



# Home Office

**Immigration Returns, Enforcement and Detention  
General Instructions**

## **Re-entry bans**

**Version 8.0**

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# About this guidance

This guidance informs decision makers of the policy, processes and procedures relating to re-entry bans which are mandatory if (1) the individual has previously breached immigrations laws, and (2) if an application for entry clearance or permission to enter is made within the relevant time period. It also informs 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

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## Clearance and publication

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

- version **8.0**
- published for Home Office staff **29 March 2021**

## Changes from last version of this guidance

Revised to reflect amendments to the [General Grounds for Refusal](#), and [Part 9 of the Immigration Rules](#).

### Related content

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# Overview

This section provides an overview of when a re-entry ban is imposed, and the “relevant time period” which must elapse before the individual can seek to re-enter the UK.

You should also refer to [Part 9 of the Immigration Rules](#), and the [Suitability: previous breach of UK Immigrations laws](#) guidance.

A summary is set out in the table below.

| <b>Time from date the person left the UK (or date of refusal of the entry clearance under row f)</b> | <b>This applies where the applicant</b>  | <b>And the applicant left the UK</b>   | <b>And the applicant left the UK</b>   |
|--|--|--|--|
| (a) 12 months  | left voluntarily   | at their own expense   | N/A  |
| (b) 2 years  | left voluntarily   | at public expense  | Within 6 months of being given notice of liability for removal or when they no longer had a pending appeal or administrative review, whichever is later.       |
| (c) 5 years  | left voluntarily   | at public expense  | more than 6 months after being given notice of liability for removal or when they no longer had a pending appeal or administrative review, whichever is later. |
| (d) 5 years  | left or was removed from the UK  | as a condition of a caution issued in accordance with section 22 of the Criminal Justice Act 2003 (and providing that any condition prohibiting their return to the UK has itself expired) | -  |
| (e) 10 years   | was deported or removed from the UK  | at public expense  | -  |
| (f) 10 years   | Used deception in an application (for visits this applies to applications for entry clearance only). | -  | -  |

In particular you should refer to:

**Paragraph 9.8.1 of the Immigration Rules** which states:

An application for entry clearance or permission to enter must be refused if:

- (a) the applicant has previously breached immigration laws; and
- (b) the application is for entry clearance or permission to enter and it was made within the relevant time period in paragraph 9.8.7.

**Paragraph 9.8.2:**

an application for entry clearance or permission to enter may be refused where:

- (a) the applicant has previously breached immigration laws; and
- (b) the application was made outside the relevant time period in paragraph 9.8.7; and
- (c) the applicant has previously contrived in a significant way to frustrate the intention of the rules, or there are other aggravating circumstances (in addition to the immigration breach), such as a failure to cooperate with the redocumentation process, such as using a false identity, or a failure to comply with enforcement processes, such as failing to report, or absconding.

And **Paragraph 9.8.3:**

an application for permission to stay may be refused where a person has previously failed to comply with the conditions of their permission, unless permission has been granted in the knowledge of the previous breach

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# Re-entry bans in detail

This section explains the different lengths of re-entry ban, and the circumstances in which they will be imposed. Where the person previously breached more than one immigration law, only the breach which leads to the longest period of absence from the UK will be taken into account.

## One year re-entry bans

The following categories of migrants are ordinarily 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 before 6 April 2017
  - 30 days, (excluding any ([exceptional](#) periods) where the overstaying began on or after 6 April 2017

## Exceptions

When calculating a period of overstaying you must disregard certain factors contained in **Paragraph 9.8.6**, and those in **Paragraph 39E** of the Immigration Rules regarding the exceptions for overstayers.

**Paragraph 9.8.6 of the Immigration Rules** states:

a period of overstaying will be disregarded for the purpose of paragraph 9.8.4.(a) where the overstaying arose from a decision to refuse an application, or cancellation of permission, which was subsequently withdrawn, or quashed, or reconsidered by direction of a court or tribunal, unless the legal challenge which led to the reconsideration was brought more than 3 months after the date of the decision to refuse or cancel.

**Paragraph 39E of the Immigration Rules** states:

- (1) the application was made within 14 days of the applicant's leave expiring and the Secretary of State considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application, why the application could not be made in-time; or
- (2) the application was made:
  - (a) following the refusal of a previous application for leave which was made in-time; and
  - (b) within 14 days of:
    - (i) the refusal of the previous application for leave; or
    - (ii) the expiry of any leave extended by section 3C of the Immigration Act 1971; or

- (iii) the expiry of the time-limit for making an in-time application for administrative review or appeal (where applicable); or
  - (iv) any administrative review or appeal being concluded, withdrawn or abandoned or lapsing.
- (3) the period overstaying was between 24 January and 31 August 2020.

There are further exceptions if (1) a person applies for entry clearance as a family member (set out in [Appendix FM of the Immigration Rules](#)), or (2) they are under 18 at the time of the most recent breach - specified in Paragraph 9.8.4 of the Immigration Rules.

**Paragraph 9.8.4 of the Immigration Rules** states:

in paragraphs 9.8.1. and 9.8.2, a person will only be treated as having previously breached immigration laws if, when they were aged 18 or over, they:

- (a) overstayed their permission and neither paragraph 9.8.5. nor paragraph 9.8.6. apply; or
- (b) breached a condition attached to their permission and entry clearance or further permission was not subsequently granted in the knowledge of the breach; or
- (c) were (or still are) an illegal entrant; or
- (d) used deception in relation to an application (whether or not successfully).

## Two or five year re-entry bans

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 either a [2 year](#) or [5 year](#) re-entry ban. This includes those who depart with assistance from the Voluntary Returns Service (VRS) at the expense of the Secretary of State.

The length of the ban is determined by whether the migrant left the UK within the six month window - set out in rows (b) and (c) in the [Overview table](#).

## Person left the UK otherwise voluntarily at the expense of the Secretary of State

Not all people who leave the UK voluntarily at the expense of the Secretary of State will do so via the VRS, 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 the expense of the Secretary of State.

## Two year re-entry bans

Those 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 liability for removal
- no longer had a pending appeal or administrative review against that decision (appeal rights exhausted)

whichever is later.

## Resetting the six 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 time window 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
- the 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
- the person made further submissions to the Secretary of State which following consideration under [Part 12 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 exceptions and the lesser [2 year ban](#) does not apply, those who leave the UK voluntarily at the expense of the Secretary of State (directly or indirectly) are subject to a **mandatory 5 year** re-entry ban, if the date of departure was **more than 6 months** after the date on which they:

- were given notice of liability for removal



- no longer had a pending appeal or administrative review against that decision (appeal rights exhausted)

whichever is later.

## Ten year re-entry bans

A person who is deported from the UK will be subject to a 10 year re-entry ban, however, this does not mean that they will be entitled to return after the re-entry ban expires:

**Paragraph 9.2.1 of Immigration Rules** states:

an application for entry clearance, permission to enter or permission to stay must be refused where:

- (a) the Secretary of State has personally directed that the applicant be excluded from the UK; or
- (b) the applicant is the subject of an exclusion order; or
- (c) the applicant is the subject of a deportation order, or a decision to make a deportation order.

A person who is the subject of a deportation order will continue to be prohibited from entering the UK whilst the order is still in force. The criteria for the revocation of a deportation order is contained in [Paragraphs 390 to 392 of the Immigration Rules](#). Instructions for the practical effects of deportation, exclusion or re-entry on **EEA nationals from 1 January 2021** is set out in **pages 73-85** of the [Public Policy, Public Security or Public health Decisions](#) guidance.

A person who was removed from the UK at public expense on a non-voluntary basis (i.e. an enforced removal) will be subject to a 10 year re-entry ban. The context of an enforced removal for the purposes of a re-entry ban is when someone refuses to leave the UK voluntarily and the Department has to enforce their return. This includes the use of detention powers immediately before their departure from the UK, if required.

Where a person has used deception in an application they are subject to a **mandatory 10 year** re-entry ban - set out in the [Suitability: false representations, deception, false documents, nondisclosure of relevant facts](#) guidance, and **Paragraph 9.8.4 (d)** of the Immigration Rules.

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