



## In my Father's house are many rooms ... (John 14:2)

### A response to the Syrian refugee crisis



There is a gathering concern about the on-going refugee crisis and its affect across Europe. Church bodies have questioned the way in which this crisis is being handled. In the UK we have seen for example the joint letter from 84 Church of England Bishops to the Prime Minister, urging the Government to consider taking 50,000 Syrian refugees over the next 5 years, as opposed to the 20,000 they have resolved to take. To put this in perspective there are some 8 million displaced people within Syria and about 4 million in the diaspora.

There is significant practical guidance and signposting being offered to those who want to help, for example information has been provided on the [Church of England's website](#) and on a dedicated section of the [Catholic Bishops' Conference's website](#). Much of the guidance is aimed at offering properly targeted and co-ordinated financial support, mentoring and guidance, and above all prayer.

One area, though where legal input may be relevant, is in relation to the provision of accommodation. The Government have said in their official guidance that, in relation to these refugees, there is “*no need for your spare bedroom*”. However, the Home Affairs Committee chairman, Keith Vaz, recently said that the refugee crisis had reached an “*unimaginable scale*” and that “*housing is likely to be one of the most difficult issues and it may be that, properly organised and supported, offers of private accommodation will be a helpful, viable and perhaps essential part of the solution*”.

In the Catholic Church, Pope Francis has appealed “*to the parishes, religious communities, monasteries, and shrines throughout Europe to express the reality of the Gospel and accommodate a family of refugees*”. A significant call to those who can provide accommodation.

So, if your house has many rooms, are there any legal issues to consider?

### Syrian Refugees resettled by the Government

The Government has formally pledged to resettle 20,000 Syrian refugees over the next 5 years. There is a formal process that is followed to identify the refugees that will be resettled through this programme and this is carried out by the Home Office alongside the local authorities. The Government and the European Union will be funding the accommodation costs for these refugees for their first 12 months in the country.

If your organisation has empty properties (as opposed to rooms) that you want to offer, then the recommendation is that you approach the relevant local authority where the property is located, and offer it to the local authority. The local authority would then treat your organisation as a private

landlord, and the housing costs charged to the refugee for the first 12 months would be paid by the local authority.

The local authority would expect a formal tenancy agreement in place. Local authorities prefer to rent properties as opposed to rooms so that the refugees who are accommodated get stability through the security of a tenancy agreement and the feeling of their own property.

If your organisation has empty properties that are available for rental then the legal issues you need to consider would be:

- (a) **Is this rental activity within your charitable objects?** If your charity has very broad objects, e.g. to advance a particular faith or religion, then this will probably be acceptable. However, if your charity's objects are to provide for education, then renting out empty rooms in your property would not fall within your charitable objects (although it could be seen as an investment activity).
- (b) **Should you charge a rent to comply with Charities Act 2011 provisions?** The answer to this would depend, if you are renting to a beneficiary within your charitable objects it would fall outside of the Charities Act provisions and a market rent need not be charged. However, if the activity is outside, of your objects market rent would have to be charged, but this should not be an immediate issue as the local authority will fund the first 12 months of the costs.
- (c) **Is the accommodation up to scratch?** You would have to meet all the normal legal obligations on a private landlord which are extensive. In addition, there would clearly be a reputational issue to consider. If a charity were to rent a dilapidated property to refugees and they were injured in some way, the media would be likely to go into overdrive in a similar way to the recent experiences in relation to fundraising.

### **Destitute refugees**

Where the demand for "spare rooms" is more likely to arise is in relation to the estimated 200,000 refugees who have been unable to prove their case to be granted asylum in this country, but who are afraid to return home due to fear of persecution. They find themselves here without any or little financial support (as the support comes with being granted asylum), no provision of accommodation and the authorities keen to deport them. The position here is far more difficult, as the individuals involved are destitute and are potentially here illegally.

The provision by your organisation of a "spare room" will raise a number of legal and practical issues:

- (a) **Is this within your charitable objects (as discussed above)?**
- (b) **Should you charge a rent (as discussed above)?** An important issue here is that refugees who are destitute are not going to have any financial support so would be unable to pay any rent and would require other financial assistance. In addition, in some areas of the UK, private landlords have a requirement under the Immigration Act 2014 to check that any new tenants have the right to be in the UK before renting them a property. Failure to comply can lead to penalties of up to £3,000 per tenant. The rules in question will apply nationwide from 1 February 2016.
- (c) **You would need to set very clear ground rules on what the individuals could/could not do in your home and how you expected them to behave.** It would clearly be difficult to control enforcement of these ground rules and you have to give thought to how you managed this. In addition, when setting such rules you should consider: "*You shall treat the stranger who sojourns with you as the native among you, and you shall love him as yourself, for you were strangers in the land of Egypt: I am the Lord your God*" (Leviticus 19:34).

- (d) **How would the arrangements be terminated?** Getting rid of unwelcome guests is both practically and legally difficult. The law is unhelpful in this area, and such guests could be in a similar position to squatters.
- (e) **Make sure you do due diligence.** Consider who you are going to take in and make sure they are a proper fit and that you would be able to live alongside them. There are a number of organisations that offer to co-ordinate links between refugees and room providers, but they do not take responsibility for anything that goes wrong, or to bring the relationship to an end if it sours in the future.

The most important thing is that, however laudable it is to take in refugees in this way, and however charitable the intent, you also have to think about the safety of the other individuals who may be living in the same property. If the individuals already living in your property (maybe a convent or monastery) are elderly and vulnerable adults you need to consider their safety and personal welfare.

## Schools

Some schools with boarding accommodation have been looking at the possibility of taking in child refugees; there are some state boarding schools but the schools which might be involved would largely be independent schools and it is suggested that they follow guidelines being worked on by the Independent Schools Council (ISC). Amongst the issues which governors would need to consider would be:

- (a) What authority (parent/guardian/Government) would hand the child over to the school?
- (b) What decisions can the school make on the child's behalf – medical needs, staying out with fellow pupils' families, religion?
- (c) If a 100% bursary is offered, should the offer include funding for uniform and extras?
- (d) Should the school impose a time limit or review period of the arrangement?
- (e) How does the school prevent "star status" or unwarranted intrusion whether by other pupils or the media?
- (f) If a child has post-traumatic stress (having lost their family or been bombed out of their home) what process does the school have for counselling?

## Other Options

Clearly there is a need to provide support to deal with this crisis, but this should be done in a way that is practical and appropriate, not just for the refugees but also for those providing the support. The fact that you have empty rooms available, does not mean that you must make those available irrespective of the inherent risks outlined above.

You should consider whether the empty rooms your organisation has enable you to offer alternative support, for example:

- (a) Rather than look to offer 2 rooms in a larger property, you could look to see whether there is another organisation who might be interested in moving 2 individuals from a property of their's to use your rooms, if doing that were to free up an entire property (maybe a large convent with only 2 Sisters currently living there) in order that the entire property could be let to refugees, which resolves many of the issues outlined above; or
- (b) Make a calculation as to what it would cost to provide accommodation for a refugee for a year and then make a donation to a specific charity that works with refugees to enable them to provide this level of support, almost an "adopt a room for a refugee" approach.

It is also important to consider at all times, whether providing support in this way is the right approach. Recently on the BBC Radio 4's Sunday programme, Archbishop Jean-Clément Jeanbart, head of the Syrian Diocese of Aleppo for the past 20 years, said that actually Christian Communities suffered when members fled the country. His view was that striving to assist with resettlement in other countries was in fact damaging to the Christian community in Syria. The Archbishop felt that support should be aimed at seeking to "ask that we may have peace and we may have a safe country as it used to be" and concentrate on finding a solution to the civil war.

However you choose to provide support, you should look to collaborate with others who are experts in the field and able to direct you so that your organisation's efforts have maximum effect. Collaboration and support amongst charities will maximise what we can all achieve. It is certainly appropriate to look at your empty rooms and think of innovative ways to enable them to be used to provide much needed support. The crisis has a long way to go, and all solutions need to be considered as it evolves and gathers pace.

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*This article provides a general summary of the legal issues and is not tailored to your particular circumstances. In all cases you should seek professional legal advice before taking any action based upon the issues discussed.*

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