

*These notes refer to the Criminal Justice and Immigration Act 2008 (c.4) which received Royal Assent on 8 May 2008*

# CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 10: Special immigration status**

#### ***Section 130: Designation***

768. This section allows the Secretary of State to designate a “foreign criminal” who is liable to deportation but who cannot be removed from the United Kingdom because of section 6 of the Human Rights Act 1998 and a family member of such a person (*subsections (1) to (3)*). Under *subsections (4) and (5)* a person who has a right of abode in the United Kingdom may not be designated and the Secretary of State may not designate a person where the effect of designation would breach the United Kingdom’s obligations under the Refugee Convention, or the person’s rights under Community treaties.