

Assisted Voluntary Returns

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1 Introduction

This section sets out guidance for asylum officers on the actions and considerations to take when an asylum applicant, failed asylum seeker or person applying for further leave applies for Assisted Voluntary Return (AVR). It explains what AVR is and how to identify whether an application has been made. It also provides guidance on how to handle requests made during the asylum or active review process and how to proceed with an asylum/active review decision once the AVR application has been resolved.

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1.1 Application of this instruction in respect of children and those with children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the UK Border Agency to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to Section 55. The UK Border Agency instruction 'Arrangements to Safeguard and Promote Children's Welfare in the United Kingdom Border Agency' sets out the key principles to take into account in all Agency activities.

Our statutory duty to children includes the need to demonstrate:

- Fair treatment which meets the same standard a British child would receive;
- The child's interests being made a primary, although not the only consideration;
- No discrimination of any kind;
- Asylum applications are dealt with in a timely fashion;
- Identification of those that might be at risk from harm.

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2 What is the Assisted Voluntary Returns Programme?

The AVR programme offers applicants the opportunity either to return to their country of origin or to a third country to which they are admissible (the “Country of Return”).

The main programme is the Voluntary Assisted Return and Reintegration Programme (VARRP) which is open to all non-EEA nationals. There are other programmes which deal with specific situations.

All programmes are co-ordinated on behalf of the Home Office by the International Organization for Migration (IOM). The IOM is an independent international organisation working with refugees, migrants, displaced persons, governments, non-governmental organisations (NGOs) and other international organisations.

Applications are received and screened by the IOM, with the final decision about suitability of the applicant for VARRP resting with the UK Border Agency.

The eligibility criteria for VARRP are detailed on the AVR microsite, which also gives further detail on the programme.

For further details on the AVR policy, programmes and provisions, see <http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/assistedvoluntaryreturn/varrp/>

AVR policy questions may be referred to the AVR Policy Team via a senior caseworker.

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3 Handling a Request for Assisted Voluntary Return

During the course of an asylum or active review application, the applicant may show interest in or request help to return to their country of nationality. Applications must in the first instance be made by the applicant directly to the IOM.

Asylum case owners, case workers and operational support staff will not play a role in processing the AVR application, however UK Border Agency officers must provide assistance to the applicant. See also: [1.1 Application of this instruction in respect of children and those with children](#)

Actions required:

- Officers must provide the applicant with the IOM leaflet “Voluntary Return”. Leaflets can also be ordered from the AVR operations team or downloaded from the IOM website in several different languages.
- Asylum officers must also explain to applicants the impact an AVR application may have on their asylum claim. See Applicants who apply for AVR during the asylum process.
- Asylum officers must assist applicants by giving information about how to find the nearest IOM office - A list of locations can be found on the IOM website. Alternatively asylum officers can direct the applicant to the IOM website. This will provide applicants with advice on returns, application forms and FAQs in a number of different languages.
- Asylum officers are advised to not contact the IOM directly themselves, and instead direct any queries they might have to the AVR Team.

3.0.1 Checking for an outstanding application for AVR

If required, an asylum officer may check on the status of an AVR application on IS-CID, where all applications for AVR are entered by the AVR Team.

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4 Applicants who apply for AVR during the Asylum Process

Applications for AVR may be made at any stage in the asylum process, though most applications will be made by failed asylum seekers whose appeal rights are exhausted.

4.0.1 Addressing the AVR application at decision/appeal stage

As previously mentioned, asylum case owners, case workers and operational support staff will not play an active role in processing the AVR application - that remains for the IOM to progress, in concert with the AVR Unit. Case owners and case workers must however be aware of their responsibilities for case management and the asylum claim for cases where an AVR application is received during the asylum application/appeal process.

Actions required:

- Officers **MUST NOT** suspend consideration of the asylum claim while an AVR application is being processed. The asylum claim must be processed alongside the AVR application.
- Officers **MUST NOT** ask an applicant/appellant to withdraw an application for AVR, even if the application is made while the application is still live;
- Officers must explore at interview/cross examination/the next reasonable opportunity, why the applicant has applied for AVR, pointing at the apparent contradiction between seeking assistance to return to their country of nationality or a third country, and the claim that they will fear persecution if returned to that country;
- There may be factors where applying for AVR during the course of an asylum application does not suggest an absence of fear of return, or where mitigating circumstances exist. Officers must explore and ascertain whether the AVR application is a result of:
 - a. Coercion by a relative or other person - The applicant may be being coerced or persuaded by a member of their family or other influential person. Reasons for this might include forced marriage, looking after family or repaying a debt. The risk of re-trafficking should also be considered, where it exists. Children and, in certain cultures, women may be particularly susceptible to such coercion.
 - b. Mental confusion - It is legitimate for the person to be unsure of what they want to do and/or be confused. Interviewing officers must be patient, alert and sensitive to issues such as old age and mental health problems;
- Any information provided can be taken into account when making a decision on the asylum claim/active review application/giving submissions in an appeal hearing, however any such decision/submissions must follow a full consideration of all the relevant facts of the case, including the reasons for the AVR application;
- Officers should clearly evidence the AVR application. A CID record may be insufficient evidence. Officers should instead obtain a signed copy of the applicant's AVR application by contacting the AVR Team, who will fax a copy of the application the same day, if available;
- Case owners/presenting officers must not ask for an appeal to be adjourned on the basis that an AVR application has been made or approved. Similarly, case owners/presenting officers must oppose requests to adjourn an appeal by an appellant if the reason for the request is that an AVR application is outstanding, or that the application was approved but the appellant has not yet departed. Case owners/presenting officers must press for the appeal to be heard where applicable.

5 Action to be Taken Following the Resolution of an AVR Application

The AVR Team will update the IS-CID record once a decision has been made on the AVR application, which will usually be less than five working days but can take up to ten working days from the date of application.

5.0.1 If AVR is refused

If the application for AVR is refused, consideration of the asylum claim/application for active review must proceed as normal.

5.0.2 If AVR is withdrawn

If an AVR application is withdrawn **before** it has been considered or approved, the asylum officer must explore, when making a decision, why the application for AVR was initially made and the reasons why it was withdrawn.

5.0.3 If AVR is granted but the applicant changes his mind

Even if an application for AVR is granted, the applicant can change their mind at anytime until the point of departure.

5.0.4 If AVR is granted but lapses

AVR may be regarded as lapsed in certain circumstances. If the application is accepted but lapses, the AVR Team will note IS-CID to show the application as withdrawn. If the applicant still wishes to have help in returning to their country of origin, or to a third country, they will be required to make a fresh application for AVR.

5.0.5 If AVR results in the applicant leaving the UK

Asylum claims, applications for further leave and appeals will be treated as 'withdrawn' upon the embarkation of the applicant to a destination outside the United Kingdom. See the AI on Travel Abroad.

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6 Contacts

Unit/partner	Contact details
IOM	Tel: 0800 783 2332 (Freephone) www: www: www.iomlondon.org

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Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	DH	30/01/07	New web style implemented
2.0	MO	22/08/07	Final Amendments
3.0	MK	17/03/08	Minor revisions to layout and presentation
4.0	JC	06/11/08	Update branding only
5.0	GL	01/10/09	Update Children's Duty
6.0	GL	23/10/09	Further Update To Children's Duty

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