



JOINT COUNCIL FOR THE WELFARE OF IMMIGRANTS

Right to Rent: Tenant's Guide to the Landlord Immigration Checks

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Trust for London
Tackling poverty and inequality



Right to Rent: Guide to the Landlord Immigration Checks

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Right to Rent: Guide to the Landlord Immigration Checks

About JCWI

The Joint Council for the Welfare of Immigrants (JCWI) is an independent national charity that provides direct legal assistance to immigrants and campaigns for a human rights based approach to the formulation of asylum, immigration and nationality law. JCWI has been doing this work since 1967. JCWI actively lobbies and campaigns for changes in law and practice. Its mission is to eliminate discrimination in this sphere.

JCWI's policy team undertook an independent evaluation of the 'right to rent' scheme when it was first implemented in the West Midlands. The report, ['No Passport Equals No Home: an independent evaluation of the right to rent scheme'](#) was published on 3 September 2015.

Who is this guide for?

This guide is intended for tenants and those advising individuals in the private rental sector. This includes those currently renting as well as those seeking a property to rent. It is intended as a guide to ensure that tenants and practitioners understand:

- The background to the 'right to rent' scheme
- The requirements of the scheme
- How to prepare for a 'right to rent' check
- How to prove you have the 'right to rent'
- What to do if you do not have the 'right to rent'
- How to recognise discrimination and protect your rights
- How to challenge discrimination

Background to the 'right to rent' checks

Under provisions introduced through the *Immigration Act 2014*, commonly termed the 'right to rent' scheme, all adults in the UK who are subject to immigration control and require permission to enter or remain in the UK *but do not have it* are disqualified from entering into a private residential tenancy agreement.

Landlords have a duty to check the immigration status of adult occupiers of private rental properties:



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1. Where they are using or intending to use the property as their *only or main home* **and**
2. It is not an *excluded agreement*.¹

If a landlord fails to complete the checks and rents a property to an adult who does not have the 'right to rent' landlords could be fined up to £3,000 by way of a civil penalty notice.

In Birmingham, Dudley, Sandwell, Walsall and Wolverhampton the scheme applies to private residential tenancies entered into after 1st December 2014. In the rest of England, it applies to new tenancies entered into after 1st February 2016. The scheme does not yet apply to Scotland, Northern Ireland or Wales.

The *Immigration Act 2016* contained further legislation that builds on these provisions, including a criminal penalty for landlords who rent a property to a disqualified adult, and new powers of eviction where a landlord is informed by the Secretary of State that a tenant does not have a 'right to rent'. These new provisions are set to be introduced from 1 December 2016. See page 18 for more information.

Who has the 'right to rent'?

Depending on your immigration status or, in some cases, your nationality, you may have an *unlimited* right to rent, a *time-limited* right to rent or *no* right to rent. Some people who do not have a right to rent may be granted *permission to rent* by the Home Office.

The scheme does not apply to children under the age of 18. No checks need to be undertaken with regard to children, even if they are living with adults who fall under the scheme.

Unlimited right to rent

You will have an *unlimited* right to rent if you:

- Are a British citizen;
- Are a European Economic Area (EEA) or Swiss citizen;
- Have Indefinite Leave to Remain or settled status in the UK.

¹ For a full list see Annex B



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If you fall into one of the above categories you will have a permanent and unlimited right to rent. This means that after checking your original documents to establish your right to rent and making and retaining copies of the documents you provide, no further right to rent checks need to be undertaken by your landlord or agent.

Time-limited right to rent

Any adult with a permission to work or stay in the UK for a *limited period of time* has a *time-limited* right to rent. This means that after an initial document check where copies of original documents are made and retained, the landlord or agent will need to conduct a further document check:

- after 12 months; or
- after your period of leave expires, whichever is ***longer***.

For example, if you are in the UK on a visa which is due to expire in nine months, your landlord or agent will need to conduct a right to rent check again in 12 months' time. However, if you are on a visa that is due to expire in two years, your landlord or agent will need to conduct a check in two years' time. This is to make sure that you have renewed your visa and still have a 'right to rent'.

No right to rent

Any adult who requires permission to enter or remain in the UK but does not have it does not have the 'right to rent'. This group is often referred to as 'undocumented' or 'irregular' migrants. For more information, see the table below. In some instances the Home Office may grant someone who does not have a *right to rent* a discretionary *permission* to rent. Asylum seekers also do not have an automatic 'right to rent' but should be granted permission to rent once their claim is lodged on the Home Office system. For more information, see the section on permission to rent on page 7.

If you do not have a 'right to rent' you can contact JCWI's Undocumented Migrant Line for free and confidential advice about your immigration status. You can find the details to contact the advice line on **page 20**.



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Permission to rent

The Home Office has a discretionary power to grant *permission to rent* in some circumstances where a person does not otherwise have a *right to rent*. For example, you may be unable to leave the country safely or there may be another reason why an exception should be made in your case to allow you to remain in the UK and to rent private accommodation. This could include:

- Asylum seekers;
- Refused asylum seekers;
- Families and individuals cooperating with the Home Office’s family returns processes;
- Individuals on criminal or immigration bail;
- Those within the Home Office voluntary departure process;
- Victims, or potential victims, of trafficking or slavery;
- Individuals with an outstanding out-of-time immigration application, in-country appeal, or Judicial Review.

It could also apply in other cases as these are just examples. However, any grant of permission to rent is discretionary, so there is no guarantee that someone will be granted permission. If you believe you have permission to rent, your landlord can contact the Home Office to receive confirmation or use the [Online Checking Tool](#).

Unlimited Right to Rent	Limited Right to Rent	No Right to Rent
<p><i>Anyone who has permanent permission to remain in the UK</i></p> <p><i>This includes:</i></p>	<p><i>Anyone who has permission to work or stay in the UK for a limited period of time.</i></p> <p><i>For example, this could include (among others):</i></p>	<p><i>Anyone who requires permission to enter or remain in the UK but does not have it. This group are often referred to as ‘undocumented’ or ‘irregular’ migrants, such as:</i></p>
<ul style="list-style-type: none"> ✓ British citizens ✓ European Economic Area (EEA) citizens ✓ Swiss citizens ✓ Those with Indefinite Leave to Remain in the UK ✓ Those with settled status in the UK 	<ul style="list-style-type: none"> ✓ Non-EEA international students ✓ Spouse visa holders ✓ People with discretionary leave in the UK ✓ Those granted refugee status ✓ Some non-EEA family members of EEA nationals 	<ul style="list-style-type: none"> ✗ Refused asylum seekers ✗ Asylum seekers do not have a ‘right to rent’, although they should be granted permission to rent if they have an ongoing claim or appeal against refusal ✗ Anyone who has overstayed their visa ✗ Anyone who has entered the country by evading immigration control and has not regularised their status



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The process for demonstrating a 'right' or 'permission' to rent is discussed below.

[Finding out if you have permission to rent](#)

According to published Home Office guidance, you can ask your existing point of contact at the Home Office whether or not you have been granted permission to rent. This does not replace the need for your landlord to carry out a check themselves, but it may be very helpful for you to have independent confirmation of your permission to rent.

[When do you need a 'right to rent'?](#)

This section outlines in what circumstances you will need to prove that you have a 'right to rent'. There are exemptions for certain types of property. These can be confusing to understand. If you are unsure whether you require a 'right to rent', you can contact JCWI on the contact details on **page 20**.

[What properties come under the scheme?](#)

The scheme applies to all residential tenancy agreements. This is defined as any lease, sub-lease or sub-tenancy that:

- Grants a right of occupation to a property for residential use as the *only or main home*;
- Provides for the payment of rent (this includes any financial transaction); and
- Is not an *excluded agreement* (see Exempt Properties on **page 8**).

The scheme does not currently apply:

- To tenancies in Wales, Scotland, and Northern Ireland;
- To tenancies entered into before 1st December 2014 in Birmingham, Dudley, Sandwell, Walsall and Wolverhampton;
- To tenancies entered into before 1st February 2016 in any other part of England;
- To renewal of tenancies entered into before the above dates when they are between the same individuals and where there is no gap in occupation;
- To children under 18;
- To holiday lettings or where the property is not your *only or main home*;
- Where no rent is paid. Rent includes non-monetary payments, such as service in kind.



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Exempt Properties

The following properties are excluded from the scheme:²

- Social housing arranged through a local authority;
- Care homes, hospices, hospitals, and accommodation provided by the NHS for the purpose of ongoing healthcare;
- Student accommodation provided directly by universities and colleges;
- Hostels and refuges;
- Certain leases involving mobile homes; and
- Leases granted for a term of seven years or more.

Definitions

Only or main home

The Home Office has indicated that whether a property is being used as the only or main residence will be considered on a case by case basis, but gives a general rule of lettings of more than three months.

Excluded agreements

Excluded agreements are those entered into that involve exempt properties. A full list is available on page 28.

House Guests

The scheme does not apply to guests who do not pay rent to their host. If you are a guest and not paying rent, your host does not need to conduct a check. If you are a guest staying with a host who is renting a property from a landlord, the landlord does not need to conduct a check if you are not paying rent to the tenant or landlord. Payment of rent can include non-monetary rent, such as cleaning or childcare carried out while living in the property. If you are unsure if you are a guest, you can contact JCWI on the contact details on **page 20**.

How to prove your 'right to rent'

The 'right to rent' checks must be undertaken for all adults who are considered *occupiers* of the property. This includes all adults using the property as their only or main home, whether or not they are named on the tenancy agreement. Landlords are

² A full explanation of these terms can be found at Annex B – Exempt Properties.



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expected to make 'reasonable enquiries' as to all adult occupiers of the property at the time the tenancy is entered into.

Process of the Checks

- In most cases, landlords must undertake checks ***not more than 28 days*** before entering into a tenancy agreement;
- They must see ***originals of the documents***;
- They must make and retain ***copies***;
- The checks must be undertaken in your presence, except where you are applying for a tenancy from abroad (for more information on applying from abroad see page 13);
- Copies must be ***stored in a safe and secure place***, in compliance with the Data Protection Act for at least one year following the end of the tenancy. If you think your landlord is in breach of the Data Protection Act you can report them to the Information Commissioner.³

Documents you need to provide to your landlord to show that you have a 'right to rent' are included in the Home Office [Code of Practice for Landlords on Illegal Immigrants and Private Rented Accommodation](#). You can access the Code via the links on page 22.

There are two document lists, List A and List B:

- List A is for those with an *unlimited* or *permanent* right to rent. It is split into groups 1 and 2.
- List B is for those with a *time-limited right to rent*.

The full lists are available in Annex A.

Who will conduct the checks?

Landlords

The landlord is primarily responsible for conducting the 'right to rent' check and for ensuring that discrimination does not take place. However, in some instances responsibility for the check may be passed to a third party, such as an agent or an existing tenant who is subletting a room or rooms in the property.

³ To make a report to the Information Commissioner, go to <https://ico.org.uk/>



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Agents

Landlords can pass responsibility for the checks onto an agent. In these cases you may find that a person or company other than your landlord carries out the checks. They must carry out the checks in the same way, and have equal responsibilities to avoid discrimination.

Tenant sub-letters

If a tenant sublets a property (or a room or rooms within a property) they are to be understood as the landlord for the purposes of the 'right to rent' scheme. This means that they are responsible for undertaking a right to rent document check on any prospective tenant and may be liable for any fines incurred if they are found to have rented the property to someone who is found not to have a 'right to rent'.

Spotting Discrimination: Discrimination on the basis of race (this includes nationality, national or ethnic origin, and colour) is unlawful. To ensure that they do not discriminate, landlords and agents must undertake the 'right to rent' checks uniformly for all prospective tenants. If you think you may have been discriminated against by a landlord (or an agent acting on their behalf) you can contact JCWI for advice on the contact details on page 20. For more information on recognising discrimination, see page 15.

[How to prove you have an unlimited right to rent](#)

[Suitable Documents](#)

There are two groups of documents for individuals with an *unlimited right to rent*. If you have a document from Group 1 this is sufficient to prove your right. If you do not have a document from Group 1 you must provide *two documents* from Group 2.

LIST A

List A Group 1

1. Passport 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. EEA/Swiss Passport (current or expired).
3. Home Office registration document or certificate to a European Economic Area (EEA) or



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Swiss national indicating permanent residence in UK (current or expired).

4. A 'permanent residence', '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' (BRP) (current or expired) issued by the Home Office to the holder indicating that the person named on the card has 'indefinite leave' in the UK or '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 that has been issued by the Home Office to the holder with an endorsement indicating that the named person has 'indefinite leave to remain' in the UK or has 'no time limit' on their stay in the UK.
8. A certificate of registration or naturalisation as a British citizen.

If you do not have a document from the above group you must provide TWO documents from Group 2

List A Group 2

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/ 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 six months prior to the check.
4. A letter issued within the three months 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, or a letter from an officer of a local authority in Scotland, or 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 Jobcentre Plus, on behalf of the Department for Work and Pensions or the Northern Ireland Department for Social Development, issued within the three months prior to the check.



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7. A letter issued within the three 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 three 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 three 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 three months from a British passport holder who works in (or is retired from) an acceptable profession (see Annex A). The letter should confirm the holder's name, and confirm that they have known the holder for at least three months. The letter should be signed and give their name, address, passport number, profession and place of work, 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 three 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 three months prior to the check.

[How to prove that you have a time-limited right to rent](#)

If you have a limited right to rent, you must provide an original document from List B, below. Your documents will also need to be checked again to make sure you have renewed your immigration status.

LIST B

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 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.



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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.

[Follow up checks](#)

Follow up checks must be undertaken after 12 months or at the time your leave expires, whichever period is longer. This means that the landlord or agent will need to make a note of the date your leave expires and undertake a further check to ensure that you have not overstayed your visa or grant of leave to remain and still have the 'right to rent'.

[How to prove your 'right to rent' from abroad](#)

If you are applying for a tenancy from abroad you must send your original documents to the landlord or agent to conduct the check.

You do not need to be physically present when the check takes place, but you do need to be present via live video link (such as Skype) at the time your documents are checked by the landlord. However, the landlord must still check the original documents.

If you are abroad, landlords are also allowed to conduct the check once you are in the UK. This can be after the residential tenancy agreement has been entered into, but must be before you occupy the property.

[What to do if your documents are with the Home Office](#)

You may have the 'right to rent', but be unable to provide evidence of it, for example if you have made an in-time application to extend your visa. In this case the landlord or agent should contact the Home Office Landlords Checking Service, either via the Online Checking tool or via the telephone service on 0300 069 9799.

You will need to provide the landlord or agent with your Home Office reference number if you have one, and your name, date of birth and nationality as registered with the Home Office.

The landlord should receive an email response that clearly states whether or not you



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have a right to rent (or permission to rent) within two working days. The response will also state when any follow-up check needs to be undertaken. If the Home Office doesn't respond within two working days, the landlord will receive an automatic email granting them permission to rent the property to you.

What to do if you do not have a 'right to rent'

If you do not have a 'right to rent' you may be granted permission to rent by the Secretary of State. For details of who is likely to be granted permission to rent, see 6.

How to demonstrate that you have permission to rent

If you have been granted permission to rent, a landlord or agent can contact the Home Office Landlords' Checking Service to receive confirmation. The process is the same as when documents are with the Home Office, outlined above. If you are unsure whether you have been granted permission to rent you can contact JCWI on the contact details on page 20.

UNDOCUMENTED MIGRANTS ADVICE LINE

If you do not have any immigration status and require legal advice on your case, or about whether you can obtain 'permission to rent', you can contact JCWI's Undocumented Migrants Helpline on **0207 553 7470**.

The advice line runs on *Mondays, Tuesdays and Thursdays from 10am to 1pm*. Advice is free and confidential.

Through the advice line, an experienced immigration solicitor can advise you about the strength of your claim to regularise your status and remain in the UK and, if appropriate, on how to take your case further.

Discrimination and how to recognise it

Discrimination on the basis of a *protected characteristic* is illegal under the Equality Act 2010. Protected characteristics include:

- Race (this includes nationality, national or ethnic origin, and colour)
- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity



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- Religion and belief
- Sex
- Sexual orientation

Discrimination can be *direct* or *indirect*.

Direct discrimination

If someone is treated less favourably because they have (or are thought to have) a protected characteristic this is direct discrimination. This also includes treating someone less favourably because they associate with someone with a protected characteristic.

Indirect discrimination

When an organisation's practices, policies or procedures have the effect of disadvantaging people who share certain protected characteristics (although they may appear neutral) and there is no 'objective justification' for it, this is indirect discrimination. For example, requiring all tenants to show that they have lived in the UK for the past three years will indirectly discriminate against those of a different nationality because they are less likely to be able to meet that test.

Harassment

Harassment is a form of discrimination under the Equality Act 2010. Harassment is unwanted behaviour which you find offensive or which makes you feel intimidated or humiliated. The behaviour must be directed at you on the basis of one of the protected characteristics above. The *Equality Act 2010* states that it amounts to harassment where the behaviour is *meant to* or *has the effect of*.

- Violating your dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment.

This means it is harassment even if the person harassing you didn't mean to offend or intimidate you, as long as the harassment has one of the above effects.

Discrimination in the Private Rental Sector

Landlords and their agents must not discriminate on the basis of any of the above protected characteristics. The main risk of discrimination as a result of the 'right to



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rent' scheme is on the basis of race. This includes nationality, national or ethnic origin, and colour.

Landlords should undertake the same checks on everyone in order to avoid illegal discrimination. The Home Office guidance for landlords explicitly states it is against the law for landlords or agents to only perform checks on certain people.

Below are some examples of discrimination that may occur as a result of the 'right to rent' scheme.

[Examples of Discrimination](#)

The following are all examples of discrimination. If you feel that you have been discriminated against, see the section on the following page about *how to challenge discrimination*.

- Refusing to rent to people without British or European passports;
- Increasing rent or imposing a special fee for non-British tenants to 'cover the cost' of repeat checks or potential fines;
- Increasing the rent for a tenant because they are not a British citizen;
- Only responding to prospective tenants who *look or sound* British;
- Only asking people they think might be 'foreign' for documents;
- Telling you that you do not have a 'right to rent' when you do.

Example 1

A Canadian family with limited leave to remain in the UK enquires about a tenancy. The landlord states that she will not consider the family for the tenancy, because she does not rent to people who do not have British passports.

Example 2

An Albanian national with refugee status enquires about a property with an estate agent. After seeing his documents, the agent says that he can be considered for the property, but must pay an additional £50 per month in rent to cover the cost of repeat checks and any potential fine if his 'leave to remain' is not extended.



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Example 3

A Nigerian couple with indefinite leave to remain is living in private rented accommodation. The landlord comes to the property and states that he is increasing the rent because they are not British and therefore he could be fined for renting to them.

The Public Sector Equality Duty

Under the Public Sector Equality Duty (PSED), contained in section 149 of the Equality Act 2010, public authorities have a duty to have due regard to the following when carrying out their functions:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

This applies without exception. Local authorities are also subject to the PSED and must ensure that they take all necessary steps to tackle discrimination, advance equality of opportunity and foster good relations. You should report any instances of illegal discrimination to your local authority housing team.

[How to challenge discrimination](#)

If you feel you may have suffered unlawful discrimination by a landlord or their agent you don't need to stay silent. It's possible to make a discrimination claim for compensation in the civil courts. You can contact JCWI for advice and assistance, or one of the other organisations listed on page 20.

You can also report discriminatory behaviour to the Equality and Human Rights Commission, who can advise you on further action you can take.

If you think you may have been discriminated against, the following steps will help anyone who is advising you on further action you can take:

Step 1: Identify who discriminated against you. Was it a landlord or an agent? Do they work for a company or independently?



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Step 2: Identify the reason you have been discriminated against out of the nine protected characteristics on page 14-15.

Step 3: Try to describe the unfair treatment in as much detail as possible in writing. Why do you feel that this amounted to discrimination? How did it make you feel? Did anything else happen as a result of the discrimination? How did this affect you?

New Powers of Eviction under the Immigration Act 2016

From 1 December 2016 landlords will be granted a new power to terminate a residential tenancy agreement in certain circumstances where a tenant is found not have a 'right to rent', in some cases without a court order.

Where no occupiers have a 'right to rent'

From 1 December 2016, a landlord may terminate a residential tenancy agreement where s/he has received written notice(s) from the Secretary of State stating that none of the occupiers of the property have a right to rent. An 'occupier' in relation to the premises includes named tenants as well as any other person named in the agreement and any other person who the landlord knows is occupying the premises.

To terminate the agreement, a landlord must give written notice to the occupier. The notice must be in the prescribed form and give at least 28 days' notice inclusive of the date the notice is given. The notice may be given by:

- delivering it,
- leaving it at the premises,
- posting it to the address, or
- in any other prescribed manner.

The notice is enforceable as if it were an order of the High Court, meaning that it is immediately enforceable by the landlord without a need to obtain a court order.

If you have been issued with such a notice and need advice, you can contact Shelter's free helpline on the contact details on page 21.

Where some occupiers have a 'right to rent'

Where the landlord receives a notice from the Secretary of State that names some, but not all, of the occupiers of a property, there is a different, lesser, route to gain possession of a property. From 1 December 2016 it is an implied term of a residential tenancy agreement



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that the landlord may terminate a tenancy if the premises to which it relates are occupied by one or more adult(s) who are disqualified under the 'right to rent' scheme. This provision is retrospectively applied to all existing tenancies. In this case, a court order will be required to enforce eviction.

Landlords who do not take steps to end the tenancy and evict occupants within a reasonable period of time where they are notified to do so by the Secretary of State risk a fine or prosecution under the 'right to rent' scheme.

For advice on action you can take if your landlord is trying to evict you from your property you can contact Shelter's free housing advice line on the contact details on page 21.



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Contact JCWI

If you would like further information or advice about anything contained in this pack, you can contact JCWI on the contact details below.

Address	Phone Numbers	Email
JCWI 115 Old Street London, EC1V 9RT	Direct Line: 0207 251 8708 Policy Team: 0207 553 7457 <i>Lines are open Monday-Friday between 10am and 5pm</i>	policy@jcwj.org.uk

Call for Evidence

JCWI continues to monitor the 'right to rent' scheme in order to evaluate the impact on individuals, including both landlords and tenants, and communities.

We would like to hear all experiences of the scheme, whether this is as a landlord, agent, tenant, local authority, NGO, or community sector organisation.

If you would like to share your views and experiences, please get in touch with JCWI's policy team on the contact details above.

Undocumented Migrant Helpline

If you do not have any immigration status and require legal advice on your case, or about whether you can obtain 'permission to rent', you can contact JCWI's Undocumented Migrant Helpline on **0207 553 7470**. The advice line runs on *Mondays, Tuesdays and Thursdays from 10am to 1pm*. Advice is free and confidential. Through the advice line, an experienced immigration solicitor can advise you about the strength of your claim to regularise your status and remain in the UK and, if appropriate, on how to take your case further.



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Other Organisations

The following organisations may be able to provide further advice and assistance if you experience discrimination or housing problems, or problems with your immigration status:

Equality and Human Rights Commission (EHRC) EHRC is an independent statutory body. Its remit is to challenge discrimination and protect and promote human rights. (Their work covers England, Scotland and Wales). Website: www.equalityhumanrights.com

Equality Advisory Support Service (EASS) The EASS helpline can provide advice and information on discrimination in employment, housing, education, transport and cases where you may have been discriminated against when using or buying goods and services. It can also provide advice and information on human rights issues. Website: www.equalityadvisoryservice.com
Telephone: 0808 800 0082
Textphone: 0808 800 0084
Monday to Friday, 9am to 8pm
Saturday, 10am to 2pm

Citizens Advice Citizens Advice offer free and impartial advice on lots of issues, including discrimination. Their website contains lots of information. They also have offices around the UK, and can also advise over the phone. Website: www.citizensadvice.org.uk
Telephone: 03444 111 444

Shelter A national charity that offers advice and support on housing matters. National helpline: 0808 800 4444
Open 8am – 8pm on weekdays and 8am – 5pm on weekends
Website: <http://england.shelter.org.uk/>

Crisis National charity dedicated to ending homelessness by delivering services and campaigning for change. Website: www.crisis.org.uk/
Phone number: 0300 636 1967



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Further Information

Housing Information for Migrants

www.housing-rights.info has detailed up to date information about entitlement to housing as a migrant, including case law updates.

Home Office Documents

- [Home Office Document Collection on Right to Rent](#)
- [Code of Practice for Landlords on Illegal Immigrants and Private Rented Accommodation](#)
- [Code of Practice for Landlords: Avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented residential sector](#)

All the documents are available to download here:

<https://www.gov.uk/government/collections/landlords-immigration-right-to-rent-checks>



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Glossary

EUROPEAN ECONOMIC AREA (EEA) NATIONALS	Citizens of EEA countries. The EEA countries are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.
NON-EEA NATIONALS	The nationals of countries outside the European Economic Area.
LANDLORD	A person who lets accommodation for use by one or more adults as their only or main home. This includes people who take in lodgers and tenants who are sub-letting.
'LEAVE TO ENTER' OR 'LEAVE TO REMAIN' IN THE UK	A person who has permission from the Home Office to be in the UK. Permission may be 'time-limited' or 'indefinite'.
OCCUPIER	A person who is, or who will be, authorised to occupy a property under the residential tenancy agreement, whether or not they are named on that agreement.
RESIDENTIAL TENANCY AGREEMENT	Any tenancy, lease, licence, sub-lease or sub-tenancy which grants a right of occupation for premises for residential use, provides for the payment of rent, and is not an excluded agreement.
'RIGHT TO RENT'	If someone has the 'right to rent' they are allowed to occupy privately rented residential accommodation in the UK by virtue of qualifying immigration status.
'TENANT'	The person or persons to whom the residential tenancy agreement is granted.



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Annex A – Lists of Acceptable Documents

List A - Acceptable documents to evidence an unlimited 'right to rent'

Group 1

1 document required

1. A passport (current or expired) showing that the holder is a British citizen or a citizen of the UK and colonies who has 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 (EEA) or Switzerland.
3. A passport or national identity card (current or expired) showing that the holder is a national of the European Economic Area (EEA) or Switzerland
4. A registration certificate or document (current or expired) issued by the Home Office to an EEA or Swiss national indicating permanent residence in the UK.
5. A 'permanent residence', '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.
6. A 'Biometric Residence Permit' (BRP) (current or expired) issued by the Home Office to the holder indicating that the person named on the card has 'indefinite leave' in the UK, or 'no time limit' on their stay in the UK.
7. 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.
8. An Immigration Status Document (current or expired) containing a photograph that has been issued by the Home Office to the holder with an endorsement indicating that the named person has 'indefinite leave to remain' in the UK or has 'no time limit' on their stay in the UK.
9. A certificate of registration or naturalisation as a British citizen.



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Group 2

2 documents required

1. A full birth or adoption certificate issued in the UK, the Channel Islands, the Isle of Man or Ireland. This must include the name of at least one of the holder's parents or adoptive parents.
2. Evidence of the holder's previous or current service in any of HM's UK armed forces (identity card, document of confirmation issued by one of HM forces, confirmation letter issued by the Secretary of State).
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 from an officer of the National Offender Management Service (NOMS) in England and Wales confirming that the holder is the subject of an order requiring supervision by that officer; or 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 photo-card UK driving licence.
6. Benefits paperwork issued by HMRC, a UK local authority or Jobcentre Plus, on behalf of the Department for Work and Pensions or the Northern Ireland Department for Social Development, issued within the 3 months.
7. A letter issued within the 3 months 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.
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.



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9. A letter issued within the 3 months 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 (Annex A). The letter should confirm the holder's name, and confirm that the acceptable professional person has known the holder for at least 3 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.



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List B - Acceptable documents to prove a time limited 'right to rent'

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 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.



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Annex B – Exempt Properties

Certain properties are exempt from the scheme. These are outlined below.

Local Authority Accommodation

Residential tenancy agreements which grant a right of occupation where the accommodation is arranged by a local authority acting in response to a statutory duty owed to an individual, or which is exercising a relevant power with the intention of providing accommodation to a person who is homeless, or who is threatened with homelessness. This includes instances where the occupier is to be placed into private rented property by the local authority. In such circumstances, landlords should ask for written confirmation from the local authority that the authority is acting in response to a statutory duty and keep this on file.

Social housing

Residential tenancy agreements which grant a right of occupation in social housing by virtue of a relevant legislative provision as to housing and the local authority has already been required to consider their immigration status before allocating the property, or where a tenant has such an existing tenancy and is seeking to exchange their home for an alternative tenancy.

Care homes, hospitals and hospices and continuing healthcare provision

Accommodation arranged by relevant National Health Service bodies which are acting in response to a statutory duty owed towards individuals as part of a package of continuing health care is also exempt from the Scheme. This includes care homes, hospitals and hospices.

Hostels and refuges

This exemption applies to hostels and refuges which are managed by social landlords, voluntary organisations or charities, or which are not operated on a commercial basis and whose operating costs are provided either wholly or in part by a government department or agency or a local authority.

Mobile homes

Agreements to which the Mobile Homes Act 1983 applies, that is an agreement under which a person is entitled to station a mobile home on a site and use it as their only or main home, are exempt. However, should a mobile home owner decide to let their mobile home for use by another adult, this residential tenancy agreement will be subject to the Scheme.

Tied accommodation



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A residential tenancy agreement that grants a right of occupation in accommodation provided by an employer to an employee, or by a body providing training to an individual in connection with that training, is exempt from the Scheme.

Student accommodation

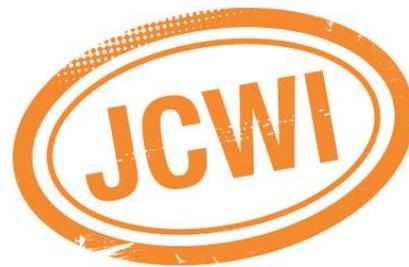
All halls of residence (whether the landlord is an educational institution or private accommodation provider) are exempt from the Scheme, as is any accommodation provided for students directly by a higher or further educational institution. Residential tenancy agreements are also excluded where a student has been nominated to occupy the accommodation by a higher or further educational institution, or a body established for charitable purposes only. Such a nomination could take a variety of forms but will require communication between the institute and the landlord providing confirmation that the student will take up occupation under the residential tenancy agreement. Landlords should retain a copy of the nomination document relied upon to support a claim to this exemption.

Long leases

Leases which grant a right of occupation for a term of 7 years or more are exempt. Such arrangements are more akin to home ownership than traditional landlord and tenant arrangements. An agreement will not grant a right of occupation for a term of 7 years or more if the agreement can be terminated at the option of a party before the end of 7 years from the start of the term. A lease containing a break clause will include an option to terminate and so does not benefit from the exemption. A lease which contains a forfeiture or right of re-entry for the landlord is not considered to include an option to terminate and so is excluded from the Scheme.



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