



Home Office

Landlord's guide to right to rent checks

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About this guidance

This guidance advises a landlord, letting agent or homeowner how to conduct a right to rent check when letting privately rented accommodation. The guidance sets out the specific actions they can take to prevent liability for a civil penalty. This is called establishing a statutory excuse against liability for a penalty.

This guidance applies to residential tenancy agreements granted on property located in England. The Right to Rent Scheme applies only to residential tenancy agreements first entered into on or after 1 December 2014 in Birmingham, Wolverhampton, Dudley, Sandwell and Walsall, and on 1 February 2016 in the rest of England.

Previous versions of Right to Rent Scheme guidance

The 'Landlords Guide to Right to Rent Checks' was first published in November 2020. Prior to this, landlords relied on 'Right to Rent Code of Practice: Scheme for landlords and their agents (applicable as of 1st February 2016)'.

The November 2020 version introduced the online checking service and updated the lists of acceptable documents to include:

- a short UK birth or adoption certificate;
- the combination a national passport, plus proof of arrival in the last six months for visitors who are nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA;
- documents issued to non-EEA family members under the EU Settlement Scheme (EUSS)

The UK has left the European Union (EU) and the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 ended free movement on 31 December 2020. On 1 January 2021, a grace period of six months began, during which time relevant aspects of free movement were saved to allow eligible EU, EEA and Swiss (EEA) citizens and their family members resident in the UK by 31 December 2020 to apply to the EU Settlement Scheme (EUSS). This period ended on 30 June 2021.

Since 1 July 2021, EEA citizens and their family members are required to hold a valid immigration status in the UK, in the same way as other foreign nationals. They can no longer rely on an EEA passport or national identity card to prove their right to rent.

The guidance publication, in July 2021, contained the following significant updates. It changed the way EEA citizens prove their right to rent in the UK from 1 July 2021 by making:

- Changes to the acceptable document list to remove EEA passports, national identity cards and specified EEA Regulations documents, which only confirmed the individual's nationality or that they were exercising EEA Treaty Rights
- Changes to the acceptable document list to include:
 - Irish passport and passport card

- A document issued by the Crown Dependencies Jersey, Guernsey, or the Isle of Man, which has been verified as valid by the Home Office Landlord Checking Service
- A frontier worker permit
- Swiss Service Provider Permit

On 6 August 2021, the government announced temporary protection for more applicants to the EUSS. This means that those who apply from 1 July, and joining family members, will have their rights protected while their application is determined. This guidance, initially published on 31 August 2021, reflects this change.

EUSS applicants and joining family members will now be able to enter into new tenancy agreements while they await the outcome of their EUSS application. Home Office guidance remains that where a prospective tenant has a Certificate of Application (CoA) confirming a valid application to the EUSS made on or after 1 July, landlords should verify this with the Home Office Landlord Checking Service (LCS).

The most significant updates contained in this guidance related to:

- I. Changes to the way those with outstanding applications to the EUSS evidence their right to rent, Annex C refers
- II. Changes to the lists of acceptable documents:
 - a. Amendment to List B, Document 5
 - b. Addition at List B, Document 11
- III. Extension to the COVID-19 temporary adjusted right to rent checking process

Summary of changes in this issue of the guide

The most significant updates contained in this guidance relate to:

- I. Update on the use of BRP/Cs to prove right to rent in England.
- II. Guidance for landlords and Identity Service Providers (IDSPs) regarding the use of digital identity verification.

Introduction

All landlords in England have a responsibility to prevent those without lawful immigration status from accessing the private rented sector. You do this by conducting right to rent checks on all prospective adult tenants before the start date of a tenancy agreement, to make sure the person is not disqualified from renting a property by reason of their immigration status.

This guidance provides information on how and when to conduct a right to rent check. You should also refer to the following documents:

- [Code of practice on right to rent: civil penalty scheme for landlords and their agents](#)
- [Code of practice for landlords avoiding unlawful discrimination when conducting 'right to rent' checks in the private residential sector](#)
- [Right to Rent Checks: A user guide for tenants and landlords](#).

If you conduct the checks as set out in this guidance and the code of practice, you will have a [statutory excuse](#) against liability for a penalty in the event you are found to have rented to a person who is disqualified by reason of their immigration status. This means that if we find that you have rented to someone who does not have the right to rent a property, but you have correctly conducted a right to rent check as required, you will not receive a penalty.

In addition to the code of practice, this guidance and the '[Right to Rent Checks: A user guide for tenants and landlords](#)', there are a range of tools available on GOV.UK to support you in conducting right to rent checks.

Discrimination

You should not discriminate when conducting right to rent checks. You should conduct right to rent checks on all adult prospective tenants, including British citizens.

You should not make assumptions about a person's right to rent or their immigration status on the basis of their name, colour, nationality, ethnic or national origins, accent or length of time they have been resident in the UK.

You should ask all prospective tenants to demonstrate their right to rent using either a physical document check as set out in the code of practice, or by using the Home Office online service. You cannot mandate how an individual proves their right to rent. To ensure that you do not discriminate against anyone, you should provide every opportunity to enable an individual to prove their right to rent.

The '[code of practice for landlords: avoiding unlawful discrimination when conducting right to rent checks in the private rented residential sector](#)' provides practical guidance on how to avoid unlawful discrimination when renting to individuals and conducting right to rent checks. We strongly recommend that you refer to this guidance and the [code of practice on right to rent: civil penalty scheme for landlords](#)

and their agents when conducting right to rent checks. If you breach this guidance, it may be used as evidence in legal proceedings.

Anyone who believes that they have been discriminated against, either directly or indirectly, by a landlord or a prospective landlord, because of their race or a protected characteristic may bring a complaint before a Tribunal. If the complaint is upheld, the Tribunal will normally order the payment of compensation, for which there is no upper limit.

If you need expert advice and support on discrimination, you can call the [Equality Advisory Support Service \(EASS\)](#) on 0808 800 0082.

References in this guidance

In this guidance, references to:

‘Adult’ means a person who has attained the age of 18.

‘Breach’ means that section 22 of the Immigration Act 2014 has been contravened by renting to an adult who is a disqualified person.

‘Certificate of Application’ (CoA) is a digital, or ‘non-digital’, document which individuals can rely on to demonstrate their eligibility to rent, work and access to benefits and services. This document is issued when a valid application is made to the EU Settlement Scheme.

‘Civil penalty’ or ‘penalty’ means to a financial penalty imposed by the Home Office on a landlord who has allowed a tenant to occupy private rented residential accommodation but does not have the right to rent.

‘Current document’ means a document that has not expired.

‘Days’ has two separate meanings:

- When referring to a tenant - means calendar days, including Saturdays, Sundays and bank holidays.
- When referring to the Landlord Checking Service – it does not include Saturdays or Sundays, Christmas Day or Good Friday, or any day which is classified as a bank holiday in England.

‘Disqualified person’ means a person with no legal immigration status and, therefore, doesn’t qualify for right to rent.

‘Document’ means an original document unless specified that a copy, electronic or screenshot is acceptable.

‘EEA or Swiss citizen’ means citizens of EEA countries or Switzerland.

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 and Sweden.

'eVisa' refers to a digital visa provided by the Home Office as evidence of a person's immigration status (permission to enter or stay in the UK).

'Home Office online check' means the online service allowing landlords to check whether a person is allowed to rent in England.

'Homeowner' means a person who owns the property used for renting or sub-letting.

'Immigration Offender' means a person who seeks to evade immigration controls and enter and remain in the UK without the legal right to do so.

'Landlord' means 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. References to 'landlord' also include agents who have accepted responsibility for complying with the Right to Rent Scheme on behalf of landlords, except for when agents are specifically and separately referred to.

'Landlord Checking Service' refers to the Home Office service that landlords are required to contact in certain circumstances (such as those described in this guidance) to check whether a person is allowed to enter into a tenancy in the private rented sector in England. Landlords must receive positive confirmation of a person's right to rent from the Landlord Checking Service in order to have a statutory excuse against liability for a civil penalty. This is referred to as a Positive Right to Rent Notice.

'Leave to enter or remain in the UK' means that a person has permission from the Home Office to be in the UK. Permission may be time-limited or indefinite.

'Lodger' means someone who takes a room within accommodation that they share with their landlord (this could be the owner or an occupier of the property).

'Market rent' means the amount of rent that can be expected for the use of a property, in comparison with similar properties in the same area.

'Non-EEA citizens' means the citizens of countries outside the EEA.

'Occupier' means a person who is, or who will be, authorised to occupy the property under the residential tenancy agreement, whether or not they are named on that agreement.

'Permission to rent' means a person who is disqualified from renting by virtue of their immigration status but to whom the Secretary of State has granted permission to occupy premises.

'Pre-settled status' means a person has applied for settled status to the UK. Individuals with pre-settled status can stay in the UK for five years from the date they received pre-settled status.

'Relevant national' means a British citizen or an Irish citizen, a person with settled status or pre-settled status granted under the EUSS, or a person with a decision pending on an EUSS application.

'Rent' means a tenant's regular payment to a landlord for the use of property or land.

'Residential tenancy agreement' means an arrangement in any form (whether or not in writing) between parties that grants a right to occupy premise for residential use and provides payment of rent as to a course of action.

'Right to rent' means allowed to occupy privately rented residential accommodation in the UK by virtue of qualifying immigration status.

'Settled status' means the person has lived in the UK for a continuous five-year period under pre-settled status conditions and has not left the UK for more than five years in a row since then. A person with settled status can stay in the UK as long as they like.

'Sub-tenant' means a person who leases property from a tenant.

'Statutory excuse' means the steps a landlord can take to avoid liability for a civil penalty.

'Tenant' means the person or persons to whom the residential tenancy agreement is granted.

'Valid application' means individuals who comply with the validation requirement of an application process, including the enrolment of biometrics, if required, and the provision of evidence of nationality and identity.

'View a tenant's right to rent in England' means the Home Office online service on GOV.UK allowing landlords or agents to check whether a person has a right to rent and, if so, the nature of any restrictions on that person's right to do so.

'You' means the landlord, letting agent or homeowner who is letting private rented accommodation.

Legislation

Legislation to limit access to the private rental property sector only to those with the lawful right to be in the UK was introduced through sections 20 to 37 of the [Immigration Act 2014](#) (the 2014 Act).

Under section 28 of the 2014 Act, a landlord who enters into a tenancy agreement with a disqualified person may be subject to a civil penalty.

[The Immigration Act 2016](#) (the 2016 Act) introduced a criminal offence of knowingly letting to someone disqualified from renting a property. The 2016 Act also set out how a landlord can end a tenancy due to a tenant's immigration status.

Who may be liable for a civil penalty?

Liability

Responsibility under the Right to Rent Scheme lies with the landlord; that is the person who authorises the occupation of accommodation by the tenant under an agreement providing for the payment of rent. There are some circumstances in which responsibility for compliance with the Scheme can be transferred to another person. These are outlined below under Transfer of Liability.

Transfer of Liability

Appointing an agent

You can use the services of an agent to let or manage your property.

You may appoint an agent to conduct checks on your behalf. There must be a written agreement to make clear that:

- the agent is to be responsible for the initial right to rent check and whether or not the agent will be responsible for any follow-up checks for those with a time-limited right to rent
- the agent must conduct the checks within the timescales laid out in this guidance and the [code of practice on right to rent: civil penalty scheme for landlords and their agents](#)
- liability for civil penalties transfers to the agent, but liability cannot be transferred beyond the agent

Once you and the agent have made a written agreement which includes the above information, the agent then takes over responsibility for the right to rent checks. The agent will also be liable for a penalty in the event of a breach. The agent appointed may act in the course of a business but does not have to be a letting or managing agent.

Where it is agreed in writing that the agent will be responsible for conducting the checks, they must do this before entering into a tenancy agreement with the prospective tenants. If the prospective tenant does not have a right to rent and the agent enters into the tenancy agreement, they remain liable for a penalty.

If an agent establishes that the prospective tenant doesn't have a right to rent, they should report this to the landlord. If a landlord then enters into a tenancy agreement with this person, then it is the landlord who becomes liable for a penalty. In these circumstances an agent may wish to keep written records and copies of their actions.

Tenants who sub-let and lodgers

Any tenant who sub-lets all or part of their accommodation in an agreement involving the payment of rent to be used as the only or main home of the sub-tenant, will be a landlord for the purposes of the Scheme. The tenant who has sub-let all or part of their accommodation may be liable for a penalty if they do not conduct a right to rent check and allow a person with no right to rent to live there. This applies equally to tenants sub-letting private or social housing.

Where a tenant sub-lets all or part of their accommodation and grants a right of occupation, they can ask their landlord (the 'superior landlord') to agree to accept responsibility for occupation by the sub-tenants. This should be an agreement in writing.

The superior landlord will then be responsible for conducting right to rent checks and will be treated as though they have authorised the occupation by the sub-tenants. The superior landlord will incur any liability for a penalty.

However, if the superior landlord does not confirm that they are willing to accept this responsibility in writing, the tenant who is sub-letting remains the responsible landlord for the purposes of the Scheme. The tenant will therefore be liable for any penalties.

Homeowners who rent out part of their own property to one or more adult lodgers as their only or main home in return for payment are responsible for conducting right to rent checks.

Sitting tenants and changes in landlord

If you buy a property with sitting tenants, you should confirm with the transferring landlord that right to rent checks have been conducted and retain evidence, for example, copies of the documents checked by the previous landlords. Careful note should be taken of whether follow-up checks must be conducted, and when these are due, to ensure a statutory excuse against a penalty is maintained.

If a tenancy was entered in to before the Right to Rent Scheme came in to force, you do not need to confirm with the transferring landlord that a right to rent check has been carried out. However, you should ask for proof of the date the tenancy was entered in to and keep a record of this.

If the tenant had no right to rent at the time the tenancy agreement was granted, then the original landlord who granted the residential tenancy agreement remains liable for a penalty. This is true, even if they have since sold the property on to a new landlord.

If a tenant had a time-limited right to rent when the tenancy agreement was granted, and follow-up checks were not completed, then the landlord at the time the breach was identified will be liable for a penalty. If the transferring landlord is

unable to provide you with evidence that a follow-up check was carried out, it is advisable to conduct a check. If the tenant no longer has a right to rent, you must [make a report to the Home Office](#) to maintain your statutory excuse.

Who can occupy residential accommodation?

Under the Right to Rent Scheme, people will fall mainly into two categories depending on their immigration status.

The majority of people will have an [unlimited right to rent](#) and some will have a [time-limited right to rent](#). This section sets out information about who falls into these two categories. It also provides information on two further groups; those who have been granted [permission to rent](#) by the Home Office and [children](#).

Those with an unlimited right to rent

The following groups of people currently have an unlimited right to rent:

- British citizens
- Irish citizens
- People with EUSS settled status
- People who have the right of abode, or who have been granted indefinite leave to remain, or have no time limit on their stay in the UK.

You can conduct checks on those with an unlimited right to rent at any time before the start of a tenancy agreement. You must retain the evidence of the check with the date of when the check was carried out, for the duration of the tenancy agreement and for at least one year thereafter. You do not need to conduct any further checks.

Those with a time-limited right to rent

Those who do not fall into the three categories above will have a time-limited right to rent, if they have valid leave to enter or remain, including pre-settled status, in the UK for a limited period of time. They will have a right to reside in the UK and will be able to obtain documentary evidence (physical or digital) to demonstrate this. The following group of people have a time-limited right to rent:

- people with valid leave to enter or remain in the UK for a time limited period, which includes EEA citizens with pre-settled status or EEA and non-EEA citizens granted time-limited leave under the points-based immigration system.
- people with an outstanding application with the Home Office.

For those individuals who have been granted their immigration status digitally (known as an eVisa), the Home Office online service 'View a tenant's right to rent in England' page will confirm whether you will need to conduct a follow-up check and, if so, the deadline for when the follow-up check is required.

You will not be liable for a civil penalty if you let accommodation for occupation by someone with a time-limited right to rent. You must conduct checks on those with a time-limited right to rent no sooner than 28 days before the start of a tenancy. You should retain evidence of the check along with the date of when the check was conducted for the duration of the tenancy and for at least one year thereafter.

The eligibility period

If presented with a document in List B of the acceptable documents lists, you 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.
- b) until the period of the person's leave to enter or remain in the UK expires.
- c) until the expiry of the validity of the Home Office issued immigration document which evidences their right to be in the UK.

A further check can take place at any time, such as when a tenant tells you that they have extended their leave to enter or remain in the UK and wishes to extend their eligibility period.

To maintain a statutory excuse against a penalty, you will need to conduct a followup check before the end of the eligibility period.

A further check can take place at any time, such as when a tenant tells you that they have extended their leave to enter or remain in the UK and wishes to extend their eligibility period.

Those with no right to rent

A person is not permitted to occupy residential accommodation if they require leave to be in the UK and do not have it and do not have an outstanding application with the Home Office. This means they **do not have the right to rent**. A landlord will normally be liable for a civil penalty if they authorise occupation of accommodation for use as an only or main home by a person who does not have the right to rent.

Those who have been granted permission to rent by the Home Office

In some limited circumstances, when a person is disqualified from renting by reason of their immigration status, the Home Office may grant permission to rent to that person.

A person without leave who is looking to take up a new tenancy can enquire whether they have permission to rent through their established contact points within the Home Office, such as at a reporting event, interview appointment or through the team dealing with their case.

To conduct a right to rent check on someone who says they have permission to rent from the Home Office, you must contact the [Landlord Checking Service \(LCS\)](#). The Landlord Checking Service will inform you if the individual has or has not been granted permission to rent. This confirmation will provide you with a continuous statutory excuse against a penalty, providing there is no change to the tenancy agreement. If there is a change to the tenancy agreement, you will need to contact the Landlord Checking Service again.

Children

This Scheme does not apply to children. You do not need to check a tenant's children, but you should satisfy yourself that they are under the age of 18, at the time the tenancy begins.

You may allow those who will turn 18 years of age during a tenancy agreement to continue to occupy property. You are not required to conduct a right to rent check at the point the child turns 18 years of age. However, where [follow-up checks](#) are required for the existing tenants, the now adult should be included in those checks when they are due.

Letting Arrangements that fall within the Scheme

Under the Right to Rent Scheme you must not authorise any adult to occupy a property under a residential tenancy agreement which provides for the payment of rent unless they have a right to rent or have been granted [permission to rent](#).

The Right to Rent Scheme applies only to residential tenancy agreements first entered into on or after 1 December 2014 in Birmingham, Wolverhampton, Dudley, Sandwell and Walsall, and on or after 1 February 2016 in the rest of England.

A landlord is not required to conduct right to rent checks in relation to residential tenancy agreements entered into before the dates set out above. A landlord is also not required to conduct right to rent checks in relation to residential tenancy agreements which are renewed after the dates set out above if the renewed agreement is between the same parties and there has been no break in the tenant's right to occupy the premises.

Residential tenancy agreements

There is no requirement to create a written tenancy agreement listing all those who will live in the property, but you may find it advisable to do so.

If the tenancy agreement is oral or implied, the checks should still be made on all adults living at the property. If there is evidence that you were aware of a person living in the property but did not conduct a right to rent check, you may be liable for a penalty. This will be the case regardless of whether the agreement is written, oral or implied. It is advisable to keep a record of:

- the full name and date of birth of all adults who will live in the property
- the names and dates of birth of all children under 18 who will be living with them in the property
- whether each of the adults named has current permission to rent.

A right to rent check should be carried out on all adult tenants before a residential tenancy agreement is entered into, regardless of whether they are named in the tenancy agreement. This includes where the tenancy is:

- Varied – where a landlord agrees to the variation of a tenancy which grants the right of occupation to one or more new adult(s).
- Assigned – where a landlord agrees to the assignment of an existing and ongoing tenancy from one or more tenants which grants a new adult(s) the right of occupation.
- Surrendered – where a landlord agrees to the surrender of an existing tenancy and grants a further agreement starting from the time the

surrendered tenancy ends, to one or more of the original occupiers and one or more new occupiers as a new 'joint tenancy'.

A residential tenancy agreement is not to be treated as being entered into for these purposes where:

- It arises by virtue of an order from a court, by or under any statutory provision, or by operation of law, or
- It arises between the same parties at the end of a term granted by a residential tenancy as a result of a contractual right exercised by the tenant.

Property for use as an only or main home

A property will be considered a person's only or main home (with exclusions as detailed in [Excluded agreements](#)) if:

- it is the only property they live in, or
- they live between multiple properties, their personal, legal or family ties to that property are such that it is where they live their settled day to day life

When a tenant lives away from the home for extended periods due to employment, the address to which they return when they are not working is usually taken as being their only or main home.

The tenant must physically live in the home for at least some of the time, but they do not need to spend the majority of their time there.

Relevant factors will include whether they:

- will keep most of their belongings there
- will be registered with a doctor/dentist from that address
- will register for voting purposes there
- receive post there or
- their partner or children live there

The tenant's reason for using the property will need to be considered on a case-by-case basis. If in doubt, it is advisable to assume that prospective tenants intend to occupy the property as their only or main home. See [initial right to rent checks](#) for further information about the steps you should take to establish who will use the property as their only or main home.

Holiday accommodation

When letting holiday accommodation, you should consider how a person will be using the property to decide whether right to rent checks are necessary.

If the letting is for a short, time-limited period, and the tenants intend to use the premises for leisure related purposes and will not remain in the property after this

period, then you may conclude that the property is to be used as holiday accommodation. In this scenario there is no need to conduct right to rent checks.

As a guide, the Home Office would consider that bookings of three months or more may indicate that a person is using the accommodation for a purpose other than leisure purposes and could be intending to use the accommodation as their only or main home.

If the booking is open ended, or the initial booking was time-limited but is subsequently extended, then it would be advisable to conduct right to rent checks.

House guests

House guests, such as friends or family members, will not normally be treated as a tenant under the Scheme. This is because the temporary nature of a guest means they will not be living in the accommodation as their only or main home.

Excluded agreements

Some properties and types of living arrangements are excluded from the requirement to make right to rent checks. These are listed below.

Accommodation involving local authorities

The following residential tenancy agreements are exempt from the Scheme, where they are arranged by a local authority which is acting in response to:

- a statutory duty owed to an individual
- a relevant power¹, with the intention of providing accommodation to a person who is homeless, or who is threatened with homelessness

This includes instances where the person 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

For residential tenancy agreements which grant a right of occupation in social housing by virtue of a relevant legislative provision as to housing². The local authority has already been required to consider their immigration status before

¹ As defined in paragraph 7(2) of Schedule 3, a 'relevant power' means a power that is exercised for, or in connection with, a purpose of providing accommodation to a person who is homeless or threatened with homelessness.

² See paragraph 1 to Schedule 3 to the Immigration Act 2014 for the specified relevant provisions.

allocating them the property. Also, where a tenant has such an existing tenancy and is seeking to exchange their home for an alternative tenancy are exempt from the Scheme.

Care homes, hospitals and hospices and continuing healthcare provision

Accommodation provided in care homes, hospitals and hospices are exempt from the Scheme. 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.

Hostels and refuges

Residential tenancies which grant a right of occupation in a hostel or refuge are exempt from the Scheme. 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

An agreement under which a person is entitled to station a mobile home on a protected site and use it as their only or main home, is exempt. However, should a mobile homeowner decide to let their mobile home for use by another adult, this residential tenancy agreement will be subject to the Scheme.

Tied accommodation

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 a person in connection with that training, is exempt from the Scheme. However, should the employee be expected to pay rent for that accommodation under a residential tenancy agreement, this will be subject to 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. The nomination could take a variety of forms but will require communication between you and the institute providing confirmation that the student will take up occupation under the residential tenancy agreement.

You should retain a copy of the nomination document relied upon to support a claim to this exemption.

The Scheme applies to all other student accommodation in the private rented sector.

Long leases

Leases which grant a right of occupation for a term of seven years or more are exempt. Such arrangements are more like home ownership than traditional landlord and tenant arrangements. An agreement will not grant a right of occupation for a term of seven years or more if the agreement can be terminated at the option of a party before the end of seven 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.

The ways in which a landlord can establish a statutory excuse against liability for a civil penalty

You should conduct a right to rent check before you enter into a tenancy agreement with a person. If a person's right to rent is time-limited, you should conduct a followup check shortly before their leave expires.

Conducting either the manual check or the online check as set out in this guidance and in the ['code of practice for landlords: avoiding unlawful discrimination when conducting right to rent checks in the private rented residential sector'](#) will provide you with a statutory excuse.

A statutory excuse against a penalty can be established and maintained if you can show that you have correctly :

- conducted [initial right to rent checks](#) before authorising an adult to occupy rented accommodation
- conducted [follow-up checks](#) at the appropriate date if initial checks indicate that a tenant has [a time-limited right to rent](#), and
- made a [report to the Home Office](#) if follow-up checks indicate that a tenant no longer has the right to rent.

When to conduct initial right to rent checks

You must conduct a right to rent check **before** you rent to a prospective tenant to ensure they have a legal status in the UK and are therefore allowed to rent. This includes everyone over the age of 18, including British citizens, who will use the [property as their only or main home](#), even if they are not named on the tenancy agreement and regardless of whether the tenancy agreement is written, oral or implied.

In order to establish a statutory excuse against a penalty, right to rent checks must be undertaken within specific time limits:

- A check on a person with an [unlimited right to rent](#) may be undertaken at any time before the residential agreement is entered into
- A check on a person with a [time-limited right to rent](#) must be undertaken and recorded no earlier than 28 days before the start date of the tenancy agreement.

However, there will be some limited circumstances where it is not possible to undertake checks before the residential tenancy is agreed. See [agreeing to a tenancy in principle](#) for further information.

Agreeing to a tenancy in principle

In some cases, it may not be practical to check the documents of someone who will live in the property before the residential tenancy is agreed. For example, if a person lives overseas or in a remote area and wishes to arrange accommodation in advance of their arrival. In these circumstances, you can agree to a tenancy in principle and then check the tenant's documents in person when they arrive in the UK.

You may wish to see the prospective tenant via live video link before agreeing the tenancy in principle. However, you will still need to conduct a right to rent check, at a later date, before the start of their residential tenancy agreement.

Ways to evidence a right to rent

Conducting a manual document-based right to rent check

There are three steps to conducting a manual document-based right to rent check. You must complete all three steps before the tenancy commences to ensure you have conducted a check in the prescribed manner, in order to establish a statutory excuse.

You should take all reasonable steps to check the validity of the documents presented to you. If you are given a false document, you will only be liable for a penalty if it is reasonably apparent that it is false. This means that a person who is untrained in the identification of false documents, examining it carefully, but briefly, and without the use of technological aids could reasonably be expected to realise that the document in question is not genuine.

Step 1: Obtain

You must obtain [original documents](#) to conduct the check.

You must ask for and be given **original** documents from **List A** or **List B** of the acceptable document list or documents as set out in the code of practice.

Step 2: Check

In the presence of the prospective tenant or tenants, you must check that the:

- documents appear genuine
- documents have not been tampered with
- person presenting them is the prospective tenant or tenant and the rightful holder
- photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation

- reasons for any difference in names across documents can be explained by providing evidence (for example original marriage certificate, divorce decree absolute, deed poll)
- immigration leave to enter or remain in the UK has not expired

Step 3: Record and retain evidence of the check

You must make a clear copy of each document in a format which cannot be altered later and retain the copy securely: electronically or in hardcopy. You must make a record of the date on which the check was made and retain the copies securely for at least one year after the tenancy agreement comes to an end.

Where a person is unable to present a landlord with any of the above acceptable evidence, the landlord can make a request to the [Landlord Checking Service](#) to establish whether their prospective tenant has a right to rent.

You must copy and retain copies of:

Passports – any page with:

- the document expiry date
- the holder's nationality
- date of birth
- signature
- biometric details
- photograph
- any page containing information indicating the holder has an entitlement to leave, enter or remain in the UK (visa or entry stamp)

All other documents – the documents in full and copy both sides of:

- Biometric Residence Permit
- Application Registration Card
- Biometric Residence Card
- Frontier Worker Permit

Lists of acceptable documents which can be used for a manual document check

The documents that are considered acceptable for establishing a statutory excuse when conducting a manual document-based right to rent check are set out in [List A](#) and [List B](#) and can be found in Annex A. You may also accept any documents set out in the code of practice.

Examples of the documents are provided to assist you with conducting right to rent checks, offering you a visual guide to each document which can be accepted to satisfy a right to rent check, either in isolation or in combination. These can be found in the [Right to Rent Checks: A user guide for tenants and landlords](#).

List A contains the range of documents which may be accepted to demonstrate an excuse against a penalty in relation to a British or Irish citizen or a person who has an indefinite right to be in the UK. Landlords who correctly check the required document or documents from this list will establish a **continuous statutory excuse** against a penalty, and follow-up checks are not necessary.

List A is sub-divided into Group 1 and Group 2. The landlord is required to check one document from Group 1 or two documents from Group 2, to establish a continuous statutory excuse.

List B contains the range of documents which may be accepted to demonstrate an excuse against a penalty in relation to a person who has a time-limited right to be in the UK. Landlords who check a document in this list will establish a **time-limited statutory excuse** and should conduct follow-up checks as set out below in order to maintain a statutory excuse.

Conducting a right to rent check using the Home Office online service

On 25 November 2020, the Home Office introduced a new online service. Since then, you have been able to rely on the online service '[View a tenant's right to rent in England](#)' page on GOV.UK to obtain a statutory excuse against a penalty when conducting a right to rent check.

It is not possible to conduct a Home Office online check in all circumstances, as not all people will have an immigration status that can be checked online at this time.

Landlords will be able to undertake a right to rent check in real time for:

- non-EEA citizens with a current biometric resident permit or card
- EEA citizens and their family members with status granted under the EU Settlement Scheme
- a digital Certificate of Application to the EU Settlement Scheme issued on or before 30 June 2021
- those with status under the points-based immigration system
- British National Overseas (BNO) visa; or
- Frontier workers permit

How does the service work?

Where an individual provides you with a share code via the Home Office online service, you must carry out the check by accessing the '[View a tenant's right to rent in England](#)' page on GOV.UK in order to obtain a statutory excuse against a civil penalty. It is not sufficient to view the details provided to your tenant on the migrant part of the service; '[Prove your right to rent to a landlord](#)'.

The online service allows checks to be carried out by video call. You do not need to see physical documents as the right to rent information is provided in real time directly from Home Office systems. The service works on the basis of the individual first viewing their own Home Office right to rent record. They may then share this information with you, by providing you with a 'share code' which, when entered alongside the individual's date of birth, enables you to access the information. The share code will be valid for 30 days from the point it has been issued and can be used as many times as needed within that time.

Share codes are service specific. Tenants cannot use a code generated by another Home Office service (e.g. right to work) for the purpose of a right to rent online check.

If a share code has expired, or the tenant has used a code generated by another service, you must ask them to resend you a new right to rent share code.

There will be some individuals who have been issued an eVisa by the Home Office, meaning they can only use the online service to prove their right to rent. You cannot discriminate against those who can only prove their right to rent digitally using the Home Office online service '[View a tenant's right to rent in England](#)'.

There are three steps to conducting a Home Office online check using [View a tenant's right to rent in England](#) on GOV.UK. You need to complete all three steps before the tenancy commences to ensure you have conducted the check in the prescribed manner to establish a statutory excuse.

Step 1: Use the Home Office online service

The Home Office online service works on the basis of the person first viewing their own Home Office right to rent record. They may then share this information with you by providing you with a 'share code'. When this code is entered along with the person's date of birth, it enables you to access their right to rent profile page. The share code will be valid for 30 days, after which a new code will be required in order to conduct an online check.

The person may provide the share code with you directly, or they may choose to send it to you via the service. If they choose to send it to you via the service, you will receive an email from right.to.rent.service@notifications.service.gov.uk

To check the person's right to rent details, you will need to:

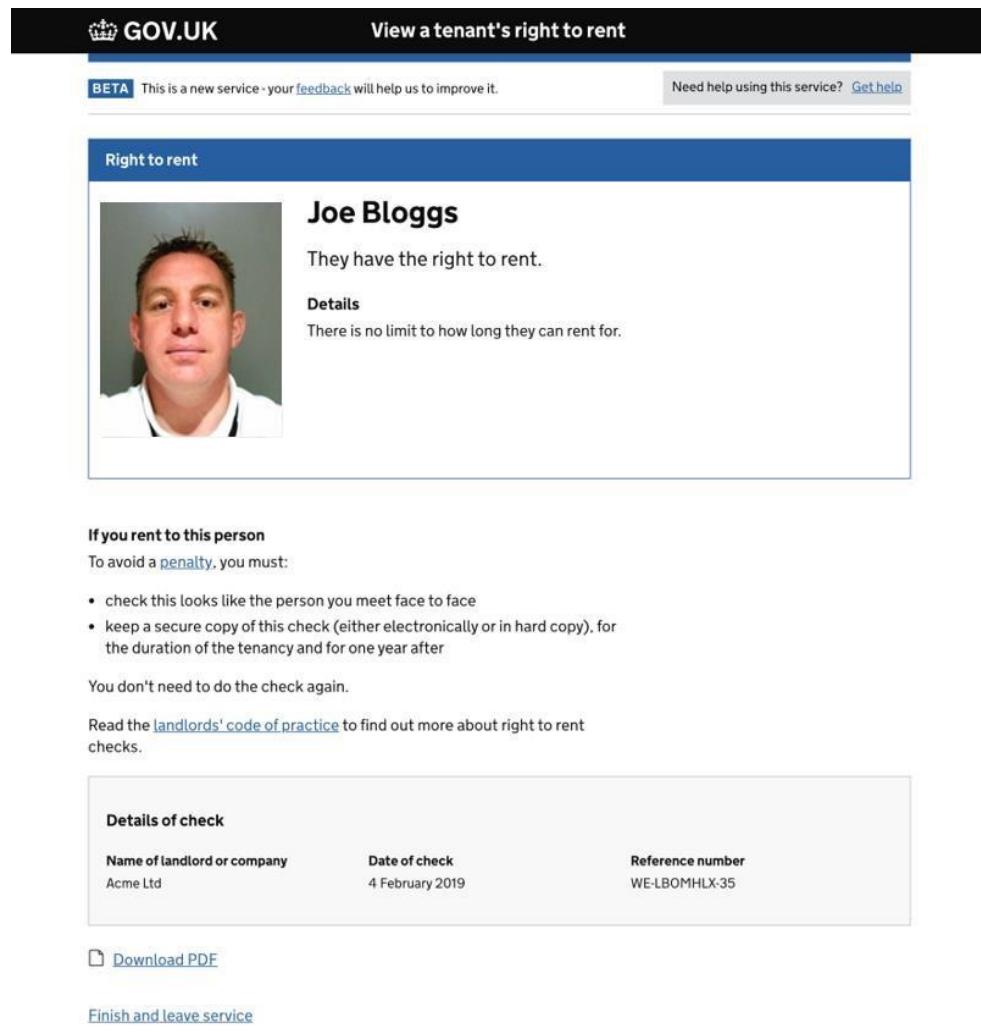
- access the service '[View a tenant's right to rent in England](#)' via GOV.UK
- enter the 'share code' provided to you by the person, and
- enter their date of birth

Step 2: Check

In the presence of the person (in person or via live video link), you must check that the photograph from their profile page is of them (i.e. the information provided by the check relates to the person and they are not an imposter).

If you enter into a tenancy agreement with someone on the basis of the online check, but it is reasonably apparent that the person in the photograph on the online service is not the prospective tenant, you may be liable for a penalty if they do not have the right to rent.

The online service will confirm that no further check is required for someone who a continuous right to rent. For someone with a time-limited right to rent the service will advise when a further check is required.



The screenshot shows a web page from the GOV.UK 'View a tenant's right to rent' service. At the top, there is a banner with the GOV.UK logo and the text 'View a tenant's right to rent'. Below the banner, a 'BETA' label indicates it is a new service, followed by a message: 'This is a new service - your [feedback](#) will help us to improve it.' and a 'Need help using this service? [Get help](#)' link. The main content area has a blue header 'Right to rent'. Below this, there is a photo of a man named 'Joe Bloggs' and the text 'They have the right to rent.' Under the photo, there is a 'Details' section with the text 'There is no limit to how long they can rent for.' At the bottom of the main content area, there is a section titled 'If you rent to this person' with instructions: 'To avoid a [penalty](#), you must:' followed by a list: 'check this looks like the person you meet face to face' and 'keep a secure copy of this check (either electronically or in hard copy), for the duration of the tenancy and for one year after'. Below this, there is a note: 'You don't need to do the check again.' and a link to 'Read the [landlords' code of practice](#) to find out more about right to rent checks.' At the bottom of the page, there is a 'Details of check' table with columns for 'Name of landlord or company' (Acme Ltd), 'Date of check' (4 February 2019), and 'Reference number' (WE-LBOMHLX-35). Below the table, there are links: 'Download PDF' and 'Finish and leave service'.

The above image is from the online service and shows the person has a continuous right to rent.

BETA This is a new service - your [feedback](#) will help us to improve it.

Need help using this service? [Get help](#)

Right to rent



Student Jack

They have the right to rent until 18 March 2022.

If you rent to this person

To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this check (either electronically or in hard copy), for the duration of the tenancy and for one year after
- do this check again when their permission to be in the UK expires on 18 March 2022, or one year after the last check. The deadline is the latest of these dates

Read the [landlords' code of practice](#) to find out more about right to rent checks.

Details of check

Name of landlord or company
test

Date of check
14 June 2021

Reference number
RL-3WYPRX2-6T

 [Download PDF](#)

[Finish and leave service](#)

The above image is from the online service and shows the holder has a time-limited right to rent and confirms the date a follow-up check is required.

Step 3: Copy and retain evidence of the check

You must retain evidence of the online check; this should be the profile page confirming the person's right to rent (as shown in the pictures above). You have the option of printing the profile page (the response provided by the Home Office online service) or saving it as a PDF or HTML file.

You should store this securely (electronically or in hardcopy) for the duration of the tenancy agreement and for one year afterwards. The file must then be securely destroyed.

Should a disqualified person be identified, you will need to be able to evidence that you have conducted a right to rent check in order to have a statutory excuse and liability for a penalty. By retaining evidence of the check as above, you will be able to

present this to a Home Office official in the event you are found to have rented to someone that is a disqualified person.

The Home Office Landlord Checking Service

In certain circumstances, you will need to contact the Home Office [Landlord Checking Service](#) (LCS) to establish a statutory excuse. These are when:

1. You are presented with a document (non-digital CoA or an acknowledgement letter or email) confirming receipt of an application to EUSS on or before 30 June 2021; or
2. You are presented with non-digital CoA confirming receipt of an application to the EUSS on or after 1 July 2021; or
3. You have checked a digital CoA using the online service, confirming receipt of an application to the EUSS on or after 1 July 2021, and been directed to the LCS; or
4. You are satisfied that you have not been provided with any acceptable documents because the person has an outstanding application with the Home Office, which was made before their previous permission expired or has an appeal or administrative review pending against our decision and therefore cannot provide evidence of their right to rent; or
5. You consider that you have not been provided with any acceptable documents, but the person presents other information indicating they are a long-term resident of the UK who arrived in the UK before 1988.

You should delay entering into a tenancy agreement until you have received a response from the Landlord Checking Service.

You can request a Home Office right to rent check using an [online form](#). If you do not have access to the internet, a request can be made by calling the Landlord Helpline on 0300 790 6268. The LCS will respond to your request with a clear 'yes' or 'no' response within two working days. This will only be sent to you by the LCS and will contain a unique reference number. The information provided by the LCS will clearly set out whether a follow-up check will be required, and if so, when.

If positive confirmation is received, by way of a Positive Right to Rent Notice (a 'yes' response) from the LCS, the statutory excuse will last for 12 months from the date specified. You will then need to make a further check before expiry.

If the LCS informs you that your tenant no longer has a right to rent, by way of a 'no' response, you must make a report to the Home Office in order to maintain a statutory excuse, as detailed below. If you do not do this, your statutory excuse will expire.

If a 'no' response is received from the LCS, you will receive a Negative Verification Notice. This will inform you that the person does not have the right to rent, and if you

rent to this person you will not have a statutory excuse and may be liable for a penalty or be committing a criminal offence.

If the LCS has not considered the request within two working days, an automated response will be sent to you informing you that you can let your property to the prospective tenant. You will have an automatic statutory excuse, from the date of the LCS response. The statutory excuse will last for 12 months, at which time you will need to carry out a further check to maintain your statutory excuse. The LCS response must be retained in order for you to avoid a penalty.

Please note that the Landlord Checking Service is for the use of landlords and agents **only**.

Certificate of Application

You must make a copy of this document and retain this copy, in the usual way. If you are required to verify the CoA with the LCS, you must also obtain and keep a copy of the Positive Right to Rent Notice (PRRN). In so doing, you will have a statutory excuse for twelve months from the date stated in the PRRN.

Nationals of an EEA country, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who are visitors to the UK

Nationals of an EEA country, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA, who enter the UK as a visitor, are able to use eGates at UK airports, seaports, and Brussels and Paris Eurostar terminals, should they hold a biometric passport. If they do not have a biometric passport, they will be informed of their leave and its associated conditions verbally by a Border Force officer. They will not have their passports endorsed with a stamp.

Those coming to live in the UK for more than six months will have a visa in their passport and will collect their biometric residence permit post-arrival or will have been issued an eVisa. This will provide them with a means of evidencing their status in the UK, in common with all other non-EEA citizens coming to live in the UK for more than six months.

Those entering the UK as a visitor or business visitor will be granted automatic leave to enter for a maximum period of six months and will not have a document to evidence their lawful status in the UK. Nationals of the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who are visitors are permitted to use a combination of their passport, plus evidence of entry to the UK to demonstrate their right to rent.

Acceptable evidence of travel to the UK may include (but is not restricted to) one of the following, or a combination of:

1. an original or copy of a boarding pass or electronic boarding pass for air, rail or sea travel to the UK, establishing the date of arrival in the UK in the preceding six months
2. an original or copy airline, rail or boat ticket or e-ticket establishing the date of arrival in the UK in the preceding six months
3. any type of booking confirmation (original or copy) for air, rail or sea travel to the UK establishing the date of arrival in the UK in the preceding six months
4. any other documentary evidence which establishes the date of arrival in the UK in the preceding six months

In some cases, individuals may choose to see an officer at the border to request a stamp in their passport, which will evidence their date of entry to the UK. In these circumstances, a landlord can conduct a right to rent check by checking their passport and the endorsement in it.

Under the Immigration Rules, non-visa nationals can be granted leave to enter as a visitor to the UK for up to six months from the date of their arrival at the border. However, a different legislative framework governs the Right to Rent Scheme, purposely designed to minimise the frequency of checks you need to undertake. The Scheme allows you to establish a statutory excuse against a civil penalty for a limited period known as [the eligibility period](#). The time-limited statutory excuse lasts for 12 months from the date the right to rent check was performed, or until the expiry of the person's permission to be in the UK, or until the expiry of the validity of their document (physical or digital) which evidences their right to be in the UK, whichever is the longest.

Where you have correctly conducted a right to rent check, you will obtain a statutory excuse for 12 months and must schedule a follow-up check before the end of the 12 months eligibility period if the individual is still occupying the accommodation.

How to conduct a right to rent check on nationals of the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who are visitors to the UK

There are three basic steps to conducting a right to rent check on these citizens:

Step 1: Establish that the individual is a national of the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA.

You must check the individual's passport to ensure they are a national of one of the countries listed along with evidence of their arrival in the UK in the last six months.

Step 2: Check

You must check the documents in the presence of the holder. This can be a physical presence in person or via a live video link, although in either case you must be in possession of the original documents.

Step 3: Copy

You must make a clear copy of each document in a format which cannot be altered later, and retain the copy securely, electronically or in hardcopy. You must make a record of the date on which the check was made and retain the copies securely for at least one year after the tenancy agreement comes to an end.

Where you have correctly conducted a right to rent check you will obtain a statutory excuse for 12 months and must schedule a [follow-up check](#) before the end of the 12 month period if the person is still occupying the accommodation.

When to conduct a follow-up check

You may establish a time-limited statutory excuse where the initial right to rent checks are satisfied with one of the following:

- a document from [List B](#)
- a time-limited response from the Home Office online service
- a check for a [nationals of the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA](#) who is a visitor or
- the [Landlord Checking Service](#) has provided a 'yes' response to a request for verification of a right to rent.

This time-limited statutory excuse lasts either for:

- 12 months from the date of the right to rent check, or
- until expiry of the person's permission to be in the UK, or
- until expiry of the validity of their immigration document(s) which evidences their right to be in the UK, whichever is later.

In order to maintain a statutory excuse follow-up checks should be conducted before the time-limited excuse expires.

You should ask the tenant for proof of their continued right to rent. The tenant can choose to evidence this either by providing the landlord with documents from [List A or B](#), a document as set out in the code of practice or by using the [Home Office online service](#), if applicable.

If the tenant is unable to produce their documents, you should contact the [Landlord Checking Service](#).

If the tenant cannot produce evidence of their continued right to rent, you must [make a report to the Home Office](#) in order to maintain your statutory excuse.

Making a report to the Home Office

If the [follow-up checks](#) indicate that a tenant no longer has the right to rent, or an existing tenant or tenants are not co-operating with follow-up checks, you must make a report to the Home Office using an [online form](#). You must make the report as soon as reasonably practicable after discovering that the tenant no longer has a right to rent, and before your existing time-limited statutory excuse expires.

Copies of documents should not be submitted when making a report but should be retained as set out in [initial right to rent checks](#) for future enquiries.

Making a report in the specified way will generate a unique reference number. You must ensure you keep a copy of this number as evidence of your continued statutory excuse. All copies of documents taken should be kept for the duration of the tenancy agreement and for at least one year thereafter.

A statutory excuse can only be maintained when the initial checks have been conducted before the beginning of the tenancy. If you have failed to conduct the initial right to rent checks before the beginning of a tenancy, you cannot establish a statutory excuse by making a report to the Home Office at a later date.

When to end a tenancy due to immigration status

If you know or have reasonable cause to believe that someone is living in your property and is not allowed to rent due to their immigration status, you have a range of options to end your tenancy with them. If you have made a report to the Home Office which maintains your statutory excuse, you are not required to end the tenancy agreement.

Ending a tenancy: your options

The following options may be available to you to end a tenancy with a disqualified person:

- if multiple people live in the property and some are disqualified and others are not, you can agree with the disqualified person(s) that they will leave the property - if they are a tenant you can consider reassigning the tenancy to one or more remaining non-disqualified tenants
- arrange the surrender of the tenancy by mutual agreement
- rely on a [Notice of Letting to a Disqualified Person](#) to begin the process to recover vacant possession - the steps you should take depend on whether this names [all occupiers](#) or [some of the occupiers](#)
- [take other steps](#) to recover vacant possession, depending on the kind of tenancy

This section of the guidance will help you to understand your rights and responsibilities to:

- [use a Notice of Letting to a Disqualified person to end a tenancy](#)
- [tell the Home Office that a disqualified person has left your property](#)
- [request a Notice of Letting to a Disqualified Person](#)
- [check if a person is still disqualified from renting](#)

Using a Notice of Letting to a Disqualified Person

The Home Office may send you a Notice of Letting to a Disqualified Person to tell you that someone living in your property is disqualified from renting. You need to keep this document safe as you may need to show it to your tenant or to the courts.

If you have received a Notice of Letting to a Disqualified Person, it shows that you have grounds for ending the tenancy. In certain circumstances, the Notice of Letting to a Disqualified Person may allow you to end a tenancy with a disqualified person without a court order.

The Home Office will also inform the person(s) named on the Notice of Letting to a Disqualified Person making them aware that it has been sent. If a person believes that they have been named in error, they should contact the Home Office.

The person can do this by contacting the Home Office, either via the team dealing with their case, via their reporting centre, or by calling the immigration public enquiry line on 0300 123 2241. To note, call charges may apply: [find out about call charges](#).

Once you have acted on a Notice of Letting to a Disqualified Person, you must [let the Home Office know when a disqualified person has left your property](#).

Using a Notice of Letting to a Disqualified Person when it names all the tenants

If you have received a Notice of Letting to a Disqualified Person which names all the tenants in your property (or the sole tenant if there is only one), or multiple Notices which together name all tenants, you have a number of options to end the tenancy with the disqualified persons:

- arrange the surrender of the tenancy by mutual agreement
- serve the appropriate [Prescribed Notice](#) on all your tenants, along with copies of the Notice of Letting to a Disqualified Person from the Home Office, and give the occupiers at least 28 days' notice for them to leave

If the tenants do not leave by the time their notice period expires, you can:

- rely on the Notice of Letting to a Disqualified Person to apply to the district registry of a High Court, to ask that High Court enforcement officers evict them - you can do this without a court order for possession under Section 33D of the Immigration Act 2014
- exclude them from the property peacefully after the notice period has expired, for example by changing the locks
- Alternatively, you can [take other steps to recover vacant possession](#). The action you take will depend on the type of tenancy you have.

Using a Notice of Letting to a Disqualified Person when it names some of the tenants

If you have received a Notice of Letting to a Disqualified Person which names some of the tenants in your property, but not all of them, you have a number of options to end the tenancy.

You can ask the disqualified person(s) to leave voluntarily if you wish in one of the following ways:

- agree with the disqualified person that they will leave the property - if they are a tenant you can consider reassigning the tenancy to one or more of the remaining non-disqualified tenants
- arrange the surrender of the tenancy by mutual agreement

Alternatively, you can [take other steps to recover vacant possession](#).

Taking other steps to recover possession

If a disqualified person(s) does not leave under any of the routes described above, you can take other steps to recover vacant possession. The action you take will depend on the kind of tenancy you have.

If the fixed term of an Assured Shorthold Tenancy has already expired, you can serve a [Section 21 Notice](#) giving the appropriate amount of notice. After the notice period has expired you can apply to the courts for a possession order. Currently, because of the coronavirus pandemic, the minimum notice that must be given prior to applying to the courts for possession via Section 21 is four months.

You can give notice to your tenants under Schedule 2 of the Housing Act 1988 using a [Section 8 Notice](#), relying on ground 7B. You can do this whether or not the fixed term has expired. If the tenants have not left the property after that notice period has expired, you can apply to the court for a mandatory possession order, relying on ground 7B. The court will either grant this order or may use discretion to order a transfer of the tenancy to the tenants that are not disqualified from renting.

If the tenancy is a Rent Act 1977 tenancy (that is, it started before 15 January 1989), you can apply to the court for a possession order relying upon the immigration status of the disqualified person, under case 10A of Schedule 15 of the Rent Act 1977.

You must refer to the latest [MHCLG guidance](#) on evictions which have been adjusted in response to COVID-19. Since 1 June 2020, notice periods that are currently 6 months will reduce to at least 4 months. Notice periods for the most serious cases will remain lower.

Tell the Home Office that a disqualified person has left your property

[Let the Home Office know when a disqualified person has left your property](#) after you have acted on a Notice of Letting to a Disqualified Person. The Home Office will then update their records.

Request a Notice of Letting to a Disqualified Person

If you know or have reasonable cause to believe that you are renting to someone who is disqualified from renting, you can [request a Notice of Letting to a Disqualified Person](#) if the Home Office has not sent you one.

You can also make this request if you have received a Notice of Letting to a Disqualified Person for some tenants, and you have reasonable cause to believe that other tenants are also disqualified from renting. If all tenants are then named on a Notice, or multiple Notices, you can [rely on the Notice\(s\) to bring the tenancy to an end without a court order.](#)

‘Minded to serve’ process

Before a Notice of Letting to a Disqualified Person (NLDP) is issued, the Home Office will make enquiries with your tenant giving them an opportunity to demonstrate that they are not a disqualified person. The Home Office will do this by issuing them with a ‘minded to serve’ letter asking them for evidence that they have a right to rent or qualify for permission to rent. Your tenant will have 28 calendar days to provide a response to the Home Office, who will consider whether the evidence provided establishes whether the tenant has a right to rent or if permission to rent is applicable in their case. The Home Office will aim to respond to the tenant within 28 days of receipt of the evidence provided.

If the Home Office agrees that the tenant has a right to rent or could be granted permission to rent, we will advise both you and the tenant, in writing, that we will not issue an NLDP.

If an NLDP is appropriate, this will be issued to you, enabling you to take action to end the tenancy agreement.

Check if a person is still disqualified from renting

As it is possible for a tenant’s immigration status to change, it may be advisable to [check that the person is still disqualified from renting](#) before you use the NLDP to recover vacant possession. You may wish to do this if some time has passed since it was issued, and you want to use it now.

Further advice on ending a tenancy

Both landlords and tenants can also seek legal advice from solicitors, housing advice centres or the [Citizens Advice](#).

If you need to apply to a court, you can find your most suitable court using the [court finder](#).

You can call the Landlord Helpline on 0300 069 9799 for general information about ending a tenancy with a disqualified person. The helpline cannot talk about individual cases.

What are the sanctions if you are found to be renting to a disqualified person?

If you are found to be renting to someone who does not have the right to rent and you have not conducted the checks as set out in the code of practice, you may face sanctions including:

- a civil penalty of up to £3,000 per disqualified person
- in the most serious cases, a criminal conviction carrying a prison sentence

Civil penalties

The amount of any penalty issued is determined on a case-by-case basis. The '[code of practice on right to rent checks: civil penalty scheme for landlords and their agents](#)' explains how a penalty is calculated.

You will have a statutory excuse against a penalty if you can show that you have conducted an initial right to rent check, any [follow-up checks](#) if necessary, and made any required [report to the Home Office](#).

You will not have a statutory excuse against a penalty if you cannot show that you have conducted an initial right to rent check, any follow-up checks if necessary, and made any required report to the Home Office. If you are found to be renting to a person who does not have a right to rent, you will be liable for a penalty.

The offence of 'knowingly letting to a disqualified person'

You will commit a criminal offence under section 33a and 33b of the [Immigration Act 2016](#), if you know or have reasonable cause to believe that you are renting to a person who does not have the right to rent. You may face an unlimited fine and in the most serious cases, up to five years in prison. This includes:

- the tenant didn't have leave (permission) to enter or remain in the UK
- the tenant's leave had expired
- the tenant's documents were incorrect, or it is reasonably apparent that they are false

It is illegal to rent to someone aged 18 or over, who is subject to immigration control and who is not allowed to rent the property in question. The penalty scheme is the sanction applied in most routine cases involving letting to disqualified persons. If you have complied with the civil penalty scheme, then you will not be in a position of knowingly letting and will have a statutory excuse. The criminal offence is for the most serious cases. It is not intended for landlords who have simply made a mistake when complying with the Right to Rent Scheme. In the most serious cases,

prosecution may be considered where it is deemed the appropriate response to the noncompliance encountered.

How and when a civil penalty is served

If a person does not have the right to rent and is found living in a privately rented property owned by you, you will be asked to show that you made a right to rent check (including any [follow-up checks](#) and [reports necessary](#)).

A penalty will not be issued in respect of a tenancy entered into before the Right to Rent Scheme commenced. If you cannot show the checks were made when the suspected breach of the law is identified, you may be served with a **Referral Notice** during a visit by the Home Office, explaining that liability for a penalty is being considered.

You will then be sent an **Information Request**. This provides you with an opportunity to present information and evidence. For example, evidence of a statutory excuse against a penalty, evidence that the checks were in fact conducted or that you are not the [liable party](#). After considering the case the Home Office will issue either a **Civil Penalty Notice**, or a **No Action Notice**, together with a Statement of Case explaining the decision.

The Home Office may routinely share information with other government departments, as required, in administering penalties under the Right to Rent Scheme.

Paying a civil penalty

Your Civil Penalty Notice will state the penalty amount and the date by which your payment should be made. The due date for the full amount is 28 days from the date your Civil Penalty Notice was given and will be clearly shown on your notice. The possible methods of payment will also be explained. If you fail to pay your penalty or exercise your objection or appeal rights by the deadlines given, enforcement action to recover the debt will be taken against you.

Fast payment option

A fast payment option reduces the amount of your penalty by 30 per cent if we receive payment **in full within 21 days of it being due**. The discounted penalty amount and the final date by which you must pay will be clearly shown on your notice. If you have been found to be renting to any disqualified persons in the previous three years for whom you did not have a statutory excuse, you are not eligible for this reduced payment after the first penalty notice or offence.

Payment by instalments

We will consider the impact of the penalty on you in circumstances where you are unable to pay it in one lump sum. We may agree that you are able to pay your

penalty by instalments over an agreed period of time, usually up to 24 months, and exceptionally up to 36 months. We will not reduce the penalty amount.

You may request to pay the penalty by way of an instalment plan by **Direct Debit**. If you wish to take up this option, you should contact the Home Office Shared Service Centre by e-mail to Order-to-cash@homeoffice.gov.uk stating that you wish to request an instalment plan or by writing to the Order to Cash Team at:

Order to Cash Team
Home Office Shared Service Centre
HO Box 5003
Newport
Gwent
NP20 9BB
Telephone: 0845 0100125

This should be **done within 28 days** of the date your Civil Penalty Notice was given, in order for your application to be considered. When we inform you of our decision, we will state when the payment or payments are due. Your request to pay by instalments does not affect the time limits within which an objection against the penalty must be brought.

If you do not pay an instalment on the due date, debt recovery enforcement action will be taken. A fast payment option may not be paid by instalments

Objecting to a civil penalty

If you have been issued with a **Civil Penalty Notice**, you may object in writing to the Home Office within 28 days of the date specified in the notice, after which you will lose the right to object.

You may object on the following grounds:

- you are not liable to pay the penalty (for example, because you are not the landlord of the disqualified person), or
- you have a statutory excuse (this means that you conducted the checks and made any necessary reports), or
- the level of penalty is too high (this means that the Home Office has miscalculated the amount of the penalty by reference to the wrong criteria).

The objection must contain:

1. the reference number of the penalty notice
2. the name and contact address of the landlord and any relevant agent
3. the name and address of the tenant(s) in respect of whom the penalty was issued, and

4. full grounds of objection together with supporting evidence, including copies of any documents relied upon

The Home Office will then consider the objection and reply within 28 days with an **Objection Outcome Notice** notifying you that either:

- the penalty is to be maintained, or
- the penalty is to be cancelled, or
- the penalty is to be reduced.

In the case that the penalty is increased, you will be served with a new **Civil Penalty Notice** which you may then first object to, and subsequently appeal against.

Appeal against a civil penalty

An appeal against an objection decision may be brought to a County Court on the same acceptable [grounds as for an objection](#), and must be made within 28 days of the due date given in the notice.

An appeal must be filed using [Form N161](#), which can be obtained from any County Court office or on the [HM Court Services](#) website, the form will also include guidance on the process. The completed appeal form will need to be submitted with the relevant fee. You are also required to serve the appeal papers on Secretary of State for the Home Office. This can be done by sending a copy of the papers by recorded delivery to: **Government Legal Department, 1 Kemble Street, London, WC2B 4TS.**

You should be aware that if your appeal to the court does not succeed, the court may order that you pay the reasonable costs or expenses of the Home Office in defending the appeal. If, however, the appeal is successful, the court may order that the Home Office pay your reasonable costs or expenses.

Annex A: List of acceptable documents for a manual right to rent check

Lists of acceptable documents to establish a continuous statutory excuse

Where a right to rent check has been conducted using the online service, the information is provided in real-time directly from Home Office systems and there is no requirement to check any of the documents listed below.

Changes have been made to List B

List B document 5 has been amended to remove reference to ‘on or before 30 June 2021’, and to include ‘Isle of Man’ and ‘together with a Positive Right to Rent Notice issued by the Landlord Checking Service’.

List B, document 11 is an additional entry.

These changes take effect with this guidance and will be amended in upcoming legislation.

You will obtain a statutory excuse against liability for a civil penalty if the check you undertake is as set out in this guidance.

List A - acceptable documents to establish a continuous statutory excuse

If a prospective tenant can produce either one document from group 1 or two documents from group 2 then they will not require a follow-up check.

List A 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 a passport card (current or expired), showing that the holder is a national of the Republic of Ireland.
3. A document (current or expired) issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Landlord Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5. A current permanent residence card issued by the Home Office to the family member of an EEA or Swiss citizen.
6. A biometric immigration document (current or expired) issued by the Home Office to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.

7. A passport (current or expired) or other travel document to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
8. A immigration status document (current or expired) containing a photograph issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay in the UK indefinitely or has no time limit on their stay in the UK.
9. A certificate of registration or naturalisation as a British citizen.

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

1. A birth certificate issued in the UK.
2. An adoption certificate issued in the UK.
3. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland.
4. An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland.
5. A letter which:
 - (a) is issued by a government department or local authority no longer than three months before the date on which it is presented;
 - (b) is signed by a named official stating their name and professional address;
 - (c) confirms the holder's name; and
 - (d) confirms that the holder has accessed services from that department or authority or is otherwise known to that department or authority.
6. A letter which:
 - (a) is issued no longer than three months before the date on which it is presented;
 - (b) is signed by a British passport holder who is or has been a professional person or who is otherwise of good standing in their community;
 - (c) confirms the holder's name;
 - (d) states how long the signatory has known the holder, such period being of at least three months' duration, and in what capacity; and
 - (e) states the signatory's name, address, profession, place of work and passport number.
7. A letter issued by a person who employs the holder no longer than three months before the date on which it is presented, which indicates the holder's name and confirming their status as an employee and employee reference number or National Insurance number and states the employer's name and business address.
8. A letter issued by a police force in the UK no longer than three months before the date on which it is presented, confirming that the holder has been the victim of a

crime in which a document listed in List A (Group 1) belonging to the holder has been stolen and stating the crime reference number.

9. An identity card or document issued by one of Her Majesty's forces or the Secretary of State confirming that the holder is or has been a serving member in any of Her Majesty's forces.
10. A letter issued by Her Majesty's Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming that the holder has been released from the custody of that service no longer than six months before the date on which that letter is presented and confirming their name and date of birth.
11. A letter issued no longer than three months before the date on which it is presented by an officer of the National Offender Management Service in England and Wales, an officer of a local authority in Scotland who is a responsible officer for the purposes of the Criminal Procedure (Scotland) Act 1995 or an officer of the Probation Board for Northern Ireland confirming the holder's name and date of birth and confirming that the holder is the subject of an order requiring supervision by that officer.
12. A current licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 (to include the photocard licence in respect of licences issued on or after 1st July 1998) or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (to include the photocard licence).
13. A certificate issued no longer than three months before the date on which it is presented, by the Disclosure and Barring Service under Part V of the Police Act 1997, the Scottish Ministers under Part 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 or the Secretary of State under Part V of the Police Act 1997 in relation to the holder.
14. A document, or a screen shot of an electronic document, issued no longer than three months before the date on which it is presented, by Her Majesty's Revenue and Customs, the Department of Work and Pensions, the Northern Ireland Department for Social Development or a local authority confirming that the holder is in receipt of a benefit listed in section 115(1) or (2) of the Immigration and Asylum Act 1999.
15. A letter which:
 - (a) is issued no longer than three months before the date on which it is presented;
 - (b) is issued by a public authority, voluntary organisation or charity in the course of a scheme operated to assist individuals to secure accommodation in the private rented sector in order to prevent or resolve homelessness;
 - (c) confirms the holder's name; and
 - (d) states the address of a prospective tenancy which the authority, organisation or charity is assisting the holder to obtain.
16. A letter which:
 - (a) is issued by a further or higher education institution in the UK;

- (b) confirms that the holder has been accepted on a current course of studies at that institution; and
- (c) states the name of the institution and the name and duration of the course.

List B - acceptable documents to establish a time-limited statutory excuse

If a prospective tenant can produce **one** document from this group, then a timelimited statutory excuse will be established. A follow-up check will be required within the timescales outlined in [eligibility periods](#).

1. A current passport or travel document endorsed to show that the holder is allowed to stay in the UK for a 'time-limited period'.
2. A current biometric immigration document issued by the Home Office to the holder which indicates that the person named is permitted to stay in the UK for a time-limited period (this includes a Biometric Residence Permit).
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the UK for a time-limited period.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules, which has been verified as valid by the Landlord Checking Service.
5. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man, showing that the holder has made an application for limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules, **together with a Positive Right to Rent Notice** issued by the Landlord Checking Service. **Amended Entry**.
6. A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
7. A current residence card, or a derivative residence card, issued by the Home Office to a non-EEA citizen who is either a family member of an EEA or Swiss citizen, or has a derivative right of residence which indicates that the holder is permitted to stay in the UK for a time-limited period.
8. A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the holder has been granted limited leave to enter, or remain in, the UK.

9. A document issued by the Home Office confirming an application for leave to enter or remain under Appendix EU to the immigration rules, made on or before 30 June 2021 **together with a Positive Right to Rent notice** issued by the Home Office Landlord Checking Service.
10. A passport of a national of an EEA country, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who is a visitor to the UK, **together** with evidence of travel to the UK that provides documentary evidence of the date of arrival in the UK in the preceding six months. Details on how to check a visitor from the above countries is outlined in the relevant section of guidance.
11. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, **together with a Positive Right to Rent Notice** from the Home Office Landlord Checking Service. **Additional document entered to list.**

Annex B

Biometric Residence Permits

Migrants overseas, who are granted permission to enter the UK for more than six months are issued with a vignette (sticker) in their passport enabling them to travel to the UK. Following their arrival, they will have either ten days or until their vignette expires (whichever is later) to collect their BRP from the Post Office branch detailed in their decision letter. Non-EEA family members of EEA citizens are required to make an application to the EU Settlement Scheme to continue living in the UK after 30 June 2021. Whilst they will be granted an eVisa, they may also have a valid Biometric Residence Card (BRC).

Migrants are encouraged to collect their BRP before they enter into a tenancy agreement. However, if they are due to enter into a tenancy agreement prior to collecting their BRP, they will be able to evidence their right to rent by producing the short validity vignette in their passport which they used to travel to the UK. This will provide you with a statutory excuse for 12 months. However, once the person has received their BRP you may wish to conduct a further check which will provide you with a statutory excuse for the duration of their leave. A follow-up check is required shortly before their leave expires.

Windrush generation

The Government has put in place additional safeguards to ensure that non-EEA citizens who have lived lawfully in the UK since before the end of 1988 are not denied access to housing in the private rented sector.

In some circumstances, individuals of the Windrush generation may not be able to provide documentation from the [acceptable document lists](#) to demonstrate their entitlement to rent. The Windrush Scheme is available for those who came to the UK before the end of 1988 who are lawfully settled here to obtain the necessary documentation to evidence their lawful status to prove their right to rent.

If you encounter someone in this situation, you should contact the [Landlord Checking Service](#) (LCS) to conduct a right to rent check. The LCS will notify the Windrush Help Team, who will contact the person to confirm their circumstances and arrange for their status to be resolved. Working with the Windrush Help Team, the LCS will be able to confirm a person's right to rent. The information provided by the LCS will clearly set out whether a repeat check will be required, and if so, when.

The [Windrush Help Team](#) can offer support and guidance relating to the Windrush Scheme and can advise individuals on how to apply. The Windrush Help Team can also help vulnerable people or those who need additional support. If a prospective tenant or tenant has been affected, they can contact the Windrush Help Team via the above link or by calling 0800 678 1925.

Students

If you are letting accommodation to students in the private rented sector, you are required to conduct right to rent checks in the prescribed manner on all prospective tenants, including British citizens, before the tenancy begins.

The below sections set out a number of different scenarios you may come across when renting to students.

First time students from overseas

If the student is from overseas and will be studying in the UK for the first time, they will have been issued with an endorsement in their passport to enable them to travel to the UK. Following their arrival, they will have either 10 days or until the vignette expires (whichever is later) to collect their Biometric Residence Permit (BRP) from the Post Office branch detailed in their decision letter.

If they enter into a tenancy agreement with you prior to collecting their BRP, they will be able to evidence their right to rent by producing the short validity vignette in their passport which they used to travel to the UK. The vignette must be valid at the time of the check. This will provide you with a time-limited statutory excuse for 12 months.

It may be good practice to encourage a further right to rent check once the student has picked up their BRP as this will provide you with a time-limited statutory excuse for the duration of their leave. The student will be able to choose whether they evidence their right to rent by providing you with their BRP or by using the [Home Office online service](#).

Returning students from overseas

If the student is from overseas and is returning for their second or third year, they should already be in possession of their BRP. If they choose to evidence their right to rent using the Home Office online service, the check can be conducted via live video link before they return to the UK. The check must be conducted no earlier than 28 days before the start of the tenancy agreement.

Right to Rent checks when the student is overseas

In some cases, it may not be possible to check the documents of a student before drawing up a tenancy agreement, for example if the student lives overseas or is out of the country before the new term begins.

In this situation you are permitted to check a person's right to rent before they take up occupation of the property, rather than before the start of the tenancy agreement. The tenancy can be agreed in principle before the student arrives in the UK. The right to rent check can then be conducted at a later date in the presence of the prospective tenant, before the student moves in. The checks can even be conducted on the day that they move in.

If the student is in possession of a current BRP/C, they have status under the EU Settlement Scheme or they have been status under the points-based immigration system they can choose to evidence their right to rent using the [Home Office online service](#). You can perform the online check via live video link whilst the student is still abroad. For students with a time-limited right to rent the right to rent check must be undertaken no more than 28 days before the start of the tenancy.

Multiple Name Tenancies

If you are letting your property to multiple students, you are required to confirm how many adults will be living in the property and conduct right to rent checks on each one. In some cases, students may be moving into the property at different times, in this instance you are permitted to conduct the checks on each person before they move in.

Changes to Student Tenancy Agreements

Where a tenancy agreement has been agreed in advance of students moving into a property, and there are subsequent changes to agreement which grants the right of occupation to one or more new adult tenant(s), this is considered to be a [varied tenancy](#). For the purpose of the Right to Rent Scheme, this is considered as a new agreement, which requires a right to rent check for all individuals including existing tenants, regardless of their nationality.

Annex C: EEA Citizens

The reference to 'EEA citizens' in this Annex means EU, EEA and Swiss citizens, unless otherwise stated.

The UK has left the European Union (EU) and the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 ended free movement on 31 December 2020. There followed a grace period of six-months during which relevant aspects of free movement were saved to allow eligible EEA citizens and their family members resident in the UK by 31 December 2020 to apply to the EUSS. This period ended on 30 June 2021.

On 6 August 2021, the government announced temporary protection for more applicants to the EUSS. This means that those who apply from 1 July 2021, and joining family members, will have their rights protected while their application is determined. This guidance reflects this change.

EUSS applicants and joining family members will now be able to enter into new tenancy agreements while they await the outcome of their application. Home Office guidance remains that where a prospective or existing tenant has a Certificate of Application (CoA) confirming a valid application to the EUSS made on or after 1 July 2021, landlords should verify this with the Home Office Landlord Checking Service (LCS)

Right to rent checks for EEA citizens from 1 July 2021

Since 1 July 2021, EEA citizens and their family members require immigration status in the UK. They can no longer rely on an EEA passport or national identity card, which only confirm their nationality, to prove their right to rent. They will be required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals.

There is no requirement for a retrospective check to be undertaken on EEA citizens who entered into a tenancy agreement up to and including 30 June 2021. You will maintain a continuous statutory excuse against a civil penalty if the initial checks were undertaken in line with the guidance that applied at the time you made the check.

If you choose to carry out retrospective checks, you must ensure that you do so in a non-discriminatory manner. The '[Code of practice for landlords: avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented residential sector](#)' provides practical guidance on how to avoid unlawful discrimination when renting to individuals and conducting right to rent checks.

Irish Citizens

Irish citizens continue to be a relevant national for the purpose of the Right to Rent

Scheme and have a continuous right to rent, as they do now. From 1 July 2021, they can prove their right to rent using their Irish passport or Irish passport card, or their Irish birth or adoption certificate along with another document from [List A Group 2](#).

Irish citizens can also apply for a Frontier Worker Permit, this permit can be issued digitally or as a physical permit, so they may choose to prove their right to rent using the [Home Office online service](#) or present their physical permit if they have one.

How EEA citizens are required to prove their right to rent from 1 July 2021

EEA Citizens granted status under the EU Settlement Scheme (EUSS)

Since 1 July 2021, the majority of EEA citizens prove their right to rent using the Home Office online service. Those who have made a successful application to the [EU Settlement Scheme](#) will have been provided with an eVisa and can only prove their right to rent using the Home Office online services. ‘

To prove their right to rent, individuals will provide you with a share code and their date of birth which will enable you to check their Home Office immigration status via the online service available on GOV.UK: <https://www.gov.uk/view-right-to-rent>

You will obtain a statutory excuse against liability for a civil penalty if you carry out the check using the [Home Office online service](#) as set out in this guidance.

If an EEA citizen has been granted ‘Settled Status’ by the Home Office, they will have a continuous right to rent, in the same way as someone with Indefinite Leave to Remain.

If an EEA citizen has been granted ‘Pre-Settled Status’ by the Home Office, they will have a time-limited right to rent, and you must carry out a follow-up check. The [Home Office online service](#) will advise when a follow-up check must be carried out.

Right to rent checks using the Home Office online service ‘view a tenant’s right to rent in England’

When carrying out a right to rent check using the Home Office online service you must access this via GOV.UK ‘[View a tenant’s right to rent in England](#)’ to obtain a statutory excuse against liability for a civil penalty.

- You can carry out this check via video call
- You do not need to see or check an individual’s documents.

This is because the individual’s right to rent status is provided in real time directly from Home Office systems.

You **must** check the likeness between the individual and the photograph provided from the online service.

You must retain evidence of the online check. You have the option of printing the profile page (the response provided by the Home Office online service) or saving it as a PDF or HTML file.

Further information relating to the online service can be found in this guidance at: [Conducting a right to rent check using the Home Office online service.](#)

Exceptions to the Home Office online service when proving right to rent

Since 1 July 2021, EEA citizens who do not have leave granted under the EUSS will be required to evidence their UK immigration status for the purposes of right to rent using documents as set out in legislation. These are detailed below:

- Frontier Worker Permits
- Service Provider of Switzerland visas
- Outstanding applications to UK EUSS
- Outstanding applications to Crown Dependency EUSS
- Indefinite Leave to Enter or Remain
- Visitors
- Points-Based System visas

Frontier Worker Permit

A 'Frontier Worker' is an EEA citizen who is resident outside the UK but is economically active (employed or self-employed) in the UK. They have rights under the Withdrawal Agreement, the EEA European Free Trade Association (EFTA) Separation Agreement and the Swiss Citizens' Rights Agreement ('the agreements') to enter the UK and work for as long as they remain a frontier worker.

Since 1 July 2021, it is mandatory for frontier workers to obtain a [frontier worker permit](#) as evidence of their right to enter the UK.

Whilst the frontier worker permit requires an individual to reside outside the UK, their work in the UK can be spread over the entire year(s). Therefore, they may make multiple trips to the UK and, as they are lawfully present in the UK, it may be beneficial for the individual to enter into a tenancy agreement, requiring a right to rent check to take place.

Frontier workers are issued with a frontier worker permit either digitally or physically. Conducting either a manual check or using the online service, as set out in this guidance, will provide you with a statutory excuse against liability for a civil penalty.

Additional information

Whilst it is mandatory for protected frontier workers to hold a frontier worker permit to enter the UK from 1 July 2021, there is no mandatory requirement for protected frontier workers who have rights under the Agreements to register with the Home Office or to obtain a frontier work permit.

Consequently, it is open to any EEA citizen who has an enforceable Citizens' Rights Agreement right as a frontier worker to work in the UK, to demonstrate the existence of that right in a different way to that specified in List B.

To obtain a statutory excuse against liability for a civil penalty in such cases, you must request a right to rent check from the LCS, using the online form 'request a HO right to rent check' on GOV.UK at:

<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>

You must obtain copies of the tenant's documents which evidence that they were exercising rights as a Frontier Worker on or before 31 December 2020, as these will form part of your statutory excuse. Before providing you with a response, the LCS may contact you and ask you to send them a copy of the documents you have checked. The LCS will confirm if the individual has the right to rent, and when you need to carry out a follow up check. Where the LCS can issue a Positive Right to Rent Notice in the absence of a Frontier Worker Permit, you will be required to carry out a further LCS check in 12 months to maintain your statutory excuse.

If you do choose to accept the alternative evidence, but **do not** request a Home Office right to rent check through the LCS, **you will not establish a statutory excuse** against liability for a civil penalty should the individual be found to have no lawful status in the UK.

The alternative evidence you can use when requesting a right to rent check via LCS is as follows:

- Evidence of the applicant's own identity and that they are an EEA citizen such as a passport or national identity card.
- Evidence they are primarily resident outside of the UK, such as utility bills or bank statements which include proof of address outside the UK.
- Evidence they worked in the UK as an employed or self-employed person during 2020 or had retained worker or self-employed status during 2020 (see below).
- Evidence they have continued to be employed or self-employed in the UK or have retained worker or self-employed person status.

Acceptable evidence of work in the UK includes:

- A signed and dated contract specifying the employee must work in the UK.
- Letters from employers confirming the need for the employee to travel to the UK for the purpose of work and outlining the frequency of this travel.
- Tax returns from HMRC showing the person is established as selfemployed in the UK.
- Bank statements or invoices which show payments for work carried out in the UK.

Retained frontier worker status:

A protected frontier worker who has (or had) temporarily stopped working can still be treated as a worker under regulation 4 of The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2000 if they can provide proof that they:

- Are (or were) temporarily unable to work because of illness or an accident
- Are (or were) in duly recorded involuntary unemployment
- Are (or were) involuntarily unemployed and have embarked on vocational training
- Voluntarily stopped work to start vocational training related to their previous work
- Are (or were) temporarily unable to work following pregnancy or childbirth.

Guidance on what is considered sufficient evidence for retaining frontier worker status can be found in the frontier worker permit case working guidance here:

[Frontier Worker Permit Scheme Guidance](#).

Service Provider from Switzerland

A 'Service Provider from Switzerland' (SPS) is an individual **of any nationality** who is required by their employer (who must be based in Switzerland) to execute a preexisting contract to temporarily provide services for a party in the UK. Eligible companies have rights under the Swiss Citizens' Rights Agreement to enable employees, or individuals (if self-employed) to travel to the UK to provide services for up to 90 days per year. An SPS must obtain their visa in advance of travel.

A Service Provider from Switzerland visa is a hard copy document without an online checking function. The visa will be in the form of a vignette and will identify the individual as a 'Service Provider from Switzerland', and can be issued in two ways:

- (All nationalities) within a passport
- (Swiss citizens only) on an official form ("Form for Affixing a Visa") - If the individual is a Swiss citizen, they can choose to apply to the immigration route using their Swiss identity card. In this circumstance, the vignette will be attached to an official Home Office form.

Where an individual presents a Swiss identity card with a vignette, the landlord must take a copy of the Swiss identity card as well as the vignette and ensure the photographs represent the same person.

Whilst this visa specifies that an individual is only permitted to work in the UK for 90 days per calendar year, the 90 days' work can be spread over the entire year. The visa allows the individual to make multiple trips to the UK until the visa expires. Therefore, an SPS may decide it is beneficial to enter into a tenancy agreement. The visa will confirm the date which it is valid from and valid until (the expiry date). You can find an example of the vignette in [Right to rent Checks: A user guide for tenants and landlords](#).

Outstanding Applications to the UK EU Settlement Scheme

EEA citizens, and their family members, who have made a valid application to the EU Settlement Scheme (EUSS) can continue to live their life in the UK and maintain a right to rent until their application is finally determined. This includes pending the outcome of any appeal against a decision to refuse status.

Landlords must provide prospective tenants every opportunity to prove their right to rent and should not discriminate against those with an outstanding, valid application made to the EUSS.

Receipt of application submitted to the EU Settlement Scheme

There are a small number of individuals who made their EUSS application using a paper application. Due to the postage and processing time related to paper applications, you may be required to undertake a check before the individual receives their Certificate of Application. Where an individual has made an application **on or before 30 June 2021**, they are provided with a letter or email notification acknowledging receipt of the EUSS application. You must request a right to rent check from the Landlord Checking Service to verify this document.

Certificate of Application (CoA)

Where an individual has been issued with a Certificate of Application (CoA), you must first check whether this is a '[digital](#)' or '[non-digital](#)' CoA. A CoA is evidence that an individual has made a valid application to the EUSS and should be used to evidence their right to rent until such time their application is finally determined.

Digital Certificate of Application

Most individuals with an outstanding valid application made to the EUSS **on or before 30 June 2021** have been issued with a digital CoA. In this instance, you should check with the individual and ask them to provide you with a share code. This means you can check their right to rent immediately via the online service and do not need to contact the LCS. The online service will provide confirmation of their right to rent and advise when a follow-up check is required.

Where the individual has a digital CoA to evidence an application made **on or after 1 July 2021**, the online service will direct you to verify this via the LCS. You must do this in order to obtain a Positive Right to Rent Notice in these circumstances.

Non-Digital Certificate of Application

A ‘non-digital’ CoA is an email or letter, sent to the individual, advising them how prospective landlords can request information about their right to rent from the Home Office Landlord Checking Service (LCS). Where a prospective tenant provides you with a non-digital CoA as evidence of an application made to the EUSS **on or after 1 July 2021**, you must make a copy of this document and retain this copy, together with a Positive Right to Rent Notice (PRRN) from the LCS. In doing so you will have a statutory excuse for twelve months from the date stated on the PRRN.

Should you be provided with a non-digital CoA dated **on or before 30 June 2021** you should ask the prospective tenant to check if they have also been issued with a digital CoA. If they have, they should provide you with a share code to verify their right to rent via the online service instead. If they have not, you must verify the nondigital CoA via an LCS check.

You can request a right to rent check from the LCS using the online form ‘request a Home Office right to rent check’ on GOV.UK at:

<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>

EU Settlement Scheme status granted by a Crown Dependency

The Crown Dependencies (the Bailiwick of Jersey, the Bailiwick of Guernsey, and the Isle of Man) each operate their own EU Settlement Scheme (EUSS), for those eligible to apply. The UK and the Crown Dependencies recognise status granted under each other’s Schemes, so an individual granted settled or pre-settled status by a Crown Dependency will be considered to have settled or pre-settled status in the UK.

The Isle of Man and Guernsey issue a letter to those granted EUSS status. Jersey issues a letter and operates an immigration status checker service for individuals to obtain confirmation of their status at any point.

Since 1 July 2021, when presented with a letter or email confirmation of EUSS leave from a Crown Dependency, you must request a right to rent check from the Landlord Checking Service using the online form ‘request a Home Office right to rent’ check on GOV.UK at: <https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>

You must keep a copy of the Crown Dependency letter or email and retain this with the response from the Landlord Checking Service to have a statutory excuse against liability for a civil penalty.

Outstanding EU Settlement Scheme applications in a Crown Dependency

Where an individual has an outstanding application to the EU Settlement Scheme of the Crown Dependencies of the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, they will have a letter or email notification confirming their outstanding, application. You must request a right to rent check from the Landlord Checking Service using the online form 'request a Home Office right to rent check on GOV.UK' at:

<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>

You must retain a copy of the letter or email notification with the response from the LCS to have a statutory excuse against liability for a civil penalty.

EEA citizens with valid Indefinite Leave to Enter or Remain

EEA citizens with Indefinite Leave to Enter or Remain (ILE/R) are not required to make an application to the EU Settlement Scheme but can do so if they wish.

Since 1 July 2021, EEA citizens with ILE/R are required to prove their right to rent in the same way as other foreign nationals who do not have digital status.

You can carry out a manual check of their Home Office documentation such as an endorsement / vignette in a passport (current or expired) stating, 'indefinite leave to enter or remain' or 'no time limit'. Some may have a Biometric Residence Permit (BRP) (current or expired) and this can be checked manually. Alternatively, they may choose to use their BRP to access the online right to rent service.

Carrying out either a manual check of the documents or the online check, as set out in this guidance, will provide you with a statutory excuse against liability for a civil penalty.

Further information

If you encounter EEA citizens who believe that they have ILE/R, but do not have a document to confirm this, please encourage them to:

- [apply to the EU Settlement Scheme](#) to obtain settled or pre-settled status (individuals may still be eligible to make an application to the EUSS after 30 June 2021); or
- [apply to the Windrush Scheme](#) to get proof of their ILE/R status

If they are from Malta or Cyprus, they may also be able to apply for British citizenship through the [Windrush Scheme](#).

Applications for either scheme are free of charge.

EEA citizens who are visitors

EEA citizens who are visiting the UK can generally use their valid biometric passport to use an e-gate to enter the UK as a visitor for up to six months. If they do not have a biometric passport, or otherwise need to present to a Border Force Officer, they will be informed of their leave and its associated conditions verbally by a Border Force officer. They will not have their passport endorsed with an immigration stamp.

Those entering the UK as a visitor or business visitor will be granted automatic leave to enter for a maximum period of up to six months and will not have a document to evidence their lawful status in the UK. EEA citizens who are visiting the UK are, therefore, permitted to use a combination of their passport, plus evidence of travel to the UK to demonstrate a right to rent.

Acceptable evidence of travel to the UK may include (but is not restricted to) one of the following, or a combination of:

1. an original or copy of a boarding pass or electronic boarding pass for air, rail, or sea travel to the UK, establishing the date of arrival in the UK in the preceding six months
2. an original or copy of an airline, rail or boat ticket or e-ticket establishing the date of arrival in the UK in the preceding six months
3. any type of booking confirmation (original or copy) for air, rail or sea travel to the UK establishing the date of arrival in the UK in the preceding six months
4. any other documentary evidence which establishes the date of arrival in the UK in the preceding six months

Where you have correctly conducted a right to rent check you will obtain a statutory excuse for 12 months and must schedule a [follow-up check](#) before the end of the 12-month period if the person is still occupying the accommodation.

Points-Based Immigration System

EEA citizens who come to the UK to live, work or study will need to obtain immigration status under the points-based system in the same way as other foreign nationals.

The majority of EEA citizens will be provided with an eVisa, however, this will be dependent upon the immigration route used and how they made their application. Some EEA citizens will have a Biometric Residence Permit (BRP). Those with a valid BRP can use this to access the online right to rent service.

To prove their right to rent from 1 July 2021, individuals will provide you with a share code and their date of birth which will enable you to check their Home Office immigration status via the online right to rent service available on GOV.UK:
<https://www.gov.uk/view-right-to-rent>

Those with a BRP may choose to present their BRP for a manual check.

You will obtain a statutory excuse against liability for a civil penalty if you carry out the check using the [online service](#), or a manual check as set out in this guidance.

EEA citizens without lawful immigration status after 30 June 2021

There is no requirement for landlords to carry out a retrospective check on EEA citizens who entered into a tenancy agreement up to and including 30 June 2021. However, we recognise that landlords may wish to ensure that their tenants have lawful immigration status in the UK.

There may be circumstances in which you identify a tenant who is an EEA citizen who has not applied to the EUSS and does not hold any other form of leave in the UK. You may have chosen to carry out a retrospective check or have been made aware that your tenant does not have a lawful status in the UK. In these circumstances you do not need to end their tenancy agreement, but you must make a report via GOV.UK to the Home Office in order to maintain your statutory excuse:

<https://eforms.homeoffice.gov.uk/outreach/lcs-reporting.ofml>

Any prospective tenant who is an EEA citizen and has not made an application to the EUSS and does not have any other form of UK immigration leave, will not have lawful status in the UK or the right to rent. You should encourage them to make an application to the EUSS.

Family Members

Some individuals may be eligible for a permit to come to the UK if they are the family member of an EU, EEA or Swiss citizen, or a 'person of Northern Ireland'.

There were two different types of family permit: the EU Settlement Scheme family permit and the EEA family permit. The latter, **EEA family permits, ceased to be valid after 30 June 2021, even if there was time left on the permit**. For more information on the EEA family permit, please visit:

<https://www.gov.uk/family-permit>.

Those with a EUSS family permit will be issued with a vignette placed in their passport or on a separate card/paper if the individual has not used a passport to apply. Where an individual presents a vignette of this type, the landlord must take a copy of the passport as well as the vignette and ensure the photographs represent the same person.

Due to the COVID-19 pandemic some countries have advised that expired passports should be considered as valid for an extended period of time. Where an individual presents an EUSS family permit in an expired passport, or where their EUSS family permit is on a separate card/paper along with an identity card (current or expired),

you must contact the Landlord Checking Service (LCS): via GOV.UK to verify their status obtain a statutory excuse against a civil penalty.

<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>

You must make a copy of their expired passport or identity card, EUSS family permit (vignette in passport or on a separate card/paper) and retain this with the response from the LCS to have a statutory excuse against liability for a civil penalty.

Non-EEA family members of EEA citizens are required to make an application to the EUSS to continue living in the UK after 30 June 2021. Whilst they will be granted an eVisa, they may also have a valid Biometric Residence Card (BRC).

Since 1 July 2021, non-EEA family members of EEA citizens can provide a share code and their date of birth which will enable you to check their Home Office immigration status via the online service available on GOV.UK:

[https://www.gov.uk/view-right-to-rent.](https://www.gov.uk/view-right-to-rent)

Alternatively, they may choose to present their valid BRC, for a manual check, which they can continue to use to prove their right to rent until early 2022 when BRC holders will transition to utilising the online service for right to rent checks.

Finally, where applicable, joining family members (JFM) may apply to the EUSS. Where a JFM makes a valid application to the EUSS, they will receive a [Certificate of Application](#) (CoA), issued by the Home Office. They will be able to use this for the purpose of a right to rent check.

Support for Tenants and Landlords Carrying Out a Right to Rent Check

Landlord Helpline

If you need help carrying out a right to rent check, you should call the Landlord helpline on 0300 790 6268, Monday to Thursday, 9am to 4:45pm Friday, 9am to 4:30pm.

If you need access to a device or the internet, many local libraries have computers where you can access the internet. Please visit [your local library](#) to access these facilities.

Further support available for EU, EEA and Swiss citizens

If any of your existing or prospective tenants require further advice or support with regard to their immigration status, they can access information on GOV.UK:

<https://www.gov.uk/government/publications/view-and-prove-your-immigrationstatus-evisa>

This also provides further information on how to prove immigration status, how to update personal details, and support available.

Annex D: COVID-19 Temporary Adjusted Checks

Extension to COVID-19 temporary adjusted right to rent checks

Following the positive feedback received on the ability to conduct right to rent checks remotely, the Home Office initiated a review of the availability of specialist technology to support a system of digital right to rent checks in the future. The intention is to introduce a long-term digital solution for many who are unable to use the Home Office online checking service, including UK and Irish citizens. This will enable checks to continue to be conducted remotely but with enhanced security.

As a result, and in recognition of moves to hybrid and alternative working models, temporary COVID-19 adjusted changes to the Right to Rent Scheme, introduced on 30 March 2020, will remain in place until 5 April 2022 (inclusive).

Due to the COVID-19 pandemic, some countries have advised that expired passports should be considered as valid for an extended period of time. Where an individual is unable to demonstrate a right to rent because their leave is in a recently expired passport, landlords should contact the Landlord Checking Service (LCS) via GOV.UK to verify their status and obtain a defence against a civil penalty:

<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>

You must make a copy of their expired passport and endorsement and retain this with the response from the LCS to have a statutory excuse against liability for a civil penalty.

Information on how to carry out these temporary adjusted checks is available at [Coronavirus \(COVID-19\): landlord right to rent checks](#) on GOV.UK. This page will be updated with any changes to the temporary measures.

The COVID-19 adjusted checks end on 5 April 2022 (inclusive). New guidance will be issued prior to 6 April 2022.

It remains an offence to knowingly lease premises to a person who is not lawfully in the UK.

You do not need to carry out retrospective checks on tenants who had a COVID-19 adjusted between 30 March 2020 and 5 April 2022 (inclusive). You will maintain a defence against a civil penalty if the check you have undertaken during this period was done in the prescribed manner or as set out in the COVID-19 adjusted checks guidance. However, any individual identified with no lawful immigration status in the UK may be liable to enforcement action.

Annex E: Biometric card holders

The way in which Biometric Residence Card (BRC), Biometric Residence Permit (BRP) and Frontier Worker Permit (FWP) holders evidence their right to rent is changing. This annex provides further information for landlords on how to continue to conduct a right to rent check before the change takes effect, and what they will need to do differently afterwards.

A Biometric Residence Card is provided to non-EEA family members of an EEA citizen. More information about applying to the EU Settlement Scheme as a family member is available on GOV.UK:

[Apply to the EU Settlement Scheme \(settled and pre-settled status\): Applying as the family member of someone from the EU, Switzerland, Norway, Iceland or Liechtenstein - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/apply-to-the-eu-settlement-scheme-settled-and-pre-settled-status-applying-as-the-family-member-of-someone-from-the-eu-switzerland-norway-iceland-or-liechtenstein)

A Biometric Residence Permit is provided to individuals who apply to come to the UK or extend their UK visa for longer than 6 months, and to those who apply to settle in the UK. More information about BRPs is available on GOV.UK:

[Biometric residence permits \(BRPs\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biometric-residence-permits-brps)

A Frontier Worker Permit is provided to EEA citizens who are resident outside the UK but are economically active (employed or self-employed) in the UK. More information about Frontier Worker Permits is available on GOV.UK:
[Frontier Worker permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/frontier-worker-permit)

Right to rent checks on biometric card holders up to and including 5 April 2022

BRC, BRP and FWP holders can currently choose to use **either** the Home Office online service or their physical cards to evidence their right to rent to a landlord.

Up to and including 5 April 2022, landlords can continue to conduct manual checks on physical cards for evidence of a right to rent.

During this time, landlords cannot insist individuals use the online service, and should not discriminate against those who wish to use their physical card. Landlords can, however, ask individuals if they would like to use the online service.

Right to rent checks for biometric card holders from 6 April 2022

From 6 April 2022, BRC, BRP and FWP holders will evidence their right to rent using the Home Office **online service only**. Landlords will no longer be able to accept physical cards for the purposes of a right to rent check, even if it shows a later expiry date. BRCs, BRPs and FWPs will be removed from the lists of acceptable documents used to conduct a manual right to rent check.

Retrospective checks will not be required on biometric card holders who, before 6 April 2022, used their physical card to demonstrate their right to rent. Landlords will maintain a statutory excuse against any civil penalty if the initial checks were undertaken in line with the guidance that applied at the time the check was made.

If a landlord chooses to undertake a retrospective check and identifies an existing tenant no longer has a right to rent, they do not need to take action to evict the tenant. However, the landlord must [make a report](#) to the Home Office using the online form, in order to maintain their statutory excuse.

Annex F: Digital identity verification – Guidance for landlords and Identity Service Providers (IDSPs)

- 1.1 This guidance follows the [Home Office announcement on 27 December 2021](#). It sets out how landlords (including letting agents) can comply with their responsibilities to conduct right to rent (RTR) checks, when using certified Identity Service Providers (IDSPs) to complete the digital identity verification and eligibility element of checks involving British and Irish citizens who hold a valid passport (including Irish passport cards).
- 1.2 **The relevant changes to legislation will take effect from 6 April 2022**
- 1.3 Digital identity verification conducted by IDSPs is the process of obtaining evidence of the prospective tenant's identity, checking that it is valid and belongs to the person who is claiming it.
- 1.4 Verification of eligibility for RTR checks is the process of confirming that the prospective tenant holds a specified document (as set out in this guidance). Where that document is the same as what was used to complete the digital identity verification process, the landlord does not need to request it again.
- 1.5 IDSPs would act on behalf of the landlord (with the landlord becoming a 'relying party' in that transaction).
- 1.6 This guidance sets out the rules and standards to verify a person's identity and eligibility, for processing RTR checks in order to obtain a statutory excuse against liability for a civil penalty.
- 1.7 Changes to RTR regulations will make it a legal requirement for landlords and IDSPs to apply identity evidence verification criteria set by the Home Office where using these services. The landlord must:
 - Ensure the IDSP is certified to the required standards
 - Provide appropriate training and guidance to their staff for example, on what information they must obtain from an IDSP to confirm verification of identity, what the information can be used for, and what other requirements they still need to fulfil to establish eligibility to rent
 - Discharge their duties in accordance with Home Office's RTR complete identity evidence verification criteria and in accordance with existing wider RTR legislation and guidance
- 1.8 This guidance makes extensive reference to the [UK Digital Identity and Attributes Trust Framework](#) (UKDIATF). The UKDIATF will make provisions for IDSPs to be certified as providers of identity verification services.
- 1.9 The UKDIATF defines:
 - the organisational responsibilities of IDSPs that must be met, in order to be certified, and references the [Government Good Practice Guide 45](#)

- (GPG45) as the standard that is used to define how identities should be verified
 - the criteria those IDSPs who use re-useable digital identity are also required to comply with, in accordance with the [Government Good Practice Guide 44](#) (GPG44)
 - the ‘levels of confidence’ (LoC) in identity verification and ‘identity profiles’ that can meet the aforementioned levels of confidence

1.10 The UKDIATF is currently in a first stage industry prototype (or ‘alpha’) and will not move to the live phase until post-legislation, when parliamentary time allows. In the interim, IDSPs will be certified against the most current version of the UKDIATF available (alpha or beta) at the time of the certification process commencing. Once certified, IDSPs will be required to undertake annual surveillance audits and biennial recertification against the version of the UKDIATF which is current at the time.

1.11 All IDSPs certified to carry out RTR checks on behalf of landlords will be required to become certified to the live version of the UKDIATF after their certification has expired. It is recommended that IDSPs monitor and feedback on the UKDIATF as it develops to ensure they can meet any additional requirements which are not part of the RTR Scheme checks during the UKDIATF alpha and beta phases.

1.12 In addition to this guidance, an Operational Procedures Manual (OPM) is available at [Annex A](#) for IDSPs. The OPM provides detailed guidance around how to verify an individual’s identity, alongside how GPG44 and 45 should be used to meet the requirements for Home Office digital identity verification.

1.13 This guidance and the OPM will also be used by auditors to certify IDSPs against Home Office specific requirements.

1.14 Successful IDSPs will be certified by an independent certification body to assure that their service meets Home Office standards for identity assurance and the UKDIATF. Further information about the certification bodies available to certify IDSPs will be published [here](#).

2. Trust

Risk assessment

2.1 This guidance does not replace the landlords’ responsibility to carry out a risk assessment for every transaction. The landlord remains liable for undertaking their own due diligence. The identity verification process forms a part of the risk assessment. Certified providers must also undertake their own risk assessment during the identity verification process. The risk assessment will identify the LoC required and a relying party can rely on a verified identity from a certified IDSP as having met the required LoC. A relying party does not need to undertake additional due diligence on the IDSP or the verified identity if the LoC meets the required level.

2.2 The Home Office prescribes the checks required and the information that should be retained by landlords in order to have a statutory excuse against

liability for a civil penalty. The responsibility for the check remains with the landlord, and they must ensure the IDSP they select to complete the identity verification element of the check complies with the specified requirements, including that they meet the LoC required.

Trusting an IDSP

- 2.3 Changes to the RTR regulations will permit the use of IDSPs for identity verification, enabling landlords to delegate elements of the checking process to IDSPs. This guidance sets out that, in order for an IDSP to meet the identity verification requirement standards, the IDSPs must undertake identity verification following GPG45 and be certified to the requirements in the UKDIATF.
- 2.4 The Home Office has adopted specific profiles of GPG45 as the basis of its identity verification requirements for IDSPs carrying out RTR checks. This guidance is consistent with the requirements of the UKDIATF.
- 2.5 Therefore, IDSPs that are certified and assessed to meet the terms of the UKDIATF, and whose certification includes those specific profiles, will be able to certify their compliance with this guidance. IDSPs may choose to be certified to reach GPG45 medium confidence or above if their business needs require this, but for the purpose of conducting RTR checks, they are required to have reached a medium confidence only.

Certification and audit

- 2.6 Landlords must use the services of a certified IDSP. This ensures that trust in the IDSP is founded on compliance with the rules of the Schemes. If landlords choose to undertake digital identity verification using their own processes, they will be required to undergo certification as an IDSP.
- 2.7 Landlords will obtain a statutory excuse where they can demonstrate that they have complied with all the requirements of the Schemes. Where they have used an IDSP, the statutory excuse will only be obtained where that IDSP is certified. Should they be found to be renting to individuals without their identity and eligibility being verified to the requisite standard, via checks undertaken by a non-certified IDSP, the landlord will not have a statutory excuse in the event the individual is found to be disqualified from renting a property by reason of their immigration status.

3. Using a certified IDSP

- 3.1 Certified IDSPs are approved companies responsible for validating the identity of a prospective tenant on behalf of a landlord (with the landlord becoming a 'relying party' in that transaction). Certification will align to the requirements and standards set out in the UKDIATF.

3.2 IDSPs carrying out identity verification for RTR checks must be:

- certified against the requirements in the latest version of the UKDIATF available at the time of certification by an independent body. The list of acceptable certification bodies will be available from the United Kingdom Accreditation Service (UKAS), and a list of certified IDSPs will be available [here](#)
- certified they are aware of the purpose of the checks (i.e. to demonstrate they know that the identity checking is to determine eligibility to rent in England. IDSPs must be aware and acknowledge the sanctions and criminal offences that supplement the RTR Scheme and identity checking in the event of noncompliance)
- certified that the above requirements are also met by ensuring appropriate training of their employees and members of staff involved in the identity checking process, with appropriate records maintained of such training
- certified they acknowledge their duty to ensure identity verification checks for the purposes of RTR carried out in their name are done so lawfully (such as, by providing an undertaking/declaration confirming such)
- certified to demonstrate the information security requirements in
- 3.1.1 are met
- certified to demonstrate the identity assurance requirements in
- 3.1.2 are met
- certified to demonstrate the identity verification requirements in section 4 below are met

Certified against industry standards for information security

3.3 Certified IDSPs must have appropriate information security management systems in place to look after people's data and keep it secure.

3.4 They must be certified to confirm that they meet an industry standard for information security management. This involves demonstrating that they have adequate processes in place to look after information securely and safely, and how they set up, maintain, and continuously improve an information security management system (ISMS). The ISMS must meet the requirements of [ISO/IEC 27001:2013](#) or another recognised standard that includes all the requirements of ISO/IEC 27001:2013.

Certified against government standards for identity assurance

3.5 Certified companies also have to be certified by an independent certification body, to assure that their service meets Home Office standards for identity assurance.

3.6 The service auditors are accredited by the United Kingdom Accreditation Service (UKAS) for carrying out service assessments.

3.7 Certification will confirm the IDSP meets the requirements set out in the section 4 of this guidance, for example, that they have reached a medium level of confidence and identify profiles required.

3.8 Further details on how organisations become certified to the UKDIATF will be communicated by DCMS during alpha and beta stages.

Certified IDSPs

3.9 Certified IDSPs and associated authorised profiles will be published by the UK government and will also be available from the independent certification body.

4. Verifying identities

IDSPs

4.1 Verifying an individual's identity following GPG45 requires IDSPs to follow a process known as 'identity checking'. This process is made up of 5 parts:

- get evidence of the claimed identity
- check the evidence is genuine or valid
- check the claimed identity has existed over time
- check if the claimed identity is at high risk of identity fraud
- check that the identity belongs to the person who's claiming it

Each step of the process is scored, and these scores are used to determine what Level of Confidence (LoC) has been achieved.

Identity profiles

4.2 There are several ways to combine the scores you get for each part of the identity checking process. These combinations are known as identity profiles. GPG45 has four LoCs. IDSPs are required to meet a **medium** level of confidence in order to be able to rely on it for RTR checks.

Medium Level of Confidence identity check

4.3 This is the minimum LoC required for RTR checks. Landlords may choose an IDSP who proofs individuals to a higher LoC if their business needs require, but this is not needed for the purposes of undertaking eligibility checks for RTR.

4.4 You do not need to do an activity history or identity fraud check to meet some identity profiles. The Home Office recommends, where possible, an identity fraud check is undertaken on the claimed identity for all profiles, including those where GPG45 profile does not require it.

Documents

4.5 More than one document or a combination of documents may be accepted by IDSPs in order to verify identity to the required LoC in accordance with GPG45.

4.6 For the purposes of verifying eligibility for RTR checks through IDVT, only the following specified documents will be accepted:

- valid British passports
- valid Irish passports
- valid Irish passport cards

4.7 If an individual is reliant upon an expired British or Irish passport (including passport cards) to prove their eligibility for a RTR check, the landlord will need to carry out a manual check of the original document in the prescribed manner to obtain a statutory excuse.

4.8 Therefore, for landlords to be able to rely upon the check carried out by an IDSP to prove eligibility for the purpose of a RTR check and obtain a statutory excuse, a valid British or Irish passport (including passport cards) must be checked and linked to the verified identity.

4.9 The landlord must also confirm the image provided to the IDSP is a true likeness of the prospective tenant. This can be face to face or via video call. A statutory excuse will not be obtained where it is reasonably apparent that the prospective tenant is not the individual linked to the identity which was verified by the IDSP.

4.10 Where alternative forms of identity documentation are used by the IDSP to verify identity, the landlord must perform a manual check of original document(s) or use the relevant Home Office online checking service to satisfy eligibility to rent, in accordance with the relevant legislation. Only after completing the check in the prescribed manner will landlords obtain a statutory excuse.

For example, where an EU identity card is provided for the purpose of identity verification (and is accepted in accordance with GPG45), the landlord would require further evidence from the prospective tenant in order to verify their eligibility to rent.

In this example, the landlord should use the relevant Home Office online checking service to confirm RTR. Guidance is available at Annex C of the landlord's guide to right to rent checks.

Additional attributes

4.11 Name verification and previous names

The landlord must check the prospective tenant's identity against that which was verified by the IDSP and on any documents provided to them to establish eligibility to rent.

Where the name differs between documents, the landlord must establish why this is the case and must not let to that individual unless they are satisfied that the documents relate to them.

4.12 Required subject information

For each identity verified by the IDSP the following attributes must be provided to the landlord (relying party) in a clear, legible format that can be stored securely by the relying party in electronic or hard copy for audit and investigation purposes:

Subject	Mandatory / Optional	Sent to Relying Party
Forename	Mandatory	Y
Middle names	Mandatory if applicable	Y
Present surname(s)	Mandatory	Y
Date of birth	Mandatory	Y
Image of the biometric page of the identity document, including details of: i) the holder's personal details including name, date of birth and nationality ii) the holder's photograph iii) the date of expiry Please see 'Documents' above.	Mandatory	Y
Photograph / image IDSPs are required to verify that the image supplied with the IDSP check matches the identity document. Landlords are required to verify that the image supplied with the check from the IDSP matches the prospective tenant Please see 4.9 above.	Mandatory	Y
Subject	Mandatory / Optional	Sent to Relying Party
Identity verified (Y/N)	Mandatory	Y
Evidence checked by	Mandatory	Y
Date of ID check	Mandatory	Y
GPG45 profile	Mandatory	N

GPG44 profile	Mandatory if applicable	N
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4.13 **Check retention**

Landlords should retain this information for the duration of the tenancy and for one year afterwards.

4.14 **Choosing an identity profile**

GPG45 treats all profiles within a level of confidence as being equal. The Home Office recommends that the strongest piece of evidence available is used to prove the identity exists, such as a passport, and the strongest method of matching the individual to this evidence.

4.15 **Reusable identities**

IDSPs or attribute providers that want to create a reusable digital identity or attribute service, must link the digital identity and/or attributes to an authenticator (such as a password, piece of software, or device). You must follow the [guidance on using authenticators to protect an online service](#). This is also known as GPG44.

IDSPs protecting reusable digital identities must meet the requirements specified in GPG44 and include medium quality authenticators as a minimum.

4.16 **OPM for identity verification**

The OPM (available at [Annex A](#)) details how IDSPs can complete identity verification to the required LoC, in relation to the relevant GPG's.



Right to Rent Scheme digital identity operational procedures manual (OPM)

1. Introduction

- 1.1. This OPM sets out how identity service providers (IDSPs) should undertake identity verification, on behalf of landlords (including letting agents) for the purposes of verifying an individual's identity, as part of a right to rent (RTR) check.
- 1.2. This OPM references the [UK digital identity and attributes trust framework](#) (UKDIATF) and the Government Good Practice Guide 45 ([GPG45](#)). It only highlights requirements that are different to, or in addition to, the rules and standards to validate a person's identity for RTR checks.
- 1.3. Therefore, the UKDIATF and GPG45 should be followed as normal unless otherwise specified.

2. Verifying identities

- 2.1. This section should be read with reference to section 4 of the RTR digital identity verification guidance above.

Choosing an identity profile

- 2.2. GPG45 treats all profiles within a Level of Confidence (LoC) as being equal. Home Office recommends that the strongest piece of evidence available is used to prove the identity exists (for example, a valid passport), and the strongest method of matching the individual to this evidence.

Medium level of confidence

- 2.3. To achieve a 'medium' level of confidence, the following profiles can be used. A single document is acceptable using digital means, as long as it meets the strength, validity, and verification scores detailed below.

Score

Profile	Strength	Genuine / Valid	Activity history	Identity fraud	Verification
M1A	4	2	N/A	1	2

M1B	3	2	1	2	2
M1C	3	3	N/A	N/A	3
M1D	2	2	2	1	3
M2A	2	2	3	2	2
	2	2			
M2B	3	2	1	1	2
	2	2			
M2C	3	2	N/A	1	3
	2	2			
M3A	2	2	2	2	2
	2	2			
	2	2			

- 2.4. Profiles marked as 'M1' only require a single high-strength document. Profiles marked as 'M2' require two documents - the second document is only checked for 'Strength' and 'Genuine / Valid'. Profiles marked 'M3A' require three documents.
- 2.5. Although some identity profiles do not require an activity history or identity fraud check to be completed, the Home Office recommends, where possible, an identity fraud check is undertaken on the claimed identity for all profiles, including those where GPG45 profile does not require it.

3. Scoring identity evidence

- 3.1 GPG45 provides a detailed explanation of how identity evidence is scored. This document details specific requirements applicable to Home Office RTR check requirements. Home Office requirements may restrict how evidence is scored or may provide specific guidance where it is considered that GPG45 does not provide sufficient clarity to enable IDSPs to operate as Home Office intends.
- 3.2 IDSPs will be certified against the current published version of UKDIATF GPG45 in full and must, therefore, refer to the published versions of both UKDIATF and GPG45.
- 3.3 IDSPs will be required to undergo a specific audit and certification considering this OPM.
- 3.4. IDSPs must be certified by an independent certification body to assure that their service meets Home Office standards for identity assurance. The service

auditors are accredited by the United Kingdom Accreditation Service (UKAS) for carrying out service assessments. Certification will confirm the IDSP meets the requirements set out in the Home Office OPM.

- 3.5. The following information provides additional clarity to enable IDSPs to operate as Home Office intends. Please note, headings correlate to those within GPG45.

Get evidence of the claimed identity:

- 3.6. No amended or supplementary requirements to GPG45.

If the user has changed their name:

- 3.7. No amended or supplementary requirements to GPG45.

Scoring evidence of the claimed identity:

3.8. Score 1

Evidence that only score 1 are not acceptable.

3.9. Score 2

No amended or supplementary requirements to GPG45.

3.10. Score 3

No amended or supplementary requirements to GPG45.

3.11. Score 4

A UK biometric residence permit cannot be used to achieve a score of 4, as the cryptographic keys cannot currently be validated.

Check the evidence is genuine or valid:

3.12. Score 1

Evidence that only score 1 are not acceptable, including expired passports.

3.13. Score 2

Detailed below are some clarifications to the GPG45 requirements and a number of examples.

If the evidence is being checked by a person, they must:

- be trained in how to detect false documents by a specialist trainer; evidence of the trainer's specialist capability will be required to be presented to the certification auditor
- refresh their training at least every 3 years

All other requirements are as documented in GPG45.

3.14. Score 3

The requirement to confirm any physical security features are genuine and assess UV or IR security features is for physical, in person checks only.

Any evidence protected by cryptographic security features will have a score of

3 if it is ensured that these security features are genuine. Therefore, for a mobile-based automated process, mobile chip checking capability must be used to obtain a minimum score of 3.

All requirements are as documented in GPG45.

3.15. **Score 4**

All requirements are as documented in GPG45.

Document validation technology:

3.16. Please refer to [Identity Document Validation Technology guidance](#).

Check the claimed identity has existed over time – activity history

3.17. No amended or supplementary requirements to GPG45.

Check if the claimed identity is at higher risk of identity fraud

3.18. The Home Office recommends an identity fraud check is undertaken on the claimed identity for all profiles, including those where GPG45 profile does not require it.

Check that the identity belongs to the person who's claiming

3.19. The Home Office recommends the highest-strength identity document available is used to prove the identity belongs to the individual claiming it.

This means that biometric verification of an individual should be used where documents containing biometric information have been used to prove the identity is real. Sources such as digital authentication of bank accounts as verification of identity are preferred to knowledge-based verification (KBV) as they present a simpler user journey and are less susceptible to user error. All other requirements are as documented in GPG45.

4. Reusable identities

- 4.1. IDSPs or attribute service providers who want to create a reusable digital identity or attribute service, must link the digital identity and/or attributes to an authenticator (such as a password, piece of software, or device).
- 4.2. You must follow the guidance on using authenticators to protect an online service. This is also known as GPG44.
- 4.3. IDSPs protecting reusable digital identities must meet the requirements specified in GPG44 and include medium quality authenticators as a minimum.
- 4.4. Where an IDSP is asserting an identity that is held as a reusable digital identity it is the IDSP's responsibility to ensure that the asserted identity meets the requirements of these guidelines at the time the identity is asserted. The

IDSP must ensure that a reusable digital identity is protected and that the assertion being made is valid at the time of assertion.

Annex B

Glossary

5.1 Attribute service provider

An attribute service provider (ASP) is a specialist data provider that collect, create, check or share attributes as part of the identity verification process. The UKDIATF may require that ASPs are certified under the framework. It is likely that IDSPs will use ASPs as part of their verification process, in which case it is likely that the IDSP certification process will include assessment of the accuracy of the attributes, rather than certification of the ASPs themselves.

5.2 Authoritative source

An authoritative source may verify a particular piece of information about the applicant's identity and is defined in GPG45.

5.3 Certification

Is when an independent auditor checks that organisations follow the rules of the trust framework.

Independent certification builds trust that approved IDSPs will protect an individual's privacy and keep their data safe and secure.

Certification will be undertaken by an independent certification body to assure their service meets Home Office standards for identity assurance.

5.4 Good Practice Guide 44

[The Good Practice Guide 45 \(GPG44\)](#) help IDSPs who use reusable identities to choose the authenticator level that will give them the right level of protection for their service.

5.5 Good Practice Guide 45

[The Good Practice Guide 45 \(GPG45\)](#) is the government standard for identity verification, against which IDSPs will be certified.

5.6 Identity profile

GPG45 has four levels of confidence in terms of proof of identity. These are:

- low confidence
- medium confidence
- high confidence
- very high confidence

This guidance document refers to medium confidence and high confidence only.

There are several ways to combine the scores you get for each part of the identity checking process. These combinations are known as '[identity profiles](#)'.

5.7 Identity service providers

An identity service provider (IDSP) is a provider of identity verification services. In the context of this Home Office guidance document, they will be certified to provide identity verification to specific levels of confidence, specified by government standards. IDSPs are sometimes referred to as 'identity providers'.

5.8 Identity verification

Identity verification (IDV) refers to the process of proving that an identity exists and that the individual making the claim (proving eligibility to rent) is the owner of the identity.

5.9 Level of confidence

Completion of the identity proofing process will result in a proof that has a 'level of confidence' (LoC). The higher the LoC, the stronger the evidence required to support that LoC. The evidence needed to achieve an LoC is defined within GPG45.

5.10 Operational procedures manual

The operational procedures manual (OPM) is a restricted document that provides detailed procedures for IDSPs to meet the Home Office requirements. The OPM aims to remove ambiguity and interpretation that exists within GPG45, to allow IDSPs to develop solutions with certainty and provide a simple reference for auditors to certify against.

5.11 Relying party

The role of relying party is defined in the UKDIATF as an organisation that receives, interprets, and, depending on the use case, stores information received from other trust framework organisations.

Relying parties do not need to be certified against the trust framework, but they will be subject to flow-down conditions from the trust framework organisations they have a relationship with, to ensure security of the ecosystem.

The landlord (letting agent), as appropriate, is the relying party when a right to rent (RTR) check is carried out.

5.12 UK digital identity and attributes trust framework

The [UK digital identity and attributes trust framework](#) (UKDIATF) is being implemented by the Department for Digital, Culture, Media, and Sport, and will be backed by legislation to enable the legal development of digital ID services. This guidance is being created in line with the UKDIATF.