



Home Office

The Facilitated Return Scheme (FRS)

Version 8.0

This guidance explains the Facilitated Return Scheme (FRS) for foreign national offenders (FNOs).

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About this guidance

This guidance tells you about the Facilitated Return Scheme (FRS) for foreign national offenders (FNOs), eligibility for the scheme, and how it is administered by the Home Office.

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 Criminality Policy Guidance queries.

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.

Clearance and publication

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

- version 8.0
- published for Home Office staff on 3 October 2016

Changes from last version of this guidance

General revision and transfer from web-based into Word document format.

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Related external links

Facilitated return scheme - Introduction

The Facilitated Return Scheme (FRS) was established on 12 October 2006 to make the early removal of foreign national offenders (FNOs) to their home country easier. The primary aim of the scheme is to encourage FNOs to leave the UK at the earliest possible opportunity, thereby reducing the time and costs associated with time spent in prison and immigration detention.

Subject to certain exceptions, FRS is open to all foreign nationals from non-European Economic Area (EEA) countries who have been convicted of a crime, irrespective of their offence, and are currently serving, or have served, a custodial sentence of up to four years.

Departure under FRS is not an alternative to deportation. A deportation order is made against anyone whose offending means that the Home Office considers deportation is proportionate. FNOs where deportation is not considered proportionate must be the subject of an administrative removal, illegal entry removal or port refusal decision to be eligible for FRS. For more information on deportation, see related content below.

While FRS is voluntary, those who depart under it are subject to enforcement decisions. All decisions to deport or remove a foreign national under the terms of the scheme must be considered in accordance with Home Office policy, and must comply with the UK's international obligations on protection.

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Deporting foreign nationals

Categories of prisoner covered by FRS

The main aim of the Facilitated Return Scheme (FRS) is to promote and assist early removals by encouraging full compliance and cooperation from eligible foreign national offenders (FNOs) willing to return to their country of origin voluntarily. Since July 2014, FRS covers the following categories of FNO who have received a custodial sentence of up to 4 years, although this does not guarantee eligibility in every individual case:

- time-served prisoners
- prisoners subject to the Early Removal Scheme (ERS)
- prisoners, including mentally-disordered offenders, who are not already subject to removal directions
- FNOs under the age of 18 detained for example at youth offender institutes, subject to certain conditions

The terms on offer under FRS are different for FNOs still serving their sentence and those who are time-served. These terms were last amended in July 2014, but the scheme continues to provide a package of financial support for reintegration to encourage FNOs to cooperate with their early removal.

The subsidiary intention of the scheme is to support early removal where possible under ERS. ERS allows FNOs serving determinate sentences to be removed up to 270 days (9 months) before their release date, in turn allowing the removal of FNOs from prisons sooner than otherwise possible. For this reason, if a FNO leaves early under ERS, the amount of assistance offered under FRS is higher than if an application for FRS is made after they complete the custodial part of their sentence.

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Reintegration of applicants

Foreign national offenders (FNOs) who leave the UK and return to their country of origin under the Facilitated Return Scheme (FRS) are expected to use their resettlement grant to actively reintegrate into life there on a permanent footing.

Once the Home Office has enabled the FNO's successful return under the scheme, the International Organisation for Migration (IOM) based in the home country make sure they access the resettlement grant, and use it to fund meaningful reintegration activity.

The role of the International Organisation for Migration (IOM)

The IOM are responsible for administering the reintegration assistance offered under FRS, and are independent of the UK government. They have offices in over 100 countries which aim to assist FNOs when they return home.

When the FNO returns to their country of origin under the terms of FRS, they must apply to the IOM for the full reintegration package within one month of their arrival. Applications received after this time will not be considered. Details of the exact office they need to contact is provided in a letter before departure. If the IOM do not have an office in the FNOs home country, the applicant is advised to contact the IOM in London and a telephone number is provided before they leave the UK.

If the FNO has transferred under a prisoner transfer agreement, they can apply to the IOM within one month of release from custody in their home country.

The IOM provide advice and assistance. They also contact the FRS Casework team in Criminal Casework who arrange for the remainder of the cash value to be uploaded to the cash card given to that FNO on the day they left the UK. It is essential the FNO keeps the card they are given safe, as they need it to withdraw the money credited to it once they have returned home.

What the resettlement grant may be used for on return

FNOs who return home under FRS are encouraged to put their resettlement grant towards meaningful activities aimed at creating a stable, settled life in that country. FRS applicants can consider spending their grant on include, but are not limited to:

- setting up a business, partnership or buy into an existing business
- education or vocational studies
- housing
- medical expenses

All FNOs who return under FRS have access to the IOM once they return. They can discuss their intentions, help them decide a plan tailored to their particular needs, and help get the maximum value out of the resettlement grant.

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The FRS team

The Criminal Casework Facilitated Return Scheme (FRS) team has sole responsibility for all aspects and decisions relating to FRS, including the final decision to:

- accept (provisionally or fully) an application
- reject an application
- withdraw previous full or provisional acceptance using the criteria set out earlier in this guidance

Correspondence relating to FRS must only be sent to applicants by the FRS team.

The team's roles and responsibilities

The team's roles and responsibilities are as follows:

- consider and acknowledge FRS applications received:
 - by telephone
 - in writing
 - on behalf of an applicant by prison staff and Immigration Enforcement officers
- liaise with prison staff when notified of any prisoners eligible for removal or deportation who wish to apply for the scheme
- consider and decide FRS applications using the criteria set out in this guidance
- seek FRS senior management authority for more serious and/or high profile applications
- issue the FRS disclaimer for the applicant to sign if they are provisionally or fully accepted onto the scheme.
- notify the applicant if they are:
 - fully accepted under the terms of the scheme
 - provisionally accepted if there is no evidence of a valid travel document to effect departure but the applicant will cooperate in obtaining one
- make sure FRS actions are properly and fully-recorded on CID and Home Office files throughout the life of the application
- arrange for:
 - the issue of a FRS cash card on departure
 - authorisation for uploading the remainder of the grant if appropriate
- liaise with other CC caseworking teams to decide which cases the FRS team will take responsibility for
- reject applications and/or withdraw acceptance if:
 - the applicant is ineligible for FRS (for example has been sentenced to four years or more in custody) if the applicant is non-compliant
 - the applicant has already been rejected or withdrawn from the scheme twice previously
 - there are lengthy delays to facilitating departure
 - there are other barriers to removal or deportation
- make sure the Removals Desk update CID to record applicants' departures

- return cases to CC Workflow, or a case owner, if the applicant is ineligible for FRS or is rejected
- promote FRS to eligible FNOs through mail shots and surgeries held in prisons

The team's contact details

The external hotline for FRS applicants is 0208 760 8513.

Internal staff can contact the FRS administration team on the numbers below:

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Applicants eligible for FRS

With certain exceptions, the Facilitated Return Scheme (FRS) is available to non-European Economic Area (EEA) nationals liable to deportation or other removal from the UK who are serving, or have served, a custodial sentence of up to 4 years. This includes applicants who:

- are detained under the Mental Health Act 1983 as a result of a criminal offence, where appropriate arrangements for their care and reception are available and have been made
- are under the age of 18, irrespective of length of sentence, provided:
 - suitable reception and accommodation arrangements are in place
 - the Home Office's duties under [section 55 of the Borders, Citizenship & Immigration Act 2009](#) have been met
 - the office of the children's champion agree
- will not be suitable for deportation, but who are or will be subject to a decision to remove for other reasons.

If another specialist caseworking team in Criminal Casework (CC), such as the Mentally-Disordered Offenders team, is dealing with the case, the FRS team must liaise with the caseworker responsible for the case before an application under FRS is decided. The case remains with the specialist team and is not formally transferred to the FRS team.

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Applicants ineligible for FRS

Certain categories of foreign national offender (FNO) are not within the scope of the Facilitated Return Scheme (FRS) and if they apply will be rejected. These are where the applicant:

- was given a custodial sentence of 4 years or more
- was given a custodial sentence of under 4 years but for an offence listed at Convictions for serious offences below
- committed their first criminal offence within 12 months of arrival in the UK
- has pursued an immigration appeal beyond the first-tier tribunal or its earlier equivalents in the past
- is not subject to any enforcement action, including where they are:
 - a British citizen
 - someone with the right of abode in the UK (for further details on these groups, see Types of British citizen who may be subject to immigration control below)
 - a European Economic Area (EEA) national (for further details see European Economic Area nationals below)
 - exempt from deportation under sections 7 and 8 of the Immigration Act 1971 (for further details see Exemptions from deportation under the Immigration Act 1971 below)
 - otherwise not subject to UK immigration control or deportation or removal (for further details see: Exemptions from immigration control below).
- has already had removal directions set or is in the process of having them set or reset
- is unable to depart the UK voluntarily or has an outstanding claim to remain in the UK, this includes where they are:
 - subject to extradition or a European arrest warrant
 - subject to repatriation without consent
 - a serving member of the armed forces whose repatriation will be arranged by the relevant armed force
 - pursuing extant immigration appeals
 - pursuing judicial review proceedings, unless there is written permission from the court that the judicial review has been accepted as withdrawn
 - pursuing an application for leave to enter or remain
 - pursuing an asylum claim or other representation seeking to stay in the UK, unless there is written permission from the individual confirming such representations have been withdrawn
- is subject to reciprocal agreements between the UK prison service and the Isle of Man, and the bailiwicks of Guernsey and Jersey
- is a serving member of the military who has committed a disciplinary conduct offence (such as desertion, absence without leave, etc).
- has already had a previous FRS application rejected (or withdrawn following initial acceptance) on grounds of non-compliance, or voluntarily withdrawn from the scheme themselves
- is subject to a Prison Transfer Agreement

European Economic Area nationals

The power under which the Secretary of State can provide financial support to voluntary leavers is defined in [section 58 of the Nationality, Immigration & Asylum Act 2002](#). EEA nationals are not included in the definition of a voluntary leaver and are not eligible for FRS. The EEA countries are:

- Austria
- Belgium
- Bulgaria
- Cyprus (but see below)
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Republic of Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- UK (pending yet to be finalised exit from the European Union before 2020)

While Switzerland is not technically a member of the EEA, its nationals have the same rights as EEA nationals.

A document issued by the Turkish Republic of Northern Cyprus (TRNC) does not establish the person holding it is an EEA national. Only a document issued by the Republic of Cyprus entitles the holder to free movement within the European Union. Without a document issued by the Republic of Cyprus' authorities, you must consider accepting FRS applications from TRNC applicants, subject to the application meeting the other requirements of the scheme.

Cases not otherwise meeting the criteria for departure under the scheme

Cases liable to deportation or removal action that do not meet the other criteria for departure under FRS are normally not eligible.

An FRS application can be accepted exceptionally on a case by case basis with authorisation of the local deputy director. This might be where for example it is considered that enforcing departure of a FNO would be especially difficult to enforce without allowing them financial assistance under FRS. However, such cases will be numerically few.

In such cases, the FRS team senior executive officer must contact their operational counterpart who will be managing the FNO's deportation to discuss whether an application under the scheme can be accepted.

The FRS team senior manager (a senior executive officer or higher) has the final decision whether to accept such an application.

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Factors which may prevent departure under FRS

These factors include the following:

- cases with outstanding offences - this can arise at any time between application and removal under FRS: Police National Computer (PNC) checks before removal, as well as checks with the prison for any outstanding court appearances, will be needed: removal cannot go ahead if an outstanding offence is still being prosecuted
- cases subject to confiscation orders or civil forfeiture proceedings
- cases involving people identified as court witnesses
- cases involving people enrolled in witness protection schemes
- cases involving people designated as covert human intelligence sources (CHIS)

For more detail on the above categories, see Barriers to deportation.

In cases involving people who have been accepted onto the Facilitated Return Scheme (FRS), where the effect of a barrier means departure is delayed by more than 6 months, FRS acceptance must be either withdrawn completely, or replaced with a provisional acceptance.

In cases where acceptance is withdrawn, it is open to the FNO to reapply for FRS once the barrier is resolved, and may be accepted providing they meet the other eligibility criteria, and have not been rejected or withdrawn from it on 2 previous occasions.

Checks for confiscation or civil forfeiture orders

Providing a financial incentive to a FNO to leave the UK while the UK government is still pursuing that individual for payment could result in serious embarrassment.

When an application is received, Criminal Casework (CC) must check the joint asset recovery database (JARD) for any record of a confiscation order or civil forfeiture proceedings. A confiscation order is made by a Crown court and allows confiscation of benefits from all criminal conduct. If evidence is found of a confiscation order being in place, removal under FRS must be deferred to see if the confiscation order is resolved or will be imminently. This requires liaison with the Crown Prosecution Service.

Cash forfeiture proceedings involve the seizure of cash suspected of being linked to an offence. If proceedings are identified on JARD, an application for FRS must not be agreed without discussion with the relevant enforcement agency. This is most likely to be the police or the National Crime Agency (NCA).

If the civil proceedings are being taken by the Home Office, CC must contact the Cash Forfeiture and Condemnation legal team (CFCLT) before accepting a person onto FRS. CFCLT can be contacted using the details below.

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All applications from FNOs where money is still owed need to be considered carefully on their individual merits. Factors will include the relative costs likely to be incurred if the application under FRS is rejected, meaning Immigration Enforcement must then seek to enforce the FNO's departure by deportation or other removal, and prospective costs of any detention under immigration powers. These costs must be weighed against that of allowing the FNO to depart voluntarily under FRS, and how much money is likely to remain unpaid. Senior caseworker advice is recommended in such cases.

Convictions for serious offences

As of July 2014, an application for FRS will normally be rejected if the applicant was given a custodial sentence of four years or more. This policy should cover the majority of FNOs who have committed particularly serious offences. Therefore there should be few instances where any notorious or exceptionally serious offender would now be eligible for FRS assistance, and where giving it might seriously undermine public confidence in the scheme.

However, there may be a minority of cases whereby a FNO is convicted of a particularly serious offence, but is given a custodial sentence of less than four years. In such cases, if they apply for FRS, they will usually fall for rejection. Such cases must be escalated to a senior caseworker in CC's FRS team. If they consider that an application should be approved exceptionally from a FNO convicted of any of the following offences but handed a sentence of below 4 years, they must refer the case to the CC strategic director for approval:

- murder
- manslaughter
- rape
- sexual offences against children under 16
- terrorism
- human trafficking
- any other high profile or notorious offence on the individual facts of the case

The strategic director will only approve applications in exceptional cases and a full explanation of such a decision must be given to the applicant.

Previous non-compliance

An FRS application will normally be rejected if previous behaviour of the applicant shows they are unlikely to make a compliant departure, or they are likely to breach the terms of the scheme. If following acceptance onto the scheme the applicant then fails to comply with the process required to remove or deport them, they will also be withdrawn from the scheme by Immigration Enforcement. This will include those who:

- entered the UK in breach of a deportation order (DO) or exclusion decision
- were previously removed under FRS or the assisted voluntary return (AVR) scheme
- fail to cooperate with any travel documentation procedure
- are abusive to prison or immigration staff
- embark on a food and/or fluid refusal where believed to be undertaken to frustrate removal (determined on a case-by-case basis)
- fail to comply with removal directions on the day
- make last-minute representations against deportation and/or removal.

As regards those who have entered in breach of a DO, a DO prevents a FNO returning to the UK lawfully whilst it remains in force. Anyone who re-enters the UK whilst subject of a valid DO is an illegal entrant for as long as the order is in force, and will be liable to removal as such under [section 24\(1\) of the Immigration Act 1971](#). A DO remains in force until it is formally revoked. In cases where revocation is authorised, this must be recorded on the Home Office file and CID, and preferably on the file copy of the original DO itself. This includes applicants recalled to prison or who are serving a subsequent term of imprisonment.

Where a DO was previously made on the basis of overstaying, rather than criminality, that is those subject to deportation:

- prior to the Immigration and Asylum Act 1999 taking effect (2 October 2000)
- thereafter under the overstayers regularisation scheme

the entry in breach can be disregarded for the purposes of FRS. Where in doubt, senior caseworker advice must be sought.

Applicants previously removed under either the FRS or the AVR scheme should be rejected where there is no barrier to their departure. However, an FRS application can be accepted on a case by case basis with the authorisation of the local deputy director, if it is considered that removal would otherwise be difficult to enforce.

Any decision to reject an application from an applicant who is otherwise eligible must be agreed at senior executive officer level or higher within the FRS team and a full explanation of the decision must be given to the applicant.

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Complex cases – eligibility

There are various types of foreign national offender (FNO) who may apply under the Facilitated Return Scheme (FRS) but which are more complex, and so require more detailed and careful consideration of their eligibility for the scheme.

Types of British citizen who may be subject to immigration control

Claims to British citizenship can be difficult to establish because of the complex nature of the eligibility criteria for this. [Section 3\(8\) of the Immigration Act 1971](#) places the onus on a person to prove they are a British citizen, and section 3(9) sets out the acceptance proof for demonstrating right of abode in the UK.

FRS is a discretionary scheme, and if there is doubt, applications can be rejected because Immigration Enforcement is not satisfied the applicant is eligible for the scheme given the evidence available.

[The British Nationality Act 1981](#), which took effect on 1 January 1983, introduced the following forms of citizenship, based on the level of the holder's links with the UK:

- British citizens have the right of abode in the UK and are exempt from UK immigration control, and so are not eligible for FRS
- British overseas territories citizens (BOTCs, formerly British dependent territories citizens) are connected with the sovereign base areas of Cyprus (all other BOTCs became British citizens on 21 May 2002 under the provisions of the British Overseas Territories Act 2002), and are eligible to apply for registration as a British citizen

The following types are subject to immigration control, and so are eligible to apply for FRS, provided they can show there is a country or territory where they can depart voluntarily to and be admitted to lawfully:

- British overseas citizens (BOCs) who have no automatic right to reside anywhere, and take this citizenship rather than any alternative citizenship which they may have or have a claim to
- British protected persons are from territories previously under British protection
- British subjects are mostly those:
 - born in British India before 1 January 1949 who did not become citizens of India following its independence
 - who were citizens of Eire and British subjects before 1 January 1949 and have made a claim to retain British subject status, who are entitled to apply for registration as British citizens but are otherwise subject to immigration control
- British nationals (overseas) are a category of former British dependent territories citizens from Hong Kong. Most are ethnically Chinese who became Chinese citizens on 1 July 1997 when the territory transferred back to Chinese control, but also opted to retain British passports. Like British overseas citizens, they are subject to immigration control

Whilst a foreign national offender (FNO) with a:

- British overseas citizen passport
- British national (overseas) passport
- other non-British citizen passport

may not be exempt from deportation or immigration control, they will become exempt if an application for registration as a British citizen is made and is successful. Before an application under FRS is accepted, the FRS team must confirm an application for registration as a British citizen has not been made or accepted.

If the applicant's passport is available, it must be checked to make sure it does not contain conditions, such as a right of abode in the UK, which exempt the applicant from immigration control.

Exemptions from deportation under the Immigration Act 1971

Section 7(1) of the Immigration Act 1971 exempts Commonwealth and Irish citizens from deportation, provided they:

- were resident in the UK on 1 January 1973 (when the 1971 Act came into force)
- have been resident in the UK for at least five years before the decision to make a deportation order, for automatic deportation cases, this is the decision notifying a person they are subject to automatic deportation under section 32(5) of the UK Borders Act 2007

This 5 year period excludes custodial sentences of 6 months or more and a person must satisfy both parts to be exempt. There is no requirement for:

- the period to be a continuous one - an aggregate total not interrupted by periods outside the UK when the person cannot be considered to be resident here is equally applicable
- a person to be in the UK continuously since 1 January 1973 - they must have accumulated 5 years residence before the deportation decision is made: this excludes periods when not resident or when serving a custodial sentence of 6 months or more

It should be remembered that certain countries may be members of the Commonwealth now, but were not in 1973. Therefore confirmation of membership of the Commonwealth on this date should be checked.

Cases covered by section 7(1) of the 1971 Act are likely to be rare. Deportation action is not generally taken against Irish nationals who, along with Cypriot and Maltese nationals (who are also Commonwealth nationals), are not eligible for FRS as they are also European Economic Area (EEA) nationals.

When a FRS application is received from an applicant who meets or appears to meet the above criteria, senior caseworkers should advise before a decision is made on the FRS application. If the applicant meets the exemption provisions, they are not subject to deportation and as such are not eligible for FRS.

Any document issued by the Turkish Republic of Northern Cyprus (TRNC) does not establish the person holding it is an EEA national. Only a document issued by the Republic of Cyprus establishes the holder is an EEA national, and is entitled to free movement within the European Union.

Exemption from immigration control

[Section 8 of the Immigration Act 1971 \(as amended\)](#), together with the [Immigration \(Exemption from Control\) Order 1972 \(as amended\)](#) provide for the total or partial exemption from immigration control of certain persons not having the right of abode in the UK. For guidance on this, see: Persons exempt from control.

A senior caseworker must advise before a decision is made in cases where the person may be exempt from control.

Third country nationals with British, exempt or settled spouses or partners

Applicants who are in married or unmarried relationships with the following people are eligible for FRS, provided they continue to be subject to immigration control themselves:

- British citizens
- other people exempt from UK immigration control
- other people settled in the UK (people with indefinite leave).

Third country nationals with EEA spouses or partners

Applicants who are in a married or unmarried relationship with an EEA national living in the UK are not eligible for FRS. This scheme is not available to EEA nationals and the Home Office is required under the terms of the Immigration (European Economic Area) Regulations 2006 (the EEA regulations) to treat any third country, non-EEA national family members as if they were an EEA national. Any applications made by such foreign nationals must be rejected.

Partners of EEA nationals and some other cases are less straightforward and do not always benefit from the EEA regulations. Advice should be sought from the Criminal Casework (CC) EEA team. However, generally, FRS applications from partners of EEA nationals can be accepted where:

- a CC casework team has already made a decision that a third country national does not benefit under the EEA regulations, and has made a decision to deport under either the UK Borders Act 2007 or Immigration Act 1971: in either case, application and acceptance onto FRS will result in disclaiming any further appeal rights against deportation, and therefore a deportation order (DO) must be obtained

- a third country national made the subject of a DO under the EEA regulations, and there is no other method to effect their removal, an FRS application can be accepted on a case by case basis with authorisation of the local deputy director, provided the FNO is being returned to a non-EEA country
- the FRS applicant provides evidence to show their marriage to the EEA national has ended in divorce

Detained cases under the Mental Health Acts

Cases involving people detained under certain parts of the Mental Health Acts are excluded from the automatic deportation provisions of the UK Borders Act 2007. However, deportation on conducive grounds can be taken under the Immigration Act 1971.

As FRS is designed to encourage early removals, applications under its provisions must only be accepted from those detained for mental health reasons where:

- deportation action is already initiated, and a deportation order (DO) obtained by a CC team - this is normally the specialised Mentally-Disordered Offenders (MDO) team who liaise with the FNO's responsible clinician to make sure they are fit to be removed and able to access their cash card
- in cases where deportation is not to be pursued, Removals Casework are able to effect removal after consultation with the responsible clinician

Refugee or human rights issues

It should be borne in mind that where an FRS application is received from a FNO in the process of making either an asylum or other human rights claim based on an assertion that they cannot now return to their home country, it is a clear indication that the claim is essentially unfounded and should no longer be pursued, as FRS involves a voluntary departure to that same country.

Nevertheless, it is not always safe to assume an application for FRS in itself will negate the UK's responsibilities under the Refugee Convention or European Convention on Human Rights to provide protection for those who need it. Checks must be made to ensure that the FRS applicant is from a country to which removal would normally be enforced, and that the UK's international obligations are not breached by facilitating the departure of a person who clearly would face significant danger on return because of clear protection issues. Senior caseworker advice should be sought if this is suspected.

If the FRS applicant has previously been recognised as a refugee or has been granted leave (humanitarian protection, discretionary or exceptional leave) on Article 3 grounds however, the application under FRS will be rejected, unless there is advice from a senior caseworker that:

- confirms removal to their home country is considered safe
- the appropriate action has been undertaken to rescind, revoke or cancel their previous status, and
- as a result deportation action has been taken.

Further representations against deportation

If a FRS applicant makes further representations against their deportation, this must be treated as an indication that they do not in fact wish to depart under FRS in the near future, as FRS requires a voluntary departure under a deportation order. The scheme is designed to facilitate early departure and the FNO must be notified that their application for FRS is rejected, or that any previous acceptance onto the scheme has been withdrawn. The case must then be returned by FRS team to a general CC caseworking team to progress.

Appeals against deportation

Following the introduction of provisions at section 94B of the Nationality, Immigration and Asylum Act 2002 by [section 17 of the Immigration Act 2014](#) that allow for a deportation appeal to only be brought from abroad provided there would be no breach of section 6 of the Human Rights Act 1998 while they are exercising it, it is now less likely that a FNO will be able to appeal their deportation decision while still in the UK. Where a deportation decision has been certified under section 94B, and the FNO subsequently indicates via an FRS application that they would be willing to return home voluntarily, the issue of any appeal or other legal challenge against deportation should not arise.

Similarly, where no section 94B certificate has been applied, and an in-country appeal has been lodged against deportation, the subsequent making of a FRS application indicates that in fact the appellant is able and willing to return home, notwithstanding any claims to the contrary. To be accepted, they must sign the disclaimer form and withdraw any such appeal. If they choose not to, their FRS application will fall for rejection and any previous acceptance will be withdrawn.

If a FNO who has made a FRS application later challenges a decision to apply a section 94B certificate via judicial review, that is a clear indication that they no are longer prepared to leave the UK voluntarily, and so again, the application for FRS must be rejected, and any prior acceptance withdrawn.

Cases where deportation will not be pursued

Applications for FRS from FNOs against whom deportation will not be pursued by CC can still be accepted, if the applicant has served a custodial sentence of up to 4 years and is liable to either administrative removal under section 10 of the Immigration and Asylum Act 1999 (as amended by section 1 of the Immigration Act 2014), or removal as an illegal entrant under section 24 of the Immigration Act 1971. Given that deportation is now usually applicable not just to FNOs who have received custodial terms of 12 months or more, but also those who receive less than 12 months and are considered to have caused serious harm and/or be a persistent offender, this scenario is now less common, and tends to only be relevant to FNOs with shorter prison sentences and brief, modest prior criminal history.

Where illegal entry or administrative removal papers have already been served, either Removals Casework (RC) or the local Immigration Compliance and Engagement (ICE) team who served that decision are responsible for the case. Where they haven't, but there is clear evidence an immigration offence has been

committed, the case should be referred to RC to consider initiating action. In either case, the FRS team's responsibility will therefore be limited to:

- deciding whether to accept the application and notifying the FNO accordingly
- arranging the issue of the cash card once either RC or the relevant ICE team have notified the FRS team to confirm removal directions have been set

In removal cases where it is decided that the FRS team should assume casework responsibility, the team also do the following:

- obtain travel documentation with the help of the FNO
- review detention where the FNO is in immigration detention
- issue the cash card
- update CID/file and make sure departure under FRS is properly recorded
- carry out all appropriate post-deportation action, including updating security systems

The FRS team record the removal for management information purposes.

Service in the British armed forces

Applicants for FRS who are currently serving in the armed forces are exempt from immigration control, but not from deportation. In cases where deportation is to be pursued, a deportation order must be made in all cases before removal can take place under FRS.

In cases where deportation is not being pursued, and the applicant is not discharged from service, they remain exempt from immigration control and so are not eligible for FRS.

If, as a result of a criminal offence, the applicant is discharged by the relevant service, they will no longer be exempt from immigration control. The usual processes must then be followed.

If a member of the armed forces has committed a military disciplinary conduct offence (such as desertion, absence without leave, etc), they will not be eligible for FRS assistance and applications must be rejected.

The FRS team must make enquiries to establish if the applicant has been discharged, by contacting the relevant force using contact details available on their respective websites.

Previous removal

Applicants previously removed from the UK either administratively or as illegal entrants, and who are now to be deported owing to criminal offences, are dealt with on the same basis as any other FRS applicant and are eligible. However, a deportation order must be made before departure under FRS proceeds.

Previous enforced departure with financial assistance

FRS applications where the FNO was previously removed or deported under either the assisted voluntary return (AVR) scheme or FRS should usually be rejected.

However, if there is no other means of ensuring necessary cooperation with effecting their deportation, discretion may be exercised with authorisation of the local deputy director on a case by case basis.

Under 18 year olds

Applicants for FRS under the age of 18 are eligible for the scheme. However, any enforcement of a child's departure must be in line with the Home Office's policy on unaccompanied minors.

Unaccompanied children cannot be returned to their country of origin, unless they have adequate reception and safe care arrangements in place. Such cases are currently handled by a CC team in Liverpool, and removal arrangements are agreed with the assistance of the Office of the Children's Champion.

See Managing FNOs under 18 years old for more information on consideration of FNOs who are under 18.

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Departing foreign nationals

Detention of deportees

Detention reviews for deportees

Applying for the scheme

The Facilitated Return Scheme (FRS) is widely advertised in HM prisons, immigration removal and reporting centres. Details of the scheme are available in English and other popular languages.

If a FNO wishes to travel under FRS they can:

- telephone the FRS team on 0208 760 8513
- tell a member of prison staff, if still in custody
- tell an Immigration Enforcement officer during a regularly held surgery at their prison

The applicant must complete an expression of interest form and sign a disclaimer form. The FRS team in Criminal Casework will consider the application. The FNO will usually receive a response in writing from the team within 72 hours, to confirm if they have been accepted, provisionally accepted, or rejected under the scheme. Full reasons are given for every decision made.

If the FRS team cannot make a decision in that time, they must send the applicant an acknowledgement slip to advise them a decision will be made as soon as possible.

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The resettlement grant

Applicants departing under the Facilitated Return Scheme (FRS) are eligible for a resettlement grant. To encourage early departure, a higher amount is paid to someone who applies whilst in custody. The current values of the grants are up to:

- £1,500 where the application is made whilst the foreign national offender (FNO) is serving their custodial sentence
- £750 for FNOs who apply after completing their custodial sentence

The grant is paid in cash. Anyone who leaves under the scheme is given a pre-paid cash card on departure which contains £500.

On return to their home country the card holder has one month to contact the International Organisation for Migration (IOM). The IOM then contact the Home Office to trigger the uploading of the remaining balance onto the card. If the returnee fails to contact the IOM, no further money is uploaded onto the card.

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Conditions of acceptance

The purpose of the Facilitated Return Scheme (FRS) is to encourage the early departure of foreign national offenders (FNOs) from the UK. However, only where there is evidence of a valid travel document to effect their departure, or an agreement has been reached for one to be issued, will the application be fully-accepted. Applications where there is currently no travel document, but the FNO is cooperating with Immigration Enforcement in obtaining one, may be accepted on a provisional basis while the documentation process is completed.

An applicant is accepted onto FRS on the understanding they wish to make a voluntary departure. The applicant must be prepared to:

- disclaim all appeal rights and withdraw any outstanding representations against any decision made by the Home Office
- agree to be removed at the earliest possible date
- comply with any process for obtaining travel documentation, which may require the applicant to:
 - provide any existing passport not in the Home Office's possession
 - accept responsibility for making an application to the relevant high commission or embassy where a personal application will speed up the process

The FRS disclaimer form which applicants are asked to complete is not legally binding, and does not prevent the applicant later lodging an appeal or raising further representations against deportation, either in the UK or after departure. However, where an applicant does lodge further representations of any kind against an Immigration Enforcement decision, their application for FRS must be rejected.

Furthermore, as of July 2014, if 2 FRS applications are rejected or withdrawn (either by the applicant or Immigration Enforcement), the FNO will be excluded from the scheme on a permanent basis thereafter.

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Delays in departure under FRS

A number of factors can create delays in the enforcement of a foreign national offender (FNO's) departure from the UK under the Facilitated Return Scheme (FRS). How Immigration Enforcement Criminal Casework choose to respond to this will depend on the specific circumstances, and in particular whether the delay is:

- likely to be short or long term
- the fault of the FNO or other external party

Short term delays

With the exception of provisional cases, the only acceptable barriers to an applicant's immediate removal are as follows:

- their custodial sentence is still being served. FNOs approved for release under the Early Removal Scheme (ERS) can be removed under FRS once their ERS eligibility date is reached and release is approved by the prison governor
- a travel document is not currently available, but is in the process of being issued
- flights and/or escorts are not available – this should be a short-term operational issue only

These 3 factors are relatively short-term barriers, and there should be no circumstances where lengthy delays are justifiable or acceptable.

Long term delays

If delays of more than 6 months arise, or become likely, the applicant's acceptance under the scheme will either be withdrawn or replaced with provisional acceptance on the basis of the longer-term barriers to departure. Which of these options is appropriate will depend on the reason(s) for the delay in each case:

- where it is due to FNO non-compliance, withdrawal will be appropriate and they must re-apply if they wish to benefit from FRS in the future
- where it is outside the FNO's control – for example their embassy or high commission is yet to consider an application for an emergency travel document – provisional acceptance is likely to be the correct course

Travel document issue delay

Any delays in obtaining travel documents can lead to the FRS team deciding to withdraw provisional acceptance under the scheme. Some FNOs will have a valid passport which should be obtained as soon as possible. FNOs must offer as much assistance with this process as they can to help speed up this stage. They must tell the FRS team at the earliest opportunity if they have a valid document deposited with:

- friends or family

- the police
- the Home Office itself

Arrangements are then made to retrieve the document.

If there is no valid passport or other travel document available, an application must be made for a new one to facilitate departure, and any acceptance onto FRS can only be on a provisional basis. The time frame for issuing a document varies from country to country and what is considered a reasonable period will vary from case to case, but usually, a document should be obtained within three months. FRS applicants must cooperate with the following requirements:

- a bio-data interview - this requires the FNO to provide full, detailed information, including a last known address in their home country: this is important because sometimes an embassy or high commission may reject an application for a document if a house number or street is missing or incorrect
- photograph and fingerprint provision - both of these must be taken
- identity questionnaire completion - some countries require this to be done, in English and the FNO's own language, and where that is so they must comply
- supporting evidence provision - if the FNO claims to be a particular identity, any documentary evidence supporting this must be made available where possible: this is sent with all other relevant paperwork to the embassy or high commission

Delays because of failure of the high commission or embassy to issue a travel document must be carefully monitored. Such delays might be viewed as outside the control of the applicant, but acceptance under FRS places the responsibility on the applicant to assist in the documentation process, including applying for such a document in their own right. Where a delay is considered to have become unreasonable and is within the control of the FNO, they must be withdrawn from the scheme.

If acceptance is withdrawn for this reason, and the FNO has not previously been rejected or withdrawn from FRS, they are eligible to resubmit their application when a travel document is available, and should be reminded that they can approach their high commission or embassy to obtain a passport or other travel document direct.

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Caseworking FRS cases

When a foreign national offender (FNO) case, allocated to another Criminal Casework (CC) team, is accepted by the Facilitated Return Scheme (FRS) team, the file must be transferred to the FRS team without delay to complete the necessary actions. For management information purposes the original caseworking team will record the deportation if and when it takes place.

The FRS team must follow the wider Home Office and CC guidance and process instructions when they consider applications, review immigration detention and arrange the departure of FNOs under FRS. This includes making sure it is lawful to deport a FNO. More information is at related content below.

Assessment of applications

Before provisionally accepting or rejecting an application for FRS, the FRS team case owner must:

- assess the applicant's eligibility for FRS using the eligibility criteria in this guidance
- if not already determined, decide whether the FNO's deportation will be pursued owing to criminality, either under the provisions of [section 32\(5\) of the UK Borders Act 2007](#), [section 3\(5\) or 3\(6\) of the Immigration Act 1971](#) (for further detail on general deportation consideration see related content below) - under FRS, departure can only take place after a deportation order is obtained and served on the FNO
- check if there are any barriers to removal, including:
 - confiscation orders
 - civil cash forfeiture orders
 - extradition orders
 - European arrest warrants
- obtain strategic director approval, if appropriate
- assess whether the application should be rejected on the grounds of previous conduct
- determine if the applicant has a valid travel document. If not, acceptance onto FRS must be provisional subject to them meeting all other criteria
- determine the applicant's earliest release date. If this is more than 6 months away, acceptance onto FRS must be provisional subject to them meeting all other criteria

Provisional acceptance

Applicants serving longer (up to four-year) sentences can apply for FRS more than 6 months before their earliest release date, but can only be accepted on a provisional basis and the decision is subject to review. Those subject to determinate sentences are likely to be eligible for early release for deportation under the Early Removal Scheme (ERS), and so provided they meet eligibility criteria, can be accepted onto FRS. Those subject to life or indeterminate sentences are likely to be eligible for

early release for deportation under the Tariff-Expired Removal Scheme (TERS), and are not eligible for acceptance onto FRS.

CC's FRS team are responsible for liaising with the prison to clarify when the FNO is likely to complete their sentence before sending notification of formal acceptance. Where there is a valid travel document in place to effect the FNO's deportation and/or removal, full and formal acceptance under FRS can be agreed 6 months before their ERS eligibility date (ERSED) in determinate sentence cases.

Applicants who are applying for FRS at any point during their sentence and who meet the relevant criteria will only be given provisional acceptance on the scheme where there is no valid travel document available with which their future deportation and/or removal can be effected.

If a travel document needs to be applied for, provided the FNO is compliant with the associated procedures and continues to meet all other criteria for acceptance, once a valid document has been obtained, full and formal acceptance under FRS can proceed. If this occurs more than six months before their ERSED, such notification should be sent at the point 6 months before ERSED is reached.

Provisional acceptance, usually because of a current lack of a valid travel document, is always subject to the scheme still being available at the time of full formal acceptance, and does not guarantee the grant available at the time of application will still be available when the applicant is formally accepted onto the scheme.

If approval is received from the local strategic director for provisional acceptance of an applicant who has committed a serious offence, further approval is not required unless there is a material change of circumstances, such as further conviction.

Withdrawal of acceptance by Immigration Enforcement

If the actions of a FNO who has applied for and been accepted (either fully or provisionally) onto FRS indicate they are trying to delay their enforced departure from the UK, acceptance onto the scheme must be withdrawn. This includes where the applicant:

- fails to cooperate with any travel documentation procedure
- is abusive to prison or immigration staff
- embarks on a food and/or fluid refusal believed to be in order to frustrate removal
- fails to comply with removal directions on the day
- makes last-minute representations against deportation and/or removal

Acceptance onto FRS can also be withdrawn if departure does not take place within a reasonable timescale for whatever reason, even if this is outside the applicant's control.

Withdrawal of acceptance onto FRS does not prevent a future application being made and accepted, if the barriers to deportation or removal are resolved and the FNO is fully-compliant with associated processes. However, as of July 2014 a 'two

strikes and out' policy is applied to FRS applications. Under this provision, a FNO may be permitted to reapply for FRS a second time following non-compliance with (or voluntary withdrawal from) the scheme on one previous occasion. But where an applicant is again non-compliant or voluntarily withdraws himself from the scheme following initial full or provisional acceptance on a second occasion, they will be excluded from the scheme in future. Any further application will usually fall for automatic rejection.

Withdrawal of acceptance by the applicant

A FNO can withdraw their application to depart under FRS at any time, including up to the point of departure itself. If the FNO indicates they wish to withdraw, the FRS team must serve a FRS withdrawal form on the applicant. They must complete and return this before their application can be formally withdrawn.

If a FNO released under the terms of ERS for the purpose of leaving the UK wishes to depart voluntarily under FRS, they must be returned to prison to continue serving their sentence.

Once the FRS application is withdrawn, the FNO's case should be returned to either the CC caseworking team who had previous responsibility for the case, or to the CC workflow team for allocation to a new case owner.

It must be made clear to FNOs that they will be excluded from the scheme if they are withdrawn from it on 2 occasions, whether that be withdrawal by themselves or by Immigration Enforcement.

Setting removal directions after acceptance

Successful FRS applicants will have directions set for their departure either by deportation if they meet the relevant criteria, or removal if they do not but have committed another immigration offence, on the basis that:

- they hold the necessary travel documentation
- there are no other barriers to their departure

Appropriate liaison between the FRS team (or other caseworking team should ownership have been retained there) and the relevant operational areas of Immigration Enforcement should take place to set up suitable removal directions. In the case of those FNOs who will be leaving the UK directly after release from prison, the directions must be coordinated with the relevant release date, with minimum time spent in any immigration removal centre before departure.

Once the directions are set, the FNO will receive a letter from Immigration Enforcement which confirms the following information:

- how to claim their reintegration assistance upon return, which must be within one month of arrival
- the details of the local International Organisation for Migration (IOM) office they must contact
- the cash value of their resettlement grant

- how to claim the remainder of the grant at the IOM office and what will be accepted as valid identification when they contact them

In most cases the FNO's £500 pre-paid cash card will be given to them at the airport before departure. Criminal Casework (CC) must liaise with the relevant operational areas to ensure that this happens.

If the FNO raises any issues around excess baggage, this must be referred to the CC FRS team who will liaise with the IOM if necessary.

Issuing the pre-paid cash card

The FRS team has responsibility for the issue of the pre-paid cash card to successful applicants, and for uploading the remaining sum onto the card after the applicant has departed.

As soon as removal directions are set, arrangements will then be made to issue the cash card. In the case of self-check-in removal directions, the cash card must be sent to their onward home address ready for it to be collected upon arrival.

In cases where a FNO is returning with FRS assistance to a country where there are sanctions in place, it will not be possible for them to access a cash card upon arrival. Therefore such FNOs are issued with cash upon their departure instead of a card.

Departure from prison or immigration removal centre

The FRS team must arrange for the pre-paid card to be uploaded with £500 the day before departure. The card is held by the escorting contractor, who must arrange for the applicant to be given their pre-paid card shortly before they depart. Facilities for securely holding the cards are only available at Heathrow and Gatwick Airports, so all FRS departures must be routed through one of these ports.

Where removal directions are self-check-in, the FNO's pre-paid card will be posted to them at their new home address, so they should be able to collect it upon arrival. Their address must be obtained before departure.

Where it is not possible to provide a cash card because of sanctions being in place in the applicant's home country, they are instead given cash upon departure. Where the FNO is detained, the escorting contractor will assist with this process. Otherwise, local arrangements must be made with the port of exit.

Departure on a charter flight

The FRS team must arrange for the card to be uploaded with £500 the day before departure. The card is then given to the FNO by a member of staff from the Removals Support and Coordination unit (ReSCU) during the flight.

Departure of non-detained cases

The escorting contractor is only responsible for providing the pre-paid card to FNOs departing directly from custody or detention.

When the FNO is departing by self-check-in, there is no opportunity to provide the cash card before departure. They must provide an address in their home country before they depart. The FRS team must send the cash card to this address and ask the FNO to contact the FRS team when they receive the card.

The FNO will be asked a number of security questions, and once the FRS team are satisfied the individual is who they claim to be they will upload £500 to the card.

In PTA cases the card will not be issued to the FNO until after they are released from custody in their home country, so different arrangements apply. See [Issuing the pre-paid card](#).

Action post-deportation

The FRS team is responsible for:

- issuing the cash card in cases where a person was not detained and has departed voluntarily
- arranging for the remaining payment to be uploaded onto the applicant's card once the International Organisation for Migration, who monitor progress of FRS cases following arrival in their home country, confirm contact within the first month of departure

Official – sensitive: Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

- making sure all other post-deportation action is completed, including notifying the FNO's offender manager
- work with the removals desk to make sure CID is updated to accurately reflect the departure under FRS

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Frequently asked questions from FRS applicants

FRS applicants may find the FAQ page on the FRS information leaflets useful, as it tells them about the scheme and its advantages in a brief, clear manner.

Also, Home Office or Prison Service staff may find this a useful reference tool when asked these questions by prospective applicants in prisons, immigration removal and reporting centres.

All FAQs about how the scheme works and its benefits are available in the stand-alone information leaflet on FRS, which must be issued to FNOs still in custody or detention and acts as a useful reference guide.

'Core scripts' have also been created to explain to FNOs the way FRS works and its benefits. A specific core script is available for the following in England and Wales:

- prisons
- immigration removal centres
- reporting centres

Additional core scripts have also been added for other regions of the UK:

- Scotland
- Northern Ireland

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