

## VOLUNTARY DEPARTURE

### WHAT

Voluntary Departure is way to exit the United States without a removal order (deportation).

It is a form of relief because it is an *alternative* to deportation.

It must be granted by a judge

### WHY

Leaving under voluntary departure makes it easier to return to the U.S. in the future.

### WHO

#### Requirements

- Eligible under the law, for example:
  - Not classified as an arriving alien on the NTA
  - Haven't been granted voluntary departure before
- A person of good moral character, this usually means no criminal record
- Have a valid travel document, usually a passport
- Have the means to pay for your ticket.

### VOLUNTARY DEPARTURE ≠ DEPORTATION


Asking for voluntary departure ≠ asking for deportation

Asking to be deported/sent home/go back/give up/stop fighting my case ≠ asking for voluntary departure

### WRITE THE WORDS YOU HEAR, DON'T CREATE NEW TERMS

These are not legal terms in immigration court:

- Voluntary deportation
- Voluntary removal



Written by non-attorneys  
for volunteer education;  
This is not legal advice.

## SCENARIOS

### In court:

- Person applies for bond. Bond is denied
- States, "I don't want to be in jail anymore; I'll sign my papers."
- Judge explains consequences of removal order (deportation)
- Judge enters a removal order

### Observation form:

- Requested bond: Yes, Outcome: bond denied
- Relief discussed: do not check voluntary departure
- Did R ask to be deported? Yes
- Today's outcome: removal/deport

### In court:

- Respondent has initial master calendar, says they don't want time to find an attorney.
- Judge does pleadings.
- Respondent answers "no" to all the Judge's questions regarding legal pathways to stay in US (screening for relief)
- Judge then asks, "do you have a passport and the means to pay your way back to your home country. It's \$750." Person says "yes."
- Judge grants voluntary departure.

### Observation form:

- Pleadings today? Yes
- Screen for eligibility for relief? Yes, eligible
- Relief discussed: voluntary departure (only form checked)
- Outcome: voluntary departure

### In court:

- Person comes to court and asks for voluntary departure.
- Judge says, "Are you withdrawing your asylum application?"
- Respondent says, "Yes, I don't think I'll win, I don't want to drag this out."
- Judge asks DHS their opinion on voluntary departure.
- DHS opposes due to pending case for DUI.
- Judge denies voluntary departure, enters removal order.

### Observation form:

- Relief discussed: 1589 asylum and voluntary departure (checked)
- Application: filed previously, Comment: withdrawing today
- Did R ask to be deported? No
- Outcome: removal/deport
- Arrest or conviction: has at least one arrest