

# 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 PE 2049, 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**