

VOLUNTARY DEPARTURE: RISKS, BENEFITS, AND WHAT'S CHANGING IN 2025



Voluntary Departure is a **legal option** that allows undocumented immigrants to **leave the U.S. on their own**, rather than being deported by immigration authorities. If you're considering this option, it's important to first understand what it means, what the risks are, and how to request it.

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WHAT IS VOLUNTARY DEPARTURE?

Voluntary departure means **choosing to leave the U.S. without being ordered to leave by a judge**.

Types of Voluntary Departure:

1. PRE-conclusion:

you ask for voluntary departure **before you get a final decision** on your immigration case.

 Approval is **easier** to get.

2. POST-conclusion:

you ask for voluntary departure **at the end of** your immigration case. This usually means that the judge has already decided that you will not be allowed to stay in the U.S., and ordered your removal (deportation).

 Approval is **more difficult** to get.

In both cases, you must ask for it directly from the judge during your court hearing. To be granted voluntary departure, you must:

- admit to being in the U.S. without immigration documents,
- and withdraw any application or petition for immigration benefit (if one has been submitted).



WHY WOULD I WANT TO ASK FOR VOLUNTARY DEPARTURE?

If approved, voluntary departure **can prevent a deportation order from appearing on your record**. This could make it **easier for you to apply for immigration benefits**, such as a visa, in the future.

However, voluntary departure can also have **serious negative consequences for your future immigration case**. Keep reading to understand some of the risks.

WHAT ARE THE RISKS?



1. If you've been in the U.S. without papers for over a year, leaving voluntarily can **trigger a 10-year ban from coming back**. **Note:** *this does not apply to minors*. If you leave the U.S. before turning 18, you will not accrue unlawful presence.



2. You may have to **give up your chance to apply for asylum** or other legal protections.



3. In most cases, you will need to **pay for your travel back** to your country of origin.



4. If you don't leave on time, you could face **fines up to \$998 per day** and **be barred from re-entry to the U.S.**



SELF-DEPORTATION VS. VOLUNTARY DEPARTURE?

Careful! Although these two terms sound similar, **they are not the same thing**:

Self-deportation is an **informal term**. It basically means that **you leave the U.S. on your own, without getting permission from a judge**.

Self-deportation can have many of the same **risks** as voluntary departure. And on top of those risks, there is the possibility that you will end up with a removal order on your record.

VS

Remember, **Voluntary Departure** is a **formal legal process approved by an immigration judge**.

You must meet certain requirements and leave within a set time. If you follow the rules, you avoid a deportation order on your record.

WHAT'S NEW IN 2025?

On May 5, 2025, President Trump announced a **new self-deportation program through the CBP Home App**. Immigrants who are in the U.S. without documents can use the CBP Home App to submit an 'Intent to Depart' form.



Warning! This program **claims** to offer a \$1000 stipend, help with travel expenses, and a pause on enforcement actions (like detention) for those who want to self-deport (leave the country on their own). However, there is **NO legal guarantee** the \$1000 will be delivered or that departure will be handled in a safe and humane manner.



Important note: although you may hear the words 'voluntary departure,' **this program is a form of self-deportation**. This program is **not the same** as traditional voluntary departure granted by an immigration judge.

This process is **NOT a legal immigration benefit** and does **NOT protect your ability to return to the U.S.** in the future.

WHAT SHOULD I DO?



Talk to an immigration attorney before you make any decisions about voluntary departure or self-deportation. An attorney can help you understand your rights and how voluntary departure could affect your immigration case.

- **Note:** don't sign anything without talking to an attorney first.
- **Know your rights!** Remember, you have the right to remain silent, and the right to legal counsel.