



# Immigration Act 2016

## 2016 CHAPTER 19

### PART 3

#### ENFORCEMENT

##### *Detention and bail*

#### **59 Guidance on detention of vulnerable persons**

- (1) The Secretary of State must issue guidance specifying matters to be taken into account by a person to whom the guidance is addressed in determining—
  - (a) whether a person (“P”) would be particularly vulnerable to harm if P were to be detained or to remain in detention, and
  - (b) if P is identified as being particularly vulnerable to harm in those circumstances, whether P should be detained or remain in detention.
- (2) In subsection (1) “detained” means detained under—
  - (a) the Immigration Act 1971,
  - (b) section 62 of the Nationality, Immigration and Asylum Act 2002, or
  - (c) section 36 of the UK Borders Act 2007,and “detention” is to be construed accordingly.
- (3) A person to whom guidance under this section is addressed must take the guidance into account.
- (4) Before issuing guidance under this section the Secretary of State must lay a draft of the guidance before Parliament.
- (5) Guidance under this section comes into force in accordance with regulations made by the Secretary of State.
- (6) The Secretary of State may from time to time review guidance under this section and may revise and re-issue it.

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**Changes to legislation:** Immigration Act 2016, Section 59 is up to date with all changes known to be in force on or before 29 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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(7) References in this section to guidance under this section include revised guidance.

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**Commencement Information**

**I1** [S. 59](#) in force at 12.7.2016 by [S.I. 2016/603](#), [reg. 3\(1\)](#)

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)