

VOLUNTARY DEPARTURES

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1 Introduction

This is the local instruction for staff in Legacy Casework Directorate (LCD) and the New Asylum Model to follow in conjunction with Voluntary Departure (non UK Border Agency Enforcement & Removals) instruction issued by the UK Border Agency ERD process team. This instruction details the procedures and processes to be followed when an applicant makes a request to voluntarily depart the United Kingdom. It also outlines what action to take if the United Kingdom Immigration Service (UK Border Agency) request valuable documents to facilitate a voluntary departure or if UK Border Agency inform that an asylum seeker has voluntarily departed.

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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 General Principles

Asylum applicants at any stage of the process may decide to voluntarily leave the United Kingdom and the option of an assisted voluntary return will be explained to applicants at reporting events. They may or may not have submitted to UK Border Agency valuable documents (see Asylum Guidance on Document Retention for definition of a valuable document). If UK Border Agency are holding such documents they will be required by UK Border Agency to facilitate departure and/or to monitor departure.

An asylum applicant (or failed asylum seeker) has three options by which they can depart the UK voluntarily:

- by being accepted on an Assisted Voluntary Returns programme, the principal one being the Voluntary Asylum Return and Reintegration Programme (VARRP) (see Assisted Voluntary Returns). **Assisted Voluntary Returns is the preferred managed route.**
- by making their own travel arrangements.
- by asking UK Border Agency (Enforcement and Removals) directly or indirectly, e.g. a request to LCD, to arrange their departure.

It is important that UK Border Agency carefully manages and monitors these routes, to ensure:

- the departure is properly recorded and counts towards UK Border Agency's removal targets.
- that UK Border Agency do not waste resources on support costs and progressing a case when the person has already departed.

It is important that valuable documents are not handed back to the applicant or their representative, as the control of these documents is the method that UK Border Agency use to ascertain whether or not the subject actually leaves the UK. In all cases valuable documents should only be passed to the appropriate UK Border Agency business unit who will in turn pass the valuable documents to the applicant at the port of departure.

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3 Requests for The Return Valuable Documents for Reasons Other Than Voluntary Departure

If an applicant makes a request for the return of their valuable documents for reasons other than for voluntary departure (e.g. for opening a bank account) staff should follow the relevant instruction in Asylum Guidance relating to Document Retention.

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4 Requests from Asylum Applicants who Wish to Return to Their Country of Origin (or Where They Have A Right of Abode)

If an asylum team, Asylum Co-ordination Unit (ACU) or Case Management Unit (CMU) are contacted by an applicant (or their representative) as they wish to voluntarily depart the United Kingdom they should be advised that leaving the Common Travel Area will result in a withdrawal of their asylum claim and/or human rights claim.

(For further guidance see the Asylum Instruction on Travel Abroad)

They should then be directed to contact the International Organization for Migration (IOM) on 0800 783 2332, or by using their website [IOM London](#). The Voluntary Return leaflet should also be given, this gives the address and opening times for the London office and how to contact the Liverpool and Glasgow offices. This is the preferred managed route, but will not always be a viable option.

In some circumstances Assisted Voluntary Returns are not appropriate e.g. when the applicant states:

- they do not wish to avail themselves of IOM assistance;
- they have purchased their own ticket and/or;
- they need to travel urgently i.e. in less than 7 working days.

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5 Assisted Voluntary Returns

The Assisted Voluntary Return (AVR) programme offers applicants the opportunity to return to their home country or to depart to a third country where they meet the entry requirements for that country.

Returns are managed and recorded by the AVR team, who are part of United Kingdom Immigration Service (UK Border Agency). The Voluntary Assisted Return and Reintegration Programme (VARRP) which is open to all asylum seeking nationalities is run by the International Organisation for Migration (IOM) on behalf of the Home Office, there are also other programmes that assist a specific nationality. Successful applicants are provided with tickets and practical assistance with travel arrangements where necessary, including travel documentation. Reintegration assistance is also available in the destination country and may include assistance in setting up a small business, education and vocational training.

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5.1 What to do When an Assisted Voluntary Return (AVR) Application is made

The Assisted Voluntary Return (AVR) team will notify CID when an application has been made for an AVR. It is therefore imperative that staff check CID to ascertain if an application has been made before progressing a case. Staff are to follow the Asylum Guidance on Assisted Voluntary Returns. If a person is accepted onto one of the programmes they will have three months to depart the United Kingdom.

If the applicant has had valuable documents retained (See Document Retention) they should not be returned to the applicant. The AVR team will request the documents from the holding unit and the documents must be made available to them. Staff should record the movement of these documents (See Document Retention).

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6 Processes for Referring Cases to Enforcement & Removals for Other Voluntary Departures

When the services of the International Organization for Migration **are not used** the applicant should be referred to the appropriate Reporting Centre/Local Enforcement Office. Applicants may wish to return to the country where they fear persecution because of sudden extreme circumstances, such as the death of a close member of their family and will arrange for their own travel tickets or need UK Border Agency to do so.

The process for referring cases to a RC or LEO is the same for cases where the applicant has arranged their own travel and for those who have not. The process to follow will depend on the urgency of travel arrangements required.

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6.1 Non-Urgent Cases

In cases where the applicant states that there is more than 72 hours they need to travel and the request has been made by means other than in person at a UK Border Agency RC, LEO or port of entry, the person should be told to contact the RC or LEO that covers their home address by telephone or in writing.

The RC/LEO should be advised in writing using the attached proforma, Notification to UK Border Agency Enforcement & Removals Of A Person Wishing to Make A Voluntary Departure From the UK, that the person requesting to make the voluntary departure will be contacting them to make arrangements. This form, any proof of confirmed bookings and any documents (excluding forgeries) should be sent to the RC or LEO by IDS where the service exists and by first class recorded delivery where it does not.

6.2 Urgent Cases

In cases where the applicant states that there are less than 72 hours before they need to travel, the most conveniently located RC or LEO should be contacted by phone and arrangements made for the person to be seen as soon as possible.

In these cases, the proforma, (*Notification to UK Border Agency Enforcement & Removals Of A Person Wishing to Make A Voluntary Departure From the UK*), should be faxed to the RC or LEO and arrangements should be made for any valuable documents to be sent to the RC or LEO by a same day delivery service. Where offices are in close proximity this may involve a member of staff from the UK Border Agency business unit contacted or from the RC or LEO delivering (or collecting) the documents themselves. However, when this is not practical it may be necessary to use a private courier company. The receiving RC or LEO will make the arrangements on request.

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6.3 All Cases

The Home Office file should remain in the unit, if valuable documents are sent to the RC/LEO, see Document Retention for procedure to record movement of valuable documents. Ensure that there are copies on file of all the documents that will be returned. Cross/remove the Documents/Passport Enclosed sticker/flag if located on front of the file. Write to the applicant advising them that the RC or LEO has been made aware of their planned departure, amend ASL.2907 to suit the case.

In principal staff should ask the applicant to withdraw their claim for asylum and or human rights in writing, if the applicant has not already done so. Where there is written confirmation that the applicant has withdrawn their claim, then respond with an ASL.1930.

Where there is no written confirmation that the applicant is withdrawing their asylum claim only that they wish to voluntarily depart the United Kingdom, staff should consult with their team leader on a case-by-case basis on what action they should take. No decision targets should be missed and therefore pending confirmation that they have left the United Kingdom an asylum decision should be made on the case. In some circumstances it may be more practical to withhold making a decision and checking with the Removal Centre if the applicant has either arranged departure or had departed from the United Kingdom prior to making a decision.

After being advised of a person who wishes to voluntarily depart the UK, the RC/LEO will hold any files and documents sent to them for 10 working days. In the event that the person who made the request fails to contact them in this time or decides not to travel, the file(s) and/or document(s) will be returned to the original location. Legacy Casework Directorate officers should keep track of the case by checking CID or contact the RC/LEO on the voluntary departure. Case Owners should consider resetting reporting restrictions to maintain contact management until the applicant leaves the UK. For cases where there is no written confirmation of an asylum withdrawal and the asylum claim is still outstanding, Asylum Officers should consider getting written confirmation on the asylum withdrawal or make an asylum decision. Asylum Officers should consult their team leader on a case-by-case basis on what action they should take in view of meeting decision targets.

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6.4 Post Departure

Once the person has left the UK, the RC or LEO that arranged the voluntary departure will update CID and advise other UK Border Agency business areas with an interest in the person that they have left the UK. A Copy of the IS101PA (Notice Of Withdrawal Of Application For Asylum) will be sent to the relevant business unit so that they can be linked to the HO file. Upon receipt of IS101PA attach it to the right side of the file and any other relevant documents. CID should be checked to confirm that there is no outstanding decision to be made, if not update CID. Attach CID printout to right hand side of file. File can then be sent to Lay-by.

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7 Determining the Appropriate Reporting Centre/Local Enforcement Office

The appropriate LEO/RC can be obtained by referring to the Contact Management and Criminal Investigations (CMCI) website. A desktop icon is available from Voluntary Departures (non UK Border Agency Enforcement & Removals) process instruction.

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8 ACU1 Instructions, for Cases where LCD has not been Notified by the Applicant of their Intent to Voluntary Depart

Some applicants will go directly to UK Border Agency/port to arrange voluntary departure without informing LCD of their course of action and UK Border Agency will facilitate their removal. UK Border Agency will update CID to show that the applicant has departed the United Kingdom, the HO file will need to be updated to reflect this change of status and be removed from its active location.

- ACU1 should obtain the HO file and attach the IS101PA and minute the file to state that the applicant has withdrawn their claim of asylum and have left the country.
- Staff should check CID to confirm that it has been updated "Withdrawn by Applicant" on the asylum claim, if not update CID. Attach CID printout to right hand side of file.
- Send file to Lay-by.

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Document Control

Change Record

Version	Authors	Date	Change Reference
1.0	DP	19/01/07	New web style implemented
2.0	JC	06/11/08	Update branding only
3.0	GL	01/10/09	Updating Children's Duty
4.0	GL	23/10/09	Further Update To Children's Duty

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