers notifying them of their immigration status in the UK.

Where an applicant, whose case is being considered by the Foreign National Offender Returns Command (FNORC) advises they wish to voluntary depart, VRS will speak to the relevant FNORC Team. They will decide to either: continue to pursue deportation action as planned in accordance with the FNORC criteria, as the severity of the offence makes it conducive to the public good or agree to the voluntary return even if the individual's offence results in a sentence of more than 12 months (FNORC, VRS and facilitated returns scheme (FRS) will agree who facilitates the voluntary return)

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Voluntary returns at public expense

In some circumstances, the costs of return may be paid by the Secretary of State as a public expense removal when an individual who is liable for removal wishes to make a voluntary return but is unable to pay for their ticket.

Service of notice of liability to removal is required for all public expense voluntary returns. A RED.0001 must be served if enforcement papers have not been served on the individual notifying them of their immigration status in the UK prior to the individual or their representatives requesting a voluntary return at public expense.

Until the 30 June 2021, an IS151AEEA must be served to an EEA national notifying them of their status if it is accepted they are not exercising their treaty rights in the UK

Eligibility for voluntary return services

Eligibility: Non-assisted voluntary returns

Non-detained individuals and families, who do not hold extant leave, may be eligible for a non-assisted voluntary return (VR) where they:

- are in the UK illegally or have overstayed their visa or permission to stay
- are in a family group with a child under 18 and are in the UK illegally
- have withdrawn, or want to withdraw, their application to stay in the UK
- have claimed asylum in the UK but now want to withdraw that claim, or have received a negative decision
- are an EEA national who is without settled status or leave in the UK and is not exercising treaty rights prior to 30th June 2021

Exclusions

VRs are **not** open to those who:

- are currently being investigated by the police or detained by the Home Office, unless the police support the return, see section 'Impending prosecutions' in returns: case consideration guidance for full details
- have been convicted of an immigration offence and given a deportation order
- have already been given humanitarian protection, indefinite leave to remain or refugee status

- are British Citizens or EEA citizens who hold a residual right to reside prior to 30 June 2021
- already have return arrangements in place (flight booked, whether by self or subject to schedule 2 of the Immigration Act 1971 directions)
- are an unaccompanied child with no adequate reception facilities in their country of return (see [VRS Assisted return: family cases](#))

Foreign national offenders sentenced to between 12 months and 4 years' imprisonment may be eligible for the facilitated returns scheme (FRS).

The final decision about suitability of the applicant for a voluntary return remains with the Home Office.

Please contact the VRS if someone wishes to voluntarily depart the UK, holds no valid leave in the UK and where their case does not appear to be 'owned' by a returns team. The VRS will provide support where possible for that individual.

Eligibility: Assisted Voluntary Return

VRS Assisted – ODA Country

The VRS can provide financial support to help meet reintegration needs.

A one off payment of £3000 per person is available to anyone who is returning to a developing country as defined by the OECD (see gov.uk for details).

VRS will review the OECD list of countries that are defined as developing annually (on 2 January each year), and will adopt the most up to date country list on that date. Anyone who is returning to a country that has been removed from the list, but whose country of return was defined as developing at the time they made their application, will be eligible for the higher level of support.

VRS Assisted – additional assistance

If someone is returning to a country that is not defined as developing by the OECD they can apply for help with reintegration costs if they have additional needs. This may include, but isn't exclusive to: returning as a family; being a care leaver (under 21); being an unaccompanied child; being a confirmed victim of modern slavery; a rough sleeper; receiving a negative asylum decision. Each case will be considered on its merit, and support may be available from £1500, depending on individual circumstances.

Exclusions

VRS ARs are **not** open to those who:

- are British citizens or EEA citizens who hold a residual right to reside prior to 30 June 2021

- are currently being investigated by the police (although discuss with the police dropping their investigation in favour or return)
- are detained under immigration powers or imprisoned following a criminal conviction
- have been convicted of an immigration offence and given a deportation order
- have already been given humanitarian protection, indefinite leave to remain or refugee status
- are attempting to abuse the VRS programmes (for example, they have chosen to withdraw their extant leave to make a return through the programme, or have indicated their only reason for leaving is to change their immigration status to re-enter the UK)
- already have return arrangements in place, unless assisted return is in the best interest of the Home Office and the individual

Where reintegration support is agreed for people who are returning to countries that are not defined as developing by the OECD then the decision as to the level of support rests with the grade 7 for VRS operations.

Previous successful assisted return applications

If an applicant successfully departs using a VRS assisted programme, they will not be eligible to receive reintegration support again. They may still be eligible for a public expense return only.

Cases that require escalation before accepting

There are cases that come to notice that the Home Office may not wish to give reintegration assistance to due to their circumstances.

These cases may include the following and must be escalated to an SEO for their consideration and decision on granting or refusing assistance:

- those excluded from humanitarian protection
- those where the refusal decision indicates the individual may have been involved in war crimes
- individuals who have a sentence of 12 months or less, but the conviction is for:
 - crimes against children
 - sexual offences
 - domestic violence
- high profile cases, for example if the case involves:
 - MP or Minister's interest
 - the family member of a prominent public figure
 - member of a royal family
 - a social media support group

VRS should not reject the case outright without signposting the individual to an alternative remedy for return

Port cases

If an individual is refused leave to enter or has a leave to enter case open with Border Force (BF), you cannot accept the case into VRS unless you have confirmed with a BF Chief Immigration Officer (CIO) or above that they are happy for you to proceed. (Port cases take precedent over IE cases, as carriers liability applies.) VRS will contact the case owning team in BF and ask if they are happy for the VRS to take the case forward.

If BF do not agree, it is not a case for VRS.

If BF agree, open a VR card and note the immigration database with who you spoke to in BF and gave permission. The case can then proceed, but you will need to consider what papers must be served.

VRS assisted return: final decision

In all cases, the VRS team decides who is eligible for the assisted programmes.

There is no appeal process for rejected applications.

Where the VRS AR eligibility criteria are met, the individual or family must be directed into one of the following VRS AR programmes unless they choose not to:

See also: Identifying people at risk.

Related content

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Voluntary returns: families

This page provides Immigration Enforcement (IE) officers, and caseworkers, with caseworking instructions when managing the voluntary return of a family.

The information may also be useful as an overview to UKVI and Border Force about the IE Voluntary Returns Process.

Families requiring assistance or re-integration funding must be referred to VRS who will consider eligibility. See [Voluntary returns at public expense](#), [Referrals into the VRS](#), [VRS eligibility - VRS Voluntary Return Family](#) and VRS assisted – ODA Country or VRS assisted – additional assistance .

Families can elect to self-fund, depart at public expense if they meet the criteria or apply for reintegration support. All family voluntary returns must be referred to VRS.

See also:

[Voluntary return at the individuals own expense](#)

Family separations

As VRS, you must confirm with every member over 18:

- that the family wishes to depart
- who is departing
- how and why they wish to leave
- their planned timescale for departure
- the level of support and assistance that they require from the Home Office
- if they are acting on behalf of all the family or can confirm who can act on behalf of the family

You must ensure that the family understands that a [re-entry bans](#) may apply as a consequence of not departing the UK voluntarily. If the family are paying for their own flight tickets you should ask them not to book flights until their travel documents have been located/obtained if the family need assistance making a travel document application. VRS ideally require 3 working days' notice of all self-funded flights.

You must ensure that the family is aware of who their VRS case worker is.

You must check the information given by the family against the information on the immigration database. If it is not clear that all members of the family are intending to depart then you must make further investigations to clarify the situation. If the investigation leads to concerns about safeguarding, seek advice from a line manager or safeguarding coordinator on the appropriate steps to take. Where necessary, you must make a referral to children's services or adult social care. Advice can also be obtained from the Safeguarding Advice and Children's Champion (SACC) if there are concerns about children.

You must check whether the family are immigration offenders and whether appropriate enforcement paperwork has been served. You must make arrangements to serve paperwork on any family members who are liable to enforcement action but have not yet been served.

If they are a public expense removal case, you must check that the family:

- will be accepted by the country to which they are returning
- have valid entry or residence permits
- otherwise meet the immediate entry criteria for a country to which they intend to return, if this is not their country of residence or nationality

If they are self-funding, then ensure the family know it is their responsibility to ensure they will be permitted into their country of return and on any transit routes.

See also: Country policy and information.

Additional safeguarding checks

In addition to the relevant [basic checks](#) for each family member departing, you may be required to make checks with the:

- local authority children's services (LACS) (all family cases)
- [Children and Families Court Advisory and Support Service](#) (CAFCASS) (all assisted and public expense removal cases and if evidence comes to light of planned court action during a self-funded case)

This is to ensure that there are no legal, safeguarding or family court barriers to the return proceeding.

Safeguarding checks and family court proceedings

Children's social care will lead on public law proceedings and be able to provide details. However, not all private law proceedings come to the attention of the LACS and if the family alert you to court proceedings not known to LACS, you must seek clarifying information from CAFCASS. If there are family court hearings taking place dealing with public law matters, it is not usual to have concurrent private law proceedings without the knowledge of LACS. The considerations are usually consolidated within the public law family proceedings.

A LACS check is only required for the child's current address, if they have lived in fewer than 3 addresses in the last 2 years. If the child has lived in 4 or more addresses in the last 2 years, the current children's social care service should be able to confirm if their checks include the transfer of information from previous local authorities or not. If the past information was not transferred, checks will be required against each address for the last 2-year period.

A CAFCASS check is only required where the Home Office cannot establish if the other parent (where only one parent is departing the UK) has any involvement in the

children's lives, has not given consent for the child or children to leave the UK or we suspect that the parent is trying to leave the UK to intentionally deprive the other parent of contact.

A CAFCASS check will only show if family court proceedings are in place or have ever been in place to determine custody of the children.

If both parents are unlawfully in the UK and the parent not returning does not give consent, this does not mean that the return cannot take place. Equally, if the parent who does not give consent for their child to depart is British, further checks will be required but it does not automatically prevent the return. In such cases, you must seek advice from the Safeguarding Advice and Children's Champion. See also: Family separations.

For additional details of how to make a request for information from LACS or CAFCASS, see the FNORC guidance on requests to local authority children's services and contacting child welfare agencies. The referral process is also applicable to non-FNORC cases.

Sole parents and parental consent

In circumstances where one parent is **voluntarily** departing the UK with their child through the VRS, you must remind them of their responsibilities for obtaining permission from any party with parental responsibility. See GOV.UK guidance [get permission to take a child abroad](#).

You must ask if anyone else has parental responsibility for the child and record the information given on the immigration database. Parental responsibility generally (but not always) relates to the other parent. However, it may also be legally acquired by other parties, for example, grandparents or step parents.

The returning parent will be required to provide either:

- a letter of consent or death certificate for anyone else that holds parental responsibility
- conclusive proof that the other parent does not hold parental responsibility or cannot consent

If none of this can be provided, a court order must be obtained by the returning parent.

Any views, wishes or feelings of returning with the main carer that are expressed by a child must be considered within any best interest considerations, however, this does not alter the requirement for parental consent (or a court order) before departure.

There may be cases where it is **exceptionally** considered as appropriate to proceed with the return without parental consent or a court order because the risk of the

parent committing an abduction offence is low (for example, because their account is considered credible because of investigatory work undertaken).

If a person holding parental responsibility who is a British or settled national refuses consent for the child to return with their other parent, a court order must be obtained by the parent who wishes to leave the UK.

If a person holding parental responsibility who has no status in the UK refuses consent for their child to return with their other parent, this action may be considered unreasonable, and you must consult the Safeguarding Advice and Children's Champion before making any decisions about whether the return can go ahead.

See also: Family separations.

Full birth certificates for children born in the UK

To safeguard the child, the Home Office has a responsibility to obtain the full birth certificate to confirm the parents' registered identity. This does not need to happen again where the Home Office has already seen a copy of the birth certificate and registered the details on the caseworking systems.

Where only part of a family wishes to return

If an applicant is applying as part of a family group, but the whole family is not opting to use the service, you may be required to seek advice from the SACC (see how to contact the SACC) for welfare advice in advance of an assisted return. For example, in cases where a child of a returnee will be remaining in the UK, having been separated from their main or sole carer.

If the partial split of the family is through VRS Voluntary Return Family, then any remaining under 18 children must have their care arrangements confirmed before allowing the departure to proceed.

See also: Family separations.

Power of attorney or consent

There may be occasions when an applicant is unable to give consent. This is generally due to medical reasons.

If the applicant is unable to give their consent, the VRS caseworker will need to ask if there is a power of attorney in place. This is a legal document giving authority for a specified individual to act on behalf of the applicant.

If the applicant is unable to give consent and there is no power of attorney in place, the VRS caseworker will be unable to assist the applicant until a legal document is obtained that gives consent for a nominated third person to act on behalf of the applicant or we have clinical consent under the mental capacity act that a return to someone's home country is in their best interests.

Owing to this being a complex area of law, all cases must be referred to a Senior Executive Officer (SEO) for consideration and possible legal advice sought before a return can commence, including where a power of attorney is in place.

Related content

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Voluntary returns: re-entry bans and restrictions

This page explains the re-entry bans which apply to immigration offenders making a voluntary return from the UK.

Immigration offenders who leave the UK voluntarily are subject to a re-entry ban, including:

- illegal entrants
- those who breach a condition attached to their leave
- those who employ deception to obtain leave
- those who overstay their lawful leave by more than:
 - 90 days, excluding any (exceptional periods) where the overstaying began before 6 April 2017
 - 30 days, (excluding any (exceptional periods) where the overstaying began on or after 6 April 2017

Those who leave the UK voluntarily at their **own** expense are ordinarily subject to a mandatory **one year re-entry ban**. And those who leave the UK voluntarily at **public expense** are subject to a **2 or 5 year re-entry ban**.

Certain exceptions may apply in respect of paragraph 9.8.6 – Part 9, and [paragraph 39E, of the Immigration Rules](#), where the offender:

applies for entry clearance as a family member under [Appendix FM of the Immigration Rules](#)

was under 18 at the time of their most recent breach, as set out in Paragraph 9.8.4 in [Part 9 of the Immigration Rules](#).

is subject to a deportation order

A request to voluntarily depart may be accepted from a person who has entered the UK in breach of a deportation order. However, the reduced re-entry bans do not apply, and it must be made clear to the subject that **the deportation order will remain extant**.

Full guidance on re-entry bans is available on [GOV.UK](#) and Horizon (Home Office Intranet)

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Confirming voluntary returns or managing a failed return

This page provides caseworkers with guidance on confirming a successful departure, and how to refer a rejected Voluntary Returns Service (VRS) application or failed voluntary return back into the caseworking system.

Confirming departure

You must update the immigration database to confirm the voluntary return outcome in all cases where you are aware the return has been successful, and ensure they are recorded correctly.

See the [Recording information about voluntary return](#) section.

The VRS data matching team also identifies people embarking the UK without valid leave, by data matching Advanced Passenger Information (API) and immigration system sources of data, including:

- central reference system (CRS) which contains the records of entry clearance from visa applications
- the immigration database which contains the records of all applications and encounters of foreign nationals who pass through the immigration system in the UK
- manifests of flights, ferries and trains into and out of the UK

If the VRS data matching team is able to confirm a voluntary return, the data matching caseworker must also update the immigration database, following the VRS data matching team process instructions.

Ceasing to engage and failed returns

An applicant can withdraw from a voluntary return at any time before departure, but you must make it clear to them that they are liable for enforcement action, which may include being detained before removal.

Voluntary returns may also fail because:

- an individual or family ceases to engage with the process (either fails to stay in contact, or remains in contact but changes mind about leaving)
- an individual or family fails to depart as planned
- barriers or a change in circumstance either prevented departure or rendered the individual ineligible for a planned VRS assisted return and they did not want to depart without assistance

Additionally, the VRS team will cancel a application if a change in the applicant's circumstances makes them ineligible for the VRS.

Should this happen, you must update the immigration database and ensure the case is referred back to the Immigration Compliance and Enforcement (ICE) team or relevant case-working unit, who must reconsider enforcement action and the potential for the applicant to receive support under section 4 of the Immigration and Asylum Act 1999.

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