



Home Office

Removals, Enforcement and detention  
General Instructions

## Family returns process (FRP)

Version 7.0

Guidance and operational process for removing families with children under 18 years who no longer have any right to remain in the UK and are liable to be removed.

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# About this guidance

This guidance explains the operational process for removing families with children under 18 years that no longer have any right to remain in the UK and are liable to be removed.

It takes into account the need to safeguard and promote the welfare of children ([section 55 of the Borders, Citizenship and Immigration Act 2009](#)). You can find a full statement of the section 55 duty and the arrangements in place as a result of it in [section 55 statutory guidance](#).

You **must** read this guidance in conjunction with:

- other chapters in the Immigration Enforcement General Instructions
- relevant wider Home Office guidance

## 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 Enforcement Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the guidance rules and forms team.

## Publication

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

- version **7.0**
- published for Home Office staff on **28 November 2023**

## Changes from last version of this guidance

Incorporates updates in light of changes to section 10 of the Immigration and Asylum Act 1999 as amended by section 46 of the Nationality and Borders Act 2022.

### Related content

[Contents](#)

# When to use the family returns process

This page provides guidance for family engagement managers (FEMs) on when to use the family returns process (FRP) and the associated family welfare form (FWF).

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## FRP: criteria

The FRP applies to all families with a **dependent** child or children (aged under 18) where an adult family member is liable to be removed as one of the following:

- an illegal entrant
- someone who requires leave to enter or remain in the UK but does not have it
- a deportee
- a person refused leave to enter or leave to remain
- a person who has not been granted asylum and has asked for assistance in leaving the UK

Children will either be removed as a dependant of that adult, or may be reasonably expected to accompany them.

Families will enter the FRP when either:

- **all** in country appeal rights have been exhausted and the family has no legal right to remain in the UK, and any outstanding documentation or other barriers can be resolved in parallel with the returns process
- the family has indicated that they wish to leave the UK either voluntarily or under the assisted voluntary return for families and children (AVRFC) scheme

From this point, the FRP is divided into 3 stages:

- 1) [Assisted return](#) - where the family is invited to a family conference, and are allowed time to consider their options before a family departure meeting then takes place.
- 2) [Required return](#) - where the family is offered the opportunity to depart on self check in removal directions.
- 3) [Ensured return](#) - where a return plan will be referred to the Independent Family Returns Panel (IFRP) for their consideration.

Once cases have been accepted into the FRP, they may be put on hold if the family no longer meets the FRP criteria outlined above, or where barriers arise making the case unsuitable for progression within the FRP.

You, as the FEM, must refer these cases to the appropriate unit to progress, and update CID to show that the process is on hold. See: family returns process CID instructions.

## 28 day restriction on removal

You must allow any family entering the FRP a period of 28 calendar days, beginning on the day in which the relevant in-country appeal rights are exhausted, during which the Home Office cannot remove, or require them to leave the UK.

This applies to any:

- child of the family unit
- parent or relevant carer if, as a result of removal, no parent or relevant carer would remain in the UK

Although Immigration Enforcement seek to ensure that family units remain together during the FRP, temporary separation may be considered in some circumstances. If you decide to temporarily separate and remove other adult family members, with the intention of reuniting the family unit within the country of return, during this 28 days period, you must consider it fully under the family separation guidance.

During the 28 days period, continue with any interim or preparatory action (for instance family returns conferences). You may still serve the notice of departure details, providing the removal is scheduled for after the 28 days deferment period.

See enforced removals: notice periods.

## The family welfare form (FWF)

The FWF, also known as ICD 3629, is a multi-purpose document updated throughout the FRP. The form details:

- any welfare concerns or medical issues
- the family's behaviour and engagement throughout the process

It assists operational decision making as well as risk assessments and forms the basis of consideration for the Independent Family Returns Panel (IFRP) should the case proceed to the ensured return stage.

**The form must be opened by Home Office staff on the first contact with a family**, for example, at the point of asylum claim, or when encountered by immigration enforcement, **then fully updated following each and every interaction you have with the family.**

## Welfare of the family

The FRP can be a stressful event for the family. You must be alert to any potential welfare or safeguarding concerns, such as family members:

- becoming depressed and withdrawn
- exhibiting erratic or angry moods
- expressing extreme feelings of hopelessness or suicidal thoughts
- making threats against themselves, their family or staff

You must detail any observations or issues on the FWF and CID (including the appropriate special conditions screen).

## Making safeguarding referrals

You must refer any behaviour that gives rise to safeguarding concerns to children's services, social services, and welfare agencies. See: Making a safeguarding referral to local authority children's services.

You should also refer to additional guidance managing individual cases, including how and when to make a referral regarding at-risk adults.

You can ask for additional safeguarding advice from the office of the children's champion if you have concerns about the children.

## FRP: assessing suitability

Before a family is brought into the FRP the family must be removable, which means that they must not have any legal or logistical barriers to removal. You must confirm **all** of the following:

- the family's home address
- that there are appropriate reporting requirements in place to assist contact management or you believe that you know where the family lives - see reporting-standards of operational practice for further information
- that the family has no lawful basis to remain in the UK, and they:
  - have been informed of this through the service of relevant papers to every family member subject to removal
  - have exhausted all in country appeal rights
- that there are no known barriers to removal and that every family member has either:
  - a valid travel document
  - documentation issues that can be resolved in parallel with the returns process
- that the family includes at least one adult and one child under 18 years old who are to leave the country
- that Immigration Enforcement can make arrangements for removal and achieve a timely removal

- that contact has been made with children's or adult social services to:
  - identify any specific welfare needs within the family
  - discuss concerns
  - ensure removal remains appropriate

To confirm a family is suitable for entry into the FRP you may need to conduct a contact management event (CME) meeting with the family to gather further information about their circumstances. You must update the FWF and CID after any CME.

If you establish all of the above, the returns preparation family returns team must update the family's details on CID (see family returns process CID guidance) and on the FWF; arrange a family return conference and open an FRP case type on CID.

### **Related content**

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[Assisted return](#)

[Required return](#)

[Ensured return](#)

[Absconders](#)

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# Assisted return

This page provides guidance for family engagement managers (FEMs) on the assisted return stage of the family returns process (FRP).

The assisted return stage allows families to consider their options for returning home during a dedicated family returns conference (FRC) before being invited to a family departure meeting (FDM) to discuss the family's decision regarding their return.

The returns preparation (RP) family returns team must establish whether an assisted return is the appropriate route for a particular family, and that the family does not constitute an 'exceptional' case that would render the [ensured stage](#) more appropriate.

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[FDM return options process](#)

## Family removals conference (FRC)

When planning an FRC, the RP family returns team must consider the following:

- [Police National Computer \(PNC\)](#)
- [location](#)
- [attendees](#)
- [language](#)

## Police National Computer (PNC)

The RP family returns team must complete a PNC check for each family member before the FRC. This will be relevant to whether assisted voluntary return (AVR) is presented to the family as an option.

## Location

The FRC is usually conducted at suitable Home Office premises. However there are factors that may occasionally influence location, such as:

- compliance
- family size
- travelling distance

Where you consider it more appropriate to meet at the family home or a different venue, you must carry out a full operational risk assessment. See operational risk assessment guidance (in enforcement visits) and national generic risk assessment (NGRA) framework for full details.

## Attendees

You, as the FEM will chair the FRC. You must consider the size of the family, the location of the meeting and any previous compliance issues when deciding whether any additional staff members should be present.

The adult members of the family must be present. It is for the parents or guardians to decide whether their child or children should attend. The family can also choose for a friend or legal representative to be present and must provide advance notice of this. If you need to set a limit on the total number of people present, for example because of the size of the room available to hold the meeting, you should make this clear in the invitation.

## Language

The RP family returns team must establish if an interpreter is required to ensure all family members can participate fully. This must be a professional interpreter (enforcement interviews: use of interpreters) **outside** of the family group.

## Invitation to the FRC

The RP family returns team must send a written invitation (ICD 4401) to attend the FRC to the family's current address, copied to their legal representative. You must send invitations by standard post and update CID notes (see family returns CID process guidance). See [documents to complete and serve](#) for full details of relevant IS and ICD forms.

Where possible discuss the invitation with the main applicant at a reporting event before the FRC.

The family **must** receive a **minimum** of one week's notice of the meeting.

## Notification of Intention letter: Judicial Review (JR) deadline

The Notification of Intention letter (ICD 4950) should be served alongside the FRC invitation letter (ICD 4401) in all FRP cases where there are no barriers to removal.

The Notification of Intention letter advises the family that if they wish to apply for JR to challenge their removal, they should do so within five working days starting from and including the **deemed date of receipt** of the letter. Where the letter is:

- served in person, receipt will be the date that the Notification of Intention letter is given to the individual
- to be posted, receipt will be deemed to be 2 working days after the date of the Notification of Intention letter

The letter advises that in the event an application for JR is made it will not, on its own, constitute a barrier to removal. Any representations or grounds will be considered on a case by case basis by the Home Office, but will not necessarily defer removal from the UK, particularly in cases where an application could reasonably have been made at an earlier stage.

See also: Judicial reviews and injunctions.

## Conducting the FRC

The purpose of the FRC is to help families understand their immigration situation. They must be given the opportunity to ask questions and be clear on the implications of each of their available options for departure under the family returns process and the potential sanctions which may apply to them if they remain in the UK without leave.

You should discuss:

- what steps the family are making to depart the UK
- options and support available for the family

Where children are present, it is important that they understand what is being discussed. When you engage with any member of the family:

- use simple phrases
- avoid jargon
- engage with any children on an age appropriate level to allow all family members, including children, the opportunity to ask questions

## Potential obstacles to departure

The family have the opportunity to outline, and provide appropriate evidence of, any significant issues that may affect the specific timing of their departure from the UK.

## Victims of torture

Family members receiving ongoing regular treatment as a victim of torture (VoT) may bring to the FRC a letter signed by their clinician to confirm this. You must:

- verify the situation through the legal representative (only verify with the treatment centre directly if there is no legal representative)
- consider all reasonable requests from the family to delay their departure either:
  - until the VoT has completed their ongoing treatment
  - where possible, until the family have made arrangements with their clinician for treatment to continue in their home country

You must update the family welfare form (FWF) recording details about the clinical treatment and any engagement with the treatment centre.

## Medical consent

In line with data protection legislation, you must ask **each** family member to sign a medical consent form. You or the field officer must explain what the medical information will be used for and who will be able to see it, and consider whether requests should be made in private to individual family members. Children aged 16 years and over can give consent themselves. An adult must sign forms for younger children.

If any member of the family declines to sign, you must clearly record the reasons on the FWF. At each subsequent contact event, you must ask the family if they would consider providing medical consent.

Where medical consent is given the **RP family returns team** must request information from any medical practitioners involved with the family at the earliest possible opportunity.

## Options for departure

You, as the FEM, must explain the various departure routes to the family:

- voluntary departure either at their own expense or at public expense
- assisted voluntary return (AVR)
- required return and ensured return

You must refer to the current guidance on re-entry bans before explaining the potential consequences of each route. The re-entry bans for voluntary departure are summarised in the following table:

Scenario	Action
<b>Own expense</b> voluntary departure, having overstayed lawful leave by <b>30 days or less</b> (or 90 days or less if the overstaying began before 6 April 2017) subject to the exceptions set out in Re-entry bans - overstaying period: exceptions	No re-entry ban.

Scenario	Action
<p><b>Own expense</b> voluntary departure of:</p> <ul style="list-style-type: none"> <li>those who overstay their lawful leave by <b>more than 30 days</b> (or 90 days if the overstaying began before 6 April 2017) subject to the exceptions set out in Re-entry bans - overstaying period: exceptions</li> <li>illegal entrants</li> <li>those who breach a condition attached to their leave</li> </ul>	<p>Adult family members subject to <b>one year</b> re-entry ban unless they:</p> <ul style="list-style-type: none"> <li>are applying for entry clearance as a Family Member (under Appendix FM of the immigration rules)</li> <li>were under 18 at the time of their most recent breach</li> </ul> <p>(Paragraphs A320 and 320(7B) of the Immigration Rules).</p>
<p><b>Public expense</b> or <b>AVRFC</b> assisted voluntary departure, <b>within 6 months</b> (of whichever is the later date) of:</p> <ul style="list-style-type: none"> <li>being given notice of liability for removal</li> <li>no longer had a pending appeal or administrative review</li> </ul>	<p>Adult family members subject to <b>2 year</b> re-entry ban.</p> <p>(Paragraph 320(7B)(iv) of the Immigration Rules).</p>
<p><b>Public expense</b> or <b>AVRFC</b> assisted voluntary departure <b>more than 6 months</b> (of whichever is the later date) after they:</p> <ul style="list-style-type: none"> <li>were given notice of liability for removal</li> <li>no longer had a pending appeal or administrative review</li> </ul>	<p>Adult family members subject to <b>5 year</b> re-entry ban.</p> <p>(Paragraph 320(7B)(v) of the Immigration Rules).</p>

### Parental responsibility for assisted voluntary departures

In circumstances where one parent is voluntarily departing the UK with their child through a (financially) assisted removal, you must remind them of their responsibilities for obtaining permission from any party with parental responsibility. See GOV.UK guidance: [get permission to take a child abroad](#).

The returning parent will be required to provide either a letter of consent or death certificate for anyone else that holds parental responsibility, or provide conclusive proof that the other parent does not hold parental responsibility or cannot consent. If none of this can be provided, a court order should be obtained by the returning parent.

Any views, wishes or feelings of returning with the main carer that are expressed by a child, should be considered within any best interest considerations; however this

does not alter the requirement for parental consent (or a court order) prior to departure.

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

See: Assisted and voluntary returns.

Allow a **minimum of one week** between the FRC and the family departure meeting (FDM) for the family to consider these options and reflect on how they would like to return home. It may be appropriate to have regular contact through reporting events and telephone calls during this time. See reporting-standards of operational practice for further information.

## Other information

Any family entering the FRP after 28 July 2014 will benefit from the [28 days restriction on removal of children and their parents](#).

So that they can make informed decisions about their departure from the UK, you must make the family aware of the potential consequences if they remain in the UK including the increase in re-entry bans where removal is enforced and any sanctions that they may be subject to.

As the FEM, you must make sure you do the following.

Research the sanctions that may apply to the family before the family returns conference so you can inform them. Sanctions may include having their UK driving license revoked, and any cash that they hold over £1,000 seized if they cannot explain how it was lawfully obtained.

Explain that if they deliberately fail to depart voluntarily it will be considered as non compliance. If the family show a clear intention that they are unwilling to depart voluntarily, inform them it will be recorded as non compliance.

Establish whether the family intend to submit any further legal challenge or submissions. Advise them to seek legal advice immediately if they have not already done so, and provide contact details for the Office of the Immigration Services Commissioner (OISC). Details are listed in the point of claim leaflet.

Ensure the family understands airline baggage restrictions and other methods for shipping possessions home.

Advise parents of the benefits of preparing their children for departure. Allow them to say goodbye to friends and to come to terms with the removal which may help reduce feelings of stress and upset. Explain to parents that they can request a status report from schools to assist with their future education.

Ensure the family know how to make arrangements for the care of any pets. Provide details of animal welfare or re-homing organisations if needed.

Provide the family with a point of contact for their case, this is usually your details. Serve and complete relevant forms (see [FRP documents to complete and serve](#)) and provide the family with the date, time and venue of the family departure meeting if known. Where details are not known, the RP family returns team must send a written invitation to the family's current address, copied to their legal representative (if relevant).

## Recording the FRC

If you are the FEM, you must:

- record the details of the FRC
- update any other relevant personal information on the FWF and also place a detailed note on CID
- update the immigration factual summary

A member of the RP family returns team must update CID with the relevant outcomes and admin events.

## Family departure meeting (FDM)

This meeting is to discuss the family's decision regarding their return. The meeting must take place a minimum of one week after the family returns conference.

## Invitation to the FDM

You, the FEM, must give an FDM invitation to the family at their family returns conference, unless there are welfare reasons or operational reasons not to do so. If an invitation to the family departure meeting was not given to the family at the FRC, the RP family returns team must send a written invitation to the family's current address, copied to their legal representative.

If you serve the invitation by post you must give the family one week's notice of the meeting from the date the letter is deemed to have been received. You must record the date of posting on CID and the FWF. Refer to [forms and documents to complete and serve](#) for full details.

As the FEM you may use your discretion to defer the family departure meeting (FDM) if, for example, the family provides evidence of an appointment to discuss AVR or details of flights for a voluntary departure.

## Conducting the FDM

The meeting is led by the FEM, and can take place either in the Home Office premises, or the family home.

As the FEM, you must carry out a full operational risk assessment before the event. See operational risk assessment guidance (enforcement visit guidance) and national generic risk assessment (NGRA) framework (risk assessment framework) for full details.

The FEM will decide the final location of the meeting after giving consideration to any issues identified in the risk assessment, along with other operational factors such as availability of suitable Home Office accommodation or Immigration, Compliance and Engagement (ICE) team advice.

Actively encourage children to attend this meeting. If parents consent to allow you to speak directly to the children about the process and their immigration status, you should help them to understand and prepare for the family's departure.

Advise parents of the benefits of helping children to come to terms with the removal, for example, by allowing them to say goodbye to friends. Explain that this may help reduce feelings of stress and upset. Tell parents that they can request a status report from the school to assist with their future education. Give the parents the booklet entitled 'Getting ready to leave the UK' to encourage and help them to talk to their children.

At the beginning of the family departure meeting ask the family whether they have made a decision about returning voluntarily or through the assisted voluntary return scheme.

Explain that if they deliberately fail to depart voluntarily, it would be considered as non compliance. If the family show a clear intention that they are unwilling to depart voluntarily, record it as non compliance.

The family's response will determine how the case proceeds.

## FDM return options process

You can follow this process for considering return options during the family departure meeting:

**If the family opt for AVR** you must:

- offer to arrange the families' first AVR appointment
- agree a contact management schedule with the family; the first reporting event should coincide with the expected date of decision of the AVR application
- in some cases despite opting for AVR, refuse it because either the family:
  - are unsuitable for the programme
  - may later reject an arranged AVR departure
- in these cases encourage the family to return voluntarily:
  - if voluntary departure is rejected, [proceed to section AVR and voluntary departure declined](#)
  - if voluntary departure is accepted, [proceed to section AVR rejected, not suitable, refused but voluntary departure accepted](#)

**If the family reject AVR, it is not suitable or the application was refused, but voluntary departure is accepted, you must:**

- discuss a departure timescale, and ensure regular reporting events and contact management are maintained
- ask to see valid travel tickets confirming the family's planned departure arrangements
- make arrangements for their travel documents to be at the airport for collection on checking in
- if voluntary departure is rejected, [proceed to section AVR and voluntary departure declined](#)

**If the family decline both AVR and voluntary departure you must:**

- seek to establish the family's reasons for declining and ensure once more that the family understand their options and the benefits of departing voluntarily
- advise the family that the removal will be arranged and provide a clear timescale for this:
  - you must give the family at least 7 days notice of their notice of departure details
  - it is their responsibility to comply with the notice of departure details

The family will now move to the [required return](#) or [ensured return](#) process as appropriate.

#### **Related content**

FRP CID guidance

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# Required return

This page provides guidance for family engagement managers (FEMs) on the required return stage of the family returns process (FRP).

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If the family advise that they will not return voluntarily or under the assisted voluntary return (AVR) scheme, you must tell them at the family departure meeting (FDM) that they are moving to the required return stage of the process.

At the FDM, you must:

- clearly explain the family's position, that having declined AVR and voluntary return they are now liable to be returned by the Home Office
- explain the required and ensured return stages of the process and the potential impact of arrest on the family
- ensure the family understand any sanctions that may apply to them if they do not depart from the UK
- outline to the family that they can still control their own departure and avoid arrest by taking self check in notice of departure details
- explain the benefits of taking self check-in notice of departure details (SCI NDD) in full to the family
- inform parents of their responsibility to ensure that any ongoing health issues within the family are managed, including the need for inoculations as their departure from the UK is imminent

If the family agree to take SCI, you must [serve the notice of departure details](#).

If the family advises that they are not interested in SCI NDD, or do not intend to leave the UK, you must consider whether or not to serve SCI NDD, taking into account all the factors in the case.

You may still serve SCI NDD where you wish to provide the family with a final opportunity to comply with their return.

Where you do not serve SCI NDD, you must explain to the family that as they have indicated a clear intention not to comply they will not benefit from SCI NDD, and will be arrested and removed at a later date. You must record your reasons for not serving SCI NDD on the family welfare form (FWF).

Where SCI NDD were not served, you may also use your discretion if the family subsequently contacts you before any arrest to request to depart on SCI NDD. You

can serve SCI NDD at this stage if you are convinced that the family genuinely intends to depart.

## Serving self check-in notice of departure details (SCI NDD)

The returns preparation (RP) family returns team removals desk request the SCI NDD. See Arranging removals, for further details.

If SCI NDD have been booked in advance of the FDM, you must:

- serve the SCI NDD on the family during the FDM
- explain the date and time of the SCI NDD that are being offered and how the family's departure would happen under SCI NDD

If SCI NDD were not booked in advance, you must explain to the family that details of their removal will be sent to them by post in the next few days.

You must also ensure that:

- SCI NDD are served on all family members and copied to the legal representative, as well as social services, if appropriate, at least one week before the scheduled return
- the family understands the details of their required departure, as well as the consequences of failing to comply
- any provision of assistance to get to the port of departure, identified through proactive family engagement, is fully considered taking into account factors such as:
  - existing welfare or medical issues
  - the size of the family
  - age of the children
  - timing of the flight
- the removal paperwork is copied to the respective carrier and arrangements made well in advance for the family's travel documents to be at the airport for collection on checking in
- any notifications regarding the pending removal are made to any interested parties, for example, the GP, education providers - any information must be processed in accordance with the Data Protection Act 2018 and the ECHR
- the family are aware that if they intend to apply for judicial review, they must provide a Crown Office reference number, or removal will generally proceed as planned

## Recording the FDM

You must record the details of the FDM in full on the FWF and update any other relevant information. You must record a detailed note of the meeting on CID. You must also update the immigration factual summary and a member of the **RP family returns team** must update CID (see family returns process CID guidance) with the relevant outcomes and admin events.

## Recording self check-in decisions

You must update the:

- FWF and CID notes with details of the service of the SCI NDD or the reasons why SCI NDD were not served
- immigration factual summary, and a member of the **RP family returns team** must update CID (see family returns process CID guidance) with the relevant admin events

When serving SCI NDDs, you must serve them alongside [ICD 4409 \(SCI NDD Letter\)](#).

See: family returns process CID guidance.

## Self check-in removal successful

You must:

- confirm if departure was successful
- update CID (see family returns process CID guidance)

## Self check-in removal did not proceed

If SCI NDD do not proceed for any of the following reasons, the case will move to the ensured return stage:

- SCI NDD were not served on the family
- SCI NDD were served but:
  - failed because one or more family members did not attend the port of departure, and had no acceptable reason for not attending
  - failed because of further submissions
  - were not complied with because an out-of-time appeal application was lodged and the tribunal refused to extend the time limit to appeal
- representations or an application for judicial review and the grounds given had been, or could have been, raised earlier (unless there are exceptional reasons for offering the family a further set of SCI NDD)

You must update the FWF and CID with the reasons why SCI NDD failed to proceed.

### Related content

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# Ensured return

Guidance for family engagement managers (FEMs) on the ensured return stage of the family returns process (FRP).

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[The return plan](#)

[Independent Family Returns Panel \(IFRP\) advice](#)

[Recording IFRP advice](#)

[Removal directions](#)

[Ensured return: escorted check in](#)

[Ensured return: open accommodation](#)

[Ensured return: pre-departure accommodation](#)

There are 5 ensured returns options:

- [escorted check in- without further notice](#)
- [escorted check in- with further full notice](#)
- [escorted check in- with limited notice](#)
- [return through open accommodation](#)
- [return through pre-departure accommodation](#)

You may use the ensured return options when the assisted and required return stages have either failed, or are not considered appropriate, for example when:

- the family has refused to cooperate with the assisted and required return options
- the family has, either verbally or in writing, expressed an intention not to comply with earlier stages of the FRP
- **exceptionally** a member of the family poses a risk to themselves or others

If you decide to remove a family through the ensured return option without first offering the family the option to return using the assisted or required routes, you must set out the reasons in the family welfare form (FWF) and you must have it authorised by a **returns preparation (RP) family return team** assistant director on the FWF.

You must ensure that the authority is clearly recorded on CID.

## The return plan

You must establish which of the 5 ensured return options are suitable, and present this as a return plan to the Independent Family Returns Panel (IFRP) for consideration.

You must work closely with the Immigration Compliance and Enforcement (ICE) team, officer in charge (OIC), to draft the return plan giving full consideration to operational issues such as:

- timing of visits
- personal effects including valuable documents
- baggage
- pets
- provision of car seats
- method of entry

You can find full details in the operational planning and briefing guidance.

Family engagement officers routinely advise families and individuals of the need to make arrangements for their property or belongings prior to removal; the need to pack essential items for the journey; and that packing their personal belongings themselves (where possible) is in their best interests.

There may however, be occasions where a family, or individual, unable or unwilling to pack belongings on behalf of themselves, their children, or any vulnerable family members, prior to removal; and where any children or vulnerable adults are unable (possibly through age or special needs) to pack for themselves.

You must refer to search and seizure: non statutory handling of property for full details on the powers and limitations of searching and packing essential items on behalf of families or individuals, for inclusion on the returns plan where required.

See also: Arranging removal.

The return plan, detailed in the FWF, must be authorised by an assistant director from the **RP family returns team**, before it is referred to the IFRP, together with:

- an immigration history
- any other relevant information, for example:
  - medical reports where medical consent has been given
  - school records
  - reports from social services

All authorisations must be detailed and recorded on the FWF.

The return plan must:

- detail why a particular ensured return option is being proposed
- demonstrate how it meets the duty under section 55 of the Borders and Immigration Act 2009
- stipulate how the welfare needs of each family member will be managed throughout the return, including consideration of suitable locations of the handover to escorting contractors
- detail each stage of the family's return, from arrest by an immigration officer at home, to arrival in the country of return
- detail flight timings and routings and proposed return dates
- detail operational planning issues and considerations

- include detailed contingencies for the return which reflect the particular circumstances of the family, for example, how to manage:
  - if a family member is not present at the time of the visit
  - disruption by a family member or a legal barrier to return
- include other recommendations designed to encourage compliance, for example:
  - variation of reporting conditions
  - electronic monitoring

## Independent Family Returns Panel (IFRP) advice

There must be **no action** to ensure a family's departure until you have obtained advice from the IFRP.

Whilst there is a presumption that the IFRP's advice will be accepted, overall responsibility for achieving removal lies with Immigration Enforcement.

If the panel's recommendation is not feasible the plan must be considered by the RP director in discussion with the IFRP chair.

You should then submit a new return plan to the IFRP for consideration, or, in exceptional circumstances, the case may be referred by the RP director to the Immigration Minister for a final decision. The minister will inform the panel how the Home Office intends to proceed, setting out reasons.

The panel report publicly on any cases where its advice is not accepted.

## Recording IFRP advice

When the IFRP has given its advice the **RP family returns team** must ensure that the relevant outcomes and admin events are updated, and a note of the advice placed on CID.

The **RP family returns team** take notes during the panel discussion. Once the note has been formally agreed by the panel they must be added to the FWF.

## Notice of Departure Details

Any family entering the FRP after 28 July 2014 will benefit from a [28 days restriction on removal of children and their parents](#) from the day they become appeals rights exhausted (ARE), and removal dates must be scheduled accordingly.

In all cases, the **RP family returns team** removals desk request the ensured removal directions (see chapter 48 making flight arrangements). On receipt of panel advice, ensured notice of departure details can be served on the family in one of 4 ways:

- by the FEM at the family's home address subject to a detailed risk assessment- see operational risk assessment guidance and national generic risk assessment (NGRA) framework for full details
- by the FEM or other member of Immigration Enforcement staff at a reporting event or other meeting on Home Office premises
- by an immigration officer at the family's home address
- **exceptionally** by post to the family and, where relevant, their legal representative

Any required resources must be requested through tasking.

## Ensured return: escorted check in

This section provides family engagement managers (FEMs) with guidance on the escorted check in options within the ensured return stage of the family returns process (FRP).

**There are 2 types of ensured return escorted check-in removals:**

- [without further notice](#)
- [with further full notice](#)

## Without further notice

If a family fails to depart through non compliance with the notice of departure details , and the case meets the criteria as laid out in the 'Failed Removals' section of enforced removals: notice periods, then the family can be removed within 21 calendar days of the failed removal and you do not need to give a fresh notice period.

See enforced removals: notice periods.

## Arrest and transfer

The family will be arrested by the Immigration, Compliance and Enforcement (ICE) team under paragraph 17 of schedule 2 to the 1971 act, in accordance with guidance in the arrest and restraint guidance and taken to a designated place of detention.

The ICE team must serve form IS91 (authority to detain) on the escorting contractor and form IS91R (reasons for detention) on each family member, together with removal directions. Guidance on how to complete form IS91R is available in section 55.6.1 of the detention and temporary release guidance. Then the family must be transferred to the escorting contractors for travel to the port of departure.

If the family require some additional support to prepare them for their return, it may be appropriate to make the arrest before the departure date and arrange for a short stay in pre-departure accommodation. See enforcement visits and Judicial review and injunctions for further details.

## With further full notice

You must serve the notice of departure details on the family, copied to their legal representative, with a minimum of 5 working days' notice of the removal. Removal dates must comply with the [28 days restriction on removal of children and their parents](#) starting from the day they become appeal rights exhausted (ARE), and you must schedule removal dates accordingly.

See enforced removals: notice periods.

## Arrest and transfer

The process for arrest and transfer of an escorted self check-in with further full notice is the same as that for [escorted check-in without further notice](#).

## Ensured return: open accommodation

This section provides family engagement managers (FEMs) with guidance on the open accommodation return option processes within the ensured return stage of the family returns process (FRP), including:

- [eligibility](#)
- [notifying the family](#)
- [preparing notice of departure details](#)
- [day of move to open accommodation](#)
- [departure from open accommodation](#)

Open accommodation is residential accommodation housing families on full board and without cash support. It seeks to encourage compliance by moving families away from community ties, signalling that departure from the UK is imminent; it is **only** available to failed asylum seeking families who are supported under section 95 or section 4 of the Immigration and Asylum Act 1999.

There are no restrictions on families' ability to come and go.

## Eligibility

Families are **not** eligible for open accommodation if:

- any family member is subject to multi agency public protection arrangements (MAPPAs cases)
- there are specific medical needs, for example:
  - a move would be detrimental to ongoing treatment or recovery from an operation
  - continuity of care arrangements are needed
  - a person has an infectious or notifiable disease
  - a family member has a disability which renders open accommodation unsuitable

- a family member has previously threatened to harm themselves or others

You must ensure that the family's departure can occur within 72 hours of arriving at open accommodation, and removals must still comply with the [28 days restriction on removal of children and their parents](#) (which starts on the day they become appeals rights exhausted (ARE)).

If the departure fails, the family must be moved back to open accommodation until departure can be rescheduled.

The family must not remain in open accommodation for longer than 28 days from the date of their first arrival. If the 28 day limit is reached, the family must be returned to section 95 or section 4 accommodation.

## Notifying the family

Families must receive 7 days notice of a move to open accommodation. Notification is by letter posted by Royal Mail recorded delivery. Normal postal rules of service apply. See [FRP documents to complete and serve](#).

The notification letter must contain the planned date and time of the move and your contact details. Copy it to:

- the local authority where the family live
- the receiving local authority
- the primary care trust
- the local education authority

You must also inform the family's current accommodation provider of the move.

The family can notify you 48 hours in advance of their move date if they are unable to travel and a decision to delay the move must be authorised by **returns preparation (RP) family returns team** at Senior Executive Officer (SEO) or above.

## Preparing the notice of departure details

You must serve the notice of departure details in person or another representative of the Secretary of State, copied to the family's legal representative, on the same day they move to open accommodation, alongside IS96 papers detailing the new address.

When it is not possible to serve in person, serve the letter by Royal Mail recorded delivery.

## Day of move to open accommodation

On the day, the **RP family returns team** must liaise with the asylum support team to ensure cash support is withdrawn in accordance with Regulation 10(5) to the Asylum Support Regulations 2000.

If the family refuse to move, they must notify you (the FEM) in writing within one day of the planned move date to explain their reasons.

## Departure from open accommodation

The family are arrested at open accommodation by the Immigration, Compliance and Enforcement (ICE) team in accordance with guidance in arrest and restraint guidance, and transferred to the escort contractor for travel to the port of departure.

## Ensured return: pre-departure accommodation

This section provides family engagement managers (FEMs) with guidance on the pre-departure accommodation return option within the ensured return stage of the family returns process (FRP), including:

- [moving a family to pre-departure accommodation](#)
- [ministerial authorisation](#)
- [further use following release](#)

Pre-departure accommodation (PDA) accommodates families who have refused to cooperate with other return options, or for whom other return options are not suitable. You **must only** consider using pre-departure accommodation as a last resort.

The PDA cannot accept individuals who:

- are serving a criminal sentence and are leaving under the early removals scheme (ERS)
- may present a risk to the public if they abscond or to staff or residents at the PDA

In these cases consider temporarily separating the family by accommodating the family in pre-departure accommodation and the individual who presents a risk in an immigration removal centre. You must outline this option in the return plan.

There may be **rare** occasions when it would be appropriate, under ministerial authority, to use Tinsley House Family Unit to accommodate a family. You **must** refer these cases to the FRP for advice. See EIG Chapter 55.9.4 for guidance.

If an individual in the family is subject to multi-agency public protection arrangements (MAPPA), you must consult the offender manager to assess the suitability of that individual for the PDA. This information must form part of the return plan.

There must be 10 working days between the date the **returns preparation (RP) family returns team** assistant director authorises the case for referral to the independent family returns panel (IFRP) and the date the family will enter the PDA. This allows staff at time to plan for the care of the family whilst they are in residence.

## Moving a family to pre-departure accommodation

You must serve removal directions on the family upon their arrest on the day they are moved to pre-departure accommodation. You must also serve:

- form IS91 (authority to detain) on the escorting contractor before transfer to pre-departure accommodation
- form IS91R (reasons for detention) on each family member including each child, at a designated place of detention

Immigration Enforcement staff at the PDA notify the **RP family returns team** of the family's arrival, and both liaise closely with one another to monitor the length of time the family are resident at the PDA.

Families can **only** be admitted to the PDA when removal directions have been set and all travel documentation is in place. Residence at the PDA should be as time-limited as possible and will not normally exceed 72 hours. However, this can be extended up to **a maximum of 7 days with ministerial authorisation**, sought by the **RP family returns team**.

If a family reaches 72 hours in the PDA and ministerial authority is not in place, Immigration Enforcement staff at the PDA will serve release paperwork, produced by the RP family returns team on the family. There is no provision to hold a family for longer than 7 days in any circumstances. Refer to arrest and restraint guidance, for further details.

## Ministerial authorisation

You must get ministerial authorisation in the following circumstances.

Where timing and availability of flights and requirements for removal notice periods mean the family needs to be accommodated for longer than 72 hours. You must also detail this in the return plan for the IFRP. Ministerial authority **must be in place** before the family enters the PDA.

Where a first attempt at return fails, or you believe the scheduled return will fail, and a new notice of departure details can be secured without the family exceeding a total of 7 days in the PDA. You **cannot use this option** unless it was included as a contingency in the return plan. You must include advice received from the IFRP in the request for ministerial authorisation, which must be obtained **within 18 hours** of a family's failed return **or within 72 hours** of the family originally entering the PDA, whichever time period is the **greatest**. You must get detention operations duty director authority for a family to re-enter the PDA under these circumstances, pending ministerial authority.

You must discuss the request for ministerial authority with the immigration and borders secretariat by telephone if you make calls out of normal office hours.

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**Official – sensitive: start of section**

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

## **Official – sensitive: end of section**

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The Central Support team for family returns complete the ministerial submission templates. They then arrange senior civil servant (SCS) clearance and the handling. Also refer to guidance on writing ministerial submissions.

If ministerial authorisation is not given, the **RP family returns team** must arrange the family's release from the PDA, with authority of the team Senior Executive Officer (SEO). The release paperwork must be sent to the Immigration Enforcement staff at the PDA to be served on the family, and staff will offer to make arrangements to transport the family to their previous address or an asylum support address. You must update the family welfare form (FWF) with details of the failed return and must ensure that the family can access their property on return.

## Further use following release

You can use pre-departure accommodation again following a family's release from the PDA, provided that the failed return was **not** as a result of a procedural error made by the Home Office or one of its contractors and it continues to be the most suitable option for the family's return.

You **must carefully consider** any plan to use the PDA for a second time and hold an early discussion between the RP family returns team and Immigration Enforcement staff at the PDA so that appropriate planning for re-entry can be undertaken.

### **Related content**

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# Absconders

This page provides guidance for family engagement managers (FEMs) on absconder processes within the family returns process (FRP).

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[Absconders: assisted or required returns](#)

[Absconders: ensured returns](#)

If a family, or any member of a family, abscond during any stage of the FRP, it is your responsibility to ensure that Home Office absconder or missing child guidance is followed, including notification as an absconder or missing child. The family returns team will also retain ownership of the case for as long as the family or individual are missing.

You must ascertain as much information as possible, in particular:

- when the family absconded
- which family members have absconded
- where they may have gone, that is, whether there is any indication they may be with a family member or friend
- whether the children continue to attend nursery, school or college
- whether the family continues to receive medical treatment (where relevant)
- whether the family is still in contact with their legal representative
- whether there are any welfare concerns that have not previously been considered

You must demonstrate on the family welfare form (FWF) what action you are taking to locate the family or absent family members including liaison with other statutory agencies such as the police and children's services. For further information on absconder action please see the non-compliance and absconder guidance (see chapter 19a non compliance and absconder process instructions).

There is also separate guidance on the missing child and vulnerable adult process instructions, within the Identifying people at risk guidance.

## Absconders: assisted or required returns

If any of the family group abscond during the assisted or required return stages of the FRP and the Home Office subsequently trace and locate them, you must assess whether the case should resume at the assisted or required return stage or proceed straight to ensured return and a referral to the independent family returns panel (IFRP).

Your decision must take account of the family's prior compliance, behaviour and reaction to discussions regarding their return.

## Absconders: ensured returns

If any of the family absconds during the ensured return stage, you must:

- update the FWF with any new information found as a result of checks made to establish their whereabouts
- review the contingency plan for the family and consider whether it is necessary to make a further referral to the IFRP to amend that plan in advance of locating the family

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# Return failures: IFRP re-referral

This page provides guidance for family engagement managers (FEMs) on re-referring a case to the independent family returns panel (IFRP) following a failed return within the family returns process (FRP).

You do not need to re-refer where a return fails (for any reason) and the family can be successfully returned using a contingency originally considered by the IFRP. However, you must re-refer where:

- there has been a significant change in the family's personal circumstances (for instance new pregnancy, educational exams, or medical issues)
- you are proposing a different ensured return option
- more than 3 months has elapsed since the panel considered the original return plan
- the IFRP has specifically requested that the case come back to them for advice if the return fails
- the family was accommodated at the pre-departure accommodation and has subsequently been released
- advice on other ensured options was not given

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# Barriers and further representations

This page provides guidance on barriers and further representations raised within the family returns process (FRP).

Before an arrest any casework barriers raised during the FRP are handled by the **returns preparation (RP) barrier casework team** or by the **Complex Casework Directorate**.

Once a family has been arrested, as part of an ensured return plan, any casework or litigation barriers raised will be handled by the operational support casework unit (OSCU). The **RP family returns team** shares information about the family with OSCU once the independent family returns panel (IFRP) advice has been received. Once a family has been arrested the **RP family returns team** send any appeal determinations and other relevant paperwork to OSCU to inform their consideration if further submissions are received.

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# Family returns: permission to rent

This page provides guidance on revoking permission to rent (PTR) for cases currently within the family returns process (FRP).

The right to rent scheme states that any family complying with the FRP qualifies for PTR. Full details are within the right to rent – landlords penalties guidance.

This means that where permission is granted, any family within the FRP can lawfully rent a property whilst in the UK; the decision to grant permission to rent, is based upon the level of compliance of the family unit, and can be revoked at any time.

## Revocation of permission to rent

If you become aware of a family who are failing to comply with requirements of the FRP, you should consider revoking their PTR. The reasonable indications of failure to comply with the FRP to the extent that someone's PTR could be considered for revocation are:

- **absconding** in line with the requirements of the non-compliance and absconder process guidance either:
  - 3 failures to report (FTRs) or failures to attend our scheduled meetings, we would normally do a compliance visit to check whether they are still at their address as well as checking with others who are involved with the family
  - not encountered at visit for their arrest and no or little evidence of their occupation of the property
- **failure to comply with requirements to attend FRP meetings** without reasonable excuse (this would have to be repeated failure to attend: not just one instance)
- **failure to comply with the documentation or re-documentation process**
- in the case of an ensured return, **disruptive behaviour (verbal or physical) or refusing to comply with the return** which causes the return to fail

If you are satisfied that a family has failed to comply then you should revoke the PTR on CID. To do this you should:

- locate the individual on CID
- chose the associated case Right To Rent Checks and double click
- click on case outcome and chose "Permission to Rent Revoked"
- complete the box entitled stats category, choosing "non compliance"
- complete authorisation boxes
- include full minutes in the 'notes' screen, containing a full narrative of the reason why PTR revoked

Once this is done, you should serve an FRP PTR revoke letter (ICD 5174) to the lead family member that clearly explains to the family the implications of the revocation.

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# Disclosure

This page provides guidance on disclosure of information held on families within the family returns process (FRP).

If a family member requests to see the family welfare form (FWF) informally, you should release as much information as possible outside of the subject access request process, in line with data protection and freedom of information legislation. Any disclosure of the FWF must be authorised by a Senior Executive Officer (SEO) in the returns preparation (RP) family returns team.

As a minimum, information should not be disclosed relating to third parties who are unknown to the family member, including:

- results of Police National Computer (PNC) checks
- medical information where consent was not given by all family members
- any information which may compromise effective operational planning

Families may also submit formal subject access requests under the Data Protection Act.

If a family requests to see information in the FWF or any other documentation, refer to the guidance on disclosure of information in IDIs- Chapter 24.

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# FRP documents to complete and serve

This page provides a summary of the documents to complete and serve within the family returns process (FRP).

Stage in FRP and who is responsible	Document
Beginning of FRP: all staff	Raise, if not already raised: <ul style="list-style-type: none"> <li>• ICD 3629 (family welfare form (FWF))</li> <li>• ICD 2599 (factual summary)</li> </ul>
Invitation to family returns conference (FRC): family team	Send to applicant and copy to legal rep: <ul style="list-style-type: none"> <li>• ICD 4401 (invitation to FRC)</li> <li>• ICD 4403 (questionnaire)</li> <li>• ICD 4404 (pre-removal advice)</li> </ul> <p>Where appropriate, serve a notification of intention letter (ICD 4950) informing them of their judicial review (JR) deadline.</p>
At FRC: family engagement manager (FEM)	Complete: <ul style="list-style-type: none"> <li>• ICD 4406 (AVR information and notice period details) see enforced removals: notice periods</li> </ul>
After FRC: FEM	Update: <ul style="list-style-type: none"> <li>• ICD 2599 (factual summary)</li> <li>• ICD3629 (FWF)</li> </ul>
Invitation to family departure meeting (FDM): FEM to serve at FRC or family team to serve by post	Send ICD 4402 (invitation to FDM) to applicant and copy to legal rep.
At FDM: FEM	Serve ICD 4404 (pre-removal advice) <p><b>If serving self check-in removals directions (SCI RDs) serve them alongside ICD 4409 (SCI RD letter).</b></p>
After FDM: FEM	Update: <ul style="list-style-type: none"> <li>• ICD 2599 (factual summary)</li> <li>• ICD 3629 (FWF)</li> </ul>

Stage in FRP and who is responsible	Document
Open accommodation only	-
Book accommodation: family team	Complete ICD 4411(reservations form)
Book transport plus: family team	Complete ICD 4412 (transport plus)
Require family to move: FEM and family team	Complete and serve ICD 4413 (notification of move to open accommodation)

**Related content**

Family returns process CID guidance

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