

**Mrs Gillian Imery QPM**  
HM Chief Inspector of Constabulary

John Finnie MSP  
Convener  
c/o Justice Sub-Committee Clerks  
Room T2.60  
The Scottish Parliament  
Edinburgh  
EH99 1SP

7 November 2018

Dear Convener

### **Police Scotland's role in the immigration process**

Thank you for your letter of 1 November 2018 requesting my view on the use of Police Scotland's resources to detain those removed from their residential properties on behalf of the Home Office.

Your letter notes that in our Thematic inspection of police custody arrangements (2014),<sup>1</sup> HMICS considered the effective management of foreign national offenders. We found that information about foreign national offenders could be gathered and shared more effectively. This issue was addressed by Police Scotland in the manner described at paragraph 251. Since the introduction of Operation Nexus, we have not identified any further evidence during our custody inspections to indicate that the issue persists. In our report of an inspection of the management of intelligence, we commented on the impact of Operation Nexus.<sup>2</sup> However, this report was published in early 2015 and Police Scotland may be able to provide the Sub-Committee with further information about the implementation and impact of Operation Nexus since then.

In relation to the detention of individuals under immigration law, in an inspection of custody centres located in Dumfries and Galloway Division in 2016, we noted that:

'At Stranraer, there is a higher than average proportion of people detained under immigration legislation due to the custody centre's proximity to the port. Immigration detainees are generally held for a short period of time before being collected by a private company contracted by the Home Office and escorted to immigration removal centres. We heard conflicting information from staff about whether immigration detainees were collected timeously. Some said detainees are mostly collected within 24 hours, while others reported delays of a few days. Immigration detainees should not be held in police custody for any longer than is necessary.'<sup>3</sup>

<sup>1</sup> HMICS, [Thematic inspection of police custody arrangements](#) (2014), paragraphs 250-251.

<sup>2</sup> HMICS, [Local Policing+ Inspection Programme: Inspection of the management of intelligence in Ayrshire Division and the National Intelligence Bureau](#) (2015), from paragraph 152.

<sup>3</sup> HMICS, [Local Policing+ Inspection Programme: Inspection of Dumfries and Galloway Division](#) (2016), paragraph 252.



We recommended that Police Scotland should monitor the length of time immigration detainees spend in police custody and, where necessary, liaise with relevant partner organisations to minimise the duration of their stay. This recommendation has since been closed, as Police Scotland provided information that its Force Custody Inspector monitors immigration detainees and would escalate delays to the relevant partner agency.<sup>4</sup>

Aside from the custody inspection referenced above, Police Scotland's role in the immigration process has not been identified as an issue or concern in any other inspection activity undertaken by HMICS.

Police Scotland's role in the immigration process is not an area where HMICS has specifically focused in recent years as the issue has also not been raised as a concern with us when we have consulted stakeholders on our previous annual scrutiny plans. Consultation in respect of the 2019-20 HMICS Scrutiny Plan is scheduled to commence in the near future and the feedback provided will be a key consideration in the development of that plan and the areas where future focus is directed.

I trust that the information above will be of value, however please do not hesitate to contact me if you require anything further.

Yours sincerely



**Gillian Imery**  
HM Chief Inspector of Constabulary

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<sup>4</sup> HMICS, [Inspection of custody centres across Scotland](#) (2018), page 39.