

Do You Just Want to Go Home?

Information on Voluntary Departure

The information in this packet was prepared by the U.S. Department of Justice's Executive Office for Immigration Review (EOIR). It is not intended, nor should it be construed in any way, as legal advice. The information does not extend or limit the jurisdiction of the Immigration Courts as established by law and regulation. Nothing in this packet shall limit the discretion of Immigration Judges to act in accordance with law and regulation.

Voluntary Departure

What is Voluntary Departure?

- Voluntary Departure allows you to leave the U.S. at your own expense within a specific amount of time in order to avoid a deportation order.
- There are two types of Voluntary Departure: “pre-conclusion Voluntary Departure” and “post-conclusion Voluntary Departure.” To receive pre-conclusion Voluntary Departure, you must ask for it *at the beginning* of your immigration case. Post-conclusion Voluntary Departure is available at your final hearing, but it is more difficult to receive.

Benefits of Voluntary Departure

- There is no order of deportation in your immigration record. A deportation order may prevent you from coming to the U.S. for up to ten years or make you ineligible for certain immigration benefits. If you take Voluntary Departure, you may be able to return to the U.S. much sooner.
- There are more ways for you to lawfully return to the U.S. if you take Voluntary Departure. If you take Voluntary Departure, you may be able to apply for a visa to return to the U.S. from your home country, or family members in the U.S. may be able to ask the government to allow you to enter the country legally. Some of these opportunities are not available if you have a deportation order in your immigration record.

Drawbacks of Voluntary Departure

- You will have to leave the United States voluntarily and at your own expense.
- There are serious consequences if you do not voluntarily leave the U.S. within the designated time, including fines and other penalties that will make it difficult for you to reenter the U.S. in the future.

Do You Qualify for Voluntary Departure?

- To qualify for pre-conclusion Voluntary Departure (before the hearing), you must:
 - Request Voluntary Departure on or before the day your case is scheduled for a final hearing on the merits of your application to stay in the U.S.
 - Agree that you are not legally in the U.S.
 - Waive or withdraw any applications to stay in the U.S.
 - Show that you have the intention and money to leave the U.S.
 - Demonstrate that you are a good person
- To qualify for post-conclusion Voluntary Departure (after your hearing), you must:
 - Prove that you have been in the U.S. for at least one year before you received your Notice to Appear from the government
 - Pay a bond of at least \$500
 - Show that you have the intention and money to leave the U.S.
 - Prove that you have been a good person for at least five years
- You may be required to provide a valid passport or travel document showing that you can lawfully enter your home country
- You do not qualify for Voluntary Departure if you have been convicted of an aggravated felony. (Talk to an immigration lawyer if you are not sure.)

How Do You Get Voluntary Departure?

1. Decide if Voluntary Departure is good for you.
 - If you qualify for asylum, cancellation of removal, adjustment of status, or any other defenses, you may want to fight your case *instead of* asking for voluntary departure.
 - If you can, talk to an immigration lawyer to help understand your options.

2. If you ask for Voluntary Departure, put together information for the Judge:
 - Letters of support from family, friends, religious leaders, or employers that say you are a good person (all letters must be translated into English and include a certificate of translation)
 - Birth certificates, copies of green cards, and other papers showing that members of your family are U.S. citizens or lawful permanent residents
 - Copies of your marriage certificate if your spouse is a U.S. citizen or lawful permanent resident
 - Certificates from any classes you have completed
 - Proof that you support your family
 - Employment records, utility bills, or other documentation to show how long you have been in the U.S.
 - Bank statements to show that you have the money to leave the U.S. on your own
 - Copies of your passport or travel document to show you can enter your home country
 - Any other information that shows you are a good person

3. Tell the Judge that you want Voluntary Departure. There is no form to fill out. You just have to ask the Judge.

4. If the Judge grants you Voluntary Departure, you may have to pay a bond. If you comply with the terms of Voluntary Departure, the bond will be returned to you after you leave the U.S.