| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0990  Responded to: 17 April 2024 |
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Your recent request for information is replicated below, together with our response.

1. **is your force required to inform the Home Office when you arrest/charge an asylum seeker/refugee with an offence.**
2. **does your force inform the Home Office when you arrest/charge an asylum seeker/refugee with an offence.**

When a Foreign National is arrested, charged or reported in Scotland either by fixed penalty/ASBO or any other direct measure then Police Officers are required to contact Home Office Immigration Enforcement (HOIE) National Command and Control Unit (NCCU). If the subject is an immigration offender, the NCCU will advise the officer to arrest for immigration purposes.

Police Officers are also required to submit an International Criminal Conviction Exchange Request (ICCE form) and if the offender holds convictions in a foreign country that are classed as high harm to UK communities this will be referred to HOIE for consideration of deportation, removal or curtailment.

Each division within Police Scotland collate their ICCE forms which have been submitted, however these will only be referred to HOIE if they meet criteria of High Harm Foreign Convictions or High Harm UK Conviction

We only get the immigration status once details are shared if they meet High Harm Criteria and if they’ve requested Asylum in the United Kingdom.

The legislation which allows for Police Scotland to report subjects to the Home Office comes under: Section 20 Immigration and Asylum Act 1999 - Powers to Supply Information for immigration purposes:

<https://www.legislation.gov.uk/ukpga/1999/33/section/20>

which is amended in accordance with subsections (2) to (10) of the following act:

<https://www.legislation.gov.uk/ukpga/2016/19/section/55/enacted>

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.