| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-2653  Responded to: 22 August 2025 |
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## Your recent request for information is replicated below, together with our response.

1. **What is the procedure / policy used when an illegal migrant / asylum seeker is arrested on suspicion of having committed an offence**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies.

To explain, there is no Standard Operating Procedure (SOP) specific to the circumstances set out in your request, general SOPs would apply – to be of assistance, these can be found on Police Scotland’s website here: [Standard Operating Procedures - Police Scotland](https://www.scotland.police.uk/access-to-information/policies-and-procedures/standard-operating-procedures/).

1. **How many illegal migrants / asylum seekers have been arrested on suspicion of having committed an offence in the Aberdeenshire / Grampian area**
2. **What are the offences suspected in 2 above**
3. **What is the sex of those arrested in 2 above**
4. **How many in 2 above have subsequently had an appearance in court in Scotland after their arrest**

The Criminal Justice (Scotland) Act 2016 removed the separate concepts of arrest and detention and replaced them with a power of arrest without warrant - where there are reasonable grounds for suspecting a person has committed, or is committing, an offence.

When a person is arrested, a statement of arrest should be read over as soon as reasonably practicable, and details recorded in the arresting officer’s notebook.

A person is ‘Not Officially Accused’ (a suspect) when arrested *and* *not* cautioned and charged. They are ‘Officially Accused’ once arrested *and* cautioned and charged.

If conveyed to a police station, the arrested person will have their details recorded in our National Custody System.

There are situations however whereby a person must be released from police custody prior to their arrival at a police station - effectively they are ‘de-arrested’ - where the reasonable grounds for suspicion no longer exist. In those circumstances, the details of an arrested person are not held electronically.

As a result, we are unfortunately unable to collate comprehensivearrest data, as case by case assessment of all officer notebooks would be required - in addition to the partialarrest data held in the National Custody System.

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

For the reasons outlined above, Police Scotland do not collate data on arrests.

Instead, data is compiled and published based on recorded and detected crimes - [Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/).

Detected crimes are those where an accused has been identified and there exists a sufficiency of evidence under Scots Law to justify consideration of criminal proceedings.

Furthermore, even if we were to consider your request in terms of recorded and detected crimes, there is no marker etc. on the crime recording systems which would suggest an accused is an ‘illegal migrant/ asylum seeker’ at the time of the offence. Each crime report would need to be individually reviewed for relevance. ​

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.