

Introduce buffer zones outside migrant accommodation PE2049

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.

We provide legal advice and representation on human rights and equalities issues across a range of legal areas including: women's legal justice, trafficking and labour exploitation, EU citizen rights, migration and citizenship, disability and trans legal justice. Whilst our work is specific to Scotland, our work covers both devolved and reserved policy areas, and as such we endeavour to respond to policy consultations across both Scotland and UK, where appropriate.

As public lawyers for people who face systemic inequalities, discrimination and disadvantage, we use the provisions of the Human Rights Act 1998 (HRA) in our work, daily. In addition to providing direct legal advice to clients, we also run outreach legal surgeries and helplines, deliver rights information, training and legal education, and contribute to research, policy and influencing work.

Our Response

Our Response to the Citizen Participation and Public Petitions Committee in relation to petition PE2049.

JustRight Scotland

JustRight Scotland is a Scottish Charitable Incorporated Organisation (SC047818) which provides legal services through its limited liability partnership, JustRight Scotland LLP which trades as JustRight Scotland (SO305962). This firm has been authorised to act as solicitors by the Law Society of Scotland (Registered No 53703).

Room 1, 1st Floor, Libertas
House, 39 St Vincent Place,
Glasgow, G1 2ER

W ▶ www.justrightscotland.org.uk
T ▶ @justrightscot

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 dispersal¹.

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

¹ 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.

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 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*”².

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.

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.

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



For further information, please contact JustRight Scotland at:

Sabrina@justrightscotland.org.uk

12.01.2024