

# Right to rent

**From 1 February 2016, all private landlords (and their Agents) in England will have to check new tenants have the right to be in the UK before renting out their property (Immigration Act 2014).**

Once you have decided to rent a property from a Country Properties Agent/Office you will be asked for proof of your right to rent in the UK. Below you will see a list of Acceptable documents which the Agent will request from you. (Please note one or more or a combination may be required.)

Please ensure you have the relevant documents with you so that copies can be taken and so that the Agent can verify your identity along with your likeness to any photograph.

Once you have provided the relevant documents and paid your Application Fee a check will be carried out, in the main this will be done by a 3rd party company. If the Right to Rent check is acceptable we will proceed with the normal full referencing procedure. Should the Right to Rent Checks fail, by law we will be unable to allow the Tenancy to commence and the fee(s) paid will not be returned.

**We cannot agree a let until you have provided the Agent with the correct documents. Please ensure you have the necessary available at the time you wish to apply.**

Right to rent was introduced in the Immigration Act 2014 as part of the government's reforms to build a fairer and more effective immigration system.

Provide

Provide original versions of one or more of your acceptable documents.

Check

We will check the documents validity in the presence of the holder.

Copy

We will copy and retain your documents and record the date the check was made.

**List A - acceptable documents to establish a continuous statutory excuse. If a tenant can produce the requisite document(s) from either group one or group two then they will not require a repeat check.** (to be confirmed/subject to change)

**Group 1 – If a prospective tenant can produce one document from this group then a continuous statutory excuse will be established.**

1. A passport (current or expired) showing that the holder is a British citizen or a citizen of the UK and Colonies having the 'right of abode' in the UK.
2. A passport or national identity card (current or expired) showing that the holder is a national of the European Economic Area or Switzerland.
3. A registration certificate or document (current or expired) certifying or indicating permanent residence issued by the Home Office, to a national of the European Economic Area country or Switzerland.
4. A 'permanent' residence card, 'indefinite leave to remain', 'indefinite leave to enter' or 'no time limit' card issued by the Home Office (current or expired), to a non-EEA national who is a family member of an EEA or Swiss national.
5. A biometric 'residence permit' card (current or expired) issued by the Home Office to the holder indicating that the person named has 'indefinite' leave in the UK, or has 'no time limit' on their stay in the UK.
6. A passport or other 'travel document' (current or expired) endorsed to show that the holder is either 'exempt from immigration control', has 'indefinite' leave in the UK, has the 'right of abode' in the UK, or has 'no time limit' on their stay in the UK.
7. An immigration status document (current or expired) containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person has 'indefinite' leave in the UK or has 'no time limit' on their stay in the UK the UK or has no time limit on their stay in the UK.
8. A certificate of registration or naturalisation as a British citizen.

**Group 2 – If a prospective tenant can produce any two documents from this group then a continuous statutory excuse will be established.**

1. A full birth or adoption certificate issued in the UK, the Channel Islands, the Isle of Man or Ireland, which includes the name(s) of at least one of the holder's parents or adoptive parents.
2. Evidence (identity card, document of confirmation issued by one of HM forces, confirmation letter issued by the Secretary of State) of the holder's previous or current service in any of HM's UK armed forces
3. A letter from HM Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holder's name, date of birth and that they have been released from custody of that service in the 6 months prior to the check.
4. A letter issued within the 3 months prior to the check from an officer of the National Offender Management Service in England and Wales confirming that the holder is the subject of an order requiring supervision by that officer; from an officer of a local authority in Scotland confirming that the holder is the subject of a probation order requiring supervision by that officer; or, from an officer of the Probation Board for Northern Ireland confirming that the holder is the subject of an order requiring supervision by that officer.
5. A current full or provisional photocard UK driving licence
6. Benefits paperwork issued by HMRC, a UK Local Authority or Job Centre Plus, on behalf of the Department for Work and Pensions or the Northern Ireland Department for Social Development, issued within the 3 months prior to the check.
7. A letter issued within the 3 months prior to the check signed by a representative of a public authority, voluntary organisation or charity which operates a scheme to assist individuals to secure accommodation in the private rented sector in order to prevent or resolve homelessness. This letter must confirm the holder's name, and the address details of the prospective tenancy which they are assisting with obtaining for the holder.
8. A letter issued within the 3 months prior to the check by a UK government department or Local Authority and signed by a named official (giving their name and professional address), confirming the holder's name and that they have previously been known to the department or local authority.
9. A letter issued within the 3 months prior to the check confirming the holder's name signed by the person who employs the holder (giving their name and business address) confirming the holder's status as employee and employee reference number or their National Insurance number.

10. A letter issued within the 3 months prior to the check from a British passport holder who works in (or is retired from) an acceptable profession as specified in the list of acceptable professional persons at Annex A. The letter should confirm the holder's name, and confirm that the acceptable professional person has known the holder for at least three months. This letter should be signed by the acceptable professional person giving their name, address, passport number, profession and place of work (or former place of work if retired), how long they have known the holder and in what capacity.
11. A letter from a UK police force confirming that the holder is a victim of crime and has reported a passport or Home Office biometric immigration document stolen, stating the crime reference number, issued within the 3 months prior to the check.
12. A letter issued within the 3 months prior to the check from a UK further or higher education institution confirming the holder's acceptance on a current course of studies. This letter should include the name of the educational institution, as well as the name and duration of the course.
13. Disclosure and Barring Service Certificate (criminal record check) issued within the 3 months prior to the check.

### **List B – Acceptable documents establishing a time-limited statutory excuse.** (to be confirmed/subject to change)

All documents in List B must be valid (not expired) at the time of the right to rent check. Photographic examples of the documents can be found in guidance.

If presented with a document in List B, the landlord will establish a statutory excuse for a limited time period, "the eligibility period". The eligibility period will be the longest of the following:

- a) one year, beginning with the date on which the checks were last made, or b) before the period of the person's leave to be in the UK, or c) the period for which the person's evidence of their right to be in the UK expires.

A landlord may conduct further checks at any time, such as when a tenant tells the landlord that they have extended their immigration permission. A further check towards the end of a time limited statutory excuse must always, however, be conducted within 28 days prior to the expiry of that period.

At this point, landlords will need to conduct follow-up checks.

### **List B - If a prospective tenant can produce one document from this group then a time-limited statutory excuse will be established. A repeat check will be required within the timescales outlined below.**

1. A current passport or other 'travel document' endorsed to show that the holder is allowed to stay in the UK for a time-limited period.
2. A current biometric 'residence permit' card issued by the Home Office to the holder, which indicates that the named person is permitted to stay in the UK for a time limited period.
3. A current 'residence card' (including an accession residence card or a derivative residence card) issued by the Home Office to a non-EEA national who is either a 'family member' of an EEA or Swiss national or has a 'derivative' right of residence.
4. A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the holder may stay in the UK for a time-limited period.

### **Other useful information;**

Under the new rules, landlords who fail to check a potential tenant's 'Right to Rent' will face penalties of up to £3,000 per tenant.

The new law will mean that private landlords, including those who sub-let or take in lodgers, must check the right of prospective tenants to be in the country to avoid being hit with a penalty.

The Immigration Act 2014 itself tells us at s24 (3) that the checks may be made "at any time before the residential tenancy agreement is entered into".

The Order makes the situation very clear indeed. It states at paragraph 8 that checks must be carried out within "28 days ending on the day before the day on which the residential tenancy agreement which authorises occupation is entered into".