



Home Office

# Enforced removals: notice periods

Version 3.0

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# About this guidance

This guidance tells Immigration Enforcement Immigration Officers (IOs) and Immigration Enforcement caseworkers about when a notice period is required and the circumstances in which it is not. It is based on Section 10 of the Immigration and Asylum Act 1999 as amended by Section 46 of the Nationality and Borders Act 2022.

## 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 Review, Atlas and Forms team.

## Publication

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

- version **3.0**
- published for Home Office staff on **07 August 2025**

## Changes from last version of this guidance

This guidance has been updated to change references to 'charter' and provide a definition.

### Related content

[Contents](#)

# Terms and definitions

**Appeals rights exhausted:** appeal rights are exhausted when an appeal is finally determined, it is withdrawn, or it is abandoned (or when it lapses under [section 99 of the Nationality, Immigration Asylum Act 2002](#)). It includes when there is no appeal right because the human right or asylum decision was certified and where a person is no longer able to make an in-time appeal to the First-tier Tribunal (Asylum and Immigration).

**Calendar day:** any day in the calendar including bank holidays and weekends.

**Charter:** refers to charter, group flights or non-scheduled flights.

**Deportation decision notice (stage 1):** a notice advising the person that the Secretary of State for the Home Department (SSHD) has made a deportation decision against them and allowing a period within which the person may raise objections to deportation.

**Deportation decision notice (stage 2):** a notice advising the person that a deportation order will or has been made and notifying any pertinent rights of appeal.

**Flight manifest:** used in charter or group flights to advise the carrier of the persons on board the flight.

**IRC:** immigration removal centre is a place of detention for persons who are liable to be detained.

**Notice of departure details:** written notice telling the person their date of removal to a destination and any transit stops that are expected.

**Notice of intention to remove:** written notice telling the person that they will be removed to a destination and advising them of the minimum notice period before they will be removed.

**Notice of liability to remove:** written notice advising the person that they can be removed from the UK to a destination because they do not have permission to enter or to stay.

**Notice period:** the period of time prior to the expiry of which the person will not be removed. The person may choose to seek legal advice during this time.

**Removal directions:** directions given by an immigration officer or by the Secretary of State to the captain, owners or agents of a ship or aircraft to remove a person from the UK in any ship or aircraft specified.

**Removal window:** a length of time after the notice period in which a person could be removed without further notice of their removal. This is no longer operational.

**STHF:** short-term holding facility is a place of detention for short period of time for detained persons.

**Working day:** a working day excluding weekends and bank holidays.

#### **Related content**

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# Introduction and background

A person who is subject to enforced removal from the UK is entitled to a notice period of at least 5 days (subject to a limited exception in port cases). The notice period is the period of time prior to the expiry of which the person will not be removed. The person may choose to seek legal advice during this time. Persons must be allowed a reasonable opportunity to access legal advice and have recourse to the courts.

There have been legal challenges around the application of notice periods and removal windows. The relevant cases are [Medical Justice v SSHD \[2010\] EWHC 1925 \(Admin\)](#) and [FB v the SSHD \[2020\] EWCA Civ 1338](#). The removal window was a length of time after the notice period in which a person could be removed without further notice of their removal. In FB, the Court of Appeal found the removal windows policy contained in the guidance document Judicial Review and Injunctions version 17.0 to be unlawful insofar as it gave rise to a real risk of preventing access to justice. In [Medical Justice v SSHD \[2010\] EWHC 1925 \(Admin\)](#) the Court found that the policy of removing certain categories of individual who had made unsuccessful claims to enter or remain in the United Kingdom without providing the standard 72 hours' notice, was unlawful since it did not adequately safeguard the right of proper access to legal advice and to the courts.

Prior to the implementation of [section 46 of the Nationality and Borders Act 2022](#) on 20 November 2023, there was no statutory requirement for the Secretary of State for the Home Department (SSHD) to give notice of directions to the person being removed. The previous practice was that the person was given notice of their removal. As a minimum, they were informed of the date, destination of removal and route.

There is a legal requirement to serve removal directions for a person's removal or deportation. These are given in accordance with [paragraphs 8 – 10 of Schedule 2 of the Immigration Act 1971](#) and under [schedule 3 of the same Act](#) for those subject to a deportation order. These directions are to the carrier, not the person. This legal requirement remains intact and is not affected by [section 46 of the Nationality and Borders Act 2022](#) (NABA).

The purpose of [section 46 NABA](#) and the Immigration (Removal Notices) Regulations 2023 is:

- to simplify the previous position on notice periods by making the minimum notice period length consistent
- to put in statute a person's right to a minimum notice period of 5 working days in all cases (subject to a limited exception in certain port cases)
- to draw a line under the now obsolete removal windows policy and make explicit that [section 46 NABA](#) is a departure from it



- to make it a statutory obligation for the SSHD to inform all persons, prior to their enforced removal, the date of their departure and the destination of removal
- to create a new 3 step process ([notice of liability to remove](#), [notice of intention to remove](#) and [notice of departure details](#)) and framework that will enable better data collection and analysis

## **Related content**

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# Legal basis

[Section 46 Nationality and Borders Act 2022](#) (NABA) amends [section 10 of the Immigration and Asylum Act 1999](#) to incorporate new provisions on notice periods and the scenarios where a notice period is not required. [Section 10](#) provides that a person who requires permission to enter or stay but does not have it may be removed.

Where a person is removed under [section 10](#), they will receive a notice of liability to remove or an equivalent notice. A person who is being deported under [sections 3\(5\) and \(6\) of the Immigration Act 1971](#) or [section 32 of the UK Borders Act 2007](#) or [Regulation 23\(6\)\(b\) of the Immigration \(European Economic Area\) Regulations 2016](#) will be given a deportation decision notice.

A person in respect of whom a Deportation Order has been made will be a person who satisfies the requirements of [section 10\(1\)](#) because the Deportation Order cancels their leave to remain in the UK.

If a person has leave but is subject to enforcement action, for example, for breach of conditions or deception, their leave must be brought to an end to make them removable.

A person whose removal the Secretary of State for the Home Department (SSHD) decides is justified on grounds of public policy, public security or public health under [Regulation 23\(6\)\(b\) of the Immigration \(European Economic Area\) Regulations 2016](#) is liable to deportation and a Deportation Order is made in respect of them under [section 5\(1\) of the Immigration Act 1971](#). The person will be removed under the authority of the Deportation Order.

[Section 46 NABA](#) inserts new sections 10A, 10B, 10C, 10D and 10E. Under [section 10A](#), anyone subject to enforced removal must receive a minimum notice period of 5 working days (subject to a limited exception for port removals outlined in [section 10C](#)).

The SSHD is required to serve the person with a written notice called the notice of intention to remove (NIR). This notice must inform them of the SSHD's intention to remove them to a named destination and advise them of their notice period. [Section 10A\(7\)](#) sets the minimum notice period, which is 5 working days. In addition, the SSHD must serve the person with a notice of departure details (NDD). This informs them of the date of removal, destination and route.

[Section 10C](#) is the limited exception to [section 10A](#). Persons who arrive at the border and are refused permission to enter the UK will not receive a notice period if they can be removed within 7 calendar days of that refusal. In this scenario, the SSHD is only required to serve the NDD prior to removal. This must contain the date of removal, the destination of removal and any stops that are expected to be made on the way to that destination.

Under [section 10B](#), where a person receives the minimum notice period under [section 10A](#), and the subsequent removal fails for reasons reasonably beyond the control of the SSHD and the removal can be rearranged within 21 days of the failed removal, then a new notice period is not required. In this scenario, the SSHD is only required to serve the NDD on the person prior to removal.

[Section 10D](#), which concerns Priority Removal Notices, is not being implemented at present. This guidance will be updated when [section 10D](#) comes into effect.

Under [section 10E](#), where a person has made a judicial review (JR) application relating to their removal and the Court (or Tribunal) has decided that they can be removed from the UK, the SSHD can remove them within 21 days of that decision without giving them a notice period. This would be where a judge refuses permission to proceed with the claim and makes an order that renewal is no bar to removal, or all avenues for seeking reconsideration have been exhausted. Alternatively, this would be where the JR claim is dismissed, and no appeal has been lodged, or any appeals are concluded. Under [section 10E](#) the NDD is only required to be served prior to removal.

Where the SSHD seeks to remove a family member of a person who has been advised that they will be removed, and the family member also meets the conditions for removal set out in [section 10\(2\)](#), the SSHD must serve a written notice under [section 10\(2\)](#) to each family member who will be removed. The [Immigration \(Removal of Family Members\) Regulations 2014](#) prescribe the practical steps that must be followed to comply with that obligation.

[The Immigration \(Removal Notices\) Regulations 2023](#) set out the practical steps that must be followed to serve the NIR and NDD. The Regulations outline all permissible methods of service and their corresponding deemed date of service.

## **Related content**

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# Step 1: notice of liability to remove

The notice of liability to remove (NOL) is a written notice which informs the person that they are liable to be removed from the UK because they require permission to enter or stay in the UK but do not have it or because a deportation order is to be made. The NOL explains the reason for this decision.

The NOL also includes:

- information telling the person to inform the Secretary of State for the Home Department (SSHD) of any other reasons why they think they should be able to stay in the UK
- the consequences of staying unlawfully in the UK
- details on voluntary departure

A person can be given:

- a NOL as a standalone notice
- a NOL in combination with another notice
- a notice which functions as, or instead of, the NOL

An NOL may be served more than once as required.

A notice which functions as, or instead of, the NOL is one that informs the person of their liability to removal, for example, asylum refusal decisions, deportation stage 1 notice, refusal of permission to enter the UK (IS.82 series) and family and human rights refusal decisions where they are liable to removal under [section 10 of the Immigration and Asylum Act 1999](#).

All the notices must be recorded on the appropriate systems.

## When the NOL can be used

The NOL can be used to make a decision to cancel existing permission, for example when a person with extant (not 3C) permission is found working in breach and their permission is cancelled on this basis, this makes them liable to removal.

If you decide to cancel permission under the Immigration Rules, you can use the space in the NOL to cancel the person's permission with immediate effect, if you have made an assessment that cancellation with immediate effect is appropriate.

You must include full evidence and reasoning for the decision.

If you consider that cancellation with immediate effect is not appropriate, but cancellation to an alternative time period, for example to 60 days is, you must not

cancel the person's permission using a NOL because they will not be liable to removal until their permission expires. Instead, you must use the appropriate cancellation notice. If you are an Immigration Compliance and Enforcement (ICE) officer, you may consider referring the case onto UKVI to carry out the cancellation decision.

In order to cancel an individual's leave, you must include the reasons **before** you say that you are cancelling the person's leave.

There is no appeal or administrative review against the decision to cancel permission. Once the decision to cancel permission is served, the person is liable to removal as a person with no leave and the NOL tells them this.

See [Part 9 of the Immigration Rules](#) for a complete list of cancellation grounds. See Cancellation and curtailment of permission guidance for further information.

The NOL can also be used to give notice that a person has no leave (such as an overstayer) and is therefore liable to removal. You must include full evidence and reasoning of how you have come to this conclusion on the form (for example, the circumstances in which you encountered them and the details of their expired leave).

You can use the NOL where a person has no existing permission to stay in the UK but has an outstanding, out of time application.

For further information, see [port removals](#), [family removals](#) and [deportation](#).

## NOL: sample wording

### Illegal entry specific grounds: sample wording

When taking removal action against an illegal entrant, you must cite the specific grounds for concluding that the person is an illegal entrant within the NOL.

The ILLEN 101 is no longer in use because the NOL serves this purpose.

The following table provides sample wordings you may use as a guideline when citing those specific grounds:

Specific ground	Sample wording
No credible account of entry	You are specifically considered a person who has entered the United Kingdom without leave because you are unable to give a credible account of your entry to the United Kingdom.
Entered with assistance of agent	You are specifically considered a person who has entered the United Kingdom without leave because you admit to having entered the United Kingdom unlawfully with the assistance of an agent.

Specific ground	Sample wording
Clandestine entry: vehicle	You are specifically considered a person who has entered without leave because you have admitted to entering the United Kingdom hidden in a vehicle.
Clandestine entry: small boat	You are specifically considered a person who has entered the United Kingdom without leave by means of a small boat.
Entry by presenting false or forged British or European Economic Area (EEA) passports	<p>You are specifically considered a person who has entered the UK without leave because you presented a <b>British Passport/EEA ID Card/Passport</b> you were not entitled to and as a national of <b>[insert nationality]</b> you have therefore entered the UK without obtaining leave to enter.</p> <p>Or:</p> <p>You presented a counterfeit/forged <b>British Passport/EEA ID Card/Passport</b> to gain entry into the UK and as a national of <b>[insert nationality]</b> you have entered the UK without obtaining leave to enter. You have therefore entered the UK without obtaining leave to enter.</p> <p>Or:</p> <p>You are specifically considered a person who has entered by documentary deception because record checks have shown that the passport you claimed to have used for your last entry was reported lost by its <b>[insert nationality]</b> owner. In addition, fingerprint evidence indicates that you are in fact an <b>[insert nationality]</b> national.</p>
Unable to show evidence of lawful entry (NELE)	<p>You are specifically considered a person who has been unable to show evidence of lawful entry because you cannot produce the passport on which you claim to have entered the United Kingdom and you have failed to complete/return a method of entry questionnaire when asked to do so.</p> <p>Or:</p> <p>You are specifically considered a person who has been unable to show evidence of lawful entry because you cannot produce the passport on which you claim to have entered the United Kingdom.</p>
Entered in breach of a deportation order	You are specifically considered a person who has entered in breach of a deportation order as you were removed from the United Kingdom on <b>[insert date]</b> after a deportation order was signed against you on <b>[insert date]</b> . That order has not been revoked and you returned to the United Kingdom on or around <b>[insert date]</b> .

## Overstaying specific grounds: sample wording

When taking removal action against an overstayer, you must cite the specific grounds for concluding that the person is an overstayer within the NOL.

The following table provides sample wordings you may use as a guideline when citing those specific grounds:

Specific ground	Sample wording
Home Office records show overstayed	You are specifically considered a person who has overstayed their period of granted leave because records show that on <b>[insert date]</b> you were granted leave to enter as a visitor for 6 months by an Immigration Officer at <b>[insert port]</b> . It was only in <b>[insert date]</b> that you applied to regularise your stay here.
Passport shows overstayed	You are specifically considered a person who has overstayed their period of granted leave because your passport shows you were given leave to enter as a visitor for 6 months by an Immigration Officer at <b>[insert port]</b> on <b>[insert date]</b> and it was only in <b>[insert date]</b> that you applied to regularise your stay here.
Visa shows overstayed	You are specifically considered a person who has overstayed their period of granted leave because you were issued with a visit visa on <b>[insert date]</b> which was valid until <b>[insert date]</b> . Holders of visit visas may only remain in the United Kingdom for a maximum of 6 months on any one visit, or until the visa expires if less than 6 months. You arrived in the United Kingdom on <b>[insert date]</b> and were landed in line with the visa <b>[for example, until [insert date]]</b> . You did not however apply for leave to remain in the United Kingdom until <b>[insert date]</b> .
British Irish Visa Scheme (BIVS) Overstayer: Irish issued visa  See also Common travel area	<p>You are specifically considered a person who has overstayed their period of leave. You were issued with an Irish visa eligible under the British-Irish Visa Scheme (BIVS) on <b>[insert date]</b> which was valid until <b>[insert date]</b> and given leave to land or be in the Republic of Ireland by the Irish authorities pursuant to that Irish visa which expired on <b>[insert date]</b>.</p> <p>Holders of BIVS visas who travel on to the United Kingdom who fulfil the requirements of the BIVS are only permitted to stay in the United Kingdom for the remaining period of validity of the person's current permission to land or be in Ireland as endorsed in their passport.</p> <p>You arrived in the United Kingdom from the Republic of Ireland on <b>[insert date]</b> and had leave to enter the United Kingdom conferred by the Immigration (control of entry</p>

Specific ground	Sample wording
	through the Republic of Ireland) Order 1972 as the holder of a BIVS visa until <b>[insert date]</b> . You did not however seek to regularise your position in the United Kingdom until <b>[insert date]</b> . (delete if not known)
British Irish Visa Scheme (BIVS) Overstayer: UK issued visa  See also Common travel area	You are specifically considered a person who has overstayed their period of leave. You were issued with a United Kingdom visit visa eligible under the British-Irish Visa Scheme (BIVS) on <b>[insert date]</b> which was valid until <b>[insert date]</b> . Holders of visit visas may only remain in the United Kingdom for a maximum of 6 months on any one visit, or until the visa expires if less than 6 months. You arrived in the United Kingdom on <b>[insert date]</b> and were landed in line with the visa <b>[for example, until [insert date]]</b> . You did not however seek to regularise your position in the United Kingdom until <b>[insert date]</b> . (delete if not known).
No passport but applicant admits to being an overstayer	You are specifically considered a person who has overstayed their period of granted leave because you admit to having arrived in the United Kingdom on <b>[insert date]</b> when you were permitted to enter as a visitor for 6 months. It was only in <b>[insert date]</b> that you applied to regularise your stay here.

## Family member specific grounds: sample wording

When taking removal action against the family member of someone who is being administratively removed, you must cite the specific grounds within the NOL.

The following table provides sample wordings you may use as a guideline when citing those specific grounds (this must be used only when they cannot be treated as an illegal entrant or overstayer in their own right):

Specific ground	Sample wording
Spouse or family member	You are specifically considered a person who is liable to administrative removal because you are the spouse/son/daughter/child living in the same household as a person liable to administrative removal in circumstances where that person has care of the child /adult dependent relative of [insert relation] who is being administratively removed. You were previously granted leave to enter/remain as a family member and/or would not qualify for leave in your own right. Also, you are not a British citizen or entitled to remain by virtue of an



Specific ground	Sample wording
	enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972.

## When the NOL cannot be used

You must not use the NOL in cases where the person has entered in breach of a deportation or exclusion order made after 23:00 GMT on 31 December 2020 by virtue of a decision under the [EEA Regulations 2016](#), or entered in breach of a deportation order made under regulation 15(1)(b) of the [Frontier Workers Regulations 2020](#). Instead, you should serve an ICD.5008 in these cases.

You must not use the NOL to removal to revoke indefinite leave, as there are specific templates for this. However, in certain circumstances the NOL may be issued alongside a decision to revoke indefinite leave letter.

See: Revocation of indefinite leave guidance.

## Section 120

As per [section 120 of the Nationality, Immigration and Asylum Act 2002](#), individuals are under an obligation to raise new grounds or reasons for wishing to enter or remain in the UK if their circumstances have changed while in the UK without leave.

Some individuals may make late human rights or protection claims that could have been made earlier. A person resisting removal may try and make a late claim in an attempt to frustrate their removal. To address this behaviour, the removal process requires that a section 120 notice is served in every case.

The NOL requires the person to make any further claim now or as soon as reasonably practicable after it arises.

The NOL gives 2 options for the section 120 wording, namely, a charged and a non-charged option. You must ensure that you select the appropriate option and delete the other.

You may wish to consider the following when determining which section 120 option to use:

- whether the person is detained
- whether the case is being tasked for enforcement
- whether there are any other barriers to removal
- anticipated removal timescales
- information already known about the person's circumstances

It would be appropriate to use the charged option where the person is not detained and there is no operational reason to waive the requirement.

The non-charged option would be appropriate to use where for example the person is detained or where the case is being tasked for enforcement.

Where you have included the non-charged option and the person is detained, the details for the relevant casework team need to be included.

## **Bail and detention**

The NOL informs the person of the SSHD's power to detain them. Unless the person has been otherwise notified of their liability to detention, the NOL or notice which functions as, or instead of the NOL must be served before or at the same time as the service of any detention and bail notices.

For further information see immigration bail and detention general instructions and short-term holding facility rules.

## **Authority to issue the NOL**

When you are in a position to serve the NOL, the standard level of authority required is an Executive Officer (EO) / Immigration Officer (IO).

## **Service of the NOL**

Where the person is detained, the NOL must be served on the individual as soon as is practicably possible.

For further information see: Detention - general guidance.

If the person has a legal representative listed on Home Office systems, you must also send a copy of the NOL to them.

You should serve the NOL to the person and the legal representative at the same time.

Service on file is not permitted.

Where you are serving the NOL via post you must use recorded delivery.

## **Variations of the NOL**

There are 2 variations of the NOL, which are the NOL (Modern Slavery) and the NOL (Voluntary Returns)

The NOL (Modern Slavery) should be used where the person has already made a modern slavery claim.

The NOL (Voluntary Returns) should be used where the person is already engaging with the voluntary returns process.

**Related content**

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## Step 2: notice of intention to remove

The purpose of the notice of intention to remove (NIR) is to tell the person that the Secretary of State for the Home Department (SSHD) intends to remove them. The NIR can be served after or at the same time as the notice of liability to remove (NOL).

The NIR includes the following information:

- that the SSHD intends to remove them
- the [reasons](#) why they are being removed or cross-refer to the NOL or equivalent notice if the reasons are the same
- any additional reasons for removal that have arisen since the service of the NOL or equivalent notice
- the [destination or destinations](#) of removal
- where known, all possible [routing](#) information that is routes that may be taken including any stops in any countries - this will enable the person to consider any possible risks they may face in the transit stops
- that they have a minimum [notice period](#) to seek legal advice prior to removal
- when the notice period [starts](#)
- when the notice period [ends](#) and where known, the date of departure
- consequences of staying in the UK unlawfully
- for non-deportation cases, voluntary departure details

All the notices must be recorded on the appropriate systems.

### Reasons for removal

For further information on reasons for removal, see initial consideration and assessment of liability to administrative removal guidance.

### Destinations

For further information on destinations, see initial consideration and assessment of liability to administrative removal guidance.

### Route requirement

Where known, all possible routing information, that is routes that may be taken including any stops in any countries, must be included in the NIR. This will enable the person to consider any possible risks they may face in the transit stops.

This requirement does not apply if the transit stop is in a country specified in [Part 2 of Schedule 3 to the Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004](#).

## Notice period

The notice period is the time given to a person, prior to their enforced removal, for them to seek legal advice. The person cannot be removed during this time.

As per section 10A(7), the notice period must be a minimum of 5 working days.

## Start and end of the notice period

The deemed date of service of the NIR will depend on the method used to serve the NIR.

Where you are serving by hand, fax, email, document exchange or courier, the deemed date of service can be a calendar day. It does not need to be a working day.

Where you are serving by post via recorded delivery, the deemed date of service is the second working day **after** it was posted. The deemed date of service has to be a working day. The day on which you post via recorded delivery does not have to be a working day.

The date of departure is that stated in the notice of departure details.

The notice period starts at midnight on the first working day after the deemed date of service of the NIR. The notice period ends at 11:59 pm on the day before the date of departure.

The below tables show the latest date you can serve the NIR on the person. They do not take account of bank holidays, which must be considered as extra non-working days.

Removal set for	Latest date to serve the NIR to the person by hand
Monday	Earliest Sunday of the 2 previous Sundays
Tuesday	Monday of the previous week
Wednesday	Tuesday of the previous week
Thursday	Wednesday of the previous week
Friday	Thursday of the previous week
Saturday	Sunday of the previous week
Sunday	Sunday of the previous week

Removal set for	Latest date to serve the NIR to the person by recorded delivery
Monday	Earliest Wednesday of the 2 previous Wednesdays

Removal set for	Latest date to serve the NIR to the person by recorded delivery
Tuesday	Earliest Thursday of the 2 previous Thursdays
Wednesday	Earliest Friday of the 2 previous Fridays
Thursday	Monday of the previous week
Friday	Tuesday of the previous week
Saturday	Wednesday of the previous week
Sunday	Wednesday of the previous week

Removal set for	Latest date to serve the NIR to the person by fax, email, document exchange and courier
Monday	Earliest Sunday of the 2 previous Sundays
Tuesday	Monday of the previous week
Wednesday	Tuesday of the previous week
Thursday	Wednesday of the previous week
Friday	Thursday of the previous week
Saturday	Sunday of the previous week
Sunday	Sunday of the previous week

For more details on how to calculate the length of the notice period, see the section on [Calculating the notice period](#).

For service of the Notification of Intention to Remove, see [guidance on NIR](#).

For information on extending the notice period, see [the guidance on extending the notice period](#).

## If you know the date of departure when serving the NIR

In most cases, you will know the date of departure when you serve the NIR and you will serve the NIR and notice of departure details (NDD) together.

Under the 'time to seek legal advice' heading in the NIR you need to insert the departure date where it says 'insert date':

You will not be removed from the UK before **(insert date)**

## If you do not know the date of departure when serving the NIR

In the minority of cases, where you do not know the date of departure when you are serving the NIR, you can serve the NIR first on its own.

In this scenario, under the 'time to seek legal advice' heading in the NIR you need to insert a number of days where it says 'insert number':

You now have at least **(insert number)** working days starting from **(insert date)** **(the day after the deemed date of service - check appropriate date against method of service)** to seek legal advice.

### **If you are approaching the end of this period and the removal date becomes known**

If you are approaching the end of this time period (you informed the person in the NIR that they have at least a certain number of working days) and the departure date becomes known, then you must serve the NDD. There is no need to serve the NIR – Notice Period Extended because the individual will know the date of departure and that they will not be removed before that date.

### **If you are approaching the end of this period and the removal date is still unknown**

If you are approaching the end of this time period (you informed the person in the NIR that they have at least a certain number of working days) and the departure date is still unknown, then you must extend the notice period.

To extend the notice period, you need to serve the NIR – Notice Period Extended to the person and their representative if relevant.

If you let the notice period lapse without serving an NDD, then you will have to serve a fresh NIR with a fresh 5 working days minimum notice period.

### **What to do once the departure date is decided**

As soon as the date of departure is decided, you should serve the NDD as soon as practicable to the person and their representative, if relevant.

You do not need to serve another NIR.

### **Ending the notice period**

#### **If you have served the NIR and NDD**

If any of the following occurs, unless subject to the paragraph below, you must serve the NDD – Departure Cancelled and update ATLAS:

- the person waives their right to the notice period by signing the IS.101
- the person makes an asylum or human rights claim as defined in [section 113 of the Nationality, Immigration and Asylum Act 2002](#)
- the person submits further submissions which cannot be considered before the date of departure

- the person submits further submissions which amount to a fresh claim under [paragraph 353 of the Immigration Rules](#)
- the person makes an application (other than an asylum or human rights claim) which acts as a barrier to removal and cannot be resolved before the departure
- the person is granted an injunction against their removal
- the person makes an application which leads to a grant of permission to enter or remain in the UK
- the person seeks permission from the court or tribunal to bring a judicial review application relating to their removal that is a barrier to removal in accordance with guidance on judicial reviews - see: Judicial reviews, injunctions and applications to the European Court of Human Rights: in relation to enforcement of immigration removal and deportation

If any of the following occurs, then you can go ahead with the departure as planned:

- the person makes a judicial review application relating to their removal where removal is to a safe third country - see: Judicial reviews, injunctions and applications to the European Court of Human Rights: in relation to enforcement of immigration removal and deportation
- the person makes a judicial review application relating to their removal, the court or tribunal refuses permission on paper and certifies that the application is totally without merit under [rule 30\(4A\) of the Upper Tribunal Rules 2005](#) or [rule 54.12\(7\) of the Civil Procedure Rules](#)
- the person makes a judicial review application relating to their removal, the court or tribunal refuses permission on paper and makes an order that renewal is no bar to removal
- the person makes a judicial review application relating to their removal and the court or tribunal refuses permission on paper - the application is renewed at the oral permission hearing and the court or tribunal refuses it - the person has the opportunity to challenge the court or tribunal's decision to the Court of Appeal but there is no ongoing attempt to challenge the court or tribunal's decision
- the person makes a judicial review application relating to their removal and the court or tribunal refuses permission on paper and the application is renewed at the oral permission hearing and the court or tribunal refuses it - the person seeks permission to challenge the court or tribunal's decision to the Court of Appeal, which is refused
- the person makes a judicial review application relating to their removal, which leads to a substantive hearing of the application and that application is dismissed - P seeks permission to appeal the court or tribunal's decision and this leads to a decision that the application is totally without merit under [rule 30\(4A\) of the Upper Tribunal Rules 2005](#) or [rule 54.12\(7\) of the Civil Procedure Rules](#)
- the person makes a late judicial review application relating to their removal and the court or tribunal refuses to admit the late application for permission to bring judicial review proceedings
- the person makes a judicial review application relating to their removal that leads to a substantive hearing, and it is dismissed - there is no ongoing attempt to challenge the decision



- the person makes a judicial review application relating to their removal that leads to a substantive hearing and it is dismissed - further appeals are lodged and have been concluded
- the person makes a judicial review application relating to their removal, which leads to a substantive hearing of the application and that application is dismissed - the person seeks permission to appeal the court or tribunal's decision, which is refused, and an order is made that renewal to an oral permission hearing is no bar to removal
- the person is refused an injunction against their removal

If you have served the NIR and the NDD and the person submits further submissions, and a decision is made to reject those under [paragraph 353 of the Immigration Rules](#) before the departure then you must consider this on a case-by-case basis depending on the following factors:

- the length of the notice period given to the person
- the length of time left on the notice period
- the content of the further submissions
- how long into the notice period the person submitted the further submissions

### **If you have served the NIR only and not the NDD**

If any of the following occurs, unless subject to the paragraph below, you must serve NIR – Notice Period Extended and update Atlas:

- the person submits further submissions which cannot be considered before the end of the stated time period in the NIR
- the person makes an application (other than an asylum or human rights claim) which acts as a barrier to removal and cannot be resolved before the end of the stated time period in the NIR
- the person seeks permission from the court or tribunal to bring a judicial review application relating to their removal that is a barrier to removal in accordance with guidance on judicial reviews - see: Judicial reviews, injunctions and applications to the European Court of Human Rights: in relation to enforcement of immigration removal and deportation

If any of the following occurs, you can go ahead with the removal:

- the person makes a judicial review application relating to their removal where removal is to a safe third country - see: Judicial reviews, injunctions and applications to the European Court of Human Rights: in relation to enforcement of immigration removal and deportation
- the person makes a judicial review application relating to their removal, the court or tribunal refuses permission on paper and certifies that the application is totally without merit under [rule 30\(4A\) of the Upper Tribunal Rules 2005](#) or [rule 54.12\(7\) of the Civil Procedure Rules](#)

- the person makes a judicial review application relating to their removal, the court or tribunal refuses permission on paper and makes an order that renewal is no bar to removal
- the person makes a judicial review application relating to their removal and the court or tribunal refuses permission on paper - the application is renewed at the oral permission hearing and the court or tribunal refuses it - the person has the opportunity to challenge the court or tribunal's decision to the Court of Appeal but there is no ongoing attempt to challenge the court or tribunal's decision
- the person makes a judicial review application relating to their removal and the court or tribunal refuses permission on paper - the application is renewed at the oral permission hearing and the court or tribunal refuses it - the person seeks permission to challenge the court or tribunal's decision to the Court of Appeal, which is refused
- the person makes a judicial review application relating to their removal, which leads to a substantive hearing of the application and that application is dismissed - P seeks permission to appeal the court or tribunal's decision and this leads to a decision that the application is totally without merit under [rule 30\(4A\) of the Upper Tribunal Rules 2005](#) or [rule 54.12\(7\) of the Civil Procedure Rules](#)
- the person makes a late judicial review application relating to their removal and the court or tribunal refuses to admit the late application for permission to bring judicial review proceedings
- the person makes a judicial review application relating to their removal that leads to a substantive hearing, and it is dismissed - there is no ongoing attempt to challenge the decision
- the person makes a judicial review application relating to their removal that leads to a substantive hearing, and it is dismissed - further appeals are lodged and have been concluded
- the person makes a judicial review application relating to their removal, which leads to a substantive hearing of the application and that application is dismissed - the person seeks permission to appeal the court or tribunal's decision, which is refused, and an order is made that renewal to an oral permission hearing is no bar to removal
- the person is refused an injunction against their removal

If the date you planned for the removal cannot go ahead, you should serve the NIR – Notice Period Extended and then once you've got a date of departure you can serve the NDD.

If the person waives their right to their notice period by signing the IS.101 then you do not need to cancel the NIR as it will simply expire. You must update ATLAS and go ahead with the removal.

If the person makes an asylum or human rights claim as defined in [section 113 of the Nationality, Immigration and Asylum Act 2002](#) then then you do not need to cancel the NIR as it will simply expire. You must update Atlas.

If the person submits further submissions which can be considered before the end of the stated time period in the NIR then you must consider this on a case-by-case basis depending on the following factors:

- the length of the notice period given to the person
- the length of time left on the notice period
- the content of the further submissions
- how long into the notice period the person submitted the further submissions

Where the person is granted an injunction against their removal then you can either extend the NIR and serve the NIR – Notice Period Extended or let the notice period lapse depending on what the injunction relates to.

Where the person submits further submissions, and a decision is made to reject those under [paragraph 353 of the Immigration Rules](#) before the end of the stated time period in the NIR, then you must consider this on a case-by-case basis depending on the following factors:

- the length of the notice period given to the person
- the length of time left on the notice period
- the content of the further submissions
- how long into the notice period the person submitted the further submissions

## When a new NIR is required

A new NIR giving a new notice period is required in the following circumstances:

- the destination named in the NDD is different to the destination named in the NIR
- the route is via a transit stop that was not stated in the NIR, other than a stop in the UK or a country that is specified in in [Part 2 of Schedule 3 to the Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004](#)
- the removal fails for reasons reasonably within the control of the SSHD
- the removal cannot take place within 21 days of the initial removal which failed for reasons reasonably beyond the control of the SSHD

## Authority to serve the NIR

When you are in a position to serve the NIR and to initiate administrative removal action in a casework team, the standard level of authority required is a Senior Executive Officer (SEO).

If you are an Immigration Officer (IO) you must obtain authority from an His Majesty's Inspector (HMI).

However, certain cases require higher levels of authority:

- clearance is required from the minister where an MP has made representations to the minister
- Senior Civil Servant (SCS) authority is required for armed forces related cases and designated high profile cases

If you are serving the NDD and NIR together then you can seek authorisation for both at the same time.

## Immigration Factual Summary (IFS)

The NIR must be accompanied by the Immigration Factual Summary (IFS). This must include a chronology of the case history, including details of whether any appeal rights were exercised and past applications for Judicial Review.

Where the person is not receiving a notice period and is therefore not receiving a Notice of Intention to Remove, then you must serve the IFS with the Notice of Departure Details.

If the person has a legal representative listed on Home Office systems, you must also send a copy of the IFS to them.

For further information, see completing the immigration factual summary (IFS).

### Related content

[Contents](#)

## Step 3: notice of departure details

The purpose of the notice of departure date (NDD) is to inform the person of the date they will be removed, the destination and the route. The destination specified in the NDD must be the same as that stated in the notice of intention to remove (NIR).

In general, persons subject to enforced removal should be provided with as much notice of the details of their departure as is practicable.

In most cases, you will know the date of departure when you serve the NIR. You will therefore serve the NIR and NDD together.

Where the date of removal is not known at the time the NIR is served, you can serve the NIR first on its own. Once the date of removal is known you should serve the NDD as soon as practicable.

Where you have been advised by a clinician that serving the NDD as soon as practicable is likely to be detrimental to the person's health and welfare, then it would be appropriate to wait until closer to the departure date to serve the NDD on that person.

Whilst it is permissible to serve the NDD at any point before the departure date, you should serve the NDD as soon as it is practicable.

All the notices must be recorded on the appropriate systems.

If the person has a legal representative listed on Home Office systems, you must also send a copy of the NDD to them.

If the NDD is being served separately from the NIR, you must also serve a copy to the person's legal representative.

You should serve the NDD to the person and the legal representative at the same time.

### Basic information

The NDD must include:

- date of departure from the UK
- destination
- names of any transit stops expected to be made en route to the destination

### Destination

The destination must be the same as that named in the NIR.

If it is different to that in the NIR, then you need to serve a fresh NIR giving a new notice period.

## Routing

The route to the destination must be included, including any transit stops.

As per section 10A(6) where there is a transit stop in the NDD that was not stated in the NIR, other than a stop in the UK or a country that is specified in [Part 2 of Schedule 3 to the Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004](#), then a new NIR is required with a fresh notice period.

## Further information

In general persons subject to enforced removal should be provided with as much information about their departure as is practicable. This includes, where known:

- departure time
- flight number
- departure airport
- departure airport terminal
- arrival time
- arrival airport
- arrival airport terminal

However, in certain circumstances it may be appropriate to provide only the date of departure, destination and any transit stops.

For further information see [charters](#) or group flights and [evidence of outside disruption](#).

## Charters or group flights

For charter or group flights, which can often be the subject of targeted disruption, you must only include the date of departure, the destination and names of any transit stops.

See the section on [charter or group flights](#) for further information.

## Disruption

For scheduled flights where there is evidence to suggest that there is likely to be disruption by the person or by others such as a protest, you may consider it appropriate to only provide the date of departure, the destination and name of any transit stops.

## Medical

Any decision to provide basic information only in the NDD (the date of removal, the destination and name of any transit stops) on medical grounds, for example risk of self-harm or suicide, must be substantiated by the opinion of a clinician.

## Juxtaposed controls

For removals from juxtaposed ports, the NDD will only contain the date of departure and the destination.

## Self-check-in

Where a person is departing via a self-check-in removal, they must be served a NDD.

## Cancellation of the NDD

If after serving the NDD you notice an error on the NDD, depending on the nature of error you may have to issue a new NIR.

### Error: destination

Where the destination in the NDD is different to the destination specified in the NIR, you must cancel the NDD by serving the NDD – Departure Cancelled.

You must serve a new NIR which gives the person a new notice period and serve a new NDD.

### Error: routing

Where the routing in the NDD differs from that specified in the NIR, such that there is a transit stop in a country (other than a stop in the UK or a country specified in in [Part 2 of Schedule 3 to the Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004](#)) that was not specified in the NIR, you must cancel the NDD by serving the NDD – Departure Cancelled. You must serve a new NIR which gives the person a new notice period and serve a new NDD.

You must ensure that the new NIR contains the new routing information.

### Error: departure date

Where the date of departure in the NDD is different to that specified in the NIR, you must serve the NDD - Departure Cancelled. You must then serve a new NDD with

the correct date. It must match the date on the NIR or where it is later than the date, you must extend the notice period by serving NIR – Notice Period Extended.

You must not bring the departure date forward to a date before the expiry of the notice period in the NIR.

For further information see the guidance on [compliant returns](#) and [waiving the notice period](#).

## Error: flight or terminal number, departure or arrival time or arrival date

Where there is an error in the NDD relating to the departure or arrival time, flight or ship number, departure or arrival airport, departure or arrival terminal, you must serve the NDD – Departure Cancelled followed by the new NDD which contains the correct information.

## Authority to serve the NDD

When you are in a position to serve the NDD, the standard level of authority required is a Senior Executive Officer (SEO).

If you are an IO you must obtain authority from an His Majesty's Inspector (HMI).

However, certain cases require higher levels of authority:

- clearance is required from the minister where an MP has made representations to the minister
- Senior Civil Servant (SCS) authority is required for armed forces related cases and designated high profile cases

If you are serving the NDD and NIR together then you can seek authorisation for both at the same time.

**This does not apply to port removals conducted by Border Force.** See removals at port guidance for further information.

### Related content

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# Notice period

The purpose of the notice period is to enable persons to seek legal advice. Persons who are subject to enforced removal are entitled to a reasonable opportunity to access legal advice and have recourse to the courts (this includes where they are detained).

Persons are guaranteed a minimum notice period of 5 working days. During the notice period, the person must not be removed. The minimum notice period applies to all enforced removals which includes charters or group flights, those in detention, those who are not detained and family cases.

You may extend the notice period should it be just and reasonable to do so having regard to the overriding principle of ensuring persons have sufficient access to justice.

## Extending the notice period

Giving everyone at least 5 working days has already extended the notice period for those who were previously given the minimum 72 hours. However, there may be circumstances where a person requires a longer notice period. You may proactively extend the notice period. Alternatively, persons and / or their legal representatives may request a longer notice period or ask for an extension.

This request must provide sufficiently reasoned and justified grounds for needing more time. The request should specify how much extra time is required and justify why that time is necessary.

When you receive such a request, you need to consider it on a case-by-case basis.

It may be that the person already has had more than 5 working days as a notice period, but they still make a request for more time. If this is the case, you must still consider the request on its merits on a case-by-case basis.

See the [factors to consider](#) section below for the factors to be considered when deciding whether to grant a request.

Once you have received the request, you must reply as soon as possible, however the request must be responded to before removal.

A request for an extension of the notice is a barrier to removal.

Where you are granting an extension request, the outcome of your consideration must be given in writing using the notice of intention to remove (NIR) – notice period extended, which includes the following:

- the extension request that is being granted
- where known, the length of the extended notice period
- where a removal date is not known, advise that they will receive a notice of departure details (NDD) before they are removed

All the notices must be recorded on the appropriate systems.

## Factors to consider

### Access to legal advice (IRC context)

Persons detained in an immigration removal centre (IRC) have access to a legal advice surgery. A request for an appointment with the surgery may be made at any time but it is reasonable to expect a person to seek legal advice as soon as possible within the 5 working days minimum notice period should they wish to do so.

If an unrepresented person (in detention) wishes to obtain legal advice and cannot be given an appointment at a Legal Aid Agency advice surgery within the 5 working days' notice period, the notice period must be extended to enable an appointment to be arranged. In such a scenario, you can extend the notice period on your own volition. You do not need to wait for the person or their legal representative to submit a request. Any request for an appointment that requires an extension of the notice period and continued detention should be carefully considered on its merits.

Consideration must be given to whether the person:

- was properly notified of access to legal advice
- made their request at the earliest reasonable opportunity
- cooperated with any attempt to arrange a consultation
- delayed their request in order to frustrate removal
- was in practice given significantly more than the minimum 5 working days' notice period before their removal

It is reasonable to expect persons who are aware that they have not been successful in an immigration claim or appeal, or that outstanding representations may be or have been rejected, to act promptly in seeking legal advice.

### Access to legal advice (prison context)

Persons detained under immigration powers in prisons must have access to appropriate facilities to enable them to seek legal advice.

Where possible, persons held in prisons should be transferred to an IRC or short-term holding facility (STHF) where there is appropriate access to justice at least 5 working days prior to removal.

Where persons held in prisons are not suitable for transfer to an IRC or STHF at least 5 working days prior to removal, you must ensure that there are facilities in place to enable the person to have sufficient access to justice. This may include but is not limited to access to telephone facilities.

## **Change of legal representation**

A delay caused by a change in legal representative may be unavoidable and consideration must be given based on the merits of the case. It may be reasonable to extend the notice period where the person has unavoidably lost contact with previous representatives, for instance, because the legal service has ceased business or discontinued responsibility for other reasons.

However, consideration must also be given to related factors. An extension should not normally be considered in cases where there is no clear reason provided for the change of representatives and / or there is cause to believe that the motive for the change is to delay removal, for example, multiple changes of representative within a short period.

## **Access to documentation**

Legal representatives need access to relevant documents and case papers to properly advise their client. There may be some circumstances where a person does not readily have access to their documents; for example, because they have been detained at a reporting event or they have been outside the UK for a significant period.

Any recent or relevant refusal decisions, notice of liability to remove (NOL) and immigration factual summary will be provided to the representatives on request either when the person is detained or at the point where they seek legal advice. The Immigration Factual Summary (IFS) will be fully completed and will provide the necessary key facts and case history.

Where a person's legal representative requests specific, additional, documents to the most recent decision, NOL and IFS, it is usually reasonable to provide all relevant requested documents. However, where documents have previously been provided it is also reasonable to expect that they have been retained by the person or their representative (unless there has been a change of representative). You may therefore reasonably request representatives to be specific in their requests for documentation. A request to release all case papers, whatever their relevance, should normally be refused and the representatives should be reminded that they may make a subject access request to Subject Access Request Unit (SARU).

## **Lack of capacity**

Where legal representatives seek an extension on the basis that their client lacks capacity to make a particular decision and they need more time to engage with their

client, there must be sufficient evidence that the 2-stage test of mental capacity has been satisfied, as required by the [Mental Capacity Act 2005](#) in order to grant an extension.

For further information see [Section 1 to 4 of the Mental Capacity Act 2005](#).

See Detention Services Order 04/2020: mental vulnerability and immigration detention services for more information regarding the detention context.

Further information can also be found in the initial consideration and assessment of liability to administrative removal guidance.

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**Official – sensitive: start of section**

The information in this section has been removed as it is restricted for internal Home Office use.

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**Official – sensitive: end of section**

## Waiving the notice period

A person may elect to waive their right to a notice period. To do this, the person needs to sign a waiver form (IS.101).

The person may withdraw their waiver at any point prior to their removal. The person needs to explicitly state this verbally or in writing. If this happens, then you must give them a NIR.

For further information see [compliant returns](#).

### Related content

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# Port removals

Persons who arrive at the border and are refused permission to enter the UK will not receive a notice period if they can be removed within 7 calendar days of that refusal (section 10C). In this scenario, after the refusal you are only required to serve the notice of departure details (NDD) prior to the removal.

The level of authority required to serve the NDD in this context is the same as the authority level required to serve the refusal of leave to enter notice.

The removals at port guidance sets out what notice to serve to a person who is refused permission to enter the UK.

You may serve the refusal decision and the NDD together. For example, where you know the date of removal at the time of serving the refusal decision.

Alternatively, you can serve the refusal decision and NDD separately. The refusal decision must be served first followed by the NDD.

See [calculating the notice period, 7 days and 21 days](#) for details of how to calculate when the 7 calendar days start and ends.

If the removal can be implemented within the 7 days, then you are only required to serve the NDD. A notice of intention to remove (NIR) is not required.

If the removal cannot be arranged within 7 days, then the person is entitled to a notice period. You must therefore serve the NIR and the NDD. The NIR and NDD can be served together. Alternatively, you can serve the NIR and NDD separately. The NIR must be served first followed by the NDD.

You can serve the NIR at any time from the date of the refusal if you are aware that the removal will not take place until after the 7 days period.

At any time before the person is removed you may cancel the NDD using the notice of departure details – departure cancelled. You would need to serve a new NDD prior to removal.

A person can [elect to waive their right](#) to a notice period by completing IS.101.

If following the service of the NIR and the NDD, the removal fails for reasons that are reasonably beyond the control of the Secretary of State for the Home Department (SSHD) then you must follow the guidance on [failed removals](#).

If following the service of the NIR and NDD, the removal fails for reasons that are reasonably within the control of the SSHD, then you must give the person a new notice period. For this, you must serve a new NIR and NDD.

See [transitional arrangements](#) for port cases.

**Related content**

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# Family removals

This section provides guidance on the notices to be served for family removals.

The notice of liability to remove (NOL) or equivalent notice can be served prior to or at the Family Returns Conference. This would be [step 1](#) for family removals.

See family removals guidance.

Families are provided with greater support and advice when considering their options for voluntarily leaving the UK (assisted return). Where families are not prepared to return voluntarily, they may be given the opportunity to make their own arrangements for departure (required return) before enforcement action (ensured return) is considered.

As part of the assisted return stage, you must give all families liable for return the opportunity to attend a family return conference to discuss their options for departure and to raise any legal challenges or further submissions regarding their departure.

As part of the family removals process, the family must be served following:

- a written invitation (ICD 4401) to attend the Family Returns Conference to the family's current address, copied to their legal representative
- Notification of Intention letter (ICD 4950)

At the Family Returns Conference, the family must be served ICD 4406 which contains the following information:

- that the Secretary of State for the Home Department (SSHD) intends to remove them
- the [reasons](#) why they are being removed or cross-refer to the NOL or equivalent notice if the reasons are the same
- any additional reasons for removal that have arisen since the service of the NOL or equivalent notice
- the [destination or destinations](#) of removal
- where known, all possible [routing](#) information that is routes that may be taken including any stops in any countries - this will enable the person to consider any possible risks they may face in the transit stops
- that they have a minimum [notice period](#) to seek legal advice prior to removal
- when the notice period [starts](#)
- where known, when the notice period [ends](#)
- voluntary departure details

In the family removals context, the ICD 4406 functions as the notice of intention to remove (NIR). This would be [step 2](#). Prior to removal, the notice of departure details (NDD) must be served. This is [step 3](#).

All the notices must be recorded on the appropriate systems.

Where a legal representative is listed on Home Office systems, you must also serve the ICD 4406 to them.

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# Deportation

For persons subject to deportation, they will be served with stage 1 and stage 2 deportation letters, as set out in the deportation on conducive grounds guidance.

The Stage 1 deportation notice is equivalent to the notice of liability to remove and can therefore be served instead of the notice of liability to remove (NOL). This is [step 1](#) in the deportation context.

Once an individual who is subject to deportation is ready for removal and barrier free, they need to be served with a notice of intention to remove and a notice of departure details.

All the notices must be recorded on the appropriate systems.

For further information, see [notice of intention to remove](#) and [notice of departure details](#).

## **Related content**

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# Failed removals

Where the person receives the minimum notice period under section 10A and the subsequent removal fails for reasons reasonably beyond the control of the Secretary of State for the Home Department (SSHD), for example, flight cancellation due to bad weather, section 10B allows the removal to be rearranged within 21 days of the failed removal without the need for a new notice period. The person must have been served with a notice of intention to remove (NIR) and notice of departure details (NDD) under section 10A for 10B to apply.

Following the failed removal, the SSHD is only required to serve a new NDD before the rearranged removal. Once the new date of departure is known you should serve the new NDD as soon as practicable. For further information, see [NDD](#).

The following is a non-exhaustive list of potential reasons that fall under 'reasons reasonably beyond the control of the SSHD':

- bad weather
- mechanical failure of transport
- disruption by the person being removed
- disruption by others

Reasons that would not be captured relate to circumstances that were reasonably within the control of the SSHD. For example, where an error has been made in booking relevant escorts or incorrectly completed paperwork results in the failed removal. If the initial removal fails in such a situation, you must give the person a new NIR and NDD.

If the initial removal fails for reasons reasonably beyond the control of the SSHD but the new removal date is after the 21 days, then you must give the person a new NIR and NDD. You do not have to wait for the 21 days to finish before serving these. You need to ensure that there is a minimum of 5 working days between the deemed date of service of the NIR and the date of departure.

The 21 days starts at midnight.

For further information see [how to calculate the 21 days following a failed removal](#).

If the initial removal fails for reasons reasonably beyond the control of the SSHD, then there is no limit on the number of removal attempts you can make during the 21 days. This is regardless of the reason for their failures. A new NDD must be served for each removal attempt.

All the notices must be recorded on the appropriate systems.

## Authority for arranging removal following a failed removal

Removal action should be taken as soon as possible after authority for removal has been granted. Where a removal is delayed or it fails then you must consider any changes in circumstances that are raised, before taking removal action:

- where authority was given within the **previous 21 days** and there have been **significant** changes in circumstance you must consider whether you should re-obtain authority
- where authority was given **more than 21 days ago**, and there have been **any** changes in circumstance, you must re-obtain authority to take removal action
- where authority was given **more than 21 days ago** but there are no changes in circumstances - you do not need to re-obtain authority, but you must provide a reasonable justification for the delay taking removal action

### Related content

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# Judicial review (JR)

Where a person who has received the minimum notice period under section 10A makes a JR application relating to their removal and the Court (or tribunal) makes a decision, the effect of which is that they can be removed from the UK, section 10E allows them to be removed within 21 days of that decision without giving them a new notice period. In this scenario, you are only required to serve the notice of departure details (NDD) before the removal. Once the new date of departure is known you should serve the NDD as soon as practicable.

All the notices must be recorded on the appropriate systems.

A court or tribunal will have decided that the person can be removed where:

- the person makes a judicial review application relating to their removal, the court or tribunal refuses permission on paper and certifies that the application is totally without merit under [rule 30\(4A\) of the Upper Tribunal Rules 2005](#) or [rule 54.12\(7\) of the Civil Procedure Rules](#).
- the person makes a judicial review application relating to their removal, the court or tribunal refuses permission on paper and makes an order that renewal is no bar to removal.
- the person makes a judicial review application relating to their removal and the court or tribunal refuses permission on paper - the application is renewed at the oral permission hearing and the court or tribunal refuses it - the person has the opportunity to challenge the court or tribunal's decision to the Court of Appeal but there is no ongoing attempt to challenge the court or tribunal's decision
- the person makes a judicial review application relating to their removal and the court or tribunal refuses permission on paper - the application is renewed at the oral permission hearing and the court or tribunal refuses it - the person seeks permission to challenge the court or tribunal's decision to the Court of Appeal, which is refused
- the person makes a judicial review application relating to their removal, which leads to a substantive hearing of the application and that application is dismissed - the person seeks permission to appeal the court or tribunal's decision and this leads to a decision that the application is totally without merit [rule 30\(4A\) of the Upper Tribunal Rules 2005](#) or [rule 54.12\(7\) of the Civil Procedure Rules](#)
- the person makes a late judicial review application relating to their removal and the court or tribunal refuses to admit the late application for permission to bring judicial review proceedings
- the person makes a judicial review application relating to their removal that leads to a substantive hearing, and it is dismissed and there is no ongoing attempt to challenge the decision
- the person makes a judicial review application relating to their removal that leads to a substantive hearing, it is dismissed and further appeals are lodged and have been concluded
- the person makes a judicial review application relating to their removal, which leads to a substantive hearing of the application and that application is

dismissed - the person seeks permission to appeal the court or tribunal's decision, which is refused, and an order is made that renewal to an oral permission hearing is no bar to removal

If for whatever reason you do not receive the court order until a few days after the court order date, then this does not impact the 21 days length. The clock starts at midnight after the date of the court order. This is regardless of when you receive the notification.

Please note that nothing in this section limits the SSHD's ability to decide that a JR is not a barrier to removal under the judicial review guidance.

For further information, see [how to calculate the 21 days](#).

## **Related content**

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# Service and deemed date of service for the notice of intention to remove and the notice of departure details

Sections 10A(2), 10B(2), 10C(2) and section 10E(2) require the Secretary of State for the Home Department (SSHD) to serve the notice of intention to remove (NIR) and notice of departure details (NDD) at specific points in the removal process. The Immigration (Removal Notices) Regulations 2023 provide further detail on the methods of service and timings of deemed service.

You can serve the NIR or NDD separately or at the same time. When the notices are served separately, you must serve the NIR first followed by the NDD. All the notices must be recorded on the appropriate systems.

## Deemed date of service

The methods of service along with their corresponding deemed date of service are the same throughout section 10. The same rules apply for the NIR and NDD. This is regardless of whether that notice is served under section 10A, section 10B, section 10C or section 10E. Section 10D is not currently in force.

The table below sets out the permissible methods and the corresponding deemed date of service to serve the NIR and NDD.

To note:

- the table must not be used as a stand-alone guide, it must be read in conjunction with the detailed guidance within this section
- where service to the person and their legal representative results in 2 deemed date of service dates, then the relevant date is the deemed date of service to the legal representative

Method of service	Deemed date of service
By hand	Date on which notice is given
Post (recorded delivery) to a UK address	2 days after it was posted
Email	Date on which the email is sent
Other electronic means	Date on which communication is sent
Fax	Date transmission is completed
Courier	Date on which the notice is delivered

## Service on a legal representative

Where the person being removed is an adult, you must serve the NIR and NDD on the person and their legal representative if one is on record.

When serving the NIR and / or the NDD on the person and legal representative, this should be done at the same time.

Where the deemed date of service on the person is different to that of the legal representative, the relevant date for the purposes of calculating the length of the notice period is the deemed date of service on the legal representative.

## Service on a minor

Where the person being removed is a child, the NIR and NDD should not be served on the child. It should be served on their parent, guardian or responsible adult and their legal representative if one is on record.

Where the deemed date of service on the parent or guardian or responsible adult is different to that of the legal representative, the relevant date for the purposes of calculating the length of the notice period is the deemed date of service on the legal representative.

## Service by hand

The NIR and NDD should be served in person wherever possible for example at reporting events for non-detained cases or via engagements teams.

## Service by post

Service by post can only be done using recorded delivery.

Where service by post has failed, you must attempt to serve the document using a different method of service.

## Service by email

Service by email on the person should be done using a personal email address. You should not use a work or educational institution email address.

Where service by email has failed, for example you receive a failed delivery report or a bounce, you must attempt to serve the document using a different method of service.

## Service by courier

Service by courier can only be done using a signed for method.

Where service by courier has failed, you must attempt to serve the document using a different method of service.

## Service by fax

The date of the transmission report is the deemed date of service.

Where the date of the transmission report is different to the date of sending the fax, the relevant date is the date of transmission which is the deemed date of service.

Where service by fax has failed, you must attempt to serve the document using a different method of service.

## Service in detention

An individual who is detained will have a caseworker who is responsible for serving the NIR and NDD.

Unless exceptionally agreed by the Detention Estate Team (DET) operational manager at the immigration removal centre (IRC), the NDD will, where possible, be served on the person the same day only where it is received by the IRC before 3.00pm.

The NDD should be served by an Immigration Enforcement member of staff, but where this is not possible (for example, there is not a member of staff present), they may be served by a detainee custody officer or other member of the facility's staff.

When serving the NDD, you must satisfy yourself that the individual who is detained has understood the implications of the documentation (for example, the date of their removal and flight details, including the destination).

You must use the services of an interpreter if there is any doubt as to whether the detainee has understood. This can be done by telephone interpreting where needed.

You must ensure the individual who is detained has access to telephone facilities after service of the NDD to enable instruction of and contact with legal representatives. This requirement may be satisfied by detainees using their personal mobile telephones.

Staff serving the NDD must inform Detainee Escorting and Population Management Unit (DEPMU), usually by way of completing an IS.91RA Part C, if the individual who is detained displays an adverse reaction to the NDD, in particular whether the detainee gave any indication whether or not he or she would be compliant, and of any medical concerns or other risk factors which will otherwise warrant the use of escorts, including a medical escort or other specific arrangements.



You need to be mindful of any potential delays in service and ensure that there is a minimum of 5 working days between the deemed date of service of the NIR and the departure date.

## Service in prisons

Where the NIR or NDD is being served on a person in a prison, you must ensure that the notices and all other relevant paperwork are sent promptly to the prison to serve on the person.

Where the NIR or NDD are being served by hand to the person, the deemed date of service is the date it is handed to the person.

Those serving the NIR or the NDD need to make sure that the notice is endorsed with the notice period start date and inform the SSHD of the date of service.

You need to be mindful of any potential delays in service and ensure that there is a minimum of 5 working days between the deemed date of service of the NIR and the departure date.

## Service on file

Service on file for the NIR and NDD is not permitted.

## Failed delivery

Where all available methods to serve the notice have resulted in a failed delivery, then the notice is not deemed to be served unless the failure is as a result of the actions of the individual when an attempt has been made.

### Related content

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# Calculating the notice period, 7 days and 21 days

## Notice period

The notice period starts at midnight on the first working day after the deemed date of service. The notice period must be a minimum of 5 working days.

Caseworkers should plan ahead particularly around bank holidays and be mindful of any home nations bank holidays. You should consider where the person lives or is detained and, if relevant, you should consider where their legal representatives operate from. The calculation must be based on where the person and any legal representatives are located. It must not be based on the case working team's location.

Where the person and their legal representative are located in different nations, the calculation must be based on the legal representative's location.

Where the deemed date of service on the person is different to that of the legal representative, the relevant date for the purposes of calculating the length of the notice period is the deemed date of service on the legal representative.

## 7 days: port removals

Where a person is refused permission to enter the UK, the Secretary of State for the Home Department (SSHD) has 7 calendar days to remove the person without giving the person a notice period.

The clock starts ticking at midnight on the day after the service of the refusal decision.

## 21 days – failed removals

Where a removal fails for reasons reasonably outside the SSHD's control, the removal must take place before the end of the period of 21 calendar days beginning with original removal date. The 21 calendar days start at midnight on the original date of departure.

There is no limit as to how many removal attempts you can make within the 21 days provided the initial removal failed for reasons reasonably beyond the control of the SSHD.

## 21 days – judicial review

Where a person challenges their removal by way of judicial review (JR) and the court decides that they can be removed, you have 21 calendar days to remove them without giving a new notice of intention to remove (NIR). The 21 days starts at midnight on the day after the date of the court order.

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# Detention and bail

Where a person is detained and directions for their removal from the UK are in force, under [paragraph 3\(4\) of Schedule 10 to the Immigration Act 2016](#), the First-tier Tribunal does not have the power to grant bail without the consent of the Secretary of State if the removal directions are set and both of the following apply:

- directions for the person's removal from the UK are in force (and are not withdrawn)
- the directions require the detainee to be removed from the UK within 21 days, starting with the date of the decision on whether the person should be granted immigration bail

For more details see: Immigration bail guidance.

## Related content

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# Compliant returns

Where a person or family have agreed to a voluntary return, they can waive their right to a notice period. To do this, the person would need to complete the IS.101, the contents of which must be explained to them in a language they understand.

Where the IS.101 has been signed, there is no requirement to serve a notice of intention to remove (NIR). If the person is detained (either in an immigration removal centre (IRC) or a prison), you are only required to serve the notice of departure details (NDD) prior to departure. If the person is departing via the Voluntary Returns Service in the community, you do not need to serve the NDD. This applies to circumstances in which the person pays for their ticket, or the Home Office purchases the ticket at public expense.

The person or family can withdraw their waiver at any point prior to removal.

If the person withdraws their waiver and there are no barriers to their removal, then their removal can be enforced. The relevant team responsible must give them an NIR and an NDD. See above for more information on the [NIR](#) and the [NDD](#).

All the notices must be recorded on the appropriate systems.

Where the person has a legal representative on record, you must serve the IS.101 on both person and the legal representative.

For further information see voluntary and assisted returns.

## **Related content**

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# Charter or group flights

Charter or group flights are subject to special arrangements because of the complexity, practicality and cost of arranging an operation.

Operational constraints will determine arrangements necessary for charter or group flight operations. Details concerning these arrangements will be communicated to the High Court by the Operational Support Certification Unit (OSCU) in advance of the date planned for the operation using the template 'Notification of Special Arrangements – Court letter'.

The person being removed will also be notified of these arrangements and that removal will not necessarily be deferred in the event that a judicial review (JR) is lodged. Where removal is not deferred, the person concerned will be advised in a letter to be provided by OSCU of the need to obtain an injunction to prevent removal.

To protect the safety of those on board a chartered or group flight aircraft to particular destinations it may be necessary, for security reasons, to not provide additional information such as departure time, airport name and terminal details. In these cases, all those being removed by that flight will be only given the destination, date of departure and any transit stops in the notice of departure details (NDD).

All the notices must be recorded on the appropriate systems.

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# Transitional arrangements

This section sets out guidance for notices served before 20 November 2023.

The transitional arrangements are set out in the [Nationality and Borders Act 2022 \(Commencement No.7 and Transitional Provisions\) Regulations 2023](#).

## Liability notification before 20 November 2023

Where you have served the appropriate notice setting out the person's liability to removal, for example, RED.1, UKVI notices, ILLEN.101, stage 1 deportation notice, then you can proceed to the NIR step without serving a new notice of liability to remove (NOL). You must serve a notice of intention to remove (NIR) and a notice of departure details (NDD).

## Further notice following liability notification before 20 November 2023

Where you have served a further notice following an initial notice setting out the person's liability to removal, for example, RED.1, Stage 1 deportation notice, then, you must serve a NIR and an NDD.

## Notice of removal directions before 20 November 2023

Where you have served notice of removal directions (IS.152B or IS.165 in deportation cases) to the carrier and the IS.151D or the ISE.312 in deportation cases to the person, then the system in place prior to the commencement of s.46 NABA will continue.

## Port cases: refusals of leave to enter before 20 November 2023

Where the removal is due to take place within 7 days of the refusal of leave to enter, then there is no requirement to serve the new NIR and NDD. The system in place prior to the commencement of section 46 of the [Nationality and Borders Act 2022](#) (NABA) will continue.

Where the removal is due to take place after 7 days of the refusal of leave to enter and the removal directions to the carrier as well as the IS.92 to the person has been served before 20 November 2023, then there is no requirement to serve the new NIR and NDD.

Where the removal is due to take place after 7 days of the refusal of leave to enter and the removal directions to the carrier as well as the IS.92 to the person has not been served before 20 November 2023, then you must serve the new NIR and NDD.

## Failed removals before 20 November 2023

Where a removal was due to take place before 20 November 2023 but fails for reasons outside the control of the SSHD, then you can remove the person within **10 days** of the failed removal. You must serve the IS.151D or the ISE.312 in deportation cases to the person and **not** an NDD.

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