

Our Ref: IM-FOI-2015-1522



Sir Stephen House QPM
Chief Constable

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

I would like to know how the establishment of Police Scotland in 2013 has affected the nature of the operational relationship between the Scottish Police and Home Office Immigration Enforcement.

I would like to know if, since the formation of Police Scotland, there has been in change in:

- a) Policy**
- b) Procedure**
- c) Practice**

with regards to police attendance or assistance during Immigration Enforcement operations?

I have considered your request in terms of the above Act and have interpreted your request to mean Police Scotland's involvement in dawn raids to remove Asylum Seekers from Scotland. I would advise that this is not a police function and the only enforcement action that the Home Office Immigration Enforcement (HOIE) will take is against Asylum Seekers whose application to stay in the UK have failed.

In addition to this, they will, in the main, carry out these days of action without police assistance. Assistance will only be sought from Police Scotland when a risk assessment has been undertaken and due to the nature of the individual, or the location, police assistance is required.

Since the inception of Police Scotland, (HOIE) officers have been embedded in various departments within Specialist Crime Division of Police Scotland, and in addition, Police Scotland have seconded officers who work within the criminal investigation team of HOIE and their function is to investigate Immigration offences and criminality. This arrangement ensures joint working between both agencies.

I would like to know on how many occasions per year from 2008 to the present day have Police Scotland (formerly Strathclyde Police division) attended or assisted Immigration Enforcement officers at Ensured Removal operations (also known as 'dawn raids'). Please provide a breakdown for each year from 2008.

Police Scotland does not have the requested information as assistance can be requested via several different routes and for various reasons.

Therefore, in order to accurately answer this part of your request, we would have to manually examine a number of various databases in order to establish on how many occasions officers from Police Scotland attended or assisted Immigration Enforcement officers at Ensured Removal operations. This information is not recorded in an easily retrievable format and as you can appreciate, the task of manually searching thousands of incident reports would significantly exceed the prescribed sum as outlined in the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations, 2004. Consequently, we are not in a position to undertake this work for you, in terms of Section 12 of the Act – Excessive cost of compliance.

I would like to know under which lawful authority does Police Scotland attend or assist Immigration Enforcement raids.

As indicated above, Immigration Enforcement raids are not a police function. However Police Scotland may assist following an appropriate risk assessment of the individual, or location being attended. Police Scotland would attend to ensure no offences are committed and no further criminality is identified during the Enforcement action.

Was there ever a period in which Strathclyde Police or Police Scotland discontinued their assistance with Immigration Enforcement operations/Ensured Removal operations? If so, please outline when these periods occurred and any reasons for the discontinuation.

Since the inception of Police Scotland, there has been continued joint working with the Home Office Immigration Enforcement department.

Should you require any further assistance concerning this matter please contact me directly on 01224 305745 quoting the reference number given.

If you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of the decision. Should you wish to do so, contact details are; FOI Central Processing Unit, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - enquiries@itspublicknowledge.info

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

Yours sincerely,

Amanda Taylor
Information Management