

# Housing How To...



## Right to Rent landlord checks

From February 2016, under the Immigration Act 2011, every landlord is required by law to verify the immigration status of their prospective tenants, and check that they have the 'right to rent' a property.



the checks, are subject to the same penalties as private landlords if they break the law.

### Who is exempt from the checks?

Purpose built student accommodation, or cases where the institution has allocated a property for a student to live in, are exempt from the Right to Rent checks because the institution has already verified that the person in question has the appropriate leave to remain in the country.

### What is the Right to Rent?

The measures were introduced as part of the Immigration Act 2011 with the aim of "difficult for immigration offenders to stay in the country when they have no right to be here".

In practice it means that all landlords have to verify the immigration status of all prospective tenants or lodgers before they can rent their property.

### Who will be affected by the checks?

Right to Rent checks will be carried out for every new tenancy agreement starting from the 1<sup>st</sup> February 2016, and applied to new tenants only- existing tenants do not need to be checked. The checks will apply to every adult member of the household (aged over 18 years old) not just the person named on the tenancy agreement as the 'lead tenant'.

Right to Rent checks also apply for lodgers, so all households or 'host families' that are offering a room to rent also have to carry out

### How will the checks be carried out?

Before the start of a tenancy or lodging agreement, landlords have to check the status of everyone moving into the property, and make sure that each adult fits into one of these categories:

- A citizen of the UK, the European Economic Area or Switzerland: they are not covered by the Act, but the landlord will have to see proof of their citizenship to make sure
- A person with an indefinite 'right to rent': someone with indefinite leave to remain or right of abode in the UK.
- A person with a 'time-limited right to rent': someone who has limited leave to remain in the UK or a right to live in the UK under EU law. This includes some international students.
- A person with a 'discretionary right to rent': the Home Office can grant this in certain cases, e.g. to people waiting to have their immigration status resolved.

For those with a time-limited right to rent, including students, new checks must be made after 12 months, or just before their current right expires.

The Home Office has produced [guidance](#) for tenants and landlords on what forms of identity documents can be accepted as proof of a tenant's right to rent.

The landlord is also required to make a copy of the documents and keep them on file for a year after the tenancy ends.

## What are the risks?

The Joint Council for the Welfare of Immigrants (JCWI) carried out their own research into the efficacy and impact of the proposed Right to Rent checks.

JCWI spoke to private sector landlords who had taken part in the Right to Rent Pilot scheme in 2015 in the West Midlands region.

Their research found:

- 77% of private landlords opposed the new measures
- 42% of private landlords are unlikely to rent to those without British passports
- Over 25% of private landlords would be less likely to rent to someone with a foreign name or foreign accent

It is clear that the risk of discrimination is significant, and that tenants and landlords alike would benefit from support in conducting these mandatory checks in a fair way.

## How can students' unions support students?

The type of documents that are required to prove an applicants' right to rent status are listed in the [Home Office guidance](#).

It might not be clear to students who are new to the UK what documentation, or

combination of documents, they need to show to their landlord.

NUS is currently lobbying the Home Office to make it simpler for students to prove they are studying in the UK, by increasing the range of 'professional people' who can confirm a students' identity in official documentation.

Its not only international students that are likely to need support with these checks. According to the 2011 census, 19% of the UK-born UK population does not own a passport, so there may be a substantial number of UK students who may struggle to provide appropriate documentation to prove their immigration status.

Students' unions could help by providing the checklist of required documents from the Home Office, as well as general information about the Right to Rent checks, to all students at Housing Fairs and welcome events as well as on their website.

## Taking Action

Although the Home Office ignored strong opposition to the introduction of immigration status checks for tenants, from NUS, housing charities, migrant rights charities and private landlords, we can still make our voices heard in exposing the flaws and prejudice inherent in the Right to Rent project.

**Find your allies:** its not just students who are affected by these checks, they also impact on all other migrant communities as well as private landlords themselves. Seek to make contact with local groups and explore options for working together to amplify your message. If your students' union already has a list of accredited private landlords this would be a good place to start.

**Team up with your international students' societies and networks:** ask for their thoughts on the policy and ideas for how to tackle it.

**Lobby local decision makers:** ask for a meeting with your local MP to discuss the issues. As this is a legislative issue, you could request that they raise a question in Parliament, publish a motion, or take it further as a priority. Approaching local councillors can also help build a community campaign and put pressure on local MPs.

**Build test cases:** If student activists are willing, you could start to identify where the problem is most acute by approaching agents and landlords with enquiries from international students and documenting responses.

**Publish stories:** If you or your international students can vocalise the discrimination faced because of the Right to Rent legislation, tell them. Send them to the media, to politicians and share them amongst other students. This is one of the most effective ways to gain support.

**Take direct action:** If there are certain agents or landlords discriminating on the basis of immigration status, you can call them out publicly, or take to protest action. Students in the past have used petitions, blocked phone lines or demonstrated outside offices. Approach other SUs in the region to find out if there are shared experiences, and if they will support your action.

**Subvert the language:** The Government has been clever to call this 'Right to Rent' when in actual fact it potentially denies people a fundamental right. Campaigners coined the term 'Bedroom Tax' to expose the real impact of the policy and won. Consider how you can articulate this in a way which resonated with students.

## Working with Letting Agents and Landlords

As the JCWI research has shown, 42% of landlords in the pilot area admitted that they would be less likely to rent a property to tenants that did not have British passports.

Though this level of open prejudice is completely unacceptable, it may be partially driven by landlords' lack of understanding of how immigration processes work.

Students' unions can help landlords, 'host families' taking in lodgers, and letting agents in their local area to understand the type of documents and passports international students, and UK students without passports, might use. This in turn will help to end discrimination against these students, whilst they attempt to secure a rented home.

## Further Information

For more information from NUS about international students visit our website: <http://www.nus.org.uk/en/who-we-are/how-we-work/international-students/>

For information about migrants access to housing visit the Housing Rights website: <http://www.housing-rights.info/index.php>

For more information about Right to Rent, and to view the Home Office guidance, visit: <https://www.gov.uk/government/collections/landlords-immigration-right-to-rent-checks>

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