

# CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

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

#### **Section 132: Effect of designation**

775. **Section 132** sets out the effect of designation.
776. *Subsection (1)* specifies that a designated person does not have leave to enter or remain in the United Kingdom.
777. *Subsection (2)* ensures that, for the purposes of a provision of the Immigration Acts and any other enactment concerning or referring to immigration or nationality, a designated person is a person subject to immigration control, is not to be treated as an asylum-seeker or former asylum-seeker regardless of his status, and is not in the United Kingdom in breach of the immigration laws. *Subsection (3)* provides that time spent as a designated person may not be relied on by a person for the purpose of an enactment about nationality.
778. *Subsection (4)* specifies that a designated person shall not be deemed to have been given leave in accordance with paragraph 6 of Schedule 2 to the Immigration Act 1971 and may not be granted temporary admission to the United Kingdom under paragraph 21 of that Schedule. A person is deemed to have leave under paragraph 6 in certain circumstances which include, for example, where notice giving or refusing leave is not given before the end of twenty four hours after the examination of the person by an immigration officer under paragraph 2 of Schedule 2 to the Act. This provision has been disapplied as a designated person does not have leave to enter or remain in the United Kingdom (subsection (1)).
779. *Subsection (5)* notes that sections 134 and 135 make provision about support for designated persons and their dependants.