

# Re-entry bans

It is very difficult to gain re-entry to the UK after a forced removal/deportation.

The immigration rules include general grounds for refusing to allow someone's entry to the UK. See 'Entering the UK' section of the Toolkit for more information on these general grounds.

In addition to this, **re-entry bans** are applied to certain categories of people who breached immigration law in certain ways in a previous attempt to enter or stay in the UK.

These breaches are:

- overstaying (beyond the period of a time-limited visa)
- breaching a condition attached to your previous leave;
- having entered the UK unlawfully;
- having used deception in an application for entry clearance, leave to enter or remain, or in order to obtain documents from the Home Office (whether successful or not).

Generally, entry to the UK will be refused if you fall into these categories, **unless**:

- you overstayed for less than 30 days and you left the UK voluntarily at your own expense. (The immigration rules state that if you overstayed for more than 30 days, unless specific exceptions apply you will be subject to a 12 month re-entry ban).
- you left the UK **voluntarily** at your **own expense more than 12 months ago**
- you left the UK **voluntarily**, but at the expense of the state more than **two years ago** IF you left the UK no more than 6 months after the date on which you were given notice of liability for removal, or no more than 6 months after the date on which you no longer had a pending appeal or administrative review (whichever is the later)
- you left the UK **voluntarily**, but at the expense of the state more than **five years ago**
- you were removed or deported from the UK more than **10 years ago**.

Where more than one breach of these has occurred, only the breach which leads to the longest period of absence from the UK will be considered.

There are other situations in which re-entry bans may not be applied, for example, if you left the UK voluntarily before 1 October 2008, or you were a victim of trafficking. If a re-entry ban is applied to you, and this would breach your human rights (for example, to be with family in the UK), you may be able to challenge it on human rights grounds.

**Remember that even if one of these exemptions applies to your situation, you may still be refused leave to enter the UK. This is because the Immigration Rules allows for a discretionary refusal of an application if the Home Office decides you have “previously contrived in a significant way to frustrate the intentions” of the immigration rules.**

## Deportation cases

The immigration rules state that entry to the UK is to be refused if:

- you are currently subject to a **deportation order**, or
- you were convicted of an offence and sentenced to more than **four years** imprisonment (prior to being deported).

If you were sentenced to *less* than four years, but *more* than **12 months**, entry is to be refused unless **more than 10 years has passed** since the end of the sentence.

If you were sentenced to *less* than 12 months, entry is to be refused unless more than **five years** has passed since the end of the sentence.

The immigration rules state that "only be in exceptional circumstances" would "the public interest in maintaining refusal [to enter the UK] be outweighed by compelling factors" if you are trying to challenge a re-entry ban after a deportation.