# 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.

**UPDATED AUGUST 2025** 

#### 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.

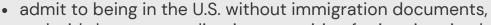
#### 2. POST-conclusion:

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:



 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.

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 selfdeport (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.



