



# FACTSHEET: Right to Rent Checks

Compulsory checks by landlords on the immigration status of new tenants are to be introduced across the country **from 1 February 2016**. R3Location looks at the practical implications of this new law and what it means for tenants and their employers.

## The Law - Background



The Government wants to make it harder for illegal immigrants to rent accommodation. The **Immigration Act 2014** introduced a requirement for landlords of private rental accommodation to conduct checks to establish that new tenants have the right to rent in the UK.

## Checklist

### What will Landlords/Agents want to check?



#### WHO needs to be checked

- Personal Lease: All adult (18+) **tenants/occupiers** living in the property
- Type: Both AST and non-AST
- Corporate Lease: All adult (18+) **occupiers** who will live in the property



#### WHAT needs to be checked

- **Original** documents showing right to be in the UK; (see below)
- Tenant/occupier needs to be **physically** present for the check
- Documents must be **valid** (see below)



#### WHEN will it need to be checked

- **Within 28 days** before tenancy starts
- For all new tenancies **starting after 1 February 2016**
- Agents/Landlords may require **follow up checks** every anniversary (12 months)

## Original documents



A UK passport



An EU/EEA passport or identity card, permanent residence card



A travel document showing indefinite leave to remain



A visa if applicable



Home Office

A Home Office immigration status document or a certificate of registration/naturalisation as a British citizen



## Practical considerations

### when VISA required

#### Referencing more time consuming

Additional compliance where a VISA is required will add to the administrative burden of referencing, and pre-planning for visa documentation will facilitate successful completion of negotiation.

#### Liability on Agents

Reference tends to be performed by Agents on behalf of Landlords. They will be liable under the legislation and may therefore enforce strict compliance checks where a VISA required.

#### Taking possession / Keys

It is therefore likely that no keys will be released until Agents/Landlords have been through the process for all tenants and occupiers. This may impact assignees /employers where additional days in temporary housing is required.