
Accommodation

Right to rent – information for students

From 1st February 2016 all private landlords in England must check the immigration status of new tenants to make sure they have the ‘right to rent’ in the UK. This factsheet has information you will need to know if you are planning to rent accommodation from a private landlord. You should read it before you start looking for accommodation. **The right to rent legislation does not apply to you if you are renting University accommodation.**

Who is affected? This information does not apply to students who rent their accommodation from or through the University: The Right to Rent requirements only apply to private tenancies.

This information does apply to students who wish to rent from a private landlord including private or commercial halls of residence: These students will have to prove that they have the right to reside in the UK

When are the checks done? Landlords must carry out the checks within specific time limits:

- For British citizens, EEA and Swiss nationals it should be before the tenancy agreement is entered into, but if arrangements are being made from overseas the check can be delayed until the person arrives in the UK, as long as it is done before they move in.
- For other international citizens it must be no earlier than 28 days before the start date of the tenancy agreement.

How will the checks be made? Tenants will soon have the choice of evidencing their right to rent by either:

- Home office online right to rent check
- Manual document based right to rent check

The new Home Office online checking service is expected to be launched in November 2020.

However, not all prospective or current tenants,

will have an immigration status that can be checked online. Initially at least the service will be for those who hold:

- a biometric residence permit;
- a biometric residence card; or
- status issued under the EU Settlement Scheme

For a manual check you need to produce original versions of one or more of the acceptable documents for all adult occupiers. The landlord must check the documents in the presence of the document holder, make copies of the documents and record the date on which the check is made.

This can be with you physically present or via a live video link, although in either case the landlord must be in possession of the original documents.

The landlord must take copies of the documents and keep them for at least one year after the tenancy ends. These copies must be securely stored. Landlords who fail to carry out the checks and/or rent to a person who does not have the right to rent can be fined or even face imprisonment.

Temporary changes due to covid 19 Right to rent checks have been temporarily adjusted due to coronavirus (COVID-19), to make it easier for landlords to carry them out. As of 30 March 2020 the following temporary changes have been made:

- you can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals
- checks can now be carried out over video calls. Your landlord may ask you to hold up the original documents to the camera to be checked against the digital copy of the documents.

What happens after COVID-19 measures end? Once the temporary measures end landlords must revert to the normal checking process set out above. They will also have to carry out retrospective checks on all tenants who started a tenancy or needed a follow up check when the temporary measures were in place. These checks must be carried out within 8 weeks of the end of the temporary measures.

What documents will be needed? *British citizens, EEA and Swiss nationals* should only need to show their passports or national identity cards. EEA and Swiss family members need to show a permanent residence card.

The Gov.UK website indicates that current right to rent checks for citizens of the EU, Switzerland, Norway, Iceland and Liechtenstein will continue in the same way until 30th June 2021. You do not need settled or pre-settled status and it is unlawful for a landlord to require evidence of this.

Nationals from Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA entering the UK as a visitor or business visitor will not have a document to evidence their lawful status in the UK and from 2nd November 2020 are permitted to use a combination of their passport, plus evidence of entry to the UK to demonstrate a right to rent.

Other International citizens will need to show their passports AND their visas or e.g. biometric resident permits, residence cards or something from the list of acceptable documents in the Home Office Code of Guidance, see Useful Information overleaf.

Those with only a time limited leave to remain can show just their passport/visa/residence card but the landlord will have to do a follow up check within a deadline which is the latest of these dates: 12 months after the last check, the date permission to stay in UK expires or the

expiry date of the passport or other document that shows your right to be in the UK.

What does this mean for me? If you cannot meet the Right to rent requirements you will not be able to move into the accommodation.

Tenancies that began prior to February 2016: Landlords are not legally obliged to see the relevant documents for tenancies that are already in place or where there is a renewal of a tenancy as long as the renewed agreement is between the same people and there's no break in the tenancy.

Booking accommodation from abroad: The landlord can arrange the tenancy in advance with you, as long as they see the original documents before you move in. It is likely you will be asked to show copies of your visa and University offer letter via a video link such as Skype when you book the accommodation. If you are having problems booking from abroad due to Right to Rent requirements please contact the Accommodation Office for help.

Subletting: If you sublet out your accommodation to someone else then you will have to make Right to Rent checks on the new tenants and if you don't you may be fined.

What if I cannot show my documents? If you do not have your documents e.g. if you have applied for a visa extension, have an application in progress or an ongoing immigration case or your documents are lost, your landlord can use the Home Office 'Landlord's checking service'.

You will need to give the landlord your Home Office reference number and the landlord can then request the evidence from the Home Office here: <https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml> The Home Office should get back to the landlord within 2 working days, however, you will not be able to move in until the check is complete.

Renting short term accommodation: The rules only apply to landlords letting accommodation to someone as their only or main home. If you can show that you have another home elsewhere that is your principle home and/or show you are here for only a very short period then your landlord might not require the documents.

Children: Anyone aged under 18 should not be required to show their documents

If a landlord discriminates against a potential tenant: The law states that landlords renting out property cannot discriminate because of a tenant's race, i.e. colour, nationality, ethnic origin. The Home Office has produced a Code of Practice for landlords on avoiding race discrimination. See Useful Information below.

Can the University confirm my immigration status: Your faculty can confirm that you have an offer at the University which can be used as part of the checks in certain circumstances but

only the landlord can carry out the document checks.

Nomination letters: Students who have found accommodation but are facing difficulty in fulfilling the Right to Rent requirements may be able to obtain a nomination letter from their faculty office. For further information enquire with your faculty office.

Useful information:

Code of Practice for Landlords Avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented residential sector:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/376789/Code_of_Practice_for_Landlords_web.pdf

Draft revised code of practice on right to rent: Civil penalty scheme for landlords and their agents September 2020

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/922614/Revised_Code_of_Practice_on_right_to_rent.pdf

Code of practice on illegal immigrants and private rented accommodation for tenancies that start on or after 1st February 2016: <https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice/code-of-practice-on-illegal-immigrants-and-private-rented-accommodation-for-tenancies-starting-on-or-after-1-february-2016>

Landlords guide to checking documents:

[www.gov.uk/government/uploads/system/uploads/attachment_data/file/497035/Right to Rent Document Checks - a User Guide.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497035/Right_to_Rent_Document_Checks_-_a_User_Guide.pdf)

Need help or advice?

The University of Bristol Accommodation Office runs a housing advice service for all staff and students, if you have any problems with your private rented accommodation please contact us.

Due to Coronavirus our office on campus is closed but our services are available remotely. | contact us by email and an adviser will get back to you: accom-office@bris.ac.uk



The contents of this fact sheet are for information only. You should consult the Accommodation Office or an advice centre such as the CAB before taking any action.