



# Home Office

## **Summary Guidance for Landlords**

### **Right to rent checks**

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. It can be used with the more detailed guidance on each section of the checklist, found on '[landlords immigration right to rent checks](#)'.

You may also want to see the [landlord's codes of practice](#).

#### 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 your property falls under the Scheme (see Section 1) and you are letting to adults, 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.

# 1. Should I make right to rent checks and which people should I check?

Please see [guidance 1](#) for more information on items in this section.

**You should make right to rent checks (including any follow-up checks and reports necessary) if you tick all four of the following boxes:**

- You are one of the following:
- a landlord letting private rented accommodation, or
  - a landlord or occupier allowing a lodger to live in a property, or
  - a tenant or occupier sub-letting a property, or
  - an agent appointed in writing by a landlord to take responsibility for complying with the Scheme
- Your property is located in an area the Scheme is running in  
See <https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>
- The tenancy was agreed on or after the date of the Scheme implementation (you do not need to conduct checks on people already living in your property)
- Your property is not exempt from the scheme. Exempt properties are:
- accommodation arranged by local authorities or relevant NHS bodies in response to a statutory duty
  - care homes, hospitals and hospices
  - social housing (including private properties let to social tenants)
  - hostels and refuges
  - tied accommodation
  - student accommodation
  - long leases

You are advised to see [guidance 1](#) for more information if you believe your property is exempt from the scheme.

**You should check all adults who will live in your property regardless of what you believe their nationality to be. This includes people who will live in the property but are not named on the tenancy agreement. You should check all people over the age of 18 who will live in your property as their only or main home.**

*Note: if a person is living in one place only in the UK, this is their only or main home. If they live in multiple properties, you should check them unless you are satisfied they have an alternative only or main home. See [guidance 2](#) for more information.*

## 2. 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.

For more information on any of the steps below, please see [guidance 2](#).

### 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.**

- 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.
- 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).**

- 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](#). 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.**

- 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.
- 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. You should record the date on which this right will expire, which will be clear on the document. You will need to make a follow-up check either just before the right expires, or after 12 months, whichever is later. 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:

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:

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.

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 here: <https://www.gov.uk/report-immigration-crime>.

### 3. 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.

Please see [guidance 3](#) for more information on the civil penalty process, and how to object and appeal.