Home Office

Returns, Enforcement & Detention policy
General Instructions

Voluntary and Assisted Departures

Version 8.0

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About this guidance

This guidance tells Immigration Enforcement (IE) staff about the procedures for promoting voluntary departure and considering eligibility across the various categories of voluntary departure.

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

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you, or you think that the guidance has factual errors then email the Detention Policy team.

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 **8.0**
- published for Home Office staff on **13 November 2026**

Changes from last version of this guidance

- wording updated to provide additional clarity and support consistent application of the existing policy

Related content
Contents

Introduction

This section provides Immigration Enforcement (IE) staff with information and caseworking instructions on voluntary and assisted departures. Voluntary and assisted departures may be made either at public expense or at the individual's own expense. Voluntary departure packages may also be offered to individuals in detention.

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

What is a voluntary departure?

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

VDs may be paid for at the individual's own expense or at the expense of the Secretary of State (public expense).

What is an assisted departure?

An assisted departure (AD) is a specific type of voluntary departure for individuals who require additional support to depart from the UK, for example, those departing to a developing country or those with complex needs or vulnerabilities. This may include resettlement support in the country of departure, such as financial or in-kind support from an overseas provider.

As part of an AD, the Home Office may provide up to £3,000 for those who are eligible (see the table in Assisted voluntary departures: eligibility). This ensures the return is sustainable and could be used by the recipient to set up a business, access accommodation, or for training and educational needs in the country of departure.

Individuals must apply to the Voluntary Returns Service (VRS) and meet the relevant criteria to benefit from an AD.

See: VRS assisted departures: additional assistance.

IS.101 disclaimer: informed consent

When serving removal directions, the individual must be given a minimum notice period of 72 hours, or 5 working days for certified cases, before removal.

The individual may make a voluntary departure at any time if they have provided their informed consent to waive this period on the IS.101 disclaimer and request that the Secretary of State pays for their departure.

If an immigration offender agrees to leave the UK voluntarily, they must sign the relevant IS.101 disclaimer. If applying online the IS.101 disclaimer is incorporated in the online application process.

See: Enforced removals: notice periods.

Signing the IS.101 indicates that the individual gives informed consent to be considered for a voluntary departure. In accordance with the Data Protection Act 2018, consent must be freely given, specific, informed and unambiguous. There must be a positive opt-in; consent cannot be inferred from silence, pre-ticked boxes or inactivity.

If there is a legal representative on record, they are still acting on behalf of the individual and the application was not made online, they must be sent a copy of the IS.101 disclaimer without delay..

See: Information Commissioner's Office (ICO) guidance on General Data Protection Regulations (GDPR).

If an appeal or judicial review application is outstanding, the individual must be advised to contact the relevant appeal authorities to withdraw the action. If they do not, the appeal or judicial review will be treated as abandoned when they leave the UK.

See: Judicial reviews, injunctions and applications to the European Court of Human Rights.

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

A person may rescind their wish to make a voluntary departure at any time up to departure, but you must make sure that they are aware of the consequences of not leaving the UK voluntarily, including the possibility of being detained as part of an enforced return and being subject to a re-entry ban under the Mandatory Refusal Period policy.

Promoting and recording voluntary departure discussions

Operational staff must ensure that individuals are made aware of voluntary departure options at appropriate points throughout the life of a case. Information may be provided by a range of Home Office staff and services, including UKVI caseworkers, Asylum and Protection caseworkers, Family Engagement Managers, Immigration Compliance and Enforcement officers, Reporting and Offender Management officers, Returns Operations staff, Detention Gatekeepers and other caseworkers. Information may be provided through direct conversations, written or electronic communications, decision letters, reporting events, family engagement meetings, detention processes, or signposting to the Voluntary Returns Service (VRS).

Where possible, voluntary departure options should be promoted before an individual is detained. This may be done verbally or in writing, including through a

refusal letter or other written communication. There may be circumstances where this is not possible, for example where an individual transfers into immigration detention from the prison estate. In all cases, the detaining officer should make every effort to have a voluntary departure conversation before detention. The conversation should take place in a safe and appropriate location, and the information should be explained clearly so the individual can understand the options and implications.

Individuals in detention may express an interest in voluntary departure at any stage. Detained individuals should be made aware of voluntary return options through direct engagement with Home Office staff and through information and support available in Immigration Removal Centres. Requests to depart voluntarily must be considered on a case-by-case basis, including under any specific arrangements or pilots that apply. For individuals in the community, voluntary departure options should be promoted through normal case progression and contact with Home Office staff or services. Staff should explain, where appropriate, that individuals may be able to leave the UK voluntarily and may be able to access support through the VRS. The aim is to ensure that individuals understand the voluntary departure options available to them before enforcement action becomes necessary.

Details of when a voluntary return offer is made, and whether it is accepted, must be recorded on the immigration database using the ‘record communications’ function, accessed through the ‘person summary’ view.

This information can then be extracted from the immigration database for audit and research purposes to support future promotion of voluntary departure, or to indicate whether the individual has not yet discussed the options available to them.

See:

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

Voluntary departure instead of enforced return

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

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

New voluntary departure applications

Where a person who is subject to enforcement action makes an application to the Voluntary Returns Service (VRS), or requests a voluntary departure, that person will

be accepted on a voluntary departure scheme, subject to the standard exclusions, or have their voluntary departure facilitated by IE, unless Home Office staff can demonstrate why an enforced removal should take place.

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

- a VRS application is the date it was received by the VRS team, identified via the creation of the VR card on Atlas
- a request for a voluntary departure (outside of the VRS process) is the date it was received by the IE officer, Family Engagement Manager (FEM), or another caseworker

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

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

Pending voluntary departure applications

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

If you become aware of information that may change that person’s eligibility for a voluntary departure, you must email the Voluntary Returns Service.

A decision as to whether the VRS departure should continue will be made by the VRS team and noted on the immigration database.

Related content
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Voluntary departure: basic checks

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

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Related content
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Voluntary departures: contact management

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

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

See also: Reporting and offender management.

Related content
Contents

The Voluntary Returns Service (VRS)

This section explains the remit of the VRS and how individuals can access its services.

What is the Voluntary Returns Service (VRS)?

The VRS provides help, guidance and practical support, including reintegration funds where applicable, for typically **non-detained** individuals who want to depart from the UK, whether to a country of origin, a safe third country, or a country to which they are admissible, and:

- are in the UK illegally or have overstayed your visa or permission to stay
- have withdrawn, or want to withdraw, your application to stay in the UK
- have made a claim for asylum in the UK
- have a letter from the Single Competent Authority or IE Competent Authority confirming they are a victim of modern slavery but hold no extant leave in the UK
- are a European Economic Area (EEA) citizen or family member who is without settled status or leave in the UK, and did not avail themselves of the EU Settlement Scheme (EUSS)

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

The VRS facilitates both voluntary departures (VD) and assisted departures (AD), either at the individual's expense or at the expense of the Secretary of State, **but typically only for non-detained cases**.

The VRS has a dedicated team and processes to deal with all aspects of voluntary departures. It should be viewed as the preferred route for voluntary departures for non-UK nationals with no lawful basis to remain in the UK and typically not detained. All eligible individuals who express an interest in, or request, departure from the UK and who wish to access financial assistance or reintegration funding must be referred to the VRS.

The VRS provides reintegration support for people who may need assistance when departing from the UK to a country recognised as developing by the Organisation for Economic Co-Operation and Development (OECD). They can apply for up to £3,000 to help with reintegration costs.

A person **will not qualify** for reintegration support if they are returning to a country where they do not have permanent residence. Support may be provided for a flight only if someone can show they have temporary residence in that country. Non-visa exceptions to allow limited entry to a country will not normally be considered by VRS for a public expense return.

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

They will also not qualify for financial support if they have re-entered the UK in breach of a re-entry ban under the Mandatory Refusal Period policy, and the ban is still extant.

In both the above cases, the VRS may be able to offer a flight only return.

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

If someone is departing to a country that is not defined as developing by the OECD, their caseworker will consider if they have additional needs. This may include, but is not limited to, departing as a family, being a care leaver aged 21 or under, being an unaccompanied child, being a confirmed victim of modern slavery, being a rough sleeper, or having received a negative asylum decision. Each case will be considered on its merits, and support may be available from £1,500, depending on individual circumstances.

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

The VRS programmes include:

- VRS voluntary departure – for non-detained self-funded or public expense return (PER) only cases
- VRS voluntary departure family – for non-detained self-funded or PER only families
- VRS assisted – Official Development Assistance (ODA) Country
- VRS assisted – additional assistance
- VRS pilots – focusing on specific cohorts to maximise returns (the casetype is detailed for VRS use only and is not called Pilots)

There may be individual cases where it is more appropriate for the voluntary departure of a non-detained individual or family group to be facilitated outside the VRS by Immigration Compliance and Enforcement (ICE) teams, for example, same-day departures at weekends.

See: Non-assisted voluntary departures. In family cases, see: Voluntary departures: families. However, the VRS should be used for most cases.

Referrals to the VRS

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

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

Individuals and families wishing to apply for a voluntary departure should make an application using the online form. If they are unable to do this, they can contact the service by telephone to make an application.

Voluntary Returns Service: contact details

Available: Monday to Friday, 9:30am to 4pm
Telephone: 0300 004 0202
Website (GOV.UK): Get help to return home if you're a migrant in the UK

See also VRS eligibility criteria.

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Related content
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Eligibility and costs: voluntary departures

This section provides caseworking instructions and eligibility criteria for the various voluntary departure routes for **non-detained** cases, including non-assisted voluntary departures (VD), and Voluntary Returns Service (VRS) assisted departure (AD) programmes.

See also: Arranging removal.

Voluntary departure: liability for travel expense

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

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

- it will unduly delay the departure
- the individual will not depart as intended
- the person is currently subject to possible prosecution action - see the Pending Prosecutions guidance for full details - the police or Crown Prosecution Service (CPS) must be contacted to discuss the relative merits of return versus prosecution
- deportation is more appropriate
- removal directions (RDs) are already in place, but the person wishes to leave later than the set RDs, unless there are exceptional circumstances, for example, a family group wishing to delay departure so that a child can complete imminent educational exams

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

In cases where the above does not apply, the person can be advised to book a ticket and depart providing they:

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

In these circumstances, as no assistance is provided by the Home Office, the basic checks do not need to be completed. However, you must update the immigration database with any travel details which are provided.

Foreign National Offenders (FNOs) wishing to return voluntarily who are ineligible for the Facilitated Return Scheme (FRS) and Voluntary Returns Service (VRS)

This section explains how to manage requests from Foreign National Offenders (FNOs) who wish to leave the UK voluntarily but are not eligible for support through the Voluntary Returns Service (VRS) because of their criminality, and who cannot use the Facilitated Returns Scheme (FRS) because legal barriers to enforced removal remain, such as those arising under the European Convention on Human Rights (ECHR).

Foreign National Offender Returns Command (FNORC) caseworkers retain ownership of such cases and must decide whether to facilitate the request for voluntary return. If the decision is made to facilitate the request, the caseworker must complete the steps below before making a referral to Returns Logistics Complex Cases. This provides the necessary assurances before re-documentation and travel can be arranged.

1. The decision to support the request must be fully set out by FNO-RC and explain why the person is not in scope for the FRS.
2. The person must be fully informed in writing of the specific ECHR barrier or barriers that prevent their enforced removal and ask for confirmation that they still wish to voluntarily depart.
3. Consent from the person must be obtained (through the IS.101 disclaimer or the online equivalent) to confirm that they agree to withdraw any outstanding applications or appeals.
4. The person must understand that they can withdraw from the process at any time up to departure.

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This does not amend the overall policy position or create a blanket inclusion for FNOs with custodial sentences of more than over 12 months being facilitated and supported through the VRS.

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Voluntary departures at public expense

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

Service of a notice of liability to removal is required for all public expense voluntary departure cases. for anyone 18 or over, as a minimum, a Notice of Liability to Remove must be served if a single decision or enforcement papers have not been served on the individual notifying them of their immigration status in the UK before the individual or their representatives request a voluntary departure at public expense.

The same is applicable to European Economic Area (EEA) citizens and their family members where they do not hold valid leave to be in the UK and did not avail themselves of the EU Settlement Scheme (EUSS).

Eligibility for voluntary departure services

Eligibility: Non-assisted voluntary departures

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

- are in the UK illegally or have overstayed their visa or permission to stay
- have withdrawn, or want to withdraw, their application to stay in the UK
- have made a protection claim in the UK
- are an EEA citizen or family member who is without settled status or leave in the UK and did not avail themselves of the EUSS

Exclusions

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

- are currently being investigated by the police, unless the police support the departure - see: Pending prosecutions guidance for full details
- have been convicted of an immigration offence and given a deportation order
- have already been given humanitarian protection, indefinite leave to remain or refugee status which remains extant
- are British Citizens
- already have return arrangements in place (flight booked, whether by self or subject to schedule 2 of the Immigration Act 1971 directions) unless this is discussed with the relevant caseworking team and deemed appropriate to change the flight or work in partnership for example, FEM and VRS
- are an unaccompanied child with no adequate reception facilities in their country of return (see VRS Assisted return: family cases)

The facilitated returns scheme (FRS) is available, subject to specified exceptions, to Foreign National Offenders (FNOs) who are liable to deportation or administrative removal from the UK.

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

The VRS will provide support where possible if someone wishes to voluntarily depart, but holds no valid leave in the UK, and where their case does not appear to be owned by a caseworking team

Eligibility: Assisted Voluntary Departure

VRS Assisted – Official Development Assistance (ODA) Country

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

A single payment of up to £3000 per person is available to anyone who is departing to a developing country as defined by the Organisation for Economic Co-Operation and Development (OECD).

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

VRS Assisted – additional assistance

If someone is departing to a country that is not defined as developing by the OECD, their caseworker will consider if they have additional needs. This may include, but is not limited to, departing as a family, being a care leaver aged 21 or under, being an unaccompanied child, being a confirmed victim of modern slavery, being a rough sleeper, or having received a negative asylum decision. Each case will be considered on its merits, and support may be available from £1,500 depending on individual circumstances.

Exclusions

VRS assisted departures are **not** open to those who:

- are British citizens
- are currently being investigated by the police, unless the police support the departure instead of pursuing the investigation
- are imprisoned following a criminal conviction
- have been convicted of an immigration offence and given a deportation order
- have already been given humanitarian protection, indefinite leave to remain or refugee status

- are attempting to abuse the VRS programmes, for example, if they have chosen to withdraw their extant leave to make a departure through the programme or have indicated their only reason for leaving is to change their immigration status to re-enter the UK
- already have return arrangements in place, unless assisted departure is in the best interests of the Home Office and the individual

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

Previous successful assisted departure applications

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

Cases that require escalation before accepting

Some cases that come to notice may not be suitable for reintegration assistance because of the individual's circumstances.

These cases may include the following and must be escalated to an SEO for consideration and a decision on whether to grant or refuse assistance:

- those excluded from humanitarian protection
- those where the refusal decision indicates the individual may have been involved in war crimes
- individuals who have a sentence of 12 months or less, but the conviction is for:
  - crimes against children
  - sexual offences
  - domestic violence
- high profile cases, for example if the case involves:
  - MP or minister's interest
  - the family member of a prominent public figure
  - member of a royal family
  - social media support group case
  - those where there is evidence to prove that the Common Travel Area (CTA) has been abused, including where entry to the UK has been via the CTA and the route has been used to circumvent immigration controls whilst the applicant is subject to an existing re-entry ban in accordance with the Mandatory Refusal Period policy, or has a previous history of overstaying

The VRS may still be able to facilitate a public expense return public expense return (PER) only departure.

Port cases

If an individual is refused leave to enter or has a leave to enter case open with Border Force (BF), the case cannot be accepted by the VRS unless a BF Chief Immigration Officer (CIO) or above confirms that they are content for the voluntary departure to proceed.

Port cases take precedence over IE cases as carrier liability applies. The VRS will contact the case-owning team in BF to ask whether they are content for the case to be progressed.

If BF do not agree, the case cannot be accepted by the VRS. If BF agrees, the immigration database will be noted to record who in BF has provided permission for the voluntary departure. The case must then be monitored to decide which papers need to be served.

This requirement does not apply where the individual claimed asylum at port. In those cases, the VRS can accept the return without contacting BF.

VRS assisted departure: final decision

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

There is no appeal process for rejected applications.

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

See also: Identifying people at risk.

Related content
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Voluntary departures: families

This section provides Immigration Enforcement (IE) officers and caseworkers with caseworking instructions for managing the voluntary departure of a family.

The information may also be useful as an overview to UKVI, Asylum and Protection (A&P) and Border Force about the IE Voluntary Departures Process.

Families requiring assistance or reintegration funding must be referred to the Voluntary Returns Service (VRS), who will consider eligibility.

Families can choose to self-fund or depart at public expense if they meet the criteria.

See also:

- Voluntary departure at the individual's own expense
- Family separations (internal guidance pages)

The VRS must confirm with every family member aged 18 or over:

- that the family wishes to depart
- who is departing
- how and why they wish to leave
- their planned timescale for departure
- the level of support and assistance that they require from the Home Office
- if they are acting on behalf of all the family or can confirm who can act on behalf of the family
- that an IS.101 disclaimer has been signed (if the family apply via the online form, the main applicant is deemed to have signed the disclaimer, but all other family members over 18 are also required to sign the IS.101)

You must ensure that the family understands that a re-entry ban in accordance with the Mandatory Refusal Period policy will apply as a consequence of not departing the UK voluntarily. If the family are paying for their own flight tickets, you should ask them not to book flights until their travel documents have been located/obtained if the family need assistance making a travel document application. VRS requires at least 3 working days' notice of all self-funded flights and at least 5 working days notice where under 18's are departing the UK as a family group (as family checks are required).

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

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

obtained from the Safeguarding Advice and Children's Champion (SACC) if there are concerns about children.

You must check whether the family are immigration offenders and whether appropriate enforcement paperwork has been served. You must make arrangements to serve paperwork on any family members aged 18 or over who are liable to enforcement action but have not yet been served who is 18 or over.

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

- will be accepted by the destination country
- have valid entry or residence permits
- otherwise meet the immediate entry criteria for the destination country, if this is not their country of residence or nationality

If they are self-funding, you must ensure the family know it is their responsibility to ensure they will be allowed entry into their destination country via their transit route.

See: Country policy and information.

Additional safeguarding checks

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

- local authority children's services (LACS) (all family cases)
- Children and Families Court Advisory and Support Service (CAFCASS) (all assisted and public expense departure cases and if evidence comes to light of planned court action during a self-funded case)
- Scotland and Wales have an equivalent to CAFCASS for families living in those nations.

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

Safeguarding checks and family court proceedings

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

A LACS check is only required for the child's current address, if they have lived in fewer than 3 addresses in the last 2 years. If the child has lived in 4 or more addresses in the last 2 years, the current children's social care service should be able to confirm if their checks include the transfer of information from previous local

authorities or not. If the past information was not transferred, checks will be required against each address for the last 2-year period.

A CAFCASS or equivalent check is only required where the Home Office cannot establish if the other parent (where only one parent is departing the UK) has any involvement in the children's lives, has not given consent for the child or children to leave the UK or we suspect that the parent is trying to leave the UK to intentionally deprive the other parent of contact.

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

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

See: Family separations (internal guidance pages), and for additional details, refer to the statutory guidance Working together to safeguard children which sets out the multi-agency requirements in this regard.

Sole parents and parental consent

In circumstances where one parent is **voluntarily** departing the UK with their child through the VRS, you must remind them of their responsibility to obtain permission from any party with parental responsibility.

See: Get permission to take a child abroad guidance on GOV.UK

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

The returning parent will be required to provide either:

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

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

Any views, wishes or feelings expressed by a child about returning with the main carer must be considered as part of any best interests consideration. However, this does not alter the requirement for parental consent, or a court order, before departure.

Consent from the second parent is not required if a 16- or 17-year-old expresses their views, wishes and feelings about returning with the main carer. This should be taken fully into account and the VRS should facilitate the return. However, regardless of age, if the child's developmental stage means they are not fully able to understand and express their views, you must take account of the views and consent of any other party with parental responsibility.

There may be cases where it is **exceptionally** considered as appropriate to proceed with departing without parental consent or a court order because the risk of the parent committing an abduction offence is low, for example, because their account is considered credible because of investigatory work undertaken.

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

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

See: Family separations (internal guidance pages)

Full birth certificates for children born in the UK

To safeguard the child, the Home Office has a responsibility to obtain the full birth certificate to confirm the parents' registered identity. This does not need to happen again where the Home Office has already seen a copy of the birth certificate and registered the details on the caseworking systems or where the family entered the UK and UKVI or IE have treated them as a family unit throughout their immigration journey.

Where only part of a family wishes to depart

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

Official – sensitive: start of section

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Official – sensitive: end of section

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

See: Family separations (Internal guidance pages)

Power of attorney or consent

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

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

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

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

Related content
Contents

Voluntary departures and the Mandatory Refusal Period policy (re-entry ban)

This page explains the Mandatory Refusal Period policy (previously referred to as a re-entry ban) when someone agrees to voluntarily depart while in breach of UK immigration laws. The rules set out the relevant timeframes that a mandatory refusal period will apply for and they can be found in the Immigration Rules; Part Suitability (Paragraph SUI 12.1)

Those who leave the UK voluntarily at their **own** expense are ordinarily subject to a mandatory **1-year refusal period**, and those who leave the UK voluntarily at **public expense** are subject to a **2- or 5-year refusal period**.

Decision makers must use the full guidance on the Mandatory Refusal Period policy to inform their decisions.

Related content
Contents

Confirming voluntary departures or managing a failed departure

This page provides caseworkers with guidance on confirming a successful voluntary departure, and how to manage a rejected Voluntary Returns Service (VRS) application or failed voluntary departure.

Confirming departure

You must update the immigration database to confirm where a voluntary departure has been successful.

See: Recording information about voluntary departure section.

Official – sensitive: start of section

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Ceasing to engage and failed departures

An applicant can withdraw from a voluntary departure at any time before they depart, but you must make it clear to them that they are liable for enforcement action (if there is no barrier to return) which may include being detained before an enforced removal.

Voluntary departures may also fail because:

- an individual or family ceases to engage with the process (either fails to stay in contact, or remains in contact but changes mind about leaving)
- an individual or family fails to depart as planned

- barriers or a change in circumstance can prevent departure or render the individual ineligible for a planned VRS AD if they do not want to depart without assistance

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

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

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