

This summary checklist has been created to help you (landlords, agents and people sub-letting property) ensure that you only let property to people with a right to rent.

More detailed guidance can be found on the SLA web site.

What is a right to rent?

Only people with permission or a right to be in the UK have a right to occupy a rental property. You should not let to people who do not have the right to be in the UK.

Note that this requirement applies to all persons wishing to use premises they let as their only or main home

Why do a right to rent check?

If you are found letting to someone who does not have the right to be in the UK, and you cannot show that you have made right to rent checks, then you could face a penalty.

What is a right to rent check?

If you are letting to adults (over 18), you must undertake the following checks:

1. Before allowing an adult to live in your property, check that they have document(s) that show they have the right to be in the UK. This check must be no sooner than **28 days** before the start of a tenancy
2. Where a person's right to be in the UK will expire during the tenancy, make follow-up checks either when the right expires or after 12 months, whichever is later.
3. If a follow-up check shows that a person no longer has the right to be in the UK, make an official report to the Home Office.

How do I make right to rent checks? New lets

In most cases, you will only need to check a person's documents before you first allow them to live in your property (initial right to rent checks). If they have a British, or Irish passport (or Irish passport card) that is sufficient proof, even if the passport has expired. Additionally, any other national with the right to be in the UK indefinitely is sufficient proof.

Note that prior to July 1st 2021, citizens of European Economic Area (EEA) or Swiss nationals, were automatically admitted.

Now they will have to prove their right (see below for anyone letting prior to July 1st 2021).

In some cases, initial checks will show that a person has the right to be in the UK for a limited time period. In these cases, you should make a follow-up check at the appropriate time as detailed below.

If the follow-up check shows that the person no longer has the right to be in the UK, you should make a report to the Home Office.

Initial right to rent checks

To check that a person has the right to be in the UK before allowing them to live in your property, you should take 4 basic steps:

1. Find out who will live in your property (not just those named on the agreement).
 - a. Keep a record of the questions you ask to find out who will be living in your property as their main or only home. Remember to check all adults, whether or not they are named on the tenancy agreement.
 - b. If in doubt, you should assume that a person intends to live in your property as their only or main home.
2. Check that these people have a document on List A or List B* and take reasonable steps to check that the document is genuine.

Note that originally this check had to be in the presence of the people (in person or via live video link). Following the Covid pandemic temporary allowance was made to allow these checks to be virtually, with the prospective occupier furnishing copies of documents.

This temporary exemption continues until September 2022

- a. If you suspect that a document is false, has been tampered with or the photo or date of birth do not match with the person in front of you, you are advised not to let to that person.

Note: if a person can't show any of the documents on Lists A or B but has an outstanding immigration application or appeal with the Home Office, or their documents are with the Home Office, you should ask the [Landlords Checking Service](#) to make a check for you. The person will need to provide you with their Home Office reference number (this could be their case number, application registration card number, payment reference etc). You can then fill in the online form. If you do not have internet access or you need help to complete the form, you can call the telephone advice helpline on 0300 790 6268.

3. Note that traditional paperwork can be checked manually, or you can use the [Home Office right to rent online checking service](#) on GOV.UK to view the immigration status of existing and prospective tenants. The service is simple, secure, free to use and enables checks to be carried out by video call. You do not need to check physical documents if you use the online checking service, as information about an individual's right to rent is provided in real time directly from Home Office systems.
4. Landlords can also use certified [Identification Document Validation Technology](#) (IDVT) service providers to carry out digital checks on behalf of British and Irish citizens who hold a valid passport (or Irish passport card).
5. Anyone having a biometric residence permit (BRP) must be checked using the [right to rent online checking service](#). You will need the tenant's:
 - date of birth
 - 'share code'

A biometric residence permit is a form of ID card. The BRP can be used to confirm your:

- identity
- right to study, rent property or work in the UK
- right to any public services or benefits you're entitled to

The BRC (biometric residence card) was used to show an EEA citizen had the right to UK services. It can no longer be used to prove the Right to Remain.

6. Retain a copy of the document(s) and record the date of the check and the date of any follow-up checks needed.
 - a. The copy may be in paper or electronic form. It should be possible to clearly see any dates, personal details and photographs on the copy.
 - b. If a person shows you a document from List B, this means that they have a right to be in the UK for a limited time only.
 - i. You should record the date on which this right will expire, which will be clear on the document.
 - ii. You will need to make a follow-up check either just before the right expires, or after 12 months, whichever is later.
 - iii. If you have received a "yes" response from the Landlords Checking Service, the response will contain the expiry date when you should make a follow-up check. This will tend to be after 12 months.

Note: you should ensure that you are aware of and comply with requirements of the Data Protection Act.

7. Keep the copies of the documents safe throughout the tenancy and for at least one year afterwards.

Follow-up checks

You should make a follow-up check if:

1. A person satisfies your initial check with a document from List B, or you have received a "yes" response for that person from the Landlords Checking Service.

This means that the person has a right to be in the UK for a limited time only. You should make the follow-up check either just before the expiry of the person's right to be in the UK, or after 12 months, whichever is the later date.

To make a follow-up check, you should:

1. Complete steps 2-4 in the 'initial right to rent checks' section above: check the documents presented, make a copy of documents and record the date of the check, keep these copies safe throughout the tenancy and for at least a year afterwards.
2. If the follow-up checks show that a person no longer has the right to be in the UK (they produce an expired document or cannot produce any evidence), you should make a report to Home Office. You do not need to evict the tenant.

Making a report to the Home Office

You should make a report to the Home Office if:

- Follow-up checks show that a person no longer has the right to be in the UK. To make a [report to the Home Office](#), or ring the Landlord Helpline on 0300 790 6268.

What if my tenant is an EU/EEA/Swiss citizen in occupation before July 1st 2021?

They can stay in your property; it is not required to carry out a retrospective check.

Note, if they have not applied to the EU Settlement Scheme (EUSS) they can remain, but will not have access to benefits, etc.

What about students?

Frequently student tenancy agreements start longer than **28 days** before the start of a tenancy.

We recommend you make the checks (possibly virtually) at the time of interview/offer; if permanent right to remain, no more checks are required, although we recommend you get a copy of the original documentation before passing over keys.

If their status is unclear, vital to check again and not offer keys. You would also need to report them to the Home Office.

What happens if I don't make these checks?

If an illegal migrant is found living in your property and you haven't made the checks or reports discussed in this guidance, then you may be liable to a civil penalty. This means you may have to pay a penalty of up to £3000.

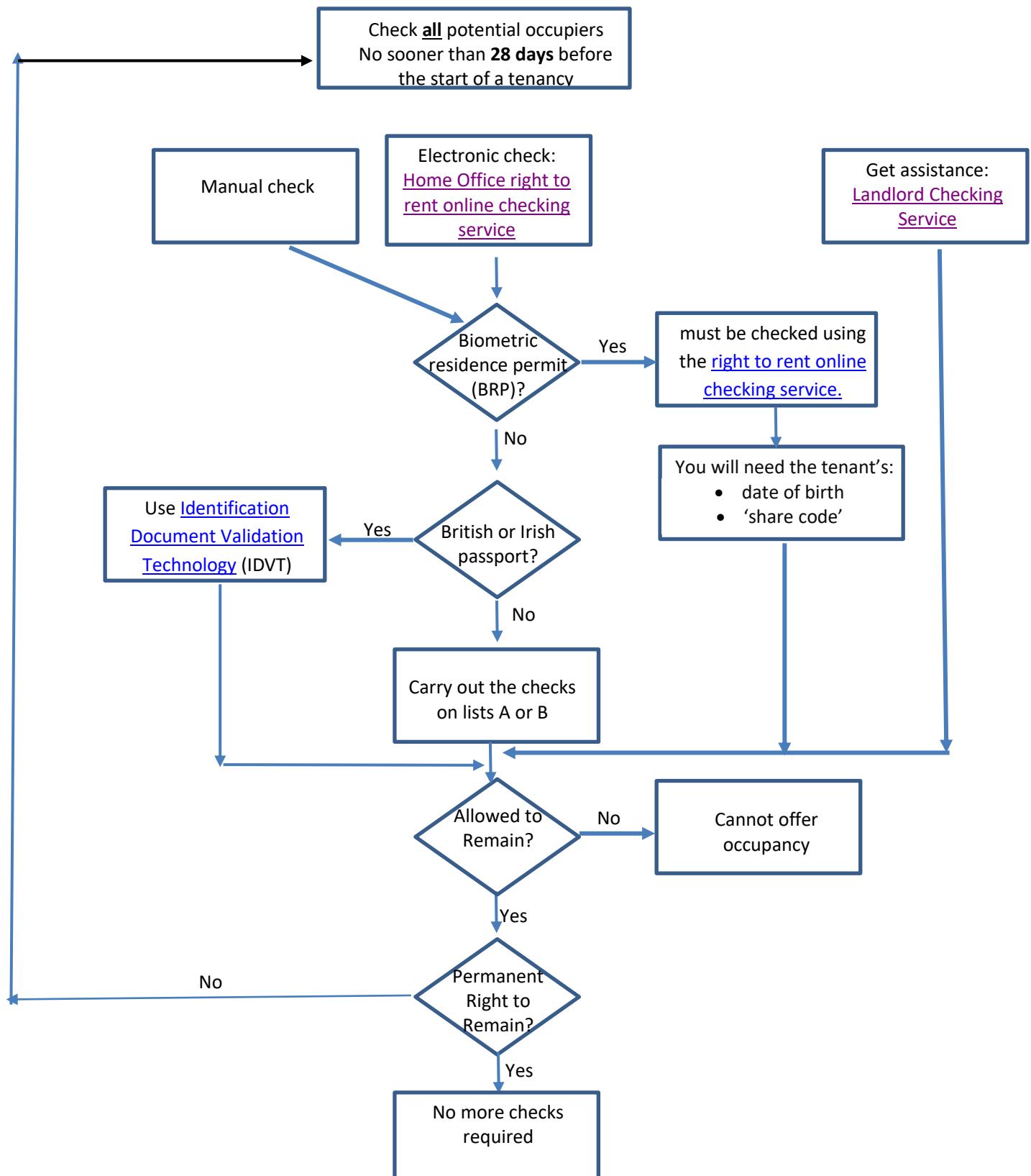
The amount you may have to pay will depend on whether it is your first offence, and whether you are letting to a lodger or letting private accommodation.

If an illegal migrant is found living in your property, you will receive a referral notice informing you that your case is being considered by the Home Office. You will then receive an information request giving you the opportunity to present further information, for example evidence that you carried out the checks correctly. Following this, you will either receive a civil penalty notice telling you that you must pay a civil penalty, or a no action notice telling you that there will be no further action. If you have made the initial checks and any follow-up checks and reports necessary, and you can provide evidence of this, then you will have *a statutory excuse against liability to a civil penalty*, and you will not have to pay the civil penalty.

You can object to a civil penalty notice within 28 days. The Home Office will reply within 28 days with an objection outcome notice if your civil penalty is maintained, reduced or cancelled, or a fresh civil penalty notice if it is increased. Grounds for objection are that you are not liable to pay the penalty, the penalty is too high, or you have a statutory excuse. If your objection is unsuccessful, you can appeal to the Courts.

Where can I get more assistance?

- Go onto www.Gov.uk and type 'Right to Rent'
- Useful fact sheets can be seen [here](#), and [here](#)

Summary of above

List A & B

List A – acceptable documents to establish a continuous statutory excuse. If a tenant can produce the requisite document(s) from either group 1 or group 2 then they will not require a repeat check.

Group 1 – if a prospective tenant can produce one document 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) has been issued no longer than three months before the date on which it is presented;

- b) has been 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) has been 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.

Group 2 – If a prospective tenant can produce one document from this group, then a time-limited 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. 13
- 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.

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

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

1	A current passport or other 'travel document' endorsed to show that the holder is allowed to stay in the UK for a time-limited period.
2	A current biometric 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). A current document issued by the Home Office to a family member of a citizen of an EEA state or Switzerland, and which indicates that the holder is permitted to stay in the UK for a time-limited period (this includes Biometric Residence Card). 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
3	A document issued by the Bailiwick of Jersey, Bailiwick of Guernsey or the Isle of Man (Crown Dependencies) which has been verified as valid by the Landlord Checking Service, showing that the holder has been granted pre-settled (limited leave to remain) status A document issued by the Bailiwick of Jersey, Bailiwick of Guernsey, or the Isle of Man, showing that the holder has made an application for limited leave to enter or remain
4	A Frontier Work Permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
5	A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK for a time-limited period. This includes Service Provider from Switzerland visas, and some points-based system visas.
6	A Certificate of Application (digital or nondigital) issued by the Home Office showing that the holder has made an application for to the UK EU Settlement Scheme, on or after 1 July 2021.

See the official Government fact sheet:-

www.gov.uk/government/uploads/system/uploads/attachment_data/file/497035/Right_to_Rent_Document_Checks_-_a_User_Guide.pdf