

# Citizen Participation and Public Petitions Committee

18th Meeting, 2023 (Session 6), Wednesday  
6 December 2023

## PE2049: Introduce buffer zones outside migrant accommodation

<b>Petitioner</b>	Gilliane Petrie
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to introduce buffer zones outside migrant accommodation to prevent anti-migrant groups from gathering in these spaces, and help protect occupants, including asylum seekers and refugees, from harassment and intimidation.
<b>Webpage</b>	<a href="https://petitions.parliament.scot/petitions/PE2049">https://petitions.parliament.scot/petitions/PE2049</a>

### Introduction

1. This is a new petition that was lodged on 21 September 2023.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 70 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. Members may wish to note that the Equalities, Human Rights and Civil Justice Committee published its report, [The Human Rights of Asylum Seekers in Scotland](#), on 24 October 2023.

### Action

The Committee is invited to consider what action it wishes to take on this petition.

**Clerk to the Committee**

# Annexe A

## PE2049: Introduce buffer zones outside migrant accommodation

### Petitioner

Gilliane Petrie

### Date Lodged:

21 September 2023

### Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce buffer zones outside migrant accommodation to prevent anti-migrant groups from gathering in these spaces, and help protect occupants, including asylum seekers and refugees, from harassment and intimidation.

### Previous action

I have contacted the Scottish Government, who confirmed that they have no plans to implement exclusion zones around migrant accommodation.

I have also contacted my MP, local council and the police.

### Background information

The Muthu Hotel in Erskine has been subjected to demonstrations by the far-right Patriotic Alternative and Homeland groups for several months now. Residents of the hotel have already been through trauma and have to see and hear this racist demonstration outside their home.

Elgin has also recently been targeted by a neo-Nazi group.

It wouldn't be acceptable gather like this outside anyone's home - and it's not acceptable to do it outside these hotels. Scotland should be a safe space for all its residents. It is disgusting that refugees and asylum seekers have to see and hear racist abuse at any time, and it is outrageous and unacceptable that asylum seekers are singled out and targeted by racists, unable to feel safe in their accommodation.

Scotland welcomes refugees and we do not accept these racist demonstrations by a tiny minority, which should have no place in a civilised society.

## Annexe B

The logo for SPICe, featuring the text 'SPICe' in white on a dark blue background.

The Information Centre  
An t-Ionad Fiosrachaidh

# Briefing for the Citizen Participation and Public Petitions Committee on petition PE2049: Introduce buffer zones outside migrant accommodation, lodged by Gilliane Petrie

## Brief overview of issues raised by the petition

The petitioner is calling on the Scottish Parliament to urge the Scottish Government to introduce buffer zones outside migrant accommodation to prevent anti-migrant groups from gathering in these spaces, and help protect occupants, including asylum seekers and refugees, from harassment and intimidation.

Reference is made to the demonstrations by far-right groups, held outside hotels in Erskine and Elgin, where asylum seekers are accommodated.

See, for example: [Letter from Scottish Refugee Council to Home Secretary](#) calling for zero tolerance of far-right extremism at hotels housing asylum seekers, 23 February 2023:

“We are now aware of a burgeoning far-right mobilisation across the UK, including in Scotland, most recently in Erskine”

## Housing asylum seekers

Immigration and asylum are reserved matters. The Home Office has a duty to provide asylum seekers with accommodation if they are assessed as destitute and have nowhere else to stay while their claim is assessed.

[Living in dispersal accommodation](#) (March 2023) is the Home Office guide on the asylum accommodation journey. The first stage is for people to be housed in 'initial accommodation'. This is a hostel-type environment or can be a hotel. The length of stay in a hotel can vary before asylum seekers move on to dispersal accommodation. This is where they would stay longer term, and would be community based, while they are having their claim processed.

Once a claim has been determined, an asylum seeker would need to leave asylum accommodation. If granted leave to remain, they would be entitled to work, to claim benefits and look for housing. Those whose claim is unsuccessful are expected to leave the UK.

For reasons set out below, an increasing number of asylum seekers are now living in hotels and for longer periods.

## Where do asylum seekers live in Scotland?

The Home Office publishes [quarterly data on immigration](#). The latest data is for year ending June 2023. It shows that there were ten Scottish local authorities housing 662 asylum seekers in hotels: Aberdeen City, Aberdeenshire, Edinburgh, Falkirk, Glasgow, Inverclyde, Moray, Perth and Kinross, Renfrewshire and South Lanarkshire. This compares with 4,558 asylum seekers living in dispersed accommodation, most of whom are in Glasgow. There were 103 asylum seekers in receipt of subsistence only, meaning they were living with friends or family.

There is no official data on where refugees live because they have access to housing the same as UK citizens.

## Equalities, Human Rights and Civil Justice Committee – Inquiry on Asylum Seekers in Scotland

On [7 February 2023](#), the Committee invited stakeholders to talk about race inequality in Scotland. One of the things that came out strongly was that Scotland should do more within its powers to help asylum seekers integrate into communities.

Pinar Aksu, of [Maryhill Integration Network](#), referred to the demonstrations at Erskine:

“... we are worried about the safety and wellbeing of the people who have been placed in that hotel. Of course, that it is happening not just in that hotel in Erskine but in other hotels across Scotland and the UK. How are we ensuring that people in the local communities know the facts about why people are being placed in hotel accommodation?”

The Committee undertook an inquiry on [Asylum Seekers in Scotland](#) between April and June 2023. It heard from: charities that support refugees and asylum seekers, local authorities, COSLA, Police Scotland, private contractors employed by the UK Government, and Emma Roddick MSP, the Minister for Equalities, Migration and Refugees. It also held informal engagement sessions with asylum seekers and refugees.

The Committee heard how the use of hotels to house asylum seekers in Scotland began during the first COVID-19 lockdown. This practice has continued, and witnesses suggested several reasons for this including:

- the backlog in the processing of asylum claims
- an increase in asylum claims
- a lack of available housing.

It was predicted that the use of hotels would continue and increase. First, because of an agreement to widen the asylum dispersal policy across Scotland (between Home Office and Scottish local authorities), where previously Glasgow has been the only dispersal region in Scotland, and the lack of suitable accommodation available. Second, the potential impact of the [Illegal Migration Act 2023](#) (not fully in force), which aims to detain asylum seekers, and then deport them to their own country or to a safe third country. It is unclear how this Act will work in practice and what it might mean in terms of the temporary housing of asylum seekers.

The Committee heard several concerns about the practice of using hotels to house asylum seekers continuing. Hotels are challenging places to live for lengthy periods. This has an impact on the mental health of asylum seekers who have already experienced trauma. It also affects their access to services, such as health and education.

In addition, community tension can develop when a local hotel is used to house asylum seekers. Where there is local hostility, asylum seekers will feel isolated and have difficulty with integration.

The Committee heard conflicting evidence about the planning which takes place before hotels are used to house asylum seekers. For example, [Mears](#) (the Home Office private contractor), local authorities and the Police, said they were involved in meetings that would be able to address any community concerns. Third sector organisations and asylum seekers said there was a failure to work with communities beforehand.

No-one raised the idea of a 'buffer zone' during the inquiry. The focus was on communication among the key organisations, local community, and asylum seekers.

The Committee's draft report was [agreed](#) on 26 September 2023, with publication due the week beginning 23 October 2023.

## What are 'buffer zones'?

Gillian Mackay MSP introduced the [Abortion Services \(Safe Access Zones\) \(Scotland\) Bill](#) on 5 October 2023. It will establish 'safe access zones' (often referred to as 'buffer zones') around healthcare settings providing abortion care. The Bill has the support of the Scottish Government.

The aim is to address the anti-abortion activity that takes place outside healthcare settings providing abortion care.

Testimonies of those accessing and providing abortion services suggest this activity can be distressing. They said it can have an emotional and psychological impact, compounding what is already a difficult and painful experience.

The Bill aims to protect anyone accessing treatment and anyone who provides such treatment by creating a 200m automatic safe access zone, extending in all directions from the protected premises.

There are further provisions that:

- allow health providers to respond to local circumstances by providing them with the ability to apply for an extension of the safe access zone
- creates offences to prevent individuals from engaging in harmful behaviours inside a safe access zone

- safeguards the rights of those who wish to protest or otherwise demonstrate opposition to abortion by limiting the prohibition to activities within the boundary of the zone.

## How might buffer zones apply to ‘migrant accommodation’?

There are some similarities with the aim of the Abortion Services (Safe Access Zones) (Scotland) Bill.

For example, the [Policy Memorandum](#) discusses where there are competing human rights. Like those seeking abortion healthcare, asylum seekers living in hotels have the right to respect for family and private life (Article 8).

Protesters would have the following rights:

- Article 9 (freedom of thought, conscience and religion)
- Article 10 (freedom of expression)
- Article 11 (freedom of assembly and association).

A range of non-legislative alternatives was considered, but it was concluded that these would not provide consistent protection for individuals accessing abortion services.

Legislative provision for safe access zones around premises providing abortion services has been made in England, Wales and Northern Ireland, while the Republic of Ireland is in the process of considering a Bill to establish them.

However, SPICe is not aware of any similar legislation that would create safe access zones around accommodation that houses asylum seekers.

**Nicki Georghiou**  
**Senior Researcher**  
**13 October 2023**

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot)

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



# Annexe C

## Scottish Government submission of 27 October 2023

### PE2049/A: Introduce buffer zones outside migrant accommodation

Thank you for the email of 22 September, on behalf of the Citizen Participation and Public Petitions Committee, seeking the Scottish Government's views on Petition PE2049, which calls on the Scottish Parliament to urge the Scottish Government to introduce buffer zones outside migrant accommodation to prevent anti-migrant groups from gathering in these spaces, and help protect occupants, including asylum seekers and refugees, from harassment and intimidation.

Ms Petrie previously wrote to the Scottish Government to ask whether exclusion zones, similar to those proposed under Gillian Mackay MSP's Member's Bill for safe access zones, to ensure safe access to healthcare facilities that provide abortion services, would be considered around migrant accommodation. The Committee will be aware of the Member's Bill and its specific purpose.

The letter Ms Petrie sent to the Scottish Government asked about the potential to establish buffer zones around migrant accommodation. However, the context of the letter was specifically focused on hotels procured by the Home Office to provide contingency asylum accommodation, rather than the broader question set out in her petition in terms of migrant accommodation.

A reply to Ms Petrie dated 21 August set out that, although there are no considerations currently for exclusion zones around hotels being used by the Home Office to provide contingency asylum accommodation, the Scottish Government strongly believes that everyone has the right to be, and feel, safe and secure in the place they are living and in the community.

As the petition refers to migrant accommodation, a clear definition of migrant accommodation in relation to the call being made would need to be established, as well as careful consideration of the purpose, risks and benefits of creating buffer zones. If the outcome of such consideration

concluded that buffer zones should be created, there would then be a need for work to consider the practicalities around implementation.

### **Accommodation**

The Committee may want to consider the various types of accommodation which migrants, people seeking asylum and refugees may be living in. Refugees recently arrived through UK refugee resettlement programmes may be living in flats and houses within communities. Recently recognised refugees (who have received a positive asylum decision from the UK Government) may be accessing local authority housing or homelessness services. Migrants' housing options will vary depending on their specific circumstances, but most will be unable to access local authority housing or homelessness services due to restrictions applied through reserved immigration legislation and rules. People seeking asylum, who would otherwise be destitute while awaiting a decision on their asylum application, can apply to be provided with accommodation by the Home Office. This is provided on a no-choice basis and may be in dispersal accommodation within communities or, due to current pressures in the asylum system, may be in contingency asylum accommodation (e.g. hotels or other large sites).

Any proposal for the introduction of buffer zones would need to be carefully considered in terms of the risks and benefits of establishing zones, as well as practical considerations of how such zones would operate. For example, the likelihood of changes to the location of accommodation and access to information about relevant accommodation would need to be considered, particularly if that accommodation is provided under the reserved asylum system.

In the case of contingency asylum accommodation, the Scottish Government is clear that use of hotels is not suitable and is not comparable to use as temporary accommodation for other groups. Such asylum accommodation provision should therefore be short-term. The UK Government has announced plans to begin to close contingency asylum hotels across the UK. The Scottish Government remains concerned about potential use of alternative accommodation and will continue to raise issues which impact people seeking asylum and our communities with the UK Government. People seeking asylum should be accommodated within communities, with access to the essential services and support they need.

## **Existing legislation and powers**

The right to peaceful public assembly and freedom of expression are important rights that the Scottish Government is committed to uphold. This includes both the right to protest and the right to hold a counter protest. However, these rights must be balanced with the rights of communities affected by such events, including members of the community being able to go about their business without fear for their safety. The right to peaceful public assembly and expression should never be used to justify any form of hateful, violent, intimidating or otherwise criminal behaviour. Such behaviour is not something that will be tolerated, and we support Police Scotland to take appropriate action in response to criminal offences arising.

Senior Officers of Police Scotland have powers available under the Public Order Act 1986 to impose conditions on public assemblies to deal with any serious disorder arising and to ensure that public safety and order is maintained. The Scottish Government fully supports Police Scotland to take appropriate and proportionate action to safeguard public safety. The deployment of police officers and decisions around the use of tactical options for crowd management is a matter for Police Scotland. In addition, at all times, Police Scotland has existing powers available to them to deal with any criminality arising from protests, which can be used to ensure that public safety and order is maintained. We fully support them to apply these powers as needed and to work with local authorities and local communities in a constructive and collective way.

## **Hate Crime reporting**

The Scottish Government encourages anyone who has experienced or witnessed any form of harassment or hate crime to report it to Police Scotland, by dialling 999 in emergencies or 101 in non-emergencies. Alternatively, reports can be made online by completing Police Scotland's online hate crime reporting form. There are also third-party reporting centres where specially trained staff can provide support and assistance in submitting a report to the police on someone's behalf. Hate crimes can also be reported anonymously by contacting Crimestoppers.

As indicated to Ms Petrie previously, this is not something the Scottish Government has considered to date and as outlined above there are a

number of complex issues which would need to be worked through. I have therefore asked Scottish Government officials to undertake initial scoping in terms of potential feasibility.

I hope that this information is helpful for the Committee when considering Petition PE2049.

Yours sincerely,

**EMMA RODDICK**  
**MINISTER FOR EQUALITIES, MIGRATION AND REFUGEES**