

Citizen Participation and Public Petitions Committee  
Wednesday 9 October 2024  
15th Meeting, 2024 (Session 6)

## PE2049: Introduce buffer zones outside migrant accommodation

### Introduction

**Petitioner** Gilliane Petrie

**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.

**Webpage** <https://petitions.parliament.scot/petitions/PE2049>

1. [The Committee last considered this petition at its meeting on 6 December 2023.](#) At that meeting, the Committee agreed to write to the Scottish Refugee Council, JustRight Scotland, COSLA, Police Scotland and the Mears Group.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from Police Scotland, the Mears Group, JustRight Scotland, and COSLA, which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial position on this petition on 27 October 2023.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 77 signatures have been received on this petition.

### Action

8. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee**  
**October 2024**

## **Annexe A: Summary of petition**

### **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 to 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: Extract from Official Report of last consideration of PE2049 on 6 December 2023**

**The Convener:** Our final petition for consideration this morning is PE2049, on the introduction of buffer zones outside migrant accommodation, which has been lodged by Gilliane Petrie. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce buffer zones outside migrant accommodation to prevent anti-immigrant groups from gathering in those spaces and to help to protect occupants, including asylum seekers and refugees, from harassment and intimidation.

The petition has been prompted by concerns about demonstrations taking place outside hotels that are being used to temporarily house refugees and asylum seekers. The petitioner has provided examples of demonstrations that have targeted accommodation in Erskine and Elgin.

In her response to the petition, the Minister for Equalities, Migration and Refugees highlights the Scottish Government's previous engagement with the petitioner and the need to establish a clear definition of migrant accommodation. She also notes that consideration would have to be given to the purpose, risks and benefits of creating buffer zones. Given the complexity of those issues, which I imagine are considerable, the minister has asked officials to undertake an initial scoping of the potential feasibility of the petitioner's ask.

The minister also notes the existing powers that are available to Police Scotland to deal with any serious disorder arising from public assemblies, and she encourages anyone who has experienced or witnessed any form of harassment or hate crime to report it to the police.

Do members have any comments or suggestions?

**David Torrance:** I wonder whether the committee would consider writing to the Scottish Refugee Council, JustRight Scotland, COSLA, Police Scotland and the Mears Group to draw their attention to the Scottish Government's initial view, and to seek their views on the action that is called for in the petition.

**The Convener:** Are members content for us to do so?

**Members** *indicated agreement.*

## **Annexe C: Written submissions**

### **Police Scotland submission of 10 January 2024**

#### **PE2049/B: Introduce buffer zones outside migrant accommodation**

I refer to your email of 8 December requesting Police Scotland respond to a petition lodged with the Citizen Participation and Public Petitions Committee of the Scottish Parliament for consideration to be given to introducing buffer zones outside migrant accommodation. This is in response to concerns about demonstrations taking place outside hotels that are being used to temporarily house refugees and asylum seekers.

The proposal is primarily a matter for Scottish Government to consider, however any policing response provided by Police Scotland in respect of protest activity is based on each individual instance and can vary greatly. Police Scotland considers that police powers are currently sufficient to address any unlawful behaviour which may arise in the vicinity of any migrant accommodation as a result of such protests.

Police Scotland has a proven track record of policing and facilitating peaceful protest. Articles 9 (the right to freedom of thought, conscience and religion), 10 (The right to freedom of expression) and Article 11 (the right to freedom of association), under the European Convention of Human Rights (ECHR), all have to be routinely balanced by Commanders when considering how best to police protests.

Consideration will always be given to these rights when they are at odds with legislation in a practical setting (i.e. primacy of legislation). In the context of the potentially affected ECHR rights, they may be interfered with by a public authority on grounds of public safety, public order, health or morals, and the rights and freedoms of other people.

There is an anticipated resourcing implication for police given that protests of this nature can be frequent, spontaneous and prolonged. It may also be reasonably anticipated that newly created safe zones will cause increased policing demand to both educate and enforce the legislation. Approaches would range from no police attendance unless called to deal with an emerging incident, to providing a passing police attendance if considered that assurance was required, to a planned or spontaneous deployment of police including Public Order or other specialist officer deployment.

I trust this information is helpful, but should you wish to discuss this matter further please contact my office.

### **Mears Group submission of 11 January 2024**

#### **PE2049/C: Introduce buffer zones outside migrant accommodation**

Thank you for your correspondence in relation to petition PE2049: Introduce buffer zones outside migrant accommodation. Mears Group appreciate the Committee providing an opportunity for us to provide our view.

Mears Group believe that any decision about buffer zones would be a matter for the Home Office as the Contracting Authority, in discussion with Police Scotland. Mears Group currently operate 17 hotels in Scotland, and, as requested by Home Office ministers are closing hotels on a phased basis as part of the government asylum hotel exit programme.

We have experienced a limited number of protests to date. These have been well managed and largely peaceful. Private security teams have a legal power to remove people from private land and they are supported in doing so by police. This has been an effective tool in managing protests. Comprehensive security measures are deployed to protect service users. This includes security officers, CCTV, fencing where appropriate, and strong relationships with local police (including calling on police support and resources if required).

Mears Group thank the committee.

## **JustRight Scotland submission of 17 January 2024**

### **PE2049/D: Introduce buffer zones outside migrant accommodation**

#### **About JustRight Scotland**

[JustRight Scotland](#) is a registered charity (SC047818) established by an experienced group of human rights lawyers. We use the law to defend and extend people's rights, working collaboratively with non-lawyers across Scotland towards the shared aims of increasing access to justice and reducing inequality.

#### **Our Response**

We welcome the opportunity to respond to the Citizen Participation and Public Petitions Committee in relation to petition PE2049.

The rights to freedom of expression and peaceful assembly are fundamental rights, and lawful interference should be kept to a minimum. We support tightly defined safe access zones in very limited circumstances as a necessary, effective and proportionate means to uphold fundamental rights, as highlighted in our recent [response](#) from the Scottish Women's Rights Centre to the Scottish Government's consultation on the Abortion Services (Safe Access Zones) Bill, in December 2023.

We are not convinced that the same compelling arguments arise in favour of designating protest buffer zones near migrant accommodation in Scotland, as do in safeguarding the rights of women to access healthcare facilities.

We believe that there is much more that can be done to prevent the present and future harms raised in the petition, particularly by the UK Home Office, Scottish Government and Scottish local authorities, to ensure the rights of people seeking asylum are respected, starting with ending the use of institutionalised accommodation.

## Background to the Current Situation

As an emergency measure at the start of the pandemic, people seeking asylum were moved by the Home Office into hotels in Glasgow. In November 2021, Aberdeen, together with three other local authorities in the central belt, started to accommodate people seeking asylum in hotels. This occurred with very little notice and inadequate funding for the public and third sector, and happened before the UK Government announced its policy shift to full dispersal<sup>1</sup>.

Currently, there are 17 hotels in use across Scotland, accommodating over 1000 people, and the Home Office has indicated they intend to continue and expand their use of institutional accommodation for asylum seekers in Scotland.

Together with the Roof Coalition, a coalition of frontline and grassroots civil society organisations across Scotland, we have repeatedly raised concerns about the use of institutional accommodation by the UK Home Office, as well as the inadequacy of the response by Scottish Government and Scottish local authorities, which falls significantly short of a rights-based approach.

Civil society organisations have struggled to reach and support asylum seekers in these hotels, particularly those furthest from the Central Belt, and we are witnessing significant and widening gaps in access to justice for people in hotel accommodation. For this reason, JustRight Scotland has launched a new initiative, the Rights Reps project, working to directly support asylum seekers in hotel accommodation to better understand their rights, and to support their peers to evidence rights breaches occurring in the hotels.

## Risks of Institutional Accommodation

We outline some key concerns that have arisen in relation to how asylum seekers are currently accommodated in hotels across Scotland:

Destitution - Almost all people seeking asylum are prevented from working in the UK, and they can only rely on the less than adequate asylum support rates. If people are in accommodation where food is provided, they receive £9.58 per week. If food is not provided, they receive £47.39 per week. We believe this is state-enforced destitution and we call for an increase in asylum support rates to equivalent rates in mainstream benefit system, as well as supporting the [Lift the Ban](#) Campaign, which calls for the right to work for people seeking asylum, and their adult dependants.

Access to health and mental health services - We are deeply concerned about the physical and mental impact that hotels and other inadequate forms of accommodation have on individuals, families, and children. Those [people are at](#)

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<sup>1</sup> The full-dispersal policy currently implemented by the Home Office is cause of grave concerns. Glasgow has been the only dispersal area in Scotland for over two decades, resulting in the city having services and infrastructure in place to support asylum seekers. Other local authorities across Scotland do not have the right services in place, including a lack of legal, health and housing support. This issue has been compounded by the Home Office *Operation Maximise*, which has seen the introduction of room sharing in asylum accommodation.

[higher risk of being trafficked and exploited](#), and there is overwhelming [evidence about hundreds of unaccompanied children going missing](#) from Home Office hotels.

When [we gave evidence to the Equalities, Human Rights and Civil Justice Committee](#), we made reference to children being accommodated in a hotel within Glasgow City Council. Between January 2022 and June 2023, we represented six unaccompanied children who were accommodated in a hotel for periods ranging from 3 weeks to several months. We recognise that this happens due to severe resource constraints. Our evidence on this point stressed the need for additional funding and support to the statutory sector to ensure that hotels are not being used to accommodate children.

Inadequate forms of accommodation, coupled with the lack of access to appropriate health and mental health services, have led to the tragic events on the Bibby Stockholm, at Brook House, at Park Inn, highlighting the toll the immigration system takes on the mental health of those seeking sanctuary in the UK.

Lack of leadership in relation to connecting with host communities and lack of community integration - The use of institutionalised accommodation has been characterised by a lack of consultation from the UK Government with hosting communities and local government, and a lack of adequate funding. This placed additional burden to local authorities and communities as they do not have the right infrastructure in place to support people seeking asylum and lack resources and services needed to ease the integration process.

The Scottish Government and local authorities have a key role to play in creating a system which falls in line with the vision of the New Scots Strategy for a “*welcoming Scotland where refugees and asylum seekers are able to rebuild their lives from the day they arrive*”<sup>2</sup>.

We stand with the Refugees for Justice and the Roof Coalition in calling for an end to hotel accommodation and to safe dispersal housing for all, and call for a human rights-based approach to housing designed to:

- Ensure New Scots are housed in communities where they can integrate,
- Ensure New Scots are supported to access their rights and entitlements and their human rights are respected and protected across Scotland
- Provide Scottish local authorities and public services with powers and resources to deliver housing and support to asylum seekers in line with Scottish housing and care standards to ensure equality for all Scottish residents regardless of their immigration status.

We invite all civil society organisations, policy makers, and public services across Scotland to say no to the normalisation of the use of hotel accommodation.

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<sup>2</sup> <https://www.gov.scot/publications/new-scots-refugee-integration-strategy-2018-2022/documents/>

## **Conclusion**

For the reasons set out above, we reiterate our position that the rights to freedom of expression and peaceful assembly are fundamental rights, and lawful interference should be kept to a minimum and done cautiously. We believe there is much more that can be done in Scotland to ensure those seeking asylum are safe and secure in the place they are living and in the community.

We ask for the Committee to make a positive call for a human-rights based approach to housing and accommodation for people in the asylum system. For so long as asylum seekers continue to be housed in hotels, we ask for communities to be involved throughout the process ensuring they are supported and enabled to participate in refugee integration, and for adequate resources in place to fund the work of local authorities and services, as well as vital third-sector organisations.

## **COSLA submission of 20 February 2024**

### **PE2049/E: Introduce buffer zones outside migrant accommodation**

At present COSLA does not have a position on this particular issue. We shall inform you if this should change.