



Home Office

The Right to Rent Scheme: permission to rent

Version 1.0

Contents

Contents.....	2
About this guidance	3
Contacts	3
Publication.....	3
Changes from last version of this guidance	3
Right to Rent Scheme	4
Background.....	4
Who has a right to rent?	5
Those with no right to rent.....	5
Permission to rent.....	6
Who can consider permission to rent.....	6
Length of time permission to rent is allowed.....	6
Permission to rent criteria.....	7
The Home Office will better progress an individual’s case if they were allowed permission to rent.....	7
The individual is considered to be a vulnerable adult or unable to make their own decisions.....	7
In order to avoid a breach of human rights	7
How to advise an individual on the outcome of their ask for permission to rent.....	8
Permission to rent application process	9
Asylum seekers.....	9
Individuals with no immigration permission.....	9
Permission to rent criteria: further explanation	10
Discretionary permission to rent	12
Discretionary criteria	12

About this guidance

This guidance tells Home Office staff about the Right to Rent Scheme (the scheme) and the permission to rent safeguard. It details the process you should follow when considering whether someone qualifies for permission to rent (PTR).

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you, or you think that the guidance has factual errors, then email Right to Rent and Right to Work.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Review, Atlas and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on **02 April 2025**

Changes from last version of this guidance

This is new guidance.

Related content

[Contents](#)

Related external links

[Landlords guide to right to rent checks](#)

[Code of practice on right to rent: Right to Rent Scheme for landlords and their agents](#)

[Code of practice for landlords: avoiding unlawful discrimination when conducting right to rent checks in the private rented residential sector](#)

[Right to rent checks: a guide to immigration documents for tenants and landlords](#)

[Right to rent document checks a user guide.](#)

Right to Rent Scheme

Background

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.

All landlords in England have a responsibility to prevent those without lawful immigration status from accessing the private rented sector. They 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 individual is not disqualified from renting a property by reason of their immigration status.

The [Immigration Act 2014](#) introduced the power to impose a civil penalty on private rental sector landlords, homeowners or lettings agents who rent property to an individual with no right to rent in the UK, known as the 'Right to Rent Scheme'. The purpose of the rules is to deny those who do not have permission to enter or remain in the UK from gaining access to the rental sector, and to address persistent rental of property to irregular migrants by rogue landlords.

Under section 28 of the 2014 act, a landlord who enters into a tenancy agreement with a disqualified individual 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. A person is disqualified as a result of their immigration status from occupying premises under a residential tenancy agreement if they do not valid permission to stay in the UK. A person does not have right to rent in relation to premises if they require immigration permission to enter or remain in the UK but do not have it or they are subject to a condition preventing them from occupying the premises in the UK. The 2016 act also set out how a landlord can end a tenancy due to a tenant's immigration status.

The following guidance provides information on how and when to conduct a right to rent check.

- [Landlords guide to right to rent checks](#)
- [Code of practice on right to rent: Right to Rent Scheme for landlords and their agents](#)
- [Code of practice for landlords: avoiding unlawful discrimination when conducting right to rent checks in the private rented residential sector](#)
- [Right to rent checks: a guide to immigration documents for tenants and landlords](#)
- [Right to rent document checks a user guide](#)

If landlords conduct the checks as set out in guidance and the code of practice, they will have a statutory excuse against liability for a civil penalty in the event they are found to have rented to an individual who is disqualified by reason of their

immigration status. This means that if we find that they have rented to someone who does not have the right to rent a property, but they have correctly conducted a right to rent check as required, they will not receive a civil penalty for that individual.

Who has a right to rent?

Anyone who is lawfully in the UK has the right to rent property. The Right to Rent Scheme requires someone renting out property in England to carry out simple identification checks before the start of a tenancy to ensure that the individual has the right to rent. Those who are here without valid immigration permission do not have the right to rent, unless under certain narrow circumstances they qualify for permission to rent (PTR).

The measures are not retrospective and do not apply to tenancies which began before the scheme came into effect in England on 1 December 2014. Also, some properties, such as social housing are exempt from the scheme and further details of these properties can be found on gov.uk at: [Landlords guide to right to rent checks](#).

Those with no right to rent

An individual is not permitted to occupy residential accommodation if they require permission to be in the UK and do not have it and do not have an outstanding valid, claim, or 3c immigration permission with the Home Office. This means they do not have the right to rent. A landlord will normally be liable for a civil penalty if they authorise occupation of accommodation for use as an only or main home by an individual who does not have the right to rent.

Related content

[Contents](#)

Permission to rent

When an individual's immigration status means they do not qualify for a right to rent, you may consider allowing them permission to rent (PTR). Permission to rent should be obtained prior to the commencement of a tenancy agreement, as this will give the landlord or letting agent an excuse against a civil penalty.

The circumstances are limited as the purpose of the Right to Rent Scheme is to prevent individuals without immigration permission from accessing rented accommodation and to encourage them to pursue any applications or claims to stay in the UK from abroad. Allowing PTR is discretionary and is dependent on an individual being compliant with requirements which have been made by the Home Office, such as keeping in touch with the Home Office, or residing at a particular address.

PTR is a safeguard which aims to:

- protect those considered to be vulnerable or unable to make their own decisions
- avoid a breach of human rights
- alleviate potential burden on local authorities
- provide the individual with a certain address which may support the Home Office to better progress their case

Who can consider permission to rent

Any Home Office official can consider PTR. It is normally the responsibility of the person who receives the request for PTR to make the decision. Such requests can be received via email, letter or telephone call, from the individual, their representatives or charities that support them.

This guidance has been produced to support you in updating Home Office records and making decisions based on the information you have, against the [permission to rent criteria](#).

Length of time permission to rent is allowed

From when the scheme was rolled out in England, PTR was previously allowed with no time limit attached. Policy changes in 2024 introduced a maximum period of 12 months for each request for PTR. For all tenancies post 1 November 2024, when an individual is allowed PTR, the landlord will obtain a statutory excuse for 12 months and then a follow up check will be needed before the end of the 12-month period to ensure they maintain the statutory excuse.

This safeguard ensures individuals maintain contact with the Home Office within the 12-month period, when a follow up check by their landlord is needed. The policy changes will come into effect on 1 November 2024. Landlords and letting agents will

maintain a statutory excuse against liability for a civil penalty, if the check was undertaken before the 1 November 2024 and was done in the prescribed standard manner or as set out in guidance at the time that the tenancy was agreed.

Permission to rent criteria

You must consider the PTR criteria listed below, taking account of the individual circumstances of each case.

The Home Office will better progress an individual's case if they were allowed permission to rent

There may be cases where you consider, beyond those situations set out in the PTR criteria, that it is necessary to allow permission to rent, despite the expectation that the individual should leave the UK.

This could happen when, you consider an individual's level of harm (to others and themselves), and the Home Office wishes to maintain contact with them by ensuring that they reside at a certain address.

There may also be instances where, in addition to setting reporting restrictions, you consider it necessary for the protection of the public good. It may be appropriate to grant PTR in these circumstances.

Additionally, you may consider allowing PTR if the individual has agreed to cooperate with the immigration process. But only if it is considered necessary and proportionate that the individual be allowed PTR while that aspect of their case is reconsidered.

The individual is considered to be a vulnerable adult or unable to make their own decisions

It may be the case that there may be individuals who may not directly satisfy the criteria for PTR, however due to their vulnerability or inability to make sound decisions, they may qualify on a discretionary basis, which would allow the Home Office to progress their case.

In order to avoid a breach of human rights

You must consider whether an individual's human rights, for example under Article 3 or Article 8, would be breached if they are prevented from renting. This will not involve the same considerations as to whether an individual's human rights would be breached if their removal from the UK is to be enforced. Whilst the Home Office will consider human rights in enforcing a removal from the UK, in most cases it will be reasonable to expect that an individual who is here without immigration permission and would not fall within the criteria in accordance with PTR should leave the UK and make an application to enter the UK legally from abroad if they wish to reside here.

It is expected that the PTR criteria will cover the majority of circumstances where there are genuine obstacles to an individual returning home, and where it would be appropriate to grant PTR. In other circumstances there will be a clear and reasonable expectation that an individual without valid immigration permission will leave the UK, and no expectation that they should have access to accommodation in the private rented sector.

When considering whether a decision not to allow PTR would breach an individual's human rights, you must first be satisfied that, in the particular circumstances of the individual, they do not meet any of the PTR criteria and do not fit into any other reason for discretion.

You must only then consider whether, in the particular circumstances, refusing to allow permission to rent would amount to a breach of human rights based upon what is reasonably apparent from the information which is available to you. This should include any information which was received with any enquiry about PTR. It will not be sufficient for an individual without immigration permission to simply assert that a decision not to grant them PTR leaves them with no other accommodation options, and that this amounts to a breach of their human rights in circumstances where they remain in the UK by choice when they should leave.

How to advise an individual on the outcome of their ask for permission to rent

Once you have made the decision to allow, refuse or revoke PTR, all the actions and considerations you have taken must be updated on Home Office records and a decision letter will be issued to the individual.

The landlord or letting agent will need to contact the Home Office Landlord Checking Service (LCS) by using the [online form](#) to establish a statutory excuse. The LCS will be able to access Home Office records and confirm that PTR has been allowed, refused or revoked and issue the correct notice to the landlord or letting agent.

Further information on the 'when to contact the LCS to verify right to rent' can be found in the [Landlords guide to right to rent checks](#) on GOV.UK.

Related content

[Contents](#)

Permission to rent application process

Asylum seekers

All applications for PTR from asylum seekers must be made by contacting an official dealing with their case. Such requests can be received via email, letter or telephone call, from the individual, their representative, or charities that support them.

Requests must be dealt with as soon as possible and without unnecessary delay.

In order to allow, refuse, revoke or ask for further information from the individual you must first add a PTR case type onto Home Office records. Permission to rent decision letters are available. You must consider the PTR criteria when you make a decision.

Individuals with no immigration permission

All applications for PTR from all other individuals without immigration permission or continuing application (including Failed Asylum Seekers (FAS) who are Appeal Rights Exhausted (ARE)) must be made by contacting an official dealing with their case. Such requests can be received via email, letter or telephone call, from the individual, their representatives, or charities that support them.

Requests must be dealt with as soon as possible and without unnecessary delay.

In order to allow, refuse, revoke or ask for further information from the individual you must first add a PTR case type onto Home Office records. Permission to rent decision letters are available. You must consider the PTR criteria when you make a decision.

Related content

[Contents](#)

Permission to rent criteria: further explanation

Permission to rent will normally be allowed where any of the following criteria apply:

Permission to rent criteria	Further explanation
Individuals with an outstanding protection claim, article 3 of the European Convention on Human Rights (ECHR) medical claim, or an outstanding appeal against the refusal of such a claim.	This relates largely to migrants who have sought asylum or made a claim for international protection.
Individuals who have lodged further submissions against the refusal of a protection claim and the submissions have been outstanding for more than 5 working days.	This relates largely to migrants who have sought asylum or made a claim for international protection. Particularly concerns protection cases where further submissions have been made.
Individuals who have an appeal outstanding which cannot be pursued from abroad.	Some certified decisions will not carry a right of appeal in the UK. Other appeals which have been made in the UK cannot be pursued from abroad.
Individuals whose judicial review application has been given permission to proceed and where the judicial review would as a matter of policy be treated as being suspensive of removal, this would continue until any reconsideration required of the Home Office as an outcome of the judicial review had been undertaken.	If a judicial review would not be considered to be suspensive of removal, then permission to rent should not be considered for that reason.
Individuals who have been granted bail by an immigration tribunal or the courts which contains a residence restriction and/or electronic monitoring restrictions.	Presenting officers will manage bail applications in the normal way and consider whether the Home Office should resist any application. However, where the Tribunal or court is minded to grant bail despite Home Office concerns, presenting officers may provide the courts with assurance that permission to rent will be allowed and Home Office systems updated immediately so that any check by a

Permission to rent criteria	Further explanation
	landlord can be managed quickly (through the online form for the Landlords Checking Service LCS) in order to establish that they may rent to the bailee.
Potential victims of modern slavery from the date of a positive reasonable grounds decision from the national referral mechanism (NRM) up until 2 weeks after either a positive or negative conclusive grounds decision.	-
Recognised victims of modern slavery with an associated outstanding application for discretionary leave immigration permission.	-
Families with one or more children under the age of 18 who are cooperating with the Home Office's family returns process.	-
<p>Individuals who are complying with the Home Office's Voluntary Returns Service (VRS) to voluntarily depart the UK.</p> <p>This includes those with genuine obstacles to return, providing that they are taking all reasonable steps to address these.</p>	<p>The VRS sits within the National Returns Progression Command (NRPC), and the consideration as to whether someone continues to comply with voluntary return lies with them. If it is not clear if an individual is complying with the voluntary departure process, then contact VRS for clarification.</p> <p>In order to remain in the process an individual will have to be working with VRS in order to lift any barriers to their departure. Such instances may include where an individual needs assistance in leaving the UK because of a medical reason; help to obtain a travel document or help in finding a viable route of return (though consideration will also have to be given to whether they could travel to a third country).</p>

Related content

[Contents](#)

Discretionary permission to rent

Where a migrant is disqualified from renting, and you have established that they should not be allowed PTR in accordance with the [permission to rent criteria](#), you must also have regard to whether it will be appropriate to grant PTR for the following discretionary reasons:

Discretionary criteria

- the Home Office will better progress an individual's case if they were allowed permission to rent
- the individual migrant is considered to be a vulnerable individual or unable to make their own decisions
- to avoid a breach of any human rights claims

You must consider these cases on what is reasonably apparent on the evidence clearly available, including any information which was received with any enquiry about PTR. Individuals with no immigration permission should already ensure that they inform the Home Office about their circumstances throughout any immigration process.

Related content

[Contents](#)