



Home Office

# Landlord's guide to right to rent checks

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## About this guidance

This guidance advises a landlord, letting agent or homeowner how to conduct a right to rent check when letting privately rented accommodation. The guidance sets out the specific actions you can take to prevent liability for a civil penalty. This is called establishing a statutory excuse against liability for a penalty.

This guidance applies to residential tenancy agreements granted on property located in England. The Right to Rent Scheme applies only to residential tenancy agreements first entered into on or after 1 December 2014 in Birmingham, Wolverhampton, Dudley, Sandwell and Walsall, and on 1 February 2016 in the rest of England.

## Publication

This is the second version of this guidance document. It replaces a previous version which was published on 2 November 2020.

## Summary of changes in this issue of the guidance

This guidance was last updated on 18 June 2021.

The most significant updates contained in this guidance relate to:

- Changes to the way EEA citizens will prove their right to rent in England from 1 July 2021 in Annex C
- Changes to the acceptable document list, to remove the requirement of EEA passports, national identity cards and specified EEA Regulations documents, which only confirmed the individual's nationality or that they were exercising EEA Treaty Rights from 1 July 2021
- Changes to the acceptable document list from 1 July 2021 to include:
  - Irish passport and passport card
  - A document issued by the Crown Dependencies Jersey, Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service
  - A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020
- The temporary adjusted right to rent checking process during COVID-19.

# Introduction

All landlords in England have a responsibility to prevent [disqualified persons](#) from accessing the private rented sector. You do this by conducting right to rent checks on all prospective adult tenants before the start date of a tenancy agreement, to make sure the person is not disqualified from renting a property by reason of their immigration status.

This guidance provides information on how and when to conduct a right to rent check. You should also refer to the:

- [Code of practice on right to rent: civil penalty scheme for landlords and their agents](#)
- [Code of practice for landlords avoiding unlawful discrimination when conducting 'right to rent' checks in the private residential sector](#)
- [Right to Rent Checks: A user guide for tenants and landlords](#).

If you conduct the checks as set out in this guidance and the code of practice, you will have a [statutory excuse](#) against liability for a penalty in the event you are found to have rented to a person who is disqualified by reason of their immigration status. This means that if we find that you have rented to someone who does not have the right to rent a property, but you have correctly conducted a right to rent check as required, you will not receive a penalty.

In addition to the Codes of Practice, this guidance and the 'Right to Rent Checks: A user guide for tenants and landlords', there are a range of tools available on GOV.UK to support you in [conducting right to rent checks](#).

## Discrimination

You should not discriminate when conducting right to rent checks. You should conduct right to rent checks on all adult prospective tenants, including British citizens.

You should not make assumptions about a person's right to rent or their immigration status on the basis of their name, colour, nationality, ethnic or national origins, accent or length of time they have been resident in the UK.

You should ask all adult prospective tenants to demonstrate their right to rent using either a manual document check, or by using the Home Office online service. You cannot mandate how an individual proves their right to rent. To ensure you do not discriminate against anyone, you should provide every opportunity to enable an individual to prove their right to rent.

The '[code of practice for landlords: avoiding unlawful discrimination when conducting right to rent checks in the private rented residential sector](#)' provides practical guidance on how to avoid unlawful discrimination when renting to individuals and conducting right to rent checks. We strongly recommend that you refer to this

guidance and the [code of practice on right to rent: civil penalty scheme for landlords and their agents](#) when conducting right to rent checks. If you breach this guidance, it may be used as evidence in legal proceedings.

Anyone who believes that they have been discriminated against, either directly or indirectly, by a landlord or a prospective landlord, because of their race or another protected characteristic may bring a complaint before a Tribunal. If the complaint is upheld, the Tribunal will normally order the payment of compensation, for which there is no upper limit.

If you need expert advice and support on discrimination, you can call the [Equality Advisory Support Service \(EASS\)](#) on 0808 800 0082.

## References in this guidance

In this guidance, a reference to:

‘Adult’ means a person who has attained the age of 18.

‘Breach’ means that section 22 of the Immigration Act 2014 has been contravened by renting to an adult who is a disqualified person.

‘Civil penalty’ or ‘penalty’ means to a financial penalty imposed by the Home Office on a landlord who has allowed a tenant to occupy private rented residential accommodation but does not have the right to rent.

‘Current document’ means a document that has not expired.

‘Days’ has two separate meanings:

- When referring to a tenant - means calendar days, including Saturdays, Sundays and bank holidays.
- When referring to the Landlord Checking Service – it does not include Saturdays or Sundays, Christmas Day or Good Friday, or any day which is classified as a bank holiday in England.

‘Disqualified person’ means a person with no legal immigration status and, therefore, doesn’t qualify for right to rent.

‘Document’ means an original document unless specified that a copy, electronic or screenshot is acceptable.

‘EEA or Swiss citizen’ means citizens of EEA countries or Switzerland.

The EEA countries are:

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.



‘Home Office online service’ means the online service allowing landlords to check whether a person is allowed to rent in England.

‘Homeowner’ means a person who owns the property used for renting or sub-letting.

‘Immigration Offender’ means a person who seeks to evade immigration controls and enter and remain in the UK without the legal right to do so.

‘Landlord’ means a person who lets accommodation for use by one or more adults as their only or main home. This includes people who take in lodgers and tenants who are sub-letting. References to ‘landlord’ also include agents who have accepted responsibility for complying with the Right to Rent Scheme on behalf of landlords, except for when agents are specifically and separately referred to.

‘Leave to enter or remain in the UK’ means that a person has permission from the Home Office to be in the UK. Permission may be time-limited or indefinite.

‘Lodger’ means someone who takes a room within accommodation that they share with their landlord (this could be the owner or an occupier of the property).

‘Market rent’ means the amount of rent that can be expected for the use of a property, in comparison with similar properties in the same area.

‘Non-EEA citizens’ means the citizens of countries outside the EEA.

‘Occupier’ means a person who is, or who will be, authorised to occupy the property under the residential tenancy agreement, whether or not they are named on that agreement.

‘Permission to rent’ means a person who is disqualified from renting by virtue of their immigration status but to whom the Secretary of State has granted permission to occupy premises.

‘Pre-settled status’ means an individual will have a time-limited right to rent, and the landlord must carry out a follow-up check. The [Home Office online service](#) will advise when a follow-up check must be carried out.

‘Rent’ means a tenant’s regular payment to a landlord for the use of property or land.

‘Residential tenancy agreement’ means an arrangement in any form (whether or not in writing) between parties that grants a right to occupy premise for residential use and provides payment of rent as to a course of action.

‘Right to rent’ means allowed to occupy privately rented residential accommodation in the UK by virtue of qualifying immigration status.

‘Settled status’ means an individual will have a continuous right to rent, in the same way as someone with Indefinite Leave to Remain status.

‘Sub-tenant’ means a person who leases property from a tenant.

‘Statutory excuse’ means the steps a landlord can take to avoid liability for a civil penalty.

‘Tenant’ means the person or persons to whom the residential tenancy agreement is granted.

‘View a tenant’s right to rent in England’ means the Home Office online service on GOV.UK allowing landlords or agents to check whether a person has a right to rent and, if so, the nature of any restrictions on that person’s right to do so.

‘You’ means the landlord, letting agent or homeowner who is letting private rented accommodation.

## Legislation

Legislation to limit access to the private rental property sector only to those with the lawful right to be in the UK was introduced through sections 20 to 37 of the [Immigration Act 2014](#) (the 2014 Act).

Under section 28 of the 2014 Act, a landlord who enters into a tenancy agreement with a disqualified person may be subject to a civil penalty.

[The Immigration Act 2016](#) (the 2016 Act) introduced a criminal offence of knowingly letting to someone disqualified from renting a property. The 2016 Act also set out how a landlord can end a tenancy due to a tenant’s immigration status.

## Which letting arrangements fall within the Scheme?

The Right to Rent Scheme applies only to residential tenancy agreements first entered into on or after 1 December 2014 in Birmingham, Wolverhampton, Dudley, Sandwell and Walsall, and on or after 1 February 2016 in the rest of England.

A landlord is not required to conduct right to rent checks in relation to residential tenancy agreements entered into before the dates set out above. A landlord is also not required to conduct right to rent checks in relation to residential tenancy agreements which are renewed after the dates set out above if the renewed agreement is between the same parties and there has been no break in the tenant’s right to occupy the premises.

# Who may be liable for a civil penalty?

## Liability

Responsibility under the Right to Rent Scheme lies with the landlord; that is the person who authorises the occupation of accommodation by the tenant under an agreement providing for the payment of rent. There are some circumstances in which responsibility for compliance with the Scheme can be transferred to another person. These are outlined below under Transfer of Liability.

## Transfer of Liability

### Appointing an agent

You can use the services of an agent to let or manage your property.

You may appoint an agent to conduct checks on your behalf. There must be a written agreement to make clear that:

- the agent is to be responsible for the initial right to rent check and whether or not the agent will be responsible for any follow-up checks for those with a time-limited right to rent
- the agent must conduct the checks within the timescales laid out in this guidance and the [code of practice on right to rent: civil penalty scheme for landlords and their agents](#)
- liability for civil penalties transfers to the agent, but liability cannot be transferred beyond the agent

Once you and the agent have made a written agreement which includes the above information, the agent then takes over responsibility for the right to rent checks. The agent will also be liable for a penalty in the event of a breach. The agent appointed may act in the course of a business but does not have to be a letting or managing agent.

Where it is agreed in writing that the agent will be responsible for conducting the checks, they must do this before entering into a tenancy agreement with the prospective tenants. If the prospective tenant does not have a right to rent and the agent enters into the tenancy agreement, they remain liable for a penalty.

If an agent establishes that the prospective tenant doesn't have a right to rent, they should report this to the landlord. If a landlord then enters into a tenancy agreement with this person, then it is the landlord who becomes liable for a penalty. In these circumstances an agent may wish to keep written records and copies of their actions.

## Tenants who sub-let and lodgers

Any tenant who sub-lets all or part of their accommodation in an agreement involving the payment of rent to be used as the only or main home of the sub-tenant, will be a landlord for the purposes of the Scheme. The tenant who has sub-let all or part of their accommodation may be liable for a penalty if they do not conduct a right to rent check and allow a person with no right to rent to live there. This applies equally to tenants sub-letting private or social housing.

Where a tenant sub-lets all or part of their accommodation and grants a right of occupation, they can ask their landlord (the 'superior landlord') to agree to accept responsibility for occupation by the sub-tenants. This should be an agreement in writing.

The superior landlord will then be responsible for conducting right to rent checks and will be treated as though they have authorised the occupation by the sub-tenants. The superior landlord will incur any liability for a penalty.

However, if the superior landlord does not confirm that they are willing to accept this responsibility in writing, the tenant who is sub-letting remains the responsible landlord for the purposes of the Scheme. The tenant will therefore be liable for any penalties.

Homeowners who rent out part of their own property to one or more adult lodgers as [their only or main home](#) in return for payment are responsible for conducting right to rent checks.

## Sitting tenants and changes in landlord

If you buy a property with sitting tenants, you should confirm with the transferring landlord that right to rent checks have been conducted and retain evidence, for example, copies of the documents checked by the previous landlord. Careful note should be taken of whether [follow-up checks](#) must be conducted, and when these are due, to ensure a statutory excuse against a penalty is maintained.

If a tenancy was entered in to before the Right to Rent Scheme [came in to force](#), you do not need to confirm with the transferring landlord that a right to rent check has been carried out. However, you should ask for proof of the date the tenancy was entered in to and keep a record of this.

If the tenant had no right to rent at the time the tenancy agreement was granted, then the original landlord who granted the residential tenancy agreement remains liable for a penalty. This is true, even if they have since sold the property on to a new landlord.

If a tenant had a time-limited right to rent when the tenancy agreement was granted, and follow-up checks were not completed, then the landlord at the time the breach was identified will be liable for a penalty. If the transferring landlord is unable to provide you with evidence that a follow-up check was carried out, it is

advisable to conduct a check. If the tenant no longer has a right to rent, you must [make a report to the Home Office](#) to maintain your statutory excuse.

# Who can occupy residential accommodation?

Under the Right to Rent Scheme, people will fall mainly into two categories depending on their immigration status.

The majority of people will have an [unlimited right to rent](#). Some will have a [time-limited right to rent](#). This section sets out information about who falls into these two categories. It also provides information on two further groups; those who have been granted [permission to rent](#) by the Home Office and [children](#).

## Those with an unlimited right to rent

The following groups of people currently have an unlimited right to rent:

- British citizens
- EEA and Swiss citizens (this will change for some EEA and Swiss citizens from 1 July 2021 – see [Annex D](#))
- people who have the right of abode in the UK
- people who have been granted indefinite leave to remain
- people who have no time limit on their stay in the UK

You can conduct checks on those with an unlimited right to rent at any time before the start of a tenancy agreement. You must retain the evidence of the check with the date of when the check was carried out, for the duration of the tenancy agreement and for at least one year thereafter. You do not need to conduct any further checks.

## Those with a time-limited right to rent

The following group of people have a time-limited right to rent:

- people with valid leave to enter or remain in the UK for a time limited period

You must conduct checks on those with a time-limited right to rent no sooner than 28 days before the start of a tenancy. You should retain the evidence of the check along with the date of when the check was conducted for the duration of the tenancy agreement and for at least one year thereafter. To maintain a statutory excuse against a penalty you must [conduct a follow-up check](#) shortly before the tenants leave expires.

## Those who have been granted permission to rent by the Home Office

In some limited circumstances, when a person is disqualified from renting by reason of their immigration status, the Home Office may grant permission to rent to that person.

A person without leave who is looking to take up a new tenancy can enquire whether they have permission to rent through their established contact points within the Home Office, such as at a reporting event, interview appointment or through the team dealing with their case.

To conduct a right to rent check on someone who says they have permission to rent from the Home Office, you must contact the [Landlord Checking Service \(LCS\)](#). Staff working in the LCS will confirm that the prospective tenant has been granted permission to rent. This confirmation will provide you with a continuous statutory excuse against a penalty, providing there is no change to the tenancy agreement. If there is a change to the tenancy agreement, you will need to contact the LCS again.

## Children

This Scheme does not apply to children. You do not need to check a tenant's children, but you should satisfy yourself that they are under the age of 18, at the time the tenancy begins.

You may allow those who will turn 18 years of age during a tenancy agreement to continue to occupy property. You are not required to conduct a right to rent check at the point the child turns 18 years of age. However, where [follow-up checks](#) are required for the existing tenants, the now adult should be included in those checks when they are due.

# Letting arrangements that fall within the Scheme

Under the Right to Rent Scheme, you must not authorise any adult to occupy a property under a residential tenancy agreement which provides for the payment of rent, unless they have a right to rent or have been granted [permission to rent](#).

## Residential tenancy agreements

There is no requirement to create a written tenancy agreement listing all those who will live in the property, but you may find it advisable to do so.

If the tenancy agreement is oral or implied, the checks should still be made on all adults living at the property. If there is evidence that you were aware of a person living in the property but did not conduct a right to rent check, you may be liable for a penalty. This will be the case regardless of whether the agreement is written, oral or implied. It is advisable to keep a record of:

- the full name and date of birth of all adults who will live in the property
- the names and dates of birth of all children under 18 who will be living with them in the property
- whether each of the adults named has current permission to be in the UK

## Property for use as an only or main home

A property will be considered a person's only or main home (with exclusions as detailed in [Excluded agreements](#)) if:

- it is the only property they live in, or
- they live between multiple properties, their personal, legal or family ties to that property are such that it is where they live their settled day to day life

When a tenant lives away from the home for extended periods due to employment, the address to which they return when they are not working is usually taken as being their only or main home.

The tenant must physically live in the home for at least some of the time, but they do not need to spend the majority of their time there.

Relevant factors will include whether they:

- will keep most of their belongings there
- will be registered with a doctor/dentist from that address
- will register for voting purposes there
- receive post there or
- their partner or children live there



The tenant's reason for using the property will need to be considered on a case-by-case basis. If in doubt, it is advisable to assume that prospective tenants intend to occupy the property as their only or main home. See [initial right to rent checks](#) for further information about the steps you should take to establish who will use the property as their only or main home.

## Holiday accommodation

When letting holiday accommodation, you should consider how a person will be using the property to decide whether right to rent checks are necessary.

If the letting is for a short, time-limited period, and the tenants intend to use the premises for leisure related purposes and will not remain in the property after this period, then you may conclude that the property is to be used as holiday accommodation. In this scenario there is no need to conduct right to rent checks.

As a guide, the Home Office would consider that bookings of three months or more may indicate that a person is using the accommodation for a purpose other than leisure purposes and could be intending to use the accommodation as their only or main home.

If the booking is open ended, or the initial booking was time-limited but is subsequently extended, then it would be advisable to conduct right to rent checks.

## House guests

House guests, such as friends or family members, will not normally be treated as a tenant under the Scheme. This is because the temporary nature of a guest means they will not be living in the accommodation as their only or main home.

## Excluded agreements

Some properties and types of living arrangements are excluded from the requirement to make right to rent checks. These are listed below.

## Accommodation involving local authorities

The following residential tenancy agreements are exempt from the Scheme, where they are arranged by a local authority which is acting in response to:

1. a statutory duty owed to an individual
2. a relevant power<sup>1</sup>, with the intention of providing accommodation to a person who is homeless, or who is threatened with homelessness

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<sup>1</sup> As defined in paragraph 7(2) of Schedule 3, a 'relevant power' means a power that is exercised for, or in connection with, a purpose of providing accommodation to a person who is homeless or threatened with homelessness.

This includes instances where the person is to be placed into private rented property by the local authority.

In such circumstances, landlords should ask for written confirmation from the local authority that the authority is acting in response to a statutory duty and keep this on file.

## Social housing

For residential tenancy agreements, which grant a right of occupation in social housing by virtue of a relevant legislative provision as to housing<sup>2</sup>, the local authority has already been required to consider their immigration status before allocating them the property. Where a tenant has such an existing tenancy and is seeking to exchange their home for an alternative tenancy, they are also exempt from the Scheme.

## Care homes, hospitals and hospices and continuing healthcare provision

Accommodation provided in care homes, hospitals and hospices is exempt from the Scheme. Accommodation arranged by relevant National Health Service bodies, which are acting in response to a statutory duty owed towards individuals as part of a package of continuing health care, is also exempt from the Scheme.

## Hostels and refuges

Residential tenancies which grant a right of occupation in a hostel or refuge are exempt from the Scheme. This exemption applies to hostels and refuges which are managed by social landlords, voluntary organisations or charities, or which are not operated on a commercial basis and whose operating costs are provided either wholly or in part by a government department or agency or a local authority.

## Mobile homes

An agreement under which a person is entitled to station a mobile home on a protected site and use it as their only or main home, is exempt. However, should a mobile homeowner decide to let their mobile home for use by another adult, this residential tenancy agreement will be subject to the Scheme.

## Tied accommodation

A residential tenancy agreement that grants a right of occupation in accommodation provided by an employer to an employee, or by a body providing training to a person in connection with that training, is exempt from the Scheme. However, should the employee be expected to pay rent for that accommodation under a residential

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<sup>2</sup> See paragraph 1 to Schedule 3 to the Immigration Act 2014 for the specified relevant provisions.

tenancy agreement, this arrangement will be subject to the requirements of the Scheme.

## Student accommodation

All halls of residence (whether the landlord is an educational institution or private accommodation provider) are exempt from the Scheme, as is any accommodation provided for students directly by a higher or further educational institution. Residential tenancy agreements are also excluded where a student has been nominated to occupy the accommodation by a higher or further educational institution, or a body established for charitable purposes only. The nomination could take a variety of forms but will require communication between you and the institute providing confirmation that the student will take up occupation under the residential tenancy agreement.

You should retain a copy of the nomination document relied upon to support a claim to this exemption.

The Scheme applies to all other student accommodation in the private rented sector.

## Long leases

Leases which grant a right of occupation for a term of seven years or more are exempt. Such arrangements are more like home ownership than traditional landlord and tenant arrangements. An agreement will not grant a right of occupation for a term of seven years or more if the agreement can be terminated at the option of a party before the end of seven years from the start of the term. A lease containing a break clause will include an option to terminate and so does not benefit from the exemption. A lease which contains a forfeiture or right of re-entry for the landlord is not considered to include an option to terminate and so is excluded from the Scheme.

# How to conduct a right to rent check

You should conduct a right to rent check before you enter into a tenancy agreement with a person. If a person's right to rent is time-limited, you should conduct a follow-up check shortly before their leave expires.

A statutory excuse against a penalty can be established and maintained if you can show that you have correctly:

- conducted [initial right to rent checks](#) before authorising an adult to occupy rented accommodation
- conducted [follow-up checks](#) at the appropriate date if initial checks indicate that a tenant has [a time-limited right to rent](#), and
- made a [report to the Home Office](#) if follow-up checks indicate that a tenant no longer has the right to rent.

You can also use the [Landlord Checking Service](#) where an individual has an outstanding application, administrative review or appeal, or if their immigration status requires verification by the Home Office, for example in the case of Crown Dependencies.

## When to conduct initial right to rent checks

You must conduct a right to rent check **before** you rent to a prospective tenant to ensure they have a legal status in the UK and are therefore allowed to rent. This includes everyone over the age of 18, including British citizens, who will use the [property as their only or main home](#), even if they are not named on the tenancy agreement, and regardless of whether the tenancy agreement is written, oral or implied.

In order to establish a statutory excuse against a penalty, right to rent checks must be undertaken within specific time limits:

1. A check on a person with an [unlimited right to rent](#) may be undertaken at any time before the residential agreement is entered into
2. A check on a person with a [time-limited right to rent](#) must be undertaken and recorded no earlier than 28 days before the start date of the tenancy agreement.

However, there will be some limited circumstances where it is not possible to undertake checks before the residential tenancy is agreed. See [agreeing to a tenancy in principle](#) for further information.

## Agreeing to a tenancy in principle

In some cases, it may not be practical to check the documents of someone who will live in the property before the residential tenancy is agreed. For example, if a person lives overseas or in a remote area and wishes to arrange accommodation in advance of their arrival. In these circumstances you can check the tenant's

documents when they arrive in the UK or before they take up occupation of the property, rather than before the start of the tenancy agreement.

You may wish to see the prospective tenant via live video link before agreeing the tenancy in principle.

## Type of right to rent check

There are two types of right to rent checks; a [manual document-based check](#) and using the [Home Office online checking service](#). Conducting either the manual check or the online check as set out in this guidance and in the [code of practice on right to rent: civil penalty scheme for landlords and their agents](#) will provide you with a statutory excuse.

## Conducting a manual document-based right to rent check

There are three steps to conducting a manual document-based right to rent check. You must complete all three steps before the tenancy commences to ensure you have conducted a check in the prescribed manner, in order to establish a statutory excuse.

You should take all reasonable steps to check the validity of the documents presented to you. If you are given a false document, you will only be liable for a penalty if it is reasonably apparent that it is false. This means that a person who is untrained in the identification of false documents, examining it carefully, but briefly, and without the use of technological aids could reasonably be expected to realise that the document in question is not genuine.

### Step 1: Obtain

You must obtain [original documents](#) to conduct the check.

You must ask for and be given **original** documents from **List A** or **List B** of the acceptable document list or documents as set out in the code of practice.

### Step 2: Check

In the presence of the prospective tenant or tenants, you must check that the:

- documents appear genuine
- documents have not been tampered with
- person presenting them is the prospective tenant or tenant and the rightful holder
- photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation
- reasons for any difference in names across documents can be explained by providing evidence (for example original marriage certificate, divorce decree absolute, deed poll)

- immigration leave to enter or remain in the UK has not expired

### Step 3: Record and retain evidence of the check

You must make a clear copy of each document in a format which cannot be altered later and retain the copy securely: electronically or in hardcopy. You must make a record of the date on which the check was made and retain the copies securely for at least one year after the tenancy agreement comes to an end.

Where a person is unable to present a landlord with any of the above acceptable evidence, the landlord can make a request to the [Landlord Checking Service](#) to establish whether their prospective tenant has a right to rent.

You must copy and retain copies of:

**Passports** – any page with:

- the document expiry date
- the holder's nationality
- date of birth
- signature
- UK immigration leave expiry date
- biometric details
- photograph
- any page containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp)

**All other documents** – the documents in full and copy both sides of:

- Biometric Residence Permit
- Application Registration Card
- Biometric Residence Card

### Lists of acceptable documents for right to rent checks

The documents that are considered acceptable for establishing a statutory excuse when conducting a manual document-based right to rent check are set out in [List A and List B](#) and can be found in Annex A. These documents can also be found in the Code of Practice.

Examples of the documents are provided to assist you with conducting right to rent checks. They offer you a visual guide to each document which can be accepted to satisfy a right to rent check, either in isolation or in combination. These can be found in the [Right to Rent Checks: A user guide for tenants and landlords](#).

**List A** contains the range of documents which may be accepted to demonstrate an excuse against a penalty in relation to a British citizen, EEA or Swiss citizen, or a person who has an indefinite right to be in the UK. Landlords who correctly check the required document or documents from this list will establish a **continuous statutory excuse** against a penalty, and follow-up checks are not necessary.

List A is sub-divided into Group 1 and Group 2. The landlord is required to check one document from Group 1 or two documents from Group 2, to establish a continuous statutory excuse.

**List B** contains the range of documents which may be accepted to demonstrate an excuse against a penalty in relation to a person who has a time-limited right to be in the UK. Landlords who check a document in this list will establish a **time-limited statutory excuse** and should conduct [follow-up checks](#) as set out below in order to maintain a statutory excuse.

## Eligibility Periods

If presented with a document in List B, you will establish a statutory excuse for a limited time period, 'the eligibility period'. The eligibility period will be the longest of the following:

- a) one year, beginning with the date on which the checks were last made
- b) until the period of the person's leave to enter or remain in the UK expires
- c) until the expiry of the validity of the immigration document which evidences their right to be in the UK

To maintain the statutory excuse against the penalty, a check should be conducted before the expiry of the eligibility period. At this point, you will need to conduct a follow-up check.

A further check can take place at any time, such as when a tenant tells you that they have extended their immigration leave and wishes to extend their eligibility period.

## Conducting an online right to rent check using the Home Office online service

On 25 November 2020, the Home Office introduced an online service. Since this date, landlords have been able to rely on the online service '[View a tenant's right to rent in England](#)' page on GOV.UK to obtain a statutory excuse against a penalty when conducting a right to rent check.

It is not possible to conduct a Home Office online check in all circumstances, as not all people will have an immigration status that can be checked online at this time. Landlords will be able to undertake a right to rent check in real time for:

- non-EEA citizens with a current biometric resident permit or card
- EEA citizens and their family members with status granted under the EU Settlement Scheme
- those with status under the points-based immigration system
- British National Overseas (BNO) visa; or
- Frontier workers permit

If a person chooses to demonstrate their right to rent using the online service, in order to obtain a statutory excuse against a penalty, you must carry out the check by accessing the [‘View a tenant’s right to rent in England’](#) page on GOV.UK. It is not sufficient to view the details provided to your tenant on the migrant part of the service; [‘Prove your right to rent to a landlord’](#).

The online service allows checks to be carried out by video call. You do not need to see physical documents as the right to rent information is provided in real time directly from Home Office systems. The service works on the basis of the individual first viewing their own Home Office right to rent record. They may then share this information with you, by providing you with a ‘share code’ which, when entered alongside the individual’s date of birth, enables you to access the information. The share code will be valid for 30 days from the point it has been issued and can be used as many times as needed within that time.

Share codes are service specific. Tenants cannot use a code generated by another Home Office service (e.g. right to work) for the purpose of a right to rent online check.

If a share code has expired, or the tenant has used a code generated by another service, you must ask them to resend you a new right to rent share code.

Whilst you may encourage use of the online check and may support a person in doing so (for example, by providing access to hardware and the internet), you cannot insist that they use the online service or discriminate against those who wish to prove their right to rent by presenting you with documents which also feature on the acceptable document list. To do so is against the law.

If a person does not wish to demonstrate their right to rent using the online service, even if their immigration status or documentation is compatible with the service, you should conduct a [manual document-based right to rent check](#).

There are three steps to conducting a Home Office online check using [‘View a tenant’s right to rent in England’](#) on GOV.UK. You need to complete all three steps before the tenancy commences to ensure you have conducted the check in the prescribed manner to establish a statutory excuse.

## Step 1: Use the Home Office online service

The Home Office online service works on the basis of the person first viewing their own Home Office right to rent record. They may then share this information with you by providing you with a ‘share code’. When this code is entered along with the person’s date of birth, it enables you to access their right to rent profile page. The share code will be valid for 30 days, after which a new code will be required in order to conduct an online check.

The person may provide the share code with you directly, or they may choose to send it to you via the service. If they choose to send it to you via the service, you will receive an email from [right.to.rent.service@notifications.service.gov.uk](mailto:right.to.rent.service@notifications.service.gov.uk)



To check the person's right to rent details, you will need to:

- access the service '[View a tenant's right to rent in England](#)' via GOV.UK
- enter the 'share code' provided to you by the person, and
- enter their date of birth

It is not sufficient to simply view the details provided to the individual on the migrant part of the service and doing so will not provide you with a statutory excuse.

## View a tenant's right to rent in England

Use this service to check a tenant's right to rent your residential property in England, if you are:

- the landlord
- an agent acting on behalf of the landlord
- a tenant subletting without your landlord's permission

You do not need to check a tenant's right to rent property in Wales, Scotland or Northern Ireland.

### What your tenant needs

You can use this service if your tenant:

- has a biometric residence card or permit
- has [settled or pre-settled status](#)
- applied for a visa and used the 'UK Immigration: ID Check' app to scan their identity document on their phone

If your tenant is an EU, EEA, or Swiss citizen, they can continue to use their passport or national identity card to prove they can rent in England until 30 June 2021.

You can also [check someone's original documents instead](#) - for example if you do not have a share code.

You cannot insist a tenant use this service or refuse to rent to them if they want to prove their right to rent by showing you their documents instead.

### View a tenant's right to rent

You will need the tenant's:

- date of birth
- 'share code'

The share code will be emailed to you or given to you by the tenant.

[Start now >](#)


The above image is from the Home Office online service '[View a tenant's right to rent in England](#)' and confirms you will need the tenant's share code and their date of birth to check their right to rent status.

## Step 2: Check

In the presence of the person (in person or via live video link), you must check that the photograph from their profile page is of them (i.e. the information provided by the check relates to the person and they are not an imposter).

If you enter into a tenancy agreement with someone on the basis of the online check, but it is reasonably apparent that the person in the photograph on the online service is not the prospective tenant, you may be liable for a penalty if they do not have the right to rent.


The online service will confirm that no further check is required for someone who a continuous right to rent. For someone with a time-limited right to rent the service will advise when a further check is required.

 **View a tenant's right to rent**

**BETA** This is a new service - your [feedback](#) will help us to improve it. [Need help using this service? Get help](#)

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**Right to rent**



**Joe Bloggs**

They have the right to rent.

**Details**

There is no limit to how long they can rent for.

**If you rent to this person**

To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this check (either electronically or in hard copy), for the duration of the tenancy and for one year after

You don't need to do the check again.

Read the [landlords' code of practice](#) to find out more about right to rent checks.

Details of check		
Name of landlord or company	Date of check	Reference number
Acme Ltd	4 February 2019	WE-LBOMHLX-35

[Download PDF](#)

[Finish and leave service](#)

The above image is from the online service and shows the person has a continuous right to rent.

**GOV.UK** View a tenant's right to rent

**BETA** This is a new service - your [feedback](#) will help us to improve it. [Need help using this service? Get help](#)

**Right to rent**

**Student Jack**

They have the right to rent until 18 March 2022.

**If you rent to this person**  
To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this check (either electronically or in hard copy), for the duration of the tenancy and for one year after
- do this check again when their permission to be in the UK expires on 18 March 2022, or one year after the last check. The deadline is the latest of these dates

Read the [landlords' code of practice](#) to find out more about right to rent checks.

Details of check		
Name of landlord or company	Date of check	Reference number
test	14 June 2021	RL-3WYPRX2-6T

[Download PDF](#)

[Finish and leave service](#)

The above image is from the online service and shows the holder has a time-limited right to rent and confirms the date that their leave expires.

### Step 3: Copy and retain evidence of the check

You must retain evidence of the online check; this should be the profile page confirming the person's right to rent (as shown in the pictures above). You have the option of printing the profile page or saving it as a PDF or HTML file.

You should store this securely (electronically or in hardcopy) for the duration of the tenancy agreement and for one year afterwards. The file must then be securely destroyed.

Should a disqualified person be identified, you will need to be able to evidence that you have conducted a right to rent check in order to have a statutory excuse and liability for a penalty. By retaining evidence of the check as above, you will be able to present this to a Home Office official in the event you are found to have rented to someone that is a disqualified person.

## **Individuals with an outstanding immigration application or appeal - Right to rent checks from the Home Office Landlord Checking Service**

Where a person is unable to produce any documents from [List A or List B](#) or undergo an online status check, you must request a right to rent check from the [Landlord Checking Service](#) (LCS) if the tenant claims:

- to have an ongoing immigration application or appeal with the Home Office
- that their documents are with the Home Office
- that they have been given permission to rent by the Home Office
- they have been resident in the UK before the end of 1988

You should delay entering into a tenancy agreement until you have received a response from the LCS.

You can request a Home Office right to rent check using an [online form](#). If you do not have access to the internet, a request can be made by calling the Landlord's Helpline on 0300 790 6268. The LCS will respond to your request with a clear 'yes' or 'no' response within two working days. This will only be sent to you by the LCS and will contain a unique reference number. The information provided by the LCS will clearly set out whether a follow-up check will be required, and if so, when.

If positive confirmation is received, by way of a 'yes' response from the LCS, the statutory excuse will last for 12 months from the date specified. You will then need to make a further check before expiry.

If the LCS informs you that your tenant no longer has a right to rent, by way of a 'no' response, you must make a report to the Home Office in order to maintain a statutory excuse, as detailed below. If you do not do this, your statutory excuse will expire.

If a 'no' response is received from the LCS, you will receive a Negative Verification Notice. This will inform you that the person does not have the right to rent, and if you rent to this person you will not have a statutory excuse and may be liable for a penalty or be committing a criminal offence.

If the LCS has not considered the request within two working days, an automated response will be sent to you informing you that you can let your property to the prospective tenant. This automated response will advise when a further check will be required. The response must be retained in order for you to avoid a penalty.

## Nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA who are visiting the UK

Nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA who are visiting the UK can use their biometric passport to use an e-gate to enter the UK for up to six months. If they do not have a biometric passport, they will be informed of their leave and its associated conditions orally by a Border Force officer. They will not have their passports endorsed with a stamp.

Those coming to live in the UK for more than six months will have a visa in their passport and will collect their biometric residence permit after their arrival. This will provide them with a means of evidencing their status in the UK, in common with all other non-EEA citizens coming to live in the UK for more than six months.

Those entering the UK as a visitor or business visitor will be granted automatic leave to enter for a maximum period of up to six months and will not have a stamp in their passport or a document to evidence their lawful status in the UK. Nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA who are visiting the UK are, therefore, permitted to use a combination of their passport, plus evidence of travel to the UK to demonstrate a right to rent.

Acceptable evidence of travel to the UK may include (but is not restricted to) one of the following, or a combination of:

1. an original or copy of a boarding pass or electronic boarding pass for air, rail or sea travel to the UK, establishing the date of arrival in the UK in the preceding six months
2. an original or copy airline, rail or boat ticket or e-ticket establishing the date of arrival in the UK in the preceding six months
3. any type of booking confirmation (original or copy) for air, rail or sea travel to the UK establishing the date of arrival in the UK in the preceding six months
4. any other documentary evidence which establishes the date of arrival in the UK in the preceding six months

Under the Immigration Rules, non-visa nationals can be granted leave to enter as a visitor to the UK for up to six months from the date of their arrival. However, a different legislative framework governs the Right to Rent Scheme, purposely designed to minimise the frequency of checks you need to undertake.

Where you have correctly conducted a right to rent check you will obtain a statutory excuse for 12 months, and must schedule a [follow-up check](#) before the end of the 12 month period if the person is still occupying the accommodation.

## When to conduct a follow-up check

You may establish a time-limited statutory excuse where the initial right to rent checks are satisfied with one of the following:

- a document from [List B](#)
- a time-limited response from the Home Office online service
- a check for a [national of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA](#) who is a visitor or
- the [Landlord Checking Service](#) has provided a 'yes' response to a request for verification of a right to rent

This time-limited statutory excuse lasts for:

- 12 months from the date of the right to rent check, or
- until expiry of the person's permission to be in the UK, or
- until expiry of the validity of their immigration document(s) which evidences their right to be in the UK, whichever is later.

In order to maintain a statutory excuse, follow-up checks should be conducted before the time-limited excuse expires.

You should ask the tenant for proof of their continued right to rent. The tenant can choose to evidence this either by providing the landlord with documents from [List A or B](#), a document as set out in the code of practice or by using the [Home Office online checking service](#), if applicable.

If the tenant is unable to produce their documents, you should contact the [Landlord Checking Service](#).

If the tenant cannot produce evidence of their continued right to rent, you must [make a report to the Home Office](#) in order to maintain your statutory excuse.

## Making a report to the Home Office

If the [follow-up checks](#) indicate that a tenant no longer has the right to rent, or an existing tenant or tenants are not co-operating with follow-up checks, you must make a report to the Home Office using an [online form](#). You must make the report as soon as reasonably practicable after discovering that the tenant no longer has a right to rent, and before your existing time-limited statutory excuse expires.

Copies of documents should not be submitted when making a report but should be retained as set out in [initial right to rent checks](#) for future enquiries.

Making a report in the specified way will generate a unique reference number. You must ensure you keep a copy of this number as evidence of your continued statutory excuse. All copies of documents taken should be kept for the duration of the tenancy agreement and for at least one year thereafter.

A statutory excuse can only be maintained when the initial checks have been conducted before the beginning of the tenancy. If you have failed to conduct the initial right to rent checks before the beginning of a tenancy, you cannot establish a statutory excuse by making a report to the Home Office at a later date.

# When to end a tenancy due to immigration status

If you know or have reasonable cause to believe that someone is living in your property and is not allowed to rent due to their immigration status, you have a range of options to end your tenancy with them. If you have made a report to the Home Office which maintains your statutory excuse, you are not required to end the tenancy agreement.

## Ending a tenancy: your options

The following options may be available to you to end a tenancy with a disqualified person:

- if multiple people live in the property and some are disqualified and others are not, you can agree with the disqualified person(s) that they will leave the property - if they are a tenant, you can consider reassigning the tenancy to one or more remaining non-disqualified tenants
- arrange the surrender of the tenancy by mutual agreement
- rely on a [Notice of Letting to a Disqualified Person](#) to begin the process to recover vacant possession - the steps you should take depend on whether this names all occupiers or [some of the occupiers](#)
- [take other steps](#) to recover vacant possession, depending on the kind of tenancy

This section of the guidance will help you to understand your rights and responsibilities to:

- [use a Notice of Letting to a Disqualified person to end a tenancy](#)
- [tell the Home Office that a disqualified person has left your property](#)
- [request a Notice of Letting to a Disqualified Person](#)
- [check if a person is still disqualified from renting](#)

## Using a Notice of Letting to a Disqualified Person

The Home Office may send you a Notice of Letting to a Disqualified Person to tell you that someone living in your property is disqualified from renting. You need to keep this document safe as you may need to show it to your tenant or to the courts.

If you have received a Notice of Letting to a Disqualified Person, it shows you have grounds for ending the tenancy. In certain circumstances, the Notice of Letting to a Disqualified Person may allow you to end a tenancy with a disqualified person without a court order.

The Home Office will also inform the person(s) named on the Notice of Letting to a Disqualified Person, making them aware that it has been sent. If a person believes that they have been named in error, they should contact the Home Office.

The person can do this by contacting the Home Office, either via the team dealing with their case, via their reporting centre, or by calling the immigration public enquiry line on 0300 123 2241. To note, call charges may apply: [find out about call charges](#).

Once you have acted on a Notice of Letting to a Disqualified Person, you must [let the Home Office know when a disqualified person has left your property](#).

## Using a Notice of Letting to a Disqualified Person when it names all the tenants

If you have received a Notice of Letting to a Disqualified Person which names all the tenants in your property (or the sole tenant if there is only one), or multiple Notices which together name all tenants, you have a number of options to end the tenancy with the disqualified persons:

- arrange the surrender of the tenancy by mutual agreement
- serve the appropriate [Prescribed Notice](#) on all your tenants, along with copies of the Notice of Letting to a Disqualified Person from the Home Office, and give the occupiers at least 28 days' notice for them to leave

If the tenants do not leave by the time their notice period expires, you can:

1. rely on the Notice of Letting to a Disqualified Person to apply to the district registry of a High Court, to ask that High Court enforcement officers evict them - you can do this without a court order for possession under Section 33D of the Immigration Act 2014
2. exclude them from the property peacefully after the notice period has expired, for example by changing the locks

Alternatively, you can [take other steps to recover vacant possession](#). The action you take will depend on the type of tenancy you have.

## Using a Notice of Letting to a Disqualified Person when it names some of the tenants

If you have received a Notice of Letting to a Disqualified Person which names some of the tenants in your property, but not all of them, you have a number of options to end the tenancy.

You can ask the disqualified person(s) to leave voluntarily if you wish in one of the following ways:



1. agree with the disqualified person that they will leave the property - if they are a tenant you can consider reassigning the tenancy to one or more of the remaining non-disqualified tenants
2. arrange the surrender of the tenancy by mutual agreement

Alternatively, you can [take other steps to recover vacant possession](#).

## Taking other steps to recover possession

If a disqualified person(s) does not leave under any of the routes described above, you can take other steps to recover vacant possession. The action you take will depend on the kind of tenancy you have.

If the fixed term of an Assured Shorthold Tenancy has already expired, you can serve a [Section 21 Notice](#) giving the appropriate amount of notice. After the notice period has expired you can apply to the courts for a possession order. Currently, because of the coronavirus pandemic, the minimum notice that must be given prior to applying to the courts for possession via Section 21 is six months. This will be the case until at least March 2021.

You can give notice to your tenants under Schedule 2 of the Housing Act 1988 using a [Section 8 Notice](#), relying on ground 7B. You can do this whether or not the fixed term has expired. If the tenants have not left the property after that notice period has expired, you can apply to the court for a mandatory possession order, relying on ground 7B. The court will either grant this order or may use discretion to order a transfer of the tenancy to the tenants that are not disqualified from renting.

If the tenancy is a Rent Act 1977 tenancy (that is, it started before 15 January 1989), you can apply to the court for a possession order relying upon the immigration status of the disqualified person, under case 10A of Schedule 15 of the Rent Act 1977.

You must refer to the latest [MHCLG guidance](#) on evictions which have been adjusted in response to COVID-19. Since 1 June, notice periods that are currently 6 months will reduce to at least 4 months. Notice periods for the most serious cases will remain lower.

## Tell the Home Office that a disqualified person has left your property

[Let the Home Office know when a disqualified person has left your property](#) after you have acted on a Notice of Letting to a Disqualified Person. The Home Office will then update their records.

## Request a Notice of Letting to a Disqualified Person

If you know or have reasonable cause to believe that you are renting to someone who is disqualified from renting, you can [request a Notice of Letting to a Disqualified Person](#) if the Home Office has not sent you one.

You can also make this request if you have received a Notice of Letting to a Disqualified Person for some tenants, and you have reasonable cause to believe that other tenants are also disqualified from renting. If all tenants are then named on a Notice, or multiple Notices, you can [rely on the Notice\(s\) to bring the tenancy to an end without a court order](#).

### ‘Minded to serve’ process

Before a Notice of Letting to a Disqualified Person (NLDP) is issued, the Home Office will make enquiries with your tenant giving them an opportunity to demonstrate that they are not a disqualified person. The Home Office will do this by issuing them with a ‘minded to serve’ letter asking them for evidence that they have a right to rent or qualify for permission to rent. Your tenant will have 28 calendar days to provide a response to the Home Office, who will consider whether the evidence provided establishes whether the tenant has a right to rent, or if permission to rent is applicable in their case. The Home Office will aim to respond to the tenant within 28 days of receipt of the evidence provided.

If the Home Office agrees that the tenant has a right to rent or could be granted permission to rent, we will advise both you and the tenant, in writing, that we will not issue an NLDP.

If an NLDP is appropriate, this will be issued to you, enabling you to take action to end the tenancy agreement.

### Check if a person is still disqualified from renting

As it is possible for a tenant’s immigration status to change, it may be advisable to check that the person is still disqualified from renting before you use the NLDP to recover vacant possession. You may wish to do this if some time has passed since it was issued, and you want to use it now.

### Further advice on ending a tenancy

Both landlords and tenants can also seek legal advice from solicitors, housing advice centres or the [Citizens Advice](#).

If you need to apply to a court, you can find your most suitable court using the [court finder](#).

You can call the Landlord Helpline on 0300 790 6268 for general information about ending a tenancy with a disqualified person. The helpline cannot discuss individual cases.

# What are the sanctions if you are found to be renting to a disqualified person?

If you are found to be renting to someone who does not have the right to rent and you have not conducted the checks as set out in the code of practice, you may face sanctions including:

- a civil penalty of up to £3,000 per disqualified person
- in the most serious cases, a criminal conviction carrying a prison sentence

## Civil penalties

The amount of any penalty issued is determined on a case-by-case basis. The [code of practice on right to rent checks: civil penalty scheme for landlords and their agents](#) explains how a penalty is calculated.

You will have a statutory excuse against a penalty if you can show that you have conducted an initial right to rent check, any [follow-up checks](#) if necessary, and made any required [report to the Home Office](#).

You will not have a statutory excuse against a penalty if you cannot show that you have conducted an initial right to rent check, any follow up checks if necessary, and made any required report to the Home Office. If you are found to be renting to a person who does not have a right to rent, you will be liable for a penalty.

## The offence of 'knowingly letting to a disqualified person'

You will commit a criminal offence under section 33a and 33b of the [Immigration Act 2016](#), if you know or have reasonable cause to believe that you are renting to a person who does not have the right to rent. You may face an unlimited fine and in the most serious cases, up to five years in prison. This includes:

1. the tenant didn't have leave (permission) to enter or remain in the UK
2. the tenant's leave had expired
3. the tenant's documents were incorrect, or it is reasonably apparent that they are false

It is illegal to rent to someone aged 18 or over, who is subject to immigration control and who is not allowed to rent the property in question. The penalty scheme is the sanction applied in most routine cases involving letting to disqualified persons. If you have complied with the civil penalty scheme, then you will not be in a position of knowingly letting and will have a statutory excuse.

The criminal offence is for the most serious cases. It is not intended for landlords who have simply made a mistake when complying with the Right to Rent Scheme. In

the most serious cases, prosecution may be considered where it is deemed the appropriate response to the noncompliance encountered.

## How and when a civil penalty is served

If a person does not have the right to rent and is found living in a privately rented property owned by you, you will be asked to show that you made a right to rent check (including any [follow-up checks](#) and [reports necessary](#)).

A penalty will not be issued in respect of a tenancy entered into before the Right to Rent Scheme commenced. If you cannot show the checks were made when the suspected breach of the law is identified, you may be served with a **Referral Notice** during a visit by the Home Office, explaining that liability for a penalty is being considered.

You will then be sent an **Information Request**. This provides you with an opportunity to present information and evidence. For example, evidence of a statutory excuse against a penalty, evidence that the checks were in fact conducted or that you are not the [liable party](#). After considering the case the Home Office will issue either a **Civil Penalty Notice**, or a **No Action Notice**, together with a Statement of Case explaining the decision.

The Home Office may routinely share information with other government departments, as required, in administering penalties under the Right to Rent Scheme. For more information about how the Home Office may use personal information, please refer to the [Borders, immigration and citizenship: privacy information notice - GOV.UK \(www.gov.uk\)](#).

## Paying a civil penalty

Your Civil Penalty Notice will state the penalty amount and the date by which your payment should be made. The due date for the full amount is 28 days from the date your Civil Penalty Notice was given and will be clearly shown on your notice. The possible methods of payment will also be explained. If you fail to pay your penalty or exercise your objection or appeal rights by the deadlines given, enforcement action to recover the debt will be taken against you.

## Fast payment option

A fast payment option reduces the amount of your penalty by 30 per cent if we receive payment **in full within 21 days of it being due**. The discounted penalty amount and the final date by which you must pay will be clearly shown on your notice. If you have been found to be renting to any disqualified persons in the previous three years for whom you did not have a statutory excuse, you are not eligible for this reduced payment after the first penalty notice or offence.

## Payment by instalments

We will consider the impact of the penalty on you in circumstances where you are unable to pay it in one lump sum. We may agree that you are able to pay your penalty by instalments over an agreed period of time, usually up to 24 months, and exceptionally up to 36 months. We will not reduce the penalty amount.

You may request to pay the penalty by way of an instalment plan by **Direct Debit**. If you wish to take up this option, you should contact the Home Office Shared Service Centre by e-mail to [Order-to-cash@homeoffice.gov.uk](mailto:Order-to-cash@homeoffice.gov.uk) stating that you wish to request an instalment plan or by writing to the Order to Cash Team at:

**Order to Cash Team**  
**Home Office Shared Service Centre**  
**HO Box 5003**  
**Newport**  
**Gwent**  
**NP20 9BB**  
**Telephone: 0845 0100125**

This should be **done within 28 days** of the date your Civil Penalty Notice was given, in order for your application to be considered. When we inform you of our decision, we will state when the payment or payments are due. Your request to pay by instalments does not affect the time limits within which an objection against the penalty must be brought.

If you do not pay an instalment on the due date, debt recovery enforcement action will be taken. A fast payment option may not be paid by instalments

## Objecting to a civil penalty

If you have been issued with a **Civil Penalty Notice**, you may object in writing to the Home Office within 28 days of the date specified in the notice, after which you will lose the right to object.

You may object on the following grounds:

- you are not liable to pay the penalty (for example, because you are not the landlord of the disqualified person), or
- you have a statutory excuse (this means that you conducted the checks and made any necessary reports), or
- the level of penalty is too high (this means that the Home Office has miscalculated the amount of the penalty by reference to the wrong criteria).

The objection must contain:

- the reference number of the penalty notice
- the name and contact address of the landlord and any relevant agent
- the name and address of the tenant(s) in respect of whom the penalty was

- issued, and
- full grounds of objection together with supporting evidence, including copies of any documents relied upon

The Home Office will then consider the objection and reply within 28 days with an **Objection Outcome Notice** notifying you that either:

- the penalty is to be maintained, or
- the penalty is to be cancelled, or
- the penalty is to be reduced.

In the case that the penalty is increased, you will be served with a new **Civil Penalty Notice** which you may then first object to, and subsequently appeal against.

## Appeal against a civil penalty

An appeal against an objection decision may be brought to a County Court on the same acceptable [grounds as for an objection](#), and must be made within 28 days of the due date given in the notice.

An appeal must be filed using [Form N161](#), which can be obtained from any County Court office or on the [HM Court Services](#) website, the form will also include guidance on the process. The completed appeal form will need to be submitted with the relevant fee. You are also required to serve the appeal papers on Secretary of State for the Home Office. This can be done by sending a copy of the papers by recorded delivery to: **Government Legal Department, 1 Kemble Street, London, WC2B 4TS.**

You should be aware that if your appeal to the court does not succeed, the court may order that you pay the reasonable costs or expenses of the Home Office in defending the appeal. If, however, the appeal is successful, the court may order that the Home Office pay your reasonable costs or expenses.

# Annex A: List of acceptable documents for manual right to rent checks (up to and including 30 June 2021)

## Lists of acceptable documents for a manual right to rent check

Where an online check has been carried out, there is no requirement to check an individual's documents, as their status information is provided in real-time, directly from Home Office systems.

### List A - acceptable documents to establish a continuous statutory excuse.

If a prospective tenant can produce either **one** document from group 1 or **two** documents from group 2 then they will not require a follow-up check.

#### List A Group 1 – If a prospective tenant can produce one document from this group then a continuous statutory excuse will be established.

- 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.
- A passport or national identity card (current or expired) showing that the holder is a citizen of the European Economic Area (EEA) or Switzerland.
- A registration certificate (current or expired) issued by the Home Office to a citizen of an EEA state or Switzerland.
- A document certifying permanent residence (current or expired) issued by the Home Office to a citizen of an EEA state or Switzerland.
- A permanent residence card (current or expired) issued by the Home Office to the family member of a citizen of an EEA state or Switzerland.
- A document issued by the Home Office to a family member of a citizen of an EEA state or Switzerland (current or expired) and which indicates that the holder is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
- A biometric immigration document (current or expired) issued by the Home Office to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
- 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, has the right of abode in the UK, or has 'no time limit' on their stay in the UK.

- An immigration status document (current or expired) containing a photograph issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay in the UK indefinitely or has no time limit on their stay in the UK.
- A certificate of registration or naturalisation as a British citizen.

**List A Group 2 – If a prospective tenant can produce any two documents from this group then a continuous statutory excuse will be established.**

- A birth certificate issued in the UK.
- An adoption certificate issued in the UK.
- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland.
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland.
- A letter which:
  - (a) is issued by a government department or local authority no longer than three months before the date on which it is presented;
  - (b) is signed by a named official stating their name and professional address;
  - (c) confirms the holder's name; and
  - (d) confirms that the holder has accessed services from that department or authority or is otherwise known to that department or authority.
- A letter which:
  - (a) is issued no longer than three months before the date on which it is presented;
  - (b) is signed by a British passport holder who is or has been a professional person or who is otherwise of good standing in their community;
  - (c) confirms the holder's name;
  - (d) states how long the signatory has known the holder, such period being of at least three months' duration, and in what capacity; and
  - (e) states the signatory's name, address, profession, place of work and passport number.
- A letter issued by a person who employs the holder no longer than three months before the date on which it is presented, which indicates the holder's name and confirming their status as an employee and employee reference number or National Insurance number and states the employer's name and business address.
- A letter issued by a police force in the UK no longer than three months before the date on which it is presented, confirming that the holder has been the victim of a crime in which a document listed in List A (Group 1) belonging to the holder has been stolen and stating the crime reference number.



- An identity card or document issued by one of Her Majesty's forces or the Secretary of State confirming that the holder is or has been a serving member in any of Her Majesty's forces.
- A letter issued by Her Majesty's Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming that the holder has been released from the custody of that service no longer than six months before the date on which that letter is presented and confirming their name and date of birth.
- A letter issued no longer than three months before the date on which it is presented by an officer of the National Offender Management Service in England and Wales, an officer of a local authority in Scotland who is a responsible officer for the purposes of the Criminal Procedure (Scotland) Act 1995 or an officer of the Probation Board for Northern Ireland confirming the holder's name and date of birth and confirming that the holder is the subject of an order requiring supervision by that officer.
- A current licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 (to include the photocard licence in respect of licences issued on or after 1st July 1998) or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (to include the photocard licence).
- A certificate issued no longer than three months before the date on which it is presented, by the Disclosure and Barring Service under Part V of the Police Act 1997, the Scottish Ministers under Part 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 or the Secretary of State under Part V of the Police Act 1997 in relation to the holder.
- A document, or a screen shot of an electronic document, issued no longer than three months before the date on which it is presented, by Her Majesty's Revenue and Customs, the Department of Work and Pensions, the Northern Ireland Department for Social Development or a local authority confirming that the holder is in receipt of a benefit listed in section 115(1) or (2) of the Immigration and Asylum Act 1999.
- A letter which:
  - (a) is issued no longer than three months before the date on which it is presented;
  - (b) is issued by a public authority, voluntary organisation or charity in the course of a scheme operated to assist individuals to secure accommodation in the private rented sector in order to prevent or resolve homelessness;
  - (c) confirms the holder's name; and
  - (d) states the address of a prospective tenancy which the authority, organisation or charity is assisting the holder to obtain.
- A letter which:
  - (a) is issued by a further or higher education institution in the UK;
  - (b) confirms that the holder has been accepted on a current course of studies at that institution; and
  - (c) states the name of the institution and the name and duration of the course.

## List B - acceptable documents to establish a time-limited statutory excuse

If a prospective tenant can produce **one** document from this group, then a time-limited statutory excuse will be established. A follow-up check will be required within the timescales outlined in [eligibility periods](#).

- A passport or travel document which has not expired, endorsed to show that the holder is allowed to stay in the UK for a 'time-limited period'.
- A biometric immigration document which has not expired, issued by the Home Office to the holder, which indicates that the person named is permitted to stay in the UK for a time-limited period (this includes a Biometric Residence Permit).
- A residence card or a derivative residence card, which has not expired, issued by the Home Office to a non-EEA citizen who is either a family member of an EEA or Swiss citizen or has a derivative right of residence, which indicates that the holder is permitted to stay in the UK for a time-limited period.
- A current immigration status document issued by the Home Office to the holder, with a valid endorsement indicating that the holder has been granted limited leave to enter, or remain in, the UK.
- A document issued by the Home Office to a family member of a citizen of an EEA state or Switzerland, which has not expired, and which indicates that the holder is permitted to stay in the UK for a time-limited period.

# Annex B: List of acceptable documents for manual right to rent checks (from 1 July 2021)

## Lists of acceptable documents for a manual right to rent check

### List A – acceptable documents to establish a continuous statutory excuse

If a prospective tenant can produce either **one** document from group 1 or **two** documents from group 2 then they will not require a follow-up check.

### List A Group 1 – If a prospective tenant can produce one document from this group then a continuous statutory excuse will be established

- 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.
- A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.
- A current document issued by the Home Office to a family member of a citizen of an EEA or Swiss citizen, and which indicates that the holder is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
- A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Landlord Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
- A current permanent residence card issued by the Home Office to the family member of an EEA or Swiss citizen.
- A biometric immigration document (current or expired) issued by the Home Office to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.

- A current passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current immigration status document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay in the UK indefinitely or has no time limit on their stay in the UK.
- A certificate of registration or naturalisation as a British citizen.

**List A Group 2 – If a prospective tenant can produce any two documents from this group then a continuous statutory excuse will be established**

- A birth certificate issued in the UK
- An adoption certificate issued in the UK
- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland
- A letter which:
  - (a) is issued by a government department or local authority no longer than three months before the date on which it is presented;
  - (b) is signed by a named official stating their name and professional address;
  - (c) confirms the holder's name; and
  - (d) confirms that the holder has accessed services from that department or authority or is otherwise known to that department or authority.
- A letter which:
  - (a) is issued no longer than three months before the date on which it is presented;
  - (b) is signed by a British passport holder who is or has been a professional person or who is otherwise of good standing in their community;
  - (c) confirms the holder's name;
  - (d) states how long the signatory has known the holder, such period being of at least three months' duration, and in what capacity; and
  - (e) states the signatory's name, address, profession, place of work and passport number.
- A letter issued by a person who employs the holder no longer than three months before the date on which it is presented, which indicates the holder's name and confirming their status as an employee and employee

reference number or National Insurance number and states the employer's name and business address.

- A letter issued by a police force in the UK no longer than three months before the date on which it is presented, confirming that the holder has been the victim of a crime in which a document listed in List A (Group 1) belonging to the holder has been stolen and stating the crime reference number.
- An identity card or document issued by one of Her Majesty's forces or the Secretary of State confirming that the holder is or has been a serving member in any of Her Majesty's forces.
- A letter issued by Her Majesty's Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming that the holder has been released from the custody of that service no longer than six months before the date on which that letter is presented, and confirming their name and date of birth.
- A letter issued no longer than three months before the date on which it is presented by an officer of the National Offender Management Service in England and Wales, an officer of a local authority in Scotland who is a responsible officer for the purposes of the Criminal Procedure (Scotland) Act 1995 or an officer of the Probation Board for Northern Ireland confirming the holder's name and date of birth and confirming that the holder is the subject of an order requiring supervision by that officer.
- A current licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 (to include the photocard licence in respect of licences issued on or after 1st July 1998) or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (to include the photocard licence).
- A certificate issued no longer than three months before the date on which it is presented, by the Disclosure and Barring Service under Part V of the Police Act 1997, the Scottish Ministers under Part 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 or the Secretary of State under Part V of the Police Act 1997 in relation to the holder.
- A document, or a screen shot of an electronic document, issued no longer than three months before the date on which it is presented, by Her Majesty's Revenue and Customs, the Department of Work and Pensions, the Northern Ireland Department for Social Development or a local authority confirming that the holder is in receipt of a benefit listed in section 115(1) or (2) of the Immigration and Asylum Act 1999.
- A letter which:
  - (a) is issued no longer than three months before the date on which it is presented

- (b) is issued by a public authority, voluntary organisation or charity in the course of a scheme operated to assist individuals to secure accommodation in the private rented sector in order to prevent or resolve homelessness
  - (c) confirms the holder's name, and
  - (d) states the address of a prospective tenancy which the authority, organisation or charity is assisting the holder to obtain.
- A letter which:
    - (a) is issued by a further or higher education institution in the UK
    - (b) confirms that the holder has been accepted on a current course of studies at that institution, and
    - (c) states the name of the institution and the name and duration of the course.

## List B - acceptable documents to establish a time-limited statutory excuse

If a prospective tenant can produce **one** document from this group, then a time-limited statutory excuse will be established. A follow-up check will be required within the timescales outlined in [Eligibility Periods](#).

- A current passport or travel document endorsed to show that the holder is allowed to stay in the UK for a 'time-limited period'.
- A current biometric immigration document issued by the Home Office to the holder, which indicates that the person named is permitted to stay in the UK for a time-limited period (this includes a Biometric Residence Permit).
- A current document issued by the Home Office to a family member of a citizen of an EEA state or Switzerland, and which indicates that the holder is permitted to stay in the UK for a time-limited period.
- A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Landlord Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
- A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Landlord Checking Service, showing that the holder has made an application for limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 on or before 30 June 2021.

- A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
- A current residence card or a derivative residence card issued by the Home Office to a non-EEA citizen who is either a family member of an EEA or Swiss citizen or has a derivative right of residence, which indicates that the holder is permitted to stay in the UK for a time-limited period.
- A current immigration status document issued by the Home Office to the holder, with a valid endorsement indicating that the holder has been granted limited leave to enter, or remain in, the UK.
- A document issued by the Home Office, confirming an application for leave to enter or remain, under the EU Settlement Scheme (Appendix EU to the immigration rules), made on or before 30 June 2021 together with a positive right to rent notice issued by the Home Office Landlord Checking Service.

# Annex C

## Biometric Residence Permits

Migrants overseas, who are granted permission to enter the UK for more than six months are issued with a vignette (sticker) in their passport enabling them to travel to the UK. Following their arrival, they will have either ten days or until their vignette expires (whichever is later) to collect their BRP from the Post Office branch detailed in their decision letter.

Migrants are encouraged to collect their BRP before they enter into a tenancy agreement. However, if they are due to enter into a tenancy agreement prior to collecting their BRP, they will be able to evidence their right to rent by producing the short validity vignette in their passport which they used to travel to the UK. This will provide you with a statutory excuse for 12 months. However, once the person has received their BRP you may wish to conduct a further check which will provide you with a statutory excuse for the duration of their leave. A follow-up check is required shortly before their leave expires.

## Windrush generation

The Government has put in place additional safeguards to ensure that individuals who have lived lawfully in the UK since before the end of 1988 are not denied access to housing in the private rented sector.

In some circumstances, individuals from the Windrush generation may not be able to provide documentation from the [acceptable document lists](#) to demonstrate their entitlement to rent. The Windrush Scheme is available for those who came to the UK before the end of 1988, who are lawfully settled here, to obtain the necessary documentation to evidence their lawful status.

If you encounter someone in this situation, you should contact the [Landlord Checking Service](#) (LCS) to conduct a right to rent check. The LCS will notify the Windrush Help Team, who will contact the person to confirm their circumstances and arrange for their status to be resolved. Working with the Windrush Help Team, the LCS will be able to confirm a person's right to rent.

The information provided by the LCS will clearly set out whether a repeat check will be required, and if so, when.

The [Windrush Help Team](#) can offer support and guidance to individuals on the Windrush Scheme and advise them how to apply. It can also help vulnerable people or those who need additional support. If a prospective tenant or tenant has been affected, they can contact the Windrush Help Team via the above link or by calling 0800 678 1925.



## Students

If you are letting accommodation to students in the private rented sector, you are required to conduct right to rent checks in the prescribed manner on all prospective tenants, including British citizens, before the tenancy begins.

The below sections set out a number of different scenarios you may come across when renting to students.

### First time students from overseas

If the student is from overseas and will be studying in the UK for the first time, they will have been issued with an endorsement in their passport to enable them to travel to the UK. Following their arrival, they will have either 10 days or until the vignette expires (whichever is later) to collect their Biometric Residence Permit (BRP) from the Post Office branch detailed in their decision letter.

If they enter into a tenancy agreement with you prior to collecting their BRP, they will be able to evidence their right to rent by producing the short validity vignette in their passport which they used to travel to the UK. The vignette must be valid at the time of the check. This will provide you with a time-limited statutory excuse for 12 months.

It may be good practice to encourage a further right to rent check once the student has picked up their BRP, as this will provide you with a time-limited statutory excuse for the duration of their leave. The student will be able to choose whether they evidence their right to rent by providing you with their BRP or by using the [Home Office online service](#).

### Returning students from overseas

If the student is from overseas and is returning for their second or third year, they should already be in possession of their BRP. If they choose to evidence their right to rent using the Home Office online service, the check can be conducted via live video link before they return to the UK. The check must be conducted no earlier than 28 days before the start of the tenancy agreement.

### Right to Rent checks when the student is overseas

In some cases, it may not be possible to check the documents of a student before drawing up a tenancy agreement, for example if the student lives overseas or is out of the country before the new term begins.

In this situation you are permitted to check a person's right to rent before they take up occupation of the property, rather than before the start of the tenancy agreement. The tenancy can be agreed in principle before the student arrives in the UK. The right to rent check can then be conducted at a later date in the presence of the prospective tenant, before the student moves in. The checks can even be conducted on the day that they move in.

If the student is in possession of a current BRP/C, they have status under the EU Settlement Scheme or they have been status under the points-based immigration system, they can choose to evidence their right to rent using the [Home Office online service](#). You can perform the online check via live video link whilst the student is still abroad. For students with a time-limited right to rent the right to rent check must be undertaken no more than 28 days before the start of the tenancy.

## Multiple Name Tenancies

If you are letting your property to multiple students, you are required to confirm how many adults will be living in the property and conduct right to rent checks on each one. In some cases, students may be moving into the property at different times, in this instance you are permitted to conduct the checks on each person before they move in.

## Temporary COVID-19 adjusted right to rent checks

To support social distancing measures during the global pandemic, temporary changes were made to the way in which landlords carry out right to rent checks between 30 March 2020 and 31 August 2021 (inclusive).

You will maintain a defence against a civil penalty if the check you have undertaken during this period was done in the prescribed manner or as set out in the COVID-19 adjusted checks guidance on GOV.UK. However, any individual identified with no lawful immigration status in the UK may be liable to enforcement action.

## COVID-19 Temporary Adjusted Checks Guidance

All updates in relation to the COVID-19 adjusted checks guidance will be published on GOV.UK <https://www.gov.uk/guidance/coronavirus-covid-19-landlord-right-to-rent-checks>.

Landlords should:

- Ask the tenant to submit a scanned copy or a photo of their original documents via email or using a mobile app
- Arrange a video call with the tenant – ask them to hold up the original documents to the camera and check them against the digital copy of the documents
- Record the date you made the check and mark it as “adjusted check undertaken on [insert date] due to COVID-19”
- If the tenant has a current Biometric Residence Permit or Biometric Residence Card or as been granted status under the EU Settlement Scheme or the points-based immigration system, you can use the Home Office online service while doing a video call – the tenant must give you permission to view their details.

Checks continue to be necessary, and you must continue to check the acceptable documents set out in this guidance or use the Home Office online service. It remains

an offence to knowingly rent to anyone who does not have the right to rent in England.

## End of COVID-19 Adjusted Checks

COVID-19 adjusted checks will end on 31 August 2021. From 1 September 2021, landlords are required to carry out right to rent checks as set out in legislation and guidance. Checks should be carried out either face to face with a manual check, or using the Home Office online service.

## Retrospective Checks

You do not need to carry out retrospective checks on those who had a COVID-19 adjusted check between 30 March 2020 and 31 August 2021 (inclusive).

You will maintain a defence against a civil penalty if the check you have undertaken during this period was done in the prescribed manner or as set out in the COVID-19 adjusted checks guidance. However, any individual identified with no lawful immigration status in the UK may be liable to enforcement action.

# Annex D: EEA Citizens

The reference to 'EEA citizens' in this Annex means EU, EEA and Swiss citizens, unless otherwise stated.

The UK has left the European Union (EU) and the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 ended free movement law in the UK on 31 December 2020. On 1 January 2021, a grace period of six-months began, during which time relevant aspects of free movement law have been saved to allow eligible EEA citizens and their family members resident in the UK by 31 December 2020 to apply to the EUSS. This period ends on 30 June 2021.

## Right to rent checks for EEA citizens up to and including 30 June 2021

EEA citizens can continue to use their EEA passport or national identity card to evidence their right to rent up to and including 30 June 2021. Alternatively, if they have status under the EU Settlement Scheme or the points-based immigration system, they can choose to evidence their right to rent using the Home Office online checking service. You cannot insist that they use the online service or discriminate against those who wish to use their EEA passport or national identity card to prove their right to rent. You can, however, ask if they would like to use the online service.

There is no requirement for a retrospective check to be undertaken on EEA citizens who entered into a tenancy agreement up to and including 30 June 2021. You will maintain a continuous statutory excuse against any civil penalty if the initial checks were undertaken in line with the guidance that applied at the time you made the check.

If you choose to carry out retrospective checks, you must ensure that you do so in a non-discriminatory manner. The ['Code of practice for landlords: avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented residential sector'](#) provides practical guidance on how to avoid unlawful discrimination when renting to individuals and conducting right to rent checks.

## Right to rent checks for EEA citizens from 1 July 2021

From 1 July 2021, EEA citizens and their family members require immigration status in the UK. They can no longer rely on an EEA passport or national identity card, which only confirm their nationality, to prove their right to rent. They will be required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals.

## Irish Citizens

Irish citizens continue to be a relevant national for the purpose of the Right to Rent Scheme and have a continuous right to rent, as they do now. From 1 July 2021, they can prove their right to rent using their Irish passport or Irish passport card, or their

Irish birth or adoption certificate along with another document from [List A Document Group 2](#).

Irish citizens can also apply for a Frontier Worker Permit, this permit can be issued digitally or as a physical permit, so they may choose to prove their right to rent using the [Home Office online service](#) or present their physical permit if they have one.

## How EEA citizens will prove their right to rent from 1 July 2021

### EEA Citizens granted status under the EU Settlement Scheme (EUSS)

From 1 July 2021, the majority of EEA citizens will prove their right to rent using the Home Office online checking service. Those who have made a successful application to the [EU Settlement Scheme](#) will have been provided with digital evidence of their immigration status and can only prove their right to rent using the Home Office online checking service 'prove your right to rent in England' available on GOV.UK:

<https://www.gov.uk/prove-right-to-rent>

To prove their right to rent from 1 July 2021, individuals will provide you with a share code and their date of birth which will enable you to check their Home Office immigration status via the online service available on GOV.UK:

<https://www.gov.uk/view-right-to-rent>

You will obtain a statutory excuse against liability for a civil penalty if you carry out the check using the [Home Office online service](#) as set out in this guidance.

If an EEA citizen has been granted 'Settled Status' by the Home Office, they will have a continuous right to rent, in the same way as someone with Indefinite Leave to Remain.

If an EEA citizen has been granted 'Pre-Settled Status' by the Home Office, they will have a time-limited right to rent, and you must carry out a follow-up check. The [Home Office online service](#) will advise when a follow-up check must be carried out.

### Right to rent checks using the Home Office online service 'view a tenant's right to rent in England'

When carrying out a right to rent check using the Home Office online service you must access this via GOV.UK '[View a tenant's right to rent in England](#)' to obtain a statutory excuse against liability for a civil penalty.

- You can carry out this check via video call
- You do not need to see or check an individual's documents.

This is because the individual's right to rent status is provided in real time directly from Home Office systems.

You **must** check the likeness between the individual and the photograph provided from the online service.

You must retain evidence of the online check. You have the option of printing the profile page (the response provided by the Home Office online service) or saving it as a PDF or HTML file.

Further information relating to the online checking service can be found in this guidance at: [Conducting a right to rent check using the Home Office online service](#).

## Exceptions to the Home Office online service when proving right to rent

From 1 July 2021, EEA citizens who do not have leave granted under the EUSS will be required to evidence their UK immigration status for the purposes of right to rent using documents as set out in legislation. These are detailed below:

- Frontier Worker Permits
- Service Provider of Switzerland visas
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### Frontier Worker Permit

A 'Frontier Worker' is an EEA citizen who is resident outside the UK but is economically active (employed or self-employed) in the UK. They have rights under the Withdrawal Agreement, the EEA European Free Trade Association (EFTA) Separation Agreement and the Swiss Citizens' Rights Agreement ('the agreements') to enter the UK and work for as long as they remain a frontier worker.

From 1 July 2021, it is mandatory for frontier workers to obtain a [frontier worker permit](#) as evidence of their right to enter the UK.

Whilst the frontier worker permit requires an individual to reside outside the UK, their work in the UK can be spread over the entire year(s). Therefore, they may make multiple trips to the UK and, as they are lawfully present in the UK, it may be beneficial for the individual to enter into a tenancy agreement, requiring a right to rent check to take place.

Frontier workers are issued with a frontier worker permit either digitally or physically. Conducting either a manual check or using the online service, as set out in this guidance, will provide you with a statutory excuse against liability for a civil penalty.

### Additional information

Whilst it is mandatory for protected frontier workers to hold a frontier worker permit to enter the UK from 1 July 2021, there is no mandatory requirement for protected frontier workers who have rights under the Agreements to register with the Home Office or to obtain a frontier work permit.

Consequently, it is open to any EEA citizen who has an enforceable Citizens' Rights Agreement right as a frontier worker to work in the UK, to demonstrate the existence of that right in a different way to that specified in List B.

To obtain a statutory excuse against liability for a civil penalty in such cases, you must request a right to rent check from the Landlord Checking Service (LCS), using the online form 'request a Home Office right to rent check' on GOV.UK at:

<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>

The LCS will confirm if the individual has a right to rent and when you need to carry out a follow-up check.

If you do choose to accept the alternative evidence, but **do not** request a Home Office right to rent check through the LCS, **you will not establish a statutory excuse** against liability for a civil penalty should the individual be found to have no lawful status in the UK.

Alternative Evidence:

- Evidence of the applicant's own identity and that they are an EEA citizen such as a passport or national identity card.
- Evidence they are primarily resident outside of the UK, such as utility bills or bank statements which include proof of address outside the UK.
- Evidence they worked in the UK as an employed or self-employed person during 2020 or had retained worker or self-employed status during 2020 (see below).
- Evidence they have continued to be employed or self-employed in the UK or have retained worker or self-employed person status.

Acceptable evidence of work in the UK includes:

- A signed and dated contract specifying the employee must work in the UK.
- Letters from employers confirming the need for the employee to travel to the UK for the purpose of work and outlining the frequency of this travel.
- Tax returns from HMRC showing the person is established as self-employed in the UK.

- Bank statements or invoices which show payments for work carried out in the UK.

### **Retained frontier worker status:**

A protected frontier worker who has (or had) temporarily stopped working can still be treated as a worker under regulation 4 of The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2000 if they can provide proof that they:

- Are (or were) temporarily unable to work because of illness or an accident
- Are (or were) in duly recorded involuntary unemployment
- Are (or were) involuntarily unemployed and have embarked on vocational training
- Voluntarily stopped work to start vocational training related to their previous work
- Are (or were) temporarily unable to work following pregnancy or childbirth.

Guidance on what is considered sufficient evidence for retaining frontier worker status can be found in the frontier worker permit case working guidance here:

[Frontier Worker Permit Scheme Guidance](#).

### **Service Provider of Switzerland**

A 'Service provider from Switzerland' (SPS) is an individual **of any nationality** who is required by their employer (who must be based in Switzerland) to execute a pre-existing contract to temporarily provide services for a party in the UK. Eligible companies have rights under the Swiss Citizens' Rights Agreement to enable employees, or individuals (if self-employed) to travel to the UK to provide services for up to 90 days per year. An SPS must obtain their visa in advance of travel.

A Service Provider of Switzerland visa is a hard copy document without an online checking function. The visa will be in the form of a vignette and will identify the individual as a 'Service provider from Switzerland', and can be issued in two ways:

1. (All nationalities) within a passport
2. (Swiss citizens only) on an official form ("Form for Affixing a Visa") - If the individual is a Swiss citizen, they can choose to apply to the immigration route using their Swiss identity card. In this circumstance, the vignette will be attached to an official Home Office form.

Where an individual presents a Swiss identity card with a vignette, the landlord must take a copy of the Swiss identity card as well as the vignette and ensure the photographs represent the same person.

Whilst this visa specifies that an individual is only permitted to work in the UK for 90 days per calendar year, the 90 days' work can be spread over the entire year. The visa allows the individual to make multiple trips to the UK until the visa expires. Therefore, an SPS may decide it is beneficial to enter into a tenancy agreement. The visa will confirm the date which it is valid from and valid until (the expiry date).



You can find an example of the vignette in [Right to rent Checks: A user guide for tenants and landlords](#).

## **Outstanding UK EU Settlement Scheme applications made up to and including 30 June 2021**

EEA citizens, and their family members, who have made an application to the EU Settlement Scheme (EUSS) up to and including 30 June 2021 and have not yet been granted status can continue to live their life in the UK and maintain a right to rent until their application is finally determined. This includes pending the outcome of any appeal against a decision to refuse status.

From 1 July 2021, EEA citizens with an outstanding application to the EUSS made up to and including 30 June 2021 will be issued with either:

- An EUSS Certificate of Application (CoA), or
- An EUSS email confirming receipt of their application

Increasingly, the CoA will be issued digitally, enabling the individual to use the online right to rent service to evidence their right to rent. In the first instance, you should check with the individual to see if they can provide you with a share code. This will mean that you can check their right to rent immediately rather than having to contact the Landlord Checking Service (LCS). The online service provide confirmation of their right to rent and advise when a follow-up check is required.

However, there may be instances where the individual has only been issued with a paper CoA or email confirming receipt of their EUSS application. In these circumstances, you must request a right to rent check from the LCS, using the online form 'request a Home Office right to rent check' on GOV.UK at: <https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>

You must make a copy of their EUSS CoA or their EUSS email receipt and retain this with the response from the LCS to have a statutory excuse against liability for a civil penalty.

## **EEA citizens with valid Indefinite Leave to Enter or Remain**

EEA citizens with Indefinite Leave to Enter or Remain (ILE/R) are not required to make an application to the EU Settlement Scheme but can do so if they wish.

From 1 July, EEA citizens with ILE/R can prove their right to rent in same way as other foreign nationals who do not have digital status.

You can carry out a manual check of their Home Office documentation such as an endorsement / vignette in a passport (current or expired) stating, 'indefinite leave to enter or remain' or 'no time limit'. Some may have a Biometric Residence Permit (BRP) (current or expired) and this can be checked manually. For those with a valid BRP they can also choose to use the online right to rent service.

Carrying out either a manual check of the documents or the online check, as set out in this guidance, will provide you with a statutory excuse against liability for a civil penalty.

### Further information

If you encounter EEA citizens who believe that they have ILE/R, but do not have a document to confirm this, please encourage them to:

- [apply to the EU Settlement Scheme](#) to obtain settled or pre-settled status (they can still make a late application to the EUSS after 30 June 2021); or
- [apply to the Windrush Scheme](#) to get proof of their ILE/R status

If they are from Malta or Cyprus, they may also be able to apply for British citizenship through the [Windrush Scheme](#).

**Applications for either scheme are free of charge.**

### EEA citizens who are visitors

EEA citizens who are visiting the UK can generally use their valid biometric passport to use an e-gate to enter the UK as a visitor for up to six months. If they do not have a biometric passport, or otherwise need to present to a Border Force Officer, they will be informed of their leave and its associated conditions verbally by a Border Force officer. They will not have their passport endorsed with an immigration stamp.

Those entering the UK as a visitor or business visitor will be granted automatic leave to enter for a maximum period of up to six months and will not have a document to evidence their lawful status in the UK. EEA citizens who are visiting the UK are, therefore, permitted to use a combination of their passport, plus evidence of travel to the UK to demonstrate a right to rent.

Acceptable evidence of travel to the UK may include (but is not restricted to) one of the following, or a combination of:

1. an original or copy of a boarding pass or electronic boarding pass for air, rail, or sea travel to the UK, establishing the date of arrival in the UK in the preceding six months
2. an original or copy of an airline, rail or boat ticket or e-ticket establishing the date of arrival in the UK in the preceding six months
3. any type of booking confirmation (original or copy) for air, rail or sea travel to the UK establishing the date of arrival in the UK in the preceding six months
4. any other documentary evidence which establishes the date of arrival in the UK in the preceding six months

Where you have correctly conducted a right to rent check you will obtain a statutory excuse for 12 months and must schedule a [follow-up check](#) before the end of the 12-month period if the person is still occupying the accommodation.

## Points-Based Immigration System

EEA citizens who come to the UK to live, work or study will need to obtain immigration status under the points-based system in the same way as other foreign nationals.

The majority of EEA citizens will be provided with digital evidence of their immigration status, however, this will be dependent upon the immigration route used and how they made their application. Some EEA citizens will have a Biometric Residence Permit (BRP). Those with a valid BRP can use this to access the online right to rent service.

To prove their right to rent from 1 July 2021, individuals will provide you with a share code and their date of birth which will enable you to check their Home Office immigration status via the online right to rent service available on GOV.UK: <https://www.gov.uk/view-right-to-rent>

Those with a BRP may choose to present their BRP for a manual check.

You will obtain a statutory excuse against liability for a civil penalty if you carry out the check using the [online service](#), or a manual check as set out in this guidance.

## EEA citizens without lawful immigration status after 30 June 2021

There is no requirement for landlords to carry out a retrospective check on EEA citizens who entered into a tenancy agreement up to and including 30 June 2021, including where an EEA citizen provided you with their passport or national identity card to prove their right to rent. You will have a continuous statutory excuse against liability for a civil penalty if you carried out the initial right to rent check in the prescribed manner as set out in legislation and this guidance.

However, we recognise that landlords may wish to ensure that their tenants have lawful immigration status in the UK. There may be circumstances after 30 June 2021 in which you identify a tenant who is an EEA citizen who has not applied to the EUSS by the deadline and does not hold any other form of leave in the UK. You may have chosen to carry out a retrospective check or have been made aware that your tenant does not have a lawful status in the UK. They may tell you that they have missed the deadline through no fault of their own. In these circumstances you do not need to end their tenancy agreement, but you must make a report via GOV.UK to the Home Office in order to maintain your statutory excuse:

<https://eforms.homeoffice.gov.uk/outreach/lcs-reporting.ofml>

You should advise the individual they must make an application to the EUSS **within 28 days** in order to regularise their immigration status. They can do this free of charge at:

<https://www.gov.uk/settled-status-eu-citizens-families/applying-for-settled-status>

Any prospective tenant who is an EEA citizen and has not made an application to the EUSS by the 30 June 2021 deadline, and does not have any other form of UK immigration leave, will not have lawful status in the UK or the right to rent. You should encourage them to make an application to the EUSS, even if it is after the deadline of 30 June 2021.

## Non-EEA Family Members

Some individuals may be eligible for a permit to come to the UK if they are the family member of an EU, EEA or Swiss citizen, or a 'person of Northern Ireland'.

There are currently two different types of family permit: the EU Settlement Scheme family permit and the EEA family permit. EEA family permits will not be valid after 30 June 2021, even if there is time left on the permit. For more information on the EEA family permit, please visit:

<https://www.gov.uk/family-permit>.

Individuals with a EUSS family permit will be issued with a vignette placed in their passport or on a separate card/paper if the individual has not used a passport to apply. Where an individual presents a vignette of this type, the landlord must take a copy of the passport or identity card as well as the vignette and ensure the photographs represent the same person.

Non-EEA family members of EEA citizens are required to make an application to the EUSS to continue living in the UK after 30 June 2021. Whilst they will be granted their status digitally, they may also have a valid Biometric Residence Card (BRC). From 1 July 2021, non-EEA family members of EEA citizens can provide you with a share code and their date of birth which will enable you to check their Home Office immigration status via the online service available on GOV.UK:

<https://www.gov.uk/view-right-to-rent>.

Alternatively, they may choose to present their valid BRC, for a manual check, which they can continue to use to prove their right to rent until early 2022 when BRC holders will transition to utilising the online service for right to rent checks.

## Support for Tenants and Landlords Carrying Out a Right to Rent Check

### Landlords Helpline

If you need help carrying out a right to rent check, you should call the Landlords' helpline on 0300 790 6268, Monday to Thursday, 9am to 4:45pm Friday, 9am to 4:30pm.

If you need access to a device or the internet, many local libraries have computers where you can access the internet. Please visit [your local library](#) to access these facilities.

## **Further support available for EU, EEA and Swiss citizens**

If any of your existing or prospective tenants require further advice or support with regard to their immigration status, they can access information on GOV.UK:

<https://www.gov.uk/government/publications/view-and-prove-your-immigration-status-evisa>

This also provides further information on how to prove immigration status, how to update personal details, and support available.