

Voluntary Assisted Return and Reintegration Programme (VARRP)

July 2010

Voluntary Assisted Return and Reintegration Programme

VARRP is a scheme which offers help to assist asylum seekers and some other people who decide to return permanently to their country of origin. It is run by IOM [<http://www.iomlondon.org>] and co-funded by the UK Border Agency (UKBA) [<http://www.ukba.homeoffice.gov.uk/>] and the European Refugee Fund [http://ec.europa.eu/justice_home/funding/refugee/funding_refugee_en.htm].

For further specific details on return to Afghanistan, Iraq and Zimbabwe, see [http://www.refugeecouncil.org.uk/howwehelp/directly/voluntary_returns/afghanistan.htm] and [http://www.refugeecouncil.org.uk/howwehelp/directly/voluntary_returns/iraq.htm] and [http://www.refugeecouncil.org.uk/howwehelp/directly/voluntary_returns/zimbabwe]

Legal advice

Persons granted asylum or other forms of international protection in the UK are **advised** to seek legal advice prior to travelling or returning to a country of origin. This is because they may lose their status in the UK and right to re-enter or remain in the UK following return.

Persons seeking asylum in the UK are **strongly advised** to seek legal advice prior to making an application to return to IOM or to the UKBA. An application for voluntary return may jeopardise an outstanding asylum application; for instance, it will be taken into account by UKBA and a UKBA case owner may question the applicant about the reasons for the interest in voluntary return

Eligibility

The programme is open to

- asylum seekers;
- people with exceptional leave to enter/remain (ELR/E);
- people with discretionary leave;
- asylum seekers appealing against a refusal of asylum by the Home Office; and
- asylum seekers whose applications or appeals have been rejected.

VARRP is **not** open to

- people who have been granted humanitarian protection, indefinite leave to remain and/or refugee status;
- people who have a deportation order made against them;
- people for whom the Immigration Service has already made arrangements for removal or return;
- short term immigration detainees for whom removal directions have been set;
- convicted prisoners subject to deportation;
- immigration detainees, detained solely in relation to immigration offences, who are assessed by the detention services as violent or who may pose a threat to IOM staff;
- people convicted of serious immigration offences;
- people who have received UK custodial sentences in total 12 months or longer; and
- people involved in ongoing matters in the criminal justice system.

Others held in immigration detention are eligible for VARRP and can apply to IOM.

Multiple applications to VARRP

UKBA's general policy is to refuse an application to VARRP when the person has previously left the UK on VARRP. UKBA will consider such an application and take into account the particular circumstances of the applicant. UKBA advises that relevant factors may include: a significant change in the country situation, a new basis for the asylum claim, or that previous participation in VARRP was as a dependant.

Applications to VARRP will be rejected by UKBA where an applicant has made previously two or more applications to the programme. Applications may be approved on an exceptional basis where the applicant can show good reasons as to why s/he withdrew earlier applications or did not return within the time period allowed (in most cases, VARRP applications remain open for 3 months).

Re-entry bans

The Government introduced changes to the Immigration Rules in February 2008 under HC 321 , the Statement of Changes in Immigration Rules, which include penalties for individuals deemed to have broken UK immigration laws (for example, by 'overstaying' beyond 28 days, or by entering the UK illegally or by deception, or by breaking reporting conditions).

Under these rules applications for entry clearance to the UK will be automatically refused for a set period. The length of the ban depends on how the individual leaves the UK:

- Those who leave voluntarily but at the public expense will be refused entry clearance to come to the UK for five years. This includes individuals returning on any assisted voluntary return scheme such as VARRP
- Individuals who voluntarily leave the UK at their own expense will have any applications for entry clearance to come to the UK refused for one year
- Those individuals who are deported or removed will be subject to a ten year ban on re-entry

The Government agreed not to apply these rules to a person who left the UK voluntarily between 17 March 2008 and 1 October 2008 inclusive.

Some further exceptions to the re-entry bans were subsequently incorporated into the Immigration Rules (paragraph 320) by HC 607, the Statement of Changes in Immigration Rules, in June 2008. Re-entry bans will not automatically apply where the applicant was under the age of 18 at the time of his or her last breach of immigration law; or where applications to re-entry clearance are made by those applying to join family members, under certain categories.

The requirement to refuse an entry clearance application will not apply where refusal would breach the UK government's obligations under the Human Rights Act or under European law. The re-entry bans do not apply to individuals who have not breached UK immigration laws.

For the full statement of changes (HC 321 and HC 607), see:

[\[http://ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/statementsofchanges/\]](http://ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/statementsofchanges/).

Individuals who think that they may be affected by these rule changes are advised to seek legal advice prior to leaving the UK.

For further details about UK government policy related to VARRP, and rules on eligibility for VARRP, [\[http://ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/assistedvoluntaryreturn/varrp/\]](http://ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/assistedvoluntaryreturn/varrp/).

VARRP

VARRP offers

- advice, counselling and information about return;
- assistance in obtaining travel documents and payment of costs incurred ;
- a flight home;
- a *meet and greet service* at airport on return (for most countries);
- help with onward travel to final destination;
- reintegration assistance

Reintegration assistance

Reintegration assistance can include, if required, extra baggage allowance, temporary accommodation following return and payment of childcare fees for infants.

Each returnee can draw up an *Individual (or family) Return Plan* with IOM and choose help with

- small business set-up;
- schooling fees;
- vocational training;
- job placements.

Assistance with small business set-up can include

- a training programme on setting up a business;
- a subsistence allowance during the training programme;
- financial support for the purchase of identified equipment or business supplies; and
- additional financial support for the business, paid in-kind, if required, following a review at six months.

Whichever option is chosen, the assistance is not paid in cash to the returnee but in-kind or to the service provider. Each family member who accompanies the applicant on return can receive reintegration assistance.

It is not, however, possible to transfer assistance from one family member to another; reintegration assistance with setting up a small business, vocational training and job placement is not available to children returning and the assistance available to them cannot be transferred and added to, for example, reintegration assistance with small business set-up sought by another family member.

Returnees who wish to receive reintegration assistance should contact the IOM office in the country of return. Details of the IOM office in the country of return should be requested from IOM London prior to departure.

In some countries of return IOM may encounter difficulties in providing reintegration assistance. Individuals and advisers can seek details from IOM or from one of its implementation partners.

Applying for VARRP

Advice and informal counselling about VARRP and assisted voluntary return for individuals can be obtained from IOM's implementation partners. See the organisations listed in [\[http://www.refugeecouncil.org.uk/howwehelp/directly/voluntary_returns/advice.htm\]](http://www.refugeecouncil.org.uk/howwehelp/directly/voluntary_returns/advice.htm).

Asylum seekers and others should also seek legal advice prior to applying for VARRP. Applying for VARRP is taken into account by UKBA when it considers the person's application for asylum. The UKBA asylum caseworker may ask questions about the application to return and the reasons for applying. See the guidance from UKBA to its asylum Case Owners at [\[http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/credibility.pdf?view=Binary\]](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/credibility.pdf?view=Binary) and [\[http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/removal/guidance/assistedvoluntaryreturn.pdf?view=Binary\]](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/removal/guidance/assistedvoluntaryreturn.pdf?view=Binary).

Similarly others with leave to remain should seek legal advice prior to travel to their country of origin because they may lose their status in the UK and right to enter or remain in the UK following return.

Some refugees and asylum seekers may have lost contact with family members not in the UK. The International Tracing and Message Service of the British Red Cross can help families separated through conflict, upheaval or natural disaster. See [\[http://www.refugeecouncil.org.uk/howwehelp/directly/voluntary_returns/advice.htm\]](http://www.refugeecouncil.org.uk/howwehelp/directly/voluntary_returns/advice.htm).

Applications for VARRP should be made to IOM in the UK. Contact IOM at [\[http://www.iomlondon.org/contactus.htm\]](http://www.iomlondon.org/contactus.htm). There is an application form for VARRP to complete and a declaration of voluntary return form to be signed [\[http://www.iomlondon.org/doc/varrp/VARRP%20Application%20Form.pdf\]](http://www.iomlondon.org/doc/varrp/VARRP%20Application%20Form.pdf).

The declaration of voluntary return states that the applicant has exercised due consideration and free will in choosing to return, understands that UKBA will be informed that an application to VARRP has been made and that on return to the country of origin the applicant will withdraw the asylum application.

IOM send applications for assistance on VARRP to UKBA's Assisted Voluntary Return (AVR) Team for individual approval or rejection. There is no right of appeal or formal review process for applications that are refused. Applications may be reviewed by the Head of AVR Team where there is new factual information. Reasons for refusal are not given to the individual applicant.

A person can withdraw, if they wish, from departing on VARRP at any stage of the process before boarding the plane. If an applicant has not departed the UK within 3 months of receiving approval of their application for VARRP, then the Home Office considers the application to have been withdrawn.

Apart from those held in immigration detention, returnees make their own way to the airport where they liaise with IOM. IOM can help to organise travel arrangements to the airport.

Applying for VARRP from detention or prison

IOM will visit and interview the applicant in the detention centre. Where the applicant has to visit the Embassy or Consulate of their national authorities, for example in order to acquire travel documentation, it is likely that they will be escorted by the Immigration Service or the immigration detainee escort contractor. Unless release or bail has been secured, on departure the person will be escorted from the detention centre by the Immigration Service or immigration detainee escort contractor to airside, released in the holding area and accompanied to the plane by IOM staff.

Some prisoners are also eligible for VARRP. Convicted prisoners who are eligible (see restrictions above) can apply to IOM from within prison. However they will need to finalise their return arrangements with IOM after release.