

## Right to Rent

### What is Right to Rent?

Any residential tenancy starting after 1<sup>st</sup> February 2016 will be subject to a 'Right to Rent' check. This means that a landlord or letting agent must check the immigration status of all adults over the age of 18 living in a property before they can rent a home in England. These checks ensure that only people who are allowed to rent in the UK are renting. For more information:

[https://england.shelter.org.uk/housing\\_advice/private\\_renting/right\\_to\\_rent\\_immigration\\_checks](https://england.shelter.org.uk/housing_advice/private_renting/right_to_rent_immigration_checks)

### Who has the Right to Rent?

You have the right to rent if you are:

- A British citizen;
- An EU or EEA citizen;
- A Citizen of another country with no time-limit on your permission to live in the UK (such as: indefinite leave to remain).

International students have the right to rent, but often only for a limited time if there is a time restriction on their permission to stay in the UK. This will be the same for any dependents, such as a spouse or civil partner, of someone settled in the UK.

If a tenant is only allowed to stay in the UK for a limited time, the Right to Rent check must be done in the 28 days before the start of the tenancy.

Your landlord must tell the Home Office if a check shows that you do not have the Right to Rent.

### Who needs to be checked?

Right to rent checks must be made for all tenants over the age of 18 before the start of a new tenancy, where the tenancy starts on or after 1<sup>st</sup> February 2016. Right to Rent checks are also needed for lodgers and subtenants.

Right to rent checks are not needed if you renew your tenancy at the same property if nobody new is moving in. In addition, checks are not needed for guests in your home. For this purpose, a guest is defined as someone who does not pay you rent and has a main home somewhere else.

### How the check works

1. Your landlord or letting agent must see your passport or certain official documents that prove your immigration status.
2. Your landlord or letting agent must check that these documents are genuine and belong to you, with you present.
3. Your landlord or letting agent will take a copy of these documents and must keep them safe. If your immigration documents are with the Home Office, provide your landlord with your Home Office reference number so they can check your documents.
4. Your landlord or letting agency should keep a copy of the documents for the length of your tenancy, plus one year. They must then destroy the documents.

## Documents

Documents which your landlord or letting agent may ask to check include:

- your passport;
- birth certificate;
- driving license;
- national identity card;
- permanent residency card issued by the Home Office;
- biometric immigration documents;
- letters about your current immigration status including a photo and letters from the university.

A landlord or letting agent is allowed to charge a fee for the Right to Rent check. For guidance on how the Right to rent checks are carried and a list of documents:

<https://www.gov.uk/government/publications/right-to-rent-document-checks-a-user-guide>

## Follow Up Checks

Your landlord or letting agent should only make a follow up check if you have a time-limited visa.

If you no longer have the right to rent the landlord or letting agent must inform the Home Office. Your landlord must take reasonable steps to evict a tenant or lodger if:

- They receive a notice from the Home Office to say that someone living in the household does not have the right to rent.
- A follow up check shows that a tenant or lodger no longer has the right to rent

Your landlord cannot simply ask you to move out of the property, they must follow the correct legal process to evict you.

## Discrimination

It is illegal for a landlord or letting agent to discriminate against you on the basis of your race, nationality, religion or belief. If you think that you are being discriminated against, please seek guidance from the RUSU Advice Service

If you would like further advice or to speak with somebody in person then a Students' Union Adviser may be able to help. The specialist advisers offer a confidential service, independent from the University so they can discuss your case with you in private.

Contact us by email at [advice@rusu.co.uk](mailto:advice@rusu.co.uk), or visit us in the RUSU building.

You can book an appointment or attend a drop-in session. Drop in runs on Monday, Tuesday, Thursday & Friday (11.00am-1.30pm) and Wednesday (2pm-4.30pm)

