

RIGHT TO RENT CHECKS: INFORMATION FOR LANDLORDS

Key information

- You must check that a tenant or lodger can legally rent your residential property in England.
- Since 1 July 2021, EU, EEA and Swiss citizens have had to evidence their rights in the UK, including their right to rent, either using their online immigration status (eVisa) or with a physical immigration document.
- The immigration system is digitising – we are moving away from a system reliant on people proving their rights through physical documents that are sometimes decades old, to a streamlined system that is digital by default.
- You can use the Home Office [right to rent online checking service](#) on GOV.UK to view the immigration status of existing and prospective tenants. The service is simple, secure, free to use and enables checks to be carried out by video call. You do not need to check physical documents if you use the online checking service, as information about an individual's right to rent is provided in real time directly from Home Office systems.
- From 6 April 2022, the [right to rent online checking service](#) must be used for biometric residence card and permit (BRC/P) holders, as they will no longer be able to use their BRC/P for a manual right to rent check, even if it shows a later expiry date.
- Also from 6 April 2022, landlords will be able to use certified [Identification Document Validation Technology \(IDVT\)](#) service providers to carry out digital checks on behalf of British and Irish citizens who hold a valid passport (or Irish passport card).
- You could face a [civil penalty](#) if you rent your property to someone who does not have the right to rent, if you have not carried out a correct right to rent check.
- You should not discriminate when conducting right to rent checks. See the [code of practice for landlords](#) for more information.

Using the online checking service

- You can use the [right to rent online checking service](#) to check someone's right to rent if your tenant:
 - has a valid BRC/P
 - has settled or pre-settled status under the EU Settlement Scheme (EUSS)
 - has an eVisa under the points-based immigration system
- An online right to rent check is required for individuals who have an eVisa. This applies to most EU, EEA and Swiss citizens.

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- To carry out an online right to rent check, you will need the applicant's date of birth and their 'share code'. You can then **complete the check online** on GOV.UK.
- Your tenant's share code will be valid for 90 days from when they create it. At the end of the 90 days, the code will no longer be valid, and you will no longer have access to your tenant's immigration information, unless they provide you with another, new share code.
- You can also **check which types of document someone can use** to evidence their right to rent in the UK, for example if they do not have an immigration status (eVisa) that can be shared with you online. A **guide for EU, EEA and Swiss citizens about viewing and proving their immigration status** (eVisa) is available on GOV.UK.
- Support is available for landlords via the Landlord Enquiry Helpline by calling **0300 790 6268** or queries about the right to rent scheme can be emailed to: **RighttoRentandRighttoWork@homeoffice.gov.uk**

Applications to the EU Settlement Scheme made from 1 July 2021

- If an EU, EEA or Swiss citizen, or their family member, seeks to rent a property after 30 June 2021 but has not applied to the EUSS and has no alternative immigration status in the UK (such as a visa under the points-based immigration system), then they will not pass a right to rent check.
- There may be situations after 30 June 2021 in which you identify an existing tenant has not applied to the EUSS and does not hold any other form of leave in the UK. They may tell you they have missed the deadline through no fault of their own. In these circumstances you do not need to evict the tenant. You must make a report via GOV.UK to the Home Office using the **online form**, in order to maintain your statutory excuse.
- Where an EU, EEA or Swiss citizen, or their family member has reasonable grounds for missing the EUSS application deadline, they will be given a further opportunity to apply. Further information about how to apply after 30 June 2021 is available on **GOV.UK**.
- On 6 August 2021, the government announced temporary protection for more applicants to the EUSS. This means those who apply after 30 June 2021, and joining family members, will have their rights protected while their application is determined.
- Those who apply to the EUSS after 30 June 2021 will now be able to enter into new tenancy agreements while they await the outcome of their application.
- Where a prospective or existing tenant has a Certificate of Application confirming a valid application to the EUSS after 30 June 2021, this can be used to prove their right to rent when it is verified with the **Home Office Landlord Checking Service (LCS)** on GOV.UK.

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Frequently asked questions

What is the right to rent scheme?

- The right to rent scheme was introduced as part of a suite of measures designed to tackle and deter illegal immigration. It is intended to prevent individuals without lawful immigration status in the UK from accessing accommodation in the private rented sector; and to support efforts to tackle those who exploit vulnerable migrants, often housing them in very poor conditions.

Why do landlords carry out right to rent checks?

- Landlords are required to carry out simple checks, applicable to everyone, including British citizens, to ensure the individual has lawful status in the UK before they rent a property to an individual. There are penalties for landlords who fail to complete the checks and who are later found to have rented to someone without a right to be in the UK.
- There are two types of right to rent checks: a manual document check and an online check. The type of check a landlord needs to carry out will depend on how the individual has been granted their immigration status, and in some circumstances, the individual's preference.

What is the Home Office right to rent online checking service?

- The online service is simple, secure and free to use and enables checks to be carried out by video call. Landlords do not need to check physical documents, as the individual's right to rent information is provided in real time directly from Home Office systems.
- The online service is customer led. If an individual notices an inaccuracy in their data, they can contact the Home Office for support to resolve this before sharing their details with their prospective or current landlord.
- Landlords must use the '[View a tenant's right to rent in England service](#)' to carry out an online check. Landlords will not have a defence against liability for a civil penalty if they view or copy the details provided by the individual.

What is an eVisa?

- Those who have successfully applied to the EUSS or for a UK visa (including permission to stay) using the ID Check app or by visiting a Visa Application Centre, will have created a UK Visas and Immigration (UKVI) account. They will use their UKVI account credentials to sign into the online View and Prove service on GOV.UK, which is where they can access their online immigration information – this is called an eVisa.

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What if an individual has submitted an application to the EUSS up to and including 30 June 2021, but has not received a decision?

- EU, EEA and Swiss citizens, and their family members, who have made an application to the EUSS on or before 30 June 2021, and have not yet been granted status, can continue to live in the UK and have a right to rent until their application is finally determined. This includes pending the outcome of any appeal against a decision to refuse status.
- Those who make an application before, but which remains outstanding after 30 June 2021, will be able to rely on their Certificate of Application as proof of their right to rent, when this is verified by the [Home Office Landlord Checking Service \(LCS\)](#).
- Where an individual is unable to evidence their right to rent, as they have an outstanding Home Office application, the landlord 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.
- Increasingly, individuals will receive their Certificate of Application digitally. This will enable them to use Home Office online service to prove their right to rent.

Are landlords required to conduct retrospective checks on EU, EEA and Swiss citizens?

- There is no requirement for landlords to carry out a retrospective check on EU, EEA and Swiss citizens who entered into a tenancy agreement up to and including 30 June 2021. Landlords will maintain a continuous statutory excuse against liability for a civil penalty if the initial check was undertaken in line with legislation and published guidance at the time.
- However, we recognise that some landlords may wish to conduct retrospective checks. If a landlord chooses to carry out a retrospective check, they must ensure that they do so in a non-discriminatory manner.
- If, when carrying out a retrospective check, a landlord discovers that an existing tenant no longer has a right to rent, they do not need to evict the tenant. The landlord must make a report via GOV.UK to the Home Office using the [online form](#), in order to maintain their statutory excuse.

Are landlords required to conduct retrospective checks on BRC holders?

- Retrospective checks will not be required on BRC holders who, before 6 April 2022, used their physical card to demonstrate their right to rent. However, if you choose to undertake a retrospective online check and identify that an existing tenant no longer has a right to rent, you do not need to take action to evict them. You must make a report to the Home Office using the [online form](#), in order to maintain your statutory excuse and, where possible, encourage them to make an application to the Home Office, such as via the EU Settlement Scheme.

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What should a landlord do if a prospective tenant advises that they've applied to the EUSS after 30 June 2021?

- Late applicants and joining family members will now be able to take up a new tenancy, while they await the outcome of their applications.
- Where a prospective tenant has a Certificate of Application confirming a valid application has been made to the EUSS after 30 June 2021, landlords should verify this with the [LCS](#).
- Landlords must make a copy of the EU Settlement Scheme Certificate of Application and retain this with the response from the LCS to have a statutory excuse against liability for a civil penalty.
- Landlords must give individuals every opportunity to prove their right to rent and should not discriminate against those with an outstanding EU Settlement Scheme application.

What should a landlord do if they find an existing tenant who is an EU, EEA or Swiss citizen, or family member, who has not applied to the EUSS after 30 June 2021?

- Landlords should advise their tenant to [apply to the EUSS](#) as soon as possible in order to regularise their immigration status. Where an individual has reasonable grounds for missing the application deadline (30 June 2021) they will be given a further opportunity to apply. They can make an application free of charge and a range of support is available to help them.
- Individuals who make a valid application after 30 June 2021 will be able to rely on their Certificate of Application as proof of their right to rent, when this is verified by the [LCS](#).
- If a landlord discovers that an existing tenant no longer has lawful status in the UK, they do not need to take action to evict the tenant. However, they must make a report via GOV.UK to the Home Office using the [online form](#), to maintain their statutory excuse.
- The criminal offence, of knowingly letting to a person without the correct immigration status, is for the most serious cases. It is not intended for landlords who comply with the right to rent scheme and simply make a mistake.

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An EU, EEA or Swiss citizen has difficulties accessing the Home Office online services, where can they go for assistance?

- Users who require further assistance can contact the [UKVI Resolution Centre](#), which provides telephone and email support to all individuals using the online immigration status services. This includes supporting users through the online journey:
 - helping them to access or recover their account
 - helping them to update their personal details
 - sharing status on their behalf if they are unable to do so themselves
- The Resolution Centre will also be able to assist users who are experiencing technical issues with their online immigration status, and where necessary, enable their status to be verified through alternative means.
- If the individual needs access to a device or the internet, many local libraries have computers where they can access the internet. They can find [details of their local library here](#).
- Individuals can find information on how the Home Office uses and protects your personal data by reading the following privacy notices:
 - [Borders, immigration and citizenship](#)
 - [View and Prove](#)

What guidance is being given to landlords to avoid discrimination when carrying out a right to rent check, and what should an individual do if they feel they have been discriminated against whilst undergoing right to rent check?

- The Home Office has published statutory codes of practice on GOV.UK for employers and landlords on how to avoid unlawful discrimination when undertaking checks, and clearly stipulates landlords should provide individuals with every opportunity to demonstrate their right to rent. Landlords should not discriminate on the basis of race, or any of the other protected characteristics. More information on how to avoid discrimination is available on [GOV.UK](#).
- We are clear that those who discriminate are breaking the law. Anyone who believes they have been discriminated against, either directly or indirectly, may bring a complaint before the courts.
- Where individuals need expert advice and support on discrimination, they can contact the Equality Advisory Support Service (EASS) on 0808 800 0082. Further information can be found on the [Equality Advisory Service](#) website.

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Why can those who apply to the EU Settlement Scheme after 30 June 2021, including joining family members, now have their rights protected while their applications are determined?

- Ahead of 30 June 2021, all our efforts were focused on getting people who needed to apply before the deadline, to do so. This has secured the rights of over 5 million citizens and ensured the applicants who haven't had their case concluded yet have protected rights until their application is decided.
- While the numbers applying after 30 June 2021 have been small compared to pre-deadline application numbers, we recognise the certainty that having protected rights offers, and so we have examined our approach to temporary protection as provided for by Article 18(2) and (3) of the Withdrawal Agreement. As such, where there are reasonable grounds for applying late, we will take steps to protect the applicant's rights until their application to the EUSS is finally decided.

What will the change to temporary protection for those who apply to the EU Settlement Scheme after 30 June 2021 mean for landlords? Will this change the right to rent guidance on people with late applications?

- Yes. Those who apply after 30 June 2021 and joining family members will now be able to take up a new tenancy, while they await the outcome of their application.
- Where a prospective or existing tenant has a Certificate of Application confirming a valid, application to the EUSS after 30 June 2021, landlords should verify this with the [LCS](#).

Will there be circumstances where someone who makes a valid application to the EU Settlement Scheme after 30 June 2021 is not given a right to rent following a check to the Landlord Checking Service?

- Article 20(3) of the Withdrawal Agreement allows the Home Office to take necessary measures to refuse, terminate or withdraw rights, where there is evidence that an application is abusive or fraudulent.
- Where this is the case, the [LCS](#) may not verify a Certificate of Application and the individual will not have a right to rent.

Why is the Home Office continuing with right to rent when it is discriminatory?

- On 21 April 2020, the Court of Appeal ruled the right to rent scheme is lawful and confirmed it does not breach human rights laws. The legal challenge to the scheme is concluded.