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# RIGHT TO RENT SCHEME HELP GUIDE





“ *Study says almost a million illegal immigrants living in the UK during 2013* ”

[www.workpermit.com](http://www.workpermit.com) (2013)

“ *14,062 enforced removals by UK Border Protection Agency during 2013* ”

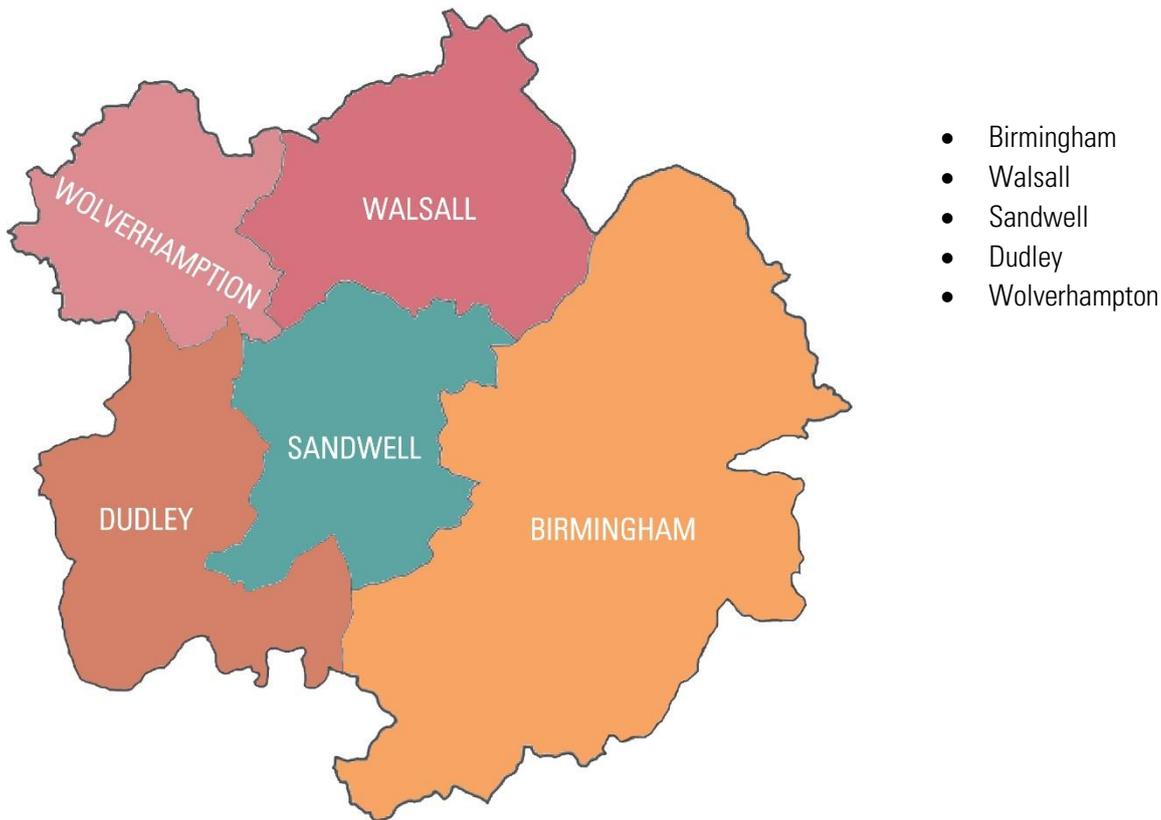
YouGov (2013)

# INTRODUCTION

Legislation for landlords to check their tenants 'Right to Rent' has been set a date of the 1<sup>st</sup> of February 2016. As from this date, all prospective tenants regardless of their nationality will need to provide validated documentation to prove that they have the right to reside and therefore rent within England.

Under the new rules, landlords or letting agents who fail to comply could face penalties of up to £3,000.00 per tenant.

However, landlords from the below areas who carried out the checks during the pilot scheme will need to continue to complete these checks.



The Right to Rent scheme has been created as part of the Immigration Act 2014 which introduced measures to reform the immigration system. Right to rent is about deterring those who are illegally resident from remaining in the UK. Those with a legitimate right to be here will be able to prove this easily and will not be adversely affected.

# UNDERSTANDING THE RIGHT TO RENT SCHEME

## **As a landlord, how does this impact me?**

All tenancies that begin on or after the 1<sup>st</sup> of February will require the necessary checks to be carried out, however, landlords renting properties within the areas of the pilot scheme will need to continue to do this as normal. Landlords are responsible for ensuring the applicants have the right to live in the UK by gathering certain documentation. However, in most cases, landlords will simply need to check the tenant's passport or biometric residents permit.

## **What if I use a Letting Agent to manage my property?**

The responsibility of checking the tenant then falls with the agent. If an agent establishes that a person does not have the right to rent and reports the matter to the landlord in writing, the landlord will be liable to a penalty if a residential tenancy agreement which authorises occupation by a person who does not have a right to rent is granted.

## **What implications are there for failing to check the necessary documents or if the documents checked aren't valid?**

If the breach is in relation to a lodger in a private household, the landlord will be subject to the relevant Category A penalty amount (£80 or £500). If the breach is in relation to an occupier in private rental accommodation, the landlord will be subject to the relevant Category B penalty amount (£1,000 or £3,000).

## **Would follow up checks need to be completed if a tenant is deemed acceptable?**

Where the initial right to rent checks are satisfied with a document from List B, or where the Landlords Checking Service has provided a "yes" response to a request for a right to rent check, a landlord establishes a time-limited statutory excuse.

This time-limited statutory excuse lasts either for 12 months or until expiry of the person's permission to be in the UK or the validity of their document which evidences their right to be in the UK, whichever is later. Follow-up checks should be undertaken before this time-limited statutory excuse expires, in order to maintain a statutory excuse.

## **What would I need to do if the tenant fails the follow up checks?**

If the follow-up checks indicate that an occupier no longer has the right to rent, the landlord does not need to evict them, but should make a report to the Home Office.

The landlord must make the report as soon as reasonably practicable after discovering that the occupier no longer has a right to rent, and before their existing time-limited statutory excuse expires, in order to renew their statutory excuse which will last for as long as the illegal renter continues to occupy the premises.

This report must be made in writing (by post or email), and contain all of the following:

- The full name of the occupier believed to have no right to rent;
- The address of the premises they are occupying;
- The name and contact address of the landlord;
- Where relevant, the name and contact address of the agent;
- The date on which the occupier first took up occupation; and
- Copies of the documents kept by the landlord when undertaking the initial right to rent checks in respect of the occupier.

### **What if my tenant doesn't have any of the documents that are required but still claims they have the right to be in the UK?**

When an individual cannot provide the landlord with any of the documents from List A or List B, but claims to have an ongoing immigration application or appeal with the Home Office, or that their documents are with the Home Office, or they have been granted a right to rent on a discretionary basis, then the landlord can request a right to rent check from the Home Office's Landlords Checking Service using an online form.

Where a landlord does not have access to the internet, a request can be made by telephone. The Landlords Checking Service will respond to the landlord with a clear "**yes**" or "**no**" response within 2 working days.

### **How to avoid discrimination**

Whether or not a person needs and has permission to stay in the UK and has a right to rent is a matter of fact that can be verified. Only the listed documents should be used to reach a decision on whether the person has a right to rent. It is advisable for checks to be performed without regard to race, religion or other protected characteristics as specified in the Equality Act 2010 or the Race Relations (Northern Ireland) Order 1997, on all adults who will be living at the property.

A separate anti-discrimination Code of Practice gives further advice on how to operate checking processes that are non-discriminatory and in accordance with statutory equalities duties. Except in the very limited circumstances where a landlord may already have sufficient information about the occupier to consider that they do not need to establish a statutory excuse, landlords should apply checks to all occupiers, whether or not they may already believe the occupiers to be legally within the UK.

# ACCEPTABLE DOCUMENTS

Where a person has no time limit on their stay in the UK, checks may be undertaken at any point before the residential tenancy agreement is granted. However, where a person has a time-limited right to remain in the UK, checks should be undertaken not more than 28 days before the residential tenancy agreement is granted and the landlord will need to conduct follow-up checks.

All copies of documents taken should be kept for the duration of the tenancy agreement and for at least one year thereafter.

## LIST OF ACCEPTABLE DOCUMENTS FOR RIGHT TO RENT CHECK

The documents that are considered acceptable for demonstrating right to rent in the UK are set out in two lists – **List A** and **List B**. These are shown below.

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

**List B** contains the range of documents which may be accepted to establish 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**. If presented with a document from List B, landlords should carry out follow-up checks as set out below in order to maintain their statutory excuse.

**LIST A** - Acceptable documents establishing a continuous statutory excuse.

### Group 1 – Acceptable single documents

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 UK.
2. A passport or national identity card (current or expired) showing that the holder is a national of the European Economic Area
3. A registration certificate or document (current or expired) certifying or indicating permanent residence issued by the Home Office, to a national of a European Union, 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 immigration document issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK. The document must be valid (not expired) at the time the right to rent check is made.
6. A passport or other travel document (current or expired) endorsed 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.
7. A current immigration status document containing a photograph issued by the Home Office to the holder with an endorsement the named person is permitted to stay indefinitely in the UK or has no time limit on their stay in the UK. The document must be valid (not expired) at the time the right to rent check is made.
8. A certificate of registration or naturalisation as a British citizen.

**Group 2 – Acceptable document combinations.**

1. Any two of the following documents when produced in any combination:
  - a. 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.
  - b. A letter issued within the last 3 months confirming the holder's name, issued by a UK government department or local authority and signed by a named official (giving their name and professional address), or signed by a British passport holder (giving their name, address and passport number), or issued by a person who employs the holder (giving their name and company address) confirming the holder's status as an employee.
  - c. A letter from a UK police force confirming the holder is a victim of crime and personal documents have been stolen, stating the crime reference number, issued within the last 3 months.
  - d. 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.
  - e. 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 past 3 months; or a letter from an officer of the National Offender Management Service in England and Wales, an officer of a local authority in Scotland or an officer of the Probation Board for Northern Ireland confirming that the holder is the subject of an order requiring supervision by that officer.
  - f. Letter from a UK further or higher education institution confirming the holder's acceptance on a course of studies.
  - g. A current full or provisional UK driving licence (both the photocard and paper counterpart must be shown).
  - h. A current UK firearm or shotgun certificate.
  - i. Disclosure and Barring Service certificate issued within the last 3 months.
  - j. Benefits paperwork issued by HMRC, Local Authority or a Job Centre Plus, on behalf of the Department for Work and Pensions or the Northern Ireland Department for Social Development, within the 3 months prior to commencement of tenancy.

## ACCEPTABLE DOCUMENTS ESTABLISHING A TIME-LIMITED STATUTORY EXCUSE

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

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

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

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

### LIST B - Documents where a time-limited statutory excuse is established

1. A valid 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 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 named person may stay in the UK for a time-limited period.
5. In the case that the person has an ongoing application with the Home Office, or their documents are with the Home Office, or they claim to have a discretionary right to rent, an email from the Landlords Checking Service providing a "yes" response to a right to rent request. This will only be sent to the landlord by the Landlords Checking Service.

# USEFUL INFORMATION

The Home Office have also created a document that provides further information on the Right to Rent scheme and have set up a team to deal with any queries that you may have.

You can search online at [www.gov.uk](http://www.gov.uk) to find out more about this or alternatively call on 0300 069 9799.

# COMPREHENSIVE SCREENING

The document from the home office also advises that it is recommended that all tenants over the age of 18 that are going into a property are comprehensively screened.

Tenant Screening offer a range of screening solutions that will identify if a prospective tenant is suitable to fulfil a tenancy.

<p><b>INSTANT ID &amp; CREDIT CHECK</b></p> <p>Immediate background history &amp; credit report</p> <p><b>£9.95 + VAT</b></p> <p><b>BUY NOW</b></p>	<p><b>MOST POPULAR</b> <b>48hr</b></p> <p><b>FULL TENANT PROFILE</b></p> <p>Full ID, credit, employment &amp; previous landlord history</p> <p><b>£19.95 + VAT</b></p> <p><b>BUY NOW</b></p>	<p><b>24hr</b></p> <p><b>FULL TENANT PROFILE EXPRESS</b></p> <p>Increased turnaround time on our most popular service</p> <p><b>£29.95 + VAT</b></p> <p><b>BUY NOW</b></p>	<p><b>GUARANTOR SUITABILITY</b></p> <p>Verify a guarantor meets our stringent requirements</p> <p><b>£14.95 + VAT</b></p> <p><b>BUY NOW</b></p>
<ul style="list-style-type: none"> <li>Instant Credit Report</li> <li>ID Verification &amp; Report</li> <li>Bank account validation</li> <li>Telephone Number retrieval</li> <li>Court &amp; Insolvency Information</li> <li>Residency Information</li> <li>Linked address search</li> <li>Backed by Equifax</li> </ul> <p><b>+</b></p> <p>Core Services</p>	<ul style="list-style-type: none"> <li>Employment referencing</li> <li>Salary Confirmation</li> <li>Length of Service</li> <li>Employment Status</li> <li>Period at address</li> <li>Check for default payment</li> <li>Tenant tidiness</li> <li>E-mail chase ups</li> </ul> <p><b>+</b></p> <p>Core Services</p> <p><b>+</b></p> <p>Instant ID &amp; Credit Check</p>	<ul style="list-style-type: none"> <li>Actioned Instantaneously</li> <li>Email and verbal chase ups</li> <li>Same day return depending on co-operation</li> <li>Increased communication</li> </ul> <p><b>+</b></p> <p>Core Services</p> <p><b>+</b></p> <p>Instant ID &amp; Credit Check</p> <p><b>+</b></p> <p>Full Tenant Profile</p> <p><b>+</b></p> <p>24 Hour Turnaround</p>	<ul style="list-style-type: none"> <li>Instant Credit Report</li> <li>ID Verification &amp; Report</li> <li>Telephone Number retrieval</li> <li>Court &amp; Insolvency Information</li> <li>Residency Information</li> <li>Linked address search</li> <li>Employment Status</li> <li>Salary Confirmation</li> <li>Length of Service</li> <li>Backed by Equifax</li> </ul> <p><b>+</b></p> <p>Core Services</p> <p>Please note this option can only be taken with the Full Profile services.</p>

To read more about a specific screening solution or to start a screening application, visit [www.tenantscreening.co.uk](http://www.tenantscreening.co.uk)

## VISIT THE WEBSITE

Click [here](#) to learn more

## REGISTER ONLINE

Click [here](#) to register for free

## ARRANGE A DEMO



Phone us on 0845 565 0275 or e-mail us at [enquires@tenantscreening.co.uk](mailto:enquires@tenantscreening.co.uk)

The collage features several screenshots from the TenantScreening.co.uk website:

- Dashboard:** Shows navigation links like 'New Application', 'New Property', and 'Update Your Details'. It includes a search bar and a table of 'Applications Awaiting Response'.
- Applications Awaiting Response Table:**

Ref #	Agent	Product	Name	Street	Date	Status	Actions
LAREF1	Letting Agent 1	Instant	Kelvin McCart	13 Foxtrat Av	13/01/2014	E	View Application Delete
LAREF2	Letting Agent 2	Full Profile	Richard Ward	1 Lady Lane	08/01/2014	E E E	View Application Delete
LAREF3	Letting Agent 3	Full Profile	Martin Dugan	1 Castel Dore	09/01/2014	E E E	View Application Delete
- TENANT SCREENING COMPLETION CERTIFICATE:** A document titled 'TENANT SCREENING COMPLETION CERTIFICATE' with the TenantScreening.co.uk logo and contact information.
- Credit Report:** A 'Credit Report' showing various checks and results, including a score of '+513\_Near\_perfect'.
- Activity Log:** A log of system events such as 'Income Referee Added', 'Referee added', and 'Performing Equifax Credit Check' with timestamps.