

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 rent property. You should not let to people who do not have the right to be in the UK.

**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.
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.

**Note that requirements for EU citizens might change after June 2021**

**How do I make right to rent checks?**

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), as they will be British, European Economic Area (EEA) or Swiss nationals, or a non-EEA national with the right to be in the UK indefinitely.

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, in the presence of the people (in person or via live video link).
  - 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 (<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>). If you do not have internet access or you need help to complete the form, you can call the telephone advice helpline on 0300 069 9799.*

3. 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.*

4. 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, you should fill in the online form [www.gov.uk/report-immigration-crime](http://www.gov.uk/report-immigration-crime) or ring the Immigration Enforcement hotline on 0300 123 7000.

#### **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.

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

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

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

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

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

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](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497035/Right_to_Rent_Document_Checks_-_a_User_Guide.pdf)