



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 10

SPECIAL IMMIGRATION STATUS

130 Designation

- (1) The Secretary of State may designate a person who satisfies Condition 1 or 2 (subject to subsections (4) and (5)).
- (2) Condition 1 is that the person—
 - (a) is a foreign criminal within the meaning of section 131, and
 - (b) is liable to deportation, but cannot be removed from the United Kingdom because of section 6 of the Human Rights Act 1998 (c. 42) (public authority not to act contrary to Convention).
- (3) Condition 2 is that the person is a member of the family of a person who satisfies Condition 1.
- (4) A person who has the right of abode in the United Kingdom may not be designated.
- (5) The Secretary of State may not designate a person if the Secretary of State thinks that an effect of designation would breach—
 - (a) the United Kingdom's obligations under the Refugee Convention, or
 - (b) the person's rights under the Community treaties.