



Immigration Act 2016

2016 CHAPTER 19

PART 6

BORDER SECURITY

76 Persons excluded from the United Kingdom under international obligations

- (1) In section 8 of the Immigration Act 1971 (exceptions for seamen, aircrews and other special cases) in subsection (5) after “expired” insert “ or otherwise ceased to be in force ”.
- (2) In section 8A of that Act (persons ceasing to be exempt) after subsection (3) insert—

“(4) References in this section to a person who ceases to be exempt do not include a person who ceases to be exempt by virtue of section 8B(3).”
- (3) Section 8B of that Act (persons excluded from the United Kingdom under international obligations) is amended as follows.
- (4) In subsection (1) after paragraph (b) insert—

“(and any leave given to a person who is an excluded person is invalid)”.
- (5) For subsection (3) substitute—

“(3) Any exemption of a person from the provisions of this Act under section 8(1), (2) or (3) does not apply while the person is an excluded person.”
- (6) In subsection (4) for “a designated instrument” substitute “an instrument falling within subsection (5) ”.
- (7) In subsection (5) for “The Secretary of State may by order designate an instrument” substitute “ An instrument falls within this subsection ”.
- (8) After subsection (5) insert—

“(5A) Subsection (1), (2) or (3) does not apply to a person if—

Changes to legislation: Immigration Act 2016, Section 76 is up to date with all changes known to be in force on or before 22 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](#)

- (a) the application of that subsection to that person would be contrary to the United Kingdom's obligations under—
 - (i) the Human Rights Convention (within the meaning given by section 167(1) of the Immigration and Asylum Act 1999), or
 - (ii) the Refugee Convention (within the meaning given by that provision), or
 - (b) the person has been exempted from the application of that subsection under a process applying by virtue of the instrument falling within subsection (5).”
- (9) Omit subsections (6) to (8).

Commencement Information

II [S. 76](#) in force at 12.7.2016 by [S.I. 2016/603](#), [reg. 3\(n\)](#)

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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\(4\)](#)