

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.

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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

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