Home Office

Mandatory Refusal Periods

Also known as re-entry bans

Version 11.0

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About this guidance

This guidance is for decision-makers who:

- record that an individual has breached the UK's immigration laws and is subject to a mandatory refusal period.
- consider applications for entry clearance and / or permission to enter from individuals subject to a mandatory refusal period.
- consider applications for permission to stay from individuals who have previously breached the UK's immigration laws.

The guidance sets out the circumstances in which a mandatory refusal period must be recorded on ATLAS, and how to do so. It also sets out when applications for entry clearance and / or permission to enter from those subject to a mandatory refusal period as a result of previously breaching the UK's immigration laws must be refused.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Compliant Environment and Enforcement Unit.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

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

- version **11.0**
- published for Home Office staff on **22 January 2026**

Changes from last version of this guidance

Applications from overstayers (IR 39E) is incorporated in Part Suitability and is now SUI 13.1. The references to 39E have been deleted and replaced with SUI 13.1 in this guidance.

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Overview

The Immigration Rules ('the rules') provide powers to refuse certain types of applications where an individual has previously breached the UK's immigration laws. These powers are contained within Part Suitability and are referred to throughout this guidance as mandatory refusal periods, often commonly referred to as re-entry bans.

The length of a mandatory refusal period ranges from between 12-months to 10 years and, generally, depends on how and when an individual who has breached the UK's immigration laws departed from the UK. The only exception is when an individual has used deception in an application.

The power to refuse an application because of a mandatory refusal period does not apply to every immigration route in the Rules. Decision-makers should refer to Section 1 of Part Suitability to check which routes are or are not in scope.

When considering whether an individual is subject to a mandatory refusal period, you should refer to paragraphs SUI 2.1. to SUI 12.2. of Part Suitability.

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Recording mandatory refusal periods

This section sets out the circumstances in which, and when, a mandatory refusal period should be recorded against an individual's Home Office record.

Defining a breach of Immigration Law

The rules specify that where an individual has breached the UK's immigration laws, they become subject to a mandatory refusal period. During this period any application for entry clearance and / or permission to enter must be refused under the rules.

Paragraph SUI 11.1 of the rules sets out the circumstances in which an individual would be considered to have breached the UK's immigration laws and therefore become subject to a mandatory refusal period.

> Previous breach of immigration law grounds
> SUI 11.1. An application for entry clearance or permission to enter must be refused if:
> (a) the applicant has previously breached immigration laws as defined in SUI 11.4; and
> (b) the application was made within the relevant time period in SUI 12.1.

Calculating periods of overstaying

When calculating a period of overstaying for the purposes of paragraph SUI 11.1, you must disregard certain time periods set out in **SUI 13.1**of the rules.

Paragraph 11.5. of the rules states:

> SUI 11.5. A period of overstaying will be disregarded for the purpose of SUI 11.4.(a) where the person left the UK voluntarily, not at the expense (directly or indirectly) of the Secretary of State, and:
> (a) the person overstayed for 90 days or less, where the overstaying began before 6 April 2017; or
> (b) the person overstayed for 30 days or less, where the overstaying began on or after 6 April 2017; or
> (c) SUI 13.1. applied to the period of overstaying.

Paragraph SUI 11.6 of the rules states:

> SUI 11.6. A period of overstaying will not be counted for the purpose of paragraph SUI 11.4.(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.

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 SUI 11.4.f the Immigration Rules.

Guidance setting out how periods of overstaying should be considered for the purposes of Paragraph SUI 13.1 of the rules can be found in the Application from Overstayers guidance.

Illegal entry

For the purposes of illegal entry in paragraph SUI 11.4.(c), an individual who is encountered or rescued prior to arrival in the UK is not considered to be an illegal entrant. These individuals do not therefore become subject to the mandatory refusal periods.

Individuals who have entered the UK, and who have not sought permission to enter, have not been encountered or rescued prior to arrival or are otherwise not exempt from control, are considered to be illegal entrants.

Multiple breaches of immigration law

Where a person has 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 consideration.

For more information you should refer to previous breach of immigration laws guidance.

When to record a mandatory refusal period

The way in which an individual has breached the UK's immigration laws determines when a mandatory refusal period should be recorded on an individual's Home Office record.

In-country

Almost all mandatory refusal periods should be recorded once it is confirmed the individual has departed or been removed from the UK.

The length of the refusal period will depend on:

- whether the individual left the UK voluntarily at their own expense, at public expense, or they were subject to an enforced removal
- when the individual left the UK – which may include consideration of their departure timeframe in comparison to when they were notified they were liable for removal

Where an individual has used deception in an application, however, a 10-year refusal period should be recorded at the time of the decision concluding deception has been used.

For further information on how to determine which mandatory refusal time period an individual is subject to see: Mandatory refusal periods lengths.

At the border

In most circumstances it is unlikely that a decision taken at the border will result in the need to record a mandatory refusal period. This is because an individual does not become subject to a mandatory refusal period if:

- they are refused permission to enter at the border as a visitor
- their entry clearance or permission to stay is cancelled at the border, including where deception has been used in an application for entry clearance
- they elect to embark
- they are subject to a carrier expense removal

For more information about when a mandatory refusal period may be imposed because deception has been used in an application for permission to enter, see: Deception.

There may be circumstances where a Border Force Officer needs to correct a previous administrative error to record that an individual is already subject to a mandatory refusal period.

Administrative errors and missing records

If, during consideration of any application, it is determined that an individual should be subject to a mandatory refusal period, but an administrative error means either one has not or is incorrectly recorded on Home Office records, this can be corrected.

If the requirements of a mandatory refusal period are met, it will be lawful to apply that mandatory refusal period regardless of whether it has been previously recorded. The Immigration Rules include no presumption that a mandatory refusal period has to have been recorded in order to refuse an application.

For more information about how to record a mandatory refusal period on Home Office systems see: How to record a mandatory refusal period.

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Mandatory refusal periods lengths

Paragraph SUI 11.1. of the rules sets out the relevant timeframe that a mandatory refusal period will apply for.

Time from date the person left the UK (or date of refusal of the entry clearance under row f)	This applies where the applicant	And the applicant left the UK	And the applicant left the UK
(a) 12 months	left voluntarily	at their own expense	-
(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 removed from the UK	at public expense	-
(f) 10 years	used deception in an application (for visits this applies to applications for entry	-	-

Time from date the person left the UK (or date of refusal of the entry clearance under row f)	This applies where the applicant	And the applicant left the UK	And the applicant left the UK
	clearance only)		

2 - or 5-year time periods – additional considerations

Voluntarily departure at the public expense

An individual is considered to have departed at public expense if the Secretary of State for the Home Department has made payments to:

- cover travel or other expenses incurred by the individual or their family member or members whilst leaving the UK
- cover expenses incurred by the individual or their family member or members shortly after arrival in their new place of residence
- provide services designed to assist an individual or their family member or members settle in their new place of residence
- cover expenses in connection with a journey to prepare or assess the possibility of voluntary departure

There are a variety of different ways in which an individual may voluntarily depart from the UK at public expense. These include but are not limited to:

- the Voluntary Returns Service (VRS)
- the Facilitated Returns Service (FRS)
- a self-check-in removal (not at carrier or public expense)

Which and whether an individual chooses to use one of these methods depends on:

- their preferred route / way to return
- whether they are not eligible for any of the schemes or not
- whether they can or are excluded from making a valid application
- whether their application has been rejected

For more information on what is considered public expense you should refer to guidance on voluntary and assisted departures.

Resetting the 6-month window

In some cases, the 6-month time window in which a person must depart to benefit from a 2-year mandatory refusal period, rather than a five-year period, may be reset to start again.

The 6-month time window will have been reset where:

- the removal decision was substituted for a new removal decision where a fault is found with the original decision
- the person is 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 or the date on which they exhaust their appeal rights against that decision, whichever is the later
- the 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

10-year period – additional considerations

Enforced removal

An enforced removal is when a person does not leave the UK voluntarily and instead the Home Office has to enforce their removal.

An enforced removal may include the use of detention powers immediately before their departure from the UK, a specific charter flight or arrangement, use of commercial route.

Deception

An individual becomes subject to a 10-year mandatory refusal period if they are found to have used deception in an application for:

- permission to stay
- entry clearance – including as a visitor
- permission to enter – provided they are not seeking entry as a visitor

The rules do not provide powers to impose a 10-year mandatory refusal period where an individual uses deception in an application for permission to enter as a visitor at the border.

The 10-year mandatory refusal period starts from the date of the refusal decision rather than the date the individual made the application, or they left the UK.

For more information on how a finding of deception is reached, caseworkers should refer to guidance on Suitability: false representations, deception, false documents, nondisclosure of relevant facts.

Changes to the interaction between 10-year mandatory refusal period and deportation

On 5 October 2023, changes were made to the Rules governing 10-year mandatory refusal period.

As a result, where a person is subject to a deportation order, they are no longer subject to a 10-year mandatory refusal period under paragraph 9.8.7(e) of the archived Immigration Rules.

This is because a deportation order remains in force until it is revoked and will require a mandatory refusal until such time as it is revoked. As a result, individuals subject to a deportation order should no longer be recorded as subject to or refused on the basis a 10-year mandatory refusal period exists.

Para 9.8.7 has been incorporated into Part Suitability and is now SUI 12.1.

Any applications made by a person subject to a deportation order or a decision to make a deportation order will be subject to a mandatory refusal under paragraph SUI 2.1.Where the deportation order has expired (for example, a time-limited deportation order made by way of the Immigration (European Economic Area) Regulations 2016) or has been revoked, the individual will need to satisfy the requirements of the route they are applying under, including any suitability requirements. Decision-makers should refer to the guidance on Suitability – exclusion and deportation.

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Considering applications

This section sets out how decision-makers should approach consideration of entry clearance and / or permission to enter applications from individuals subject to mandatory refusal periods.

Powers to refuse applications

The power to refuse an application because of a mandatory refusal period does not apply to every immigration route. For more information you should refer to section SUI 1.1. to SUI 1.4. of the Immigration Rules.

Applicable routes

There are also different powers depending on whether the application is for an entry clearance and / or permission to enter, or permission to stay.

Entry clearance and / or permission to enter

For entry clearance and / or permission to enter applications where an individual is subject to an extant mandatory refusal period, you should refer to:

Paragraph SUI 11.1.

The rules also provide for a power to refuse entry clearance and / or permission to stay applications where the relevant mandatory refusal period has elapsed, but the individual's previous conduct has frustrated the intent of the rules to the extent it remains appropriate to refuse their current application.

Previous breach of immigration law grounds

> SUI 11.1. An application for entry clearance or permission to enter must be refused if:
> (a) the applicant has previously breached immigration laws as defined in SUI 11.4; and
> (b) the application was made within the relevant time period in SUI 12.1.

Paragraph SUI 11.2 and SUI 11.3.

> SUI 11.2. An application for entry clearance or permission to enter may be refused where:
> (a) the applicant has previously breached immigration laws as defined in SUI 11.4; and
> (b) the application was made outside the relevant time period in SUI 12.1; and
> (c) the applicant has acted to frustrate immigration controls (see SUI 11.7.).

SUI 11.3. An application for permission may be refused where the applicant is, or has been, in breach of immigration laws as defined in SUI 11.4.

For examples of behaviour that would be considered as frustrating the intention of the rules you should refer to guidance on suitability immigration breaches.

Permission to stay

Permission to stay applications cannot be refused on the basis an individual is or was previously subject to a mandatory refusal period.

Instead, the rules provide a power to allow permission to stay applications to be refused where an individual has previously breached the conditions of their permission. For more information you should refer to previous breach of immigration laws guidance.

Paragraph SUI 1.4. (c) states:

> SUI 11.4. An applicant will be treated as having breached immigration laws if, aged 18 or over, they:
> (a) overstayed their permission, unless an exception in SUI 11.5. or SUI 11.6. applied to that period of overstaying; or
> (b) breached a condition attached to their permission, unless entry clearance or further permission has subsequently been granted in the knowledge of the breach; or
> (c) were (or still are) an illegal entrant; or
> (d) used deception in relation to a previous application (whether or not successfully).

Deception

Entry clearance, permission to enter, and permission to stay applications can also be refused on the basis of deception where a mandatory refusal period has elapsed.

Paragraph SUI 11.2. states:

> SUI 11.2. An application for entry clearance or permission to enter may be refused where:
> (a) the applicant has previously breached immigration laws as defined in SUI 11.4; and
> (b) the application was made outside the relevant time period in SUI 12.1; and
> (c) the applicant has acted to frustrate immigration controls (see SUI 11.7.).

For more information on use of deception you should refer to guidance on suitability false representations.

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