



# Right2Rent 10 KEY FACTS ABOUT RIGHT TO RENT CHECKS

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## WHAT HAS CHANGED?

The Immigration Act 2014 now makes it compulsory for Landlords to check the immigration status of their tenants gives them the right to rent.

## WHY HAS THE LAW CHANGED?

The new checks are part of the government's policy of deterring illegal immigration, and ensuring that the UK's finite housing stock remains available to lawful residents in the UK.

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## WHERE DO THE NEW RULES APPLY?

The new rules apply to all tenancies in Birmingham, Wolverhampton, Sandwell, Dudley and Walsall during the pilot period. The intention is to roll out the scheme nationally during 2015.

## WHEN DO THE NEW RULES APPLY?

The new rules have been in legal force from the 1st December 2014. They apply to all new tenancies entered into after this date in the pilot area. For tenancies outside of the pilot area the government will announce commencement dates during 2015.

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## WHO DO THE CHECKS APPLY TO?

The checks must be undertaken for ALL private tenants aged over 18. This includes British citizens, EEA nationals and non-EEA nationals.

## WHAT DO LANDLORDS HAVE TO DO?

Landlords must now undertake checks of documentation in the physical presence of tenants, to establish that the tenant has a right to rent in the UK. The Home Office have published a list of specified documents which can be relied upon to prove the right to rent.

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## WHAT HAPPENS IF LANDLORDS DO NOT CARRY OUT THE CHECKS PROPERLY?

If a Landlord fails to carry out checks in accordance with the Immigration Act 2014, they will face fines of up to £3,000 per tenant.

## WHAT DO LANDLORDS HAVE TO DO AFTER THE INITIAL CHECKS ARE CARRIED OUT?

Landlords must keep copies of the documents they have seen to check the immigration status of tenants for at least one year after the tenancy ends. Landlords must also carry out future checks if the original checks only prove that the tenant has a 'time-limited' right to rent.

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## DO LANDLORDS HAVE TO CARRY OUT THE CHECKS THEMSELVES?

The Immigration Act 2014 allows Landlords to pass on legal responsibility to an agent for carrying out the checks and maintaining a record. The agent can be a third party such as Right2Rent where a formal agreement has been entered into.

## WHAT ELSE DO LANDLORDS NEED TO BE AWARE OF?

As well as the risk of fines for not carrying our checks properly, Landlords may also face discrimination claims if they do not apply the checks consistently to ALL tenants who want to rent a property. These claims can result in uncapped damages being payable to tenants.

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