



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—

Status: This is the original version (as it was originally enacted).

- (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).