

## The Right to Rent Government imposed changes affecting applicants for housing

The Immigration Act 2014 introduced the concept of 'right to rent' to the private rented sector. Right to rent requires landlords (including Housing Associations that operate their own waiting lists) to check the immigration status of their prospective tenants at the outset of the tenancy from 1 February 2016. This affects all landlords in England.

Landlords must not authorise an adult (18+) to occupy a property as their only or main home unless they can establish the adult has a right to reside in the UK. This means landlords are now required to check the identification of everyone who is over 18 and expected to occupy the property.

The following information is extracted from the guidance given by the government.

### How are we required to check the occupiers?

The process for carrying out initial right to rent checks is as follows:

1. Establish the adults who will live in the property as their only or main home.
2. Obtain **original** versions of one or more of the acceptable documents (below) for all adult occupiers.
3. Check the documents in the presence of the document holder.
4. Make and retain copies with the date on which the checks were made.

#### Group 1 - Any **one** of these documents will prove indefinite right to rent

- 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 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,

**Group 1 - Any **one** of these documents will prove indefinite right to rent**

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 indicating that 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 - Any **two** of these documents will prove indefinite right to rent**

- 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 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.

- 3 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.

- 4 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.

- 5 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.

- 6 Letter from a UK further or higher education institution confirming the holder's acceptance on a course of studies.

- 7 A current full or provisional UK driving licence.

**Group 2 - Any **two** of these documents will prove indefinite right to rent**

- 8 A current UK firearm or shotgun certificate.
- 9 Disclosure and Barring Service certificate issued within the last 3 months.
- 10 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.

**List B - Time limited Right to Rent**

**List B - any **one** of these documents will be sufficient to establish a time limited right to rent.**

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.

Sandbourne will seek to obtain this documentary evidence only at the point that we are actively considering anyone to be a new tenant of one of our properties. We will not hold properties vacant waiting for proof to be obtained. We will assume that everyone will be able to provide sufficient proof at the point of any request being made.

If an applicant refuses to provide the required documentation we will not be able offer a tenancy as that will be a criminal offence and we will cancel the person's application for housing.

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