



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 10

SPECIAL IMMIGRATION STATUS

131 “Foreign criminal”

- (1) For the purposes of section 130 “foreign criminal” means a person who—
 - (a) is not a British citizen, and
 - (b) satisfies any of the following Conditions.
- (2) Condition 1 is that section 72(2)(a) and (b) or (3)(a) to (c) of the Nationality, Immigration and Asylum Act 2002 (c. 41) applies to the person (Article 33(2) of the Refugee Convention: imprisonment for at least two years).
- (3) Condition 2 is that—
 - (a) section 72(4)(a) or (b) of that Act applies to the person (person convicted of specified offence), and
 - (b) the person has been sentenced to a period of imprisonment.
- (4) Condition 3 is that Article 1F of the Refugee Convention applies to the person (exclusions for criminals etc.).
- (5) Section 72(6) of that Act (rebuttal of presumption under section 72(2) to (4)) has no effect in relation to Condition 1 or 2.
- (6) Section 72(7) of that Act (non-application pending appeal) has no effect in relation to Condition 1 or 2.