

## May 2009 Immigration Directorates Instructions

### CHAPTER 19 SECTION 6

#### GUIDANCE – VOLUNTARY RETURN

##### a) GENERAL

Assisted Voluntary Return (AVR) programmes are developed and managed by the Assisted Voluntary Return team, based in UKBA / Immigration Group/ Directorate of Central Operations and Performance / Removals Logistics.

AVRs differ from voluntary departures as the mechanics of the return are handled by the International Organization for Migration (IOM). Because of this, it is possible to arrange AVRs for nationalities that could not be removed by any other method.

##### b) ELIGIBILITY

There are two major AVR programmes

##### **Voluntary Assisted Return and Reintegration Programme (VARRP):**

Applications for return under the programme will be accepted by the IOM from anyone\* who is or is the dependent of a person who:

- has an asylum application pending;
- has been refused asylum and is appealing against that decision;
- has been refused asylum and has exhausted the appeals process;
- has not withdrawn their asylum application;
- falls within any of the above categories and is detained by the UK Border Agency solely in relation to immigration offences, except where the applicant has been assessed by Detention Services as violent and/or may pose a threat to IOM staff
- has been refused asylum but granted discretionary leave to remain in the UK outside the immigration rules.

\* except where:

- the applicant is involved in ongoing matters pertaining to the criminal justice system.
- a deportation order (DO) has been made against the person;
- arrangements for the person's return are already in place;
- prior to IOM receiving an application the applicant has received custodial sentences in the UK, totaling in excess of 12 months
- the applicant is a dependant who is not involved in the asylum application.

In each individual case, applications will be received and screened by IOM. In each case the final decision about suitability of the applicant for the Programme rests with the UK Border Agency.

### **Ineligible groups**

The programme is not open to those who:

- are British Citizens or a national of Switzerland, or a national of a European Economic Area (EEA) state.
- have been granted humanitarian protection, indefinite leave to remain and / or refugee status.
- have never sought asylum in the UK
- have permission to enter or remain in the UK for non-asylum reasons e.g. students, spouses, visitors etc
- are immigration detainees and have had removal directions set at any time.
- are convicted prisoners subject to deportation orders
- have been convicted of a serious immigration offence
- have indicated that their purpose in leaving is to nullify their adverse immigration status in order to re-enter the UK.

In addition to the above criteria, the majority of individuals who have previously participated in an assisted voluntary return (AVR) programme will be excluded from participating a second time following their subsequent return to the UK. Each application by a previous participator will be carefully considered, taking all relevant factors into consideration and the appropriate decision made. Relevant factors may include: a significant change in the country situation; a new basis of asylum claim; and previous participation in an AVR programme as a dependant.

Generally only two AVR applications will be considered for each applicant. Those who cancel or withdraw their application or do not depart within three months of approval on two occasions will no longer be eligible for the programme. A third application will be considered only on production of evidenced exceptional reasons why departure via the VARRP has not taken place. In each case the decision about consideration of a third application rests with the UK Border Agency.

In cases where an individual applies to make an assisted voluntary return under an AVR programme and has previously commenced a judicial review, the AVR return should NOT be deferred.

### **Assisted Voluntary Return for Irregular Migrants (AVRIM)**

Applications for return under the AVRIM programme will be accepted by the IOM from anyone\* who is, or is the dependant of, a person who

- has been accepted by the UK Border Agency as a victim of trafficking;
- has entered the United Kingdom illegally, having been smuggled from abroad;
- has otherwise entered the United Kingdom illegally;
- has been granted conditional leave to enter or to remain, but has breached one or more conditions of that leave.

- falls within the above categories, is detained by the UK Border Agency and is detained solely in relation to immigration offences, except where the applicant has been assessed by Detention Services as violent and/or may pose a threat to IOM staff.

\*except where:

- the applicant is involved in ongoing matters pertaining to the criminal justice system;
- a deportation order has been made against the person;
- arrangements for the person's return are already in place;
- prior to IOM receiving an application the applicant has received custodial sentences, in the UK, totaling in excess of 12 months.

### **Ineligible groups**

The programme is not open to those who:

- are British Citizens, or a national of Switzerland, or a national of a European Economic Area (EEA) state.
- have been granted humanitarian protection, indefinite leave to remain and / or refugee status.
- have sought asylum in the UK and have not withdrawn the application, or left the UK since that application;
- have permission to enter or remain in the UK for non asylum reasons e.g. students, spouses, visitors etc and have not breached any conditions of that leave;
- are immigration detainees and have had removal directions set at any time;
- are convicted prisoners subject to deportation orders;
- have been convicted of a serious immigration offence;
- have indicated that their purpose in leaving is to nullify their adverse immigration status in order to re-enter the UK.

In each individual case, applications will be received and screened by the IOM. The final decision about eligibility of the applicant for AVRIM rests with the UK Border Agency.

In addition to the above criteria, the majority of individuals who have previously participated in an assisted voluntary return (AVR) programme will be excluded from participating a second time following their subsequent return to the UK. Each application by a previous participator will be carefully considered, taking all relevant factors into consideration and the appropriate decision made. Relevant factors may include: a significant change in the country situation; a new basis of asylum claim; and previous participation in an AVR programme as a dependant.

Generally only two AVR applications will be considered for each applicant. Those who cancel or withdraw their application or do not depart within three months of approval on two occasions will no longer be eligible for the programme. A third application will be considered only on production of evidenced exceptional reasons why departure via the VARRP has not taken place. In each case the decision about consideration of a third application rests with the UK Border Agency.

In cases where an individual applies to make an assisted voluntary return under an AVR programme and has previously commenced a judicial review, the AVR return should NOT be deferred.

### **c) PROCEDURE**

AVR schemes will be the first consideration when any individual indicates they want to make a voluntary return. When a request for a voluntary return is made, the subject will be asked to telephone IOM on the following number:

**0800 783 2332**

The subject will discuss their wish to return with IOM. Applications should be sent to IOM or one of their implementing partners who will take the subject's

details and refer the application to the AVR team within the UK Border Agency. The UK Border Agency AVR team will determine eligibility.

Once received, applications and decisions will be noted on the Case Information Database (CID). When the subject departs the UK, IOM will confirm departure to the AVR team who will update CID.

N.B. The date of application for AVR is the date on which it was received by IOM or an implementing partner and not the AVR team. Consequently there may be a 1-3 day delay in this information being put onto CID

UKBA officers will, under no circumstances seek to remove those who have made an application for an AVR without reference to and the consent of a senior manager in the AVR team. In all cases the presumption should be that the AVR applicant should be permitted to make an AVR.

In all circumstances UKBA officers are required to release, upon demand, documentation, including but not limited to, passports, identity cards and other documentation that could assist in positively identifying the applicant to the AVR team and facilitate the return.

Where a subject is detained for removal, and where removal directions have been set PRIOR to the application date for AVR, the AVR team will reject any application for AVR made by the subject. There are no circumstances where an AVR application will delay, postpone or otherwise interfere with a scheduled enforced removal.

Where removal directions have been set AFTER the application date for an AVR and provided that the AVR team can approve the application, the UKBA officer must cancel the removal directions and allow the subject to leave voluntarily. The AVR team usually receives the form 1 to 3 days after the application has been made.

Where a passenger who is subject to further examination and has not been detained or granted temporary admission pending further enquiries, makes an application for AVR, unless the port can demonstrate a compelling reason why an enforced removal should take place, that person will be accepted on an AVR scheme (subject to the standard exclusions)

Seeking to remove (even via a voluntary departure) an AVR applicant, will seriously compromise the integrity and independence of IOM

### **AVR GENERAL INFORMATION**

- AVR makes a substantial contribution to the removals targets. Over 20% of all FAS removals are via AVR.
- AVR is not limited by documentation or policy issues. All nationalities (except British Citizens, Swiss and EEA nationals) can return via AVRs.
- AVR costs about 15 to 20% of enforced removal, even when reintegration costs are included.
- The IOM can be contacted at:

21 Westminster Palace Gardens  
Artillery Row  
London  
SW1P 1RR  
Telephone: 0800 783 2332  
Fax: (020) 7233 3001  
Email: [varrp@iomlondon.org](mailto:varrp@iomlondon.org)  
Website ULR: [www.iomlondon.org](http://www.iomlondon.org)