



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 they can take to prevent liability for a civil penalty. This is called establishing a statutory excuse against liability for a penalty. This version of the guidance applies to right to rent checks conducted on or after 13 February 2024 to establish or retain a statutory excuse against liability for a civil penalty.

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.

## Previous versions of this guidance

The 'Landlord's Guide to Right to Rent Checks' was first published in November 2020. Prior to this, landlords relied on 'Right to Rent Code of Practice: Scheme for landlords and their agents (applicable as of 1 February 2016)'.

The November 2020 version introduced the online checking service and updated the lists of acceptable documents.

Where a tenancy agreement with an EEA citizen or non-EEA family member commenced on or after 1 January 2021, and a statutory excuse was established for the duration of that person's tenancy before 1 July 2021, the document checks set out in the 'Landlord's guide to right to rent checks' last updated on 17 March 2021, continue to apply.

Where a tenancy agreement with an EEA citizen or non-EEA family member commenced on or after 1 July 2021, and a statutory excuse was established for the duration of that person's tenancy before 31 August 2021, the document checks set out in the 'Landlord's guide to right to rent checks' continue to apply.

Applicants to the EU Settlement Scheme (EUSS) have their rights protected whilst their application is determined. Where the tenancy agreement of an EEA citizen or non-EEA family member commenced on or after 1 July 2021, and a statutory excuse was established for the duration of that person's tenancy before [31 August 2021](#), the document checks set out in the Landlords guide to right to rent checks continue to apply. Where a tenancy agreement with an EEA citizen or non-EEA family member commenced on or after 31 August 2021, and a statutory excuse was established for the duration of that person's tenancy, the document checks set out in the relevant

landlords guide at the time of the check continue to apply (guidance: [31 August 2021](#) or [9 February 2022](#) or [6 April 2022](#)).

On 6 April 2022, changes came into force regarding the use of biometric cards. Holders can no longer use their physical card as evidence of a right to rent and are now required to use the Home Office online service. Changes also enabled landlords to use Identity Document Validation Technology (IDVT) via the services of an IDSP, to complete the digital identity verification element of right to rent checks for British and Irish citizens who hold a valid passport (including Irish passport cards). Therefore, where tenancy commenced on or after 6 April 2022, and a statutory excuse was established for the duration of that person's tenancy agreement before 26 January 2023, the document checks set out in the Landlord's guide to right to rent checks, last updated on 6 April 2022 still apply.

The February 2023 version provided clarification for landlords on the use of Identity Document Validation Technology (IDVT) and Identity Service Providers (IDSPs) to support manual document-based and Home Office online checking service right to rent checks (Annex B). The changes also covered the use of "Reusable Identities" for checks involving the use of IDSPs (Annex B) and the end of the COVID-19 temporary adjusted checks on 30 September 2022.

The February 2023 changes also enabled some individuals with an outstanding, in-time application for permission to stay in the UK, or an appeal, or administrative review (3C leave) to prove their right to rent using the Home Office online checking service. The February 2023 changes also provided confirmation that Re-Admission to the UK (RUK) endorsements are an acceptable document for the purposes of right to rent checks (List A, no. 4) and provided information on short-dated Biometric Residence Permits (BRPs).

On 9 August 2023, changes were made to the EU Settlement Scheme (EUSS) to tackle spurious applications and prevent abuse of the EUSS Certificate of Application (CoA). For a late application to the EUSS made from 9 August 2023 to be valid and a CoA issued, the applicant needs to show the Home Office there are reasonable grounds for their delay in making their application.

Landlords and letting agents are no longer required to verify a digital Certificate of Application (CoA) with the Landlord Checking Service (LCS) when conducting a right to rent online check involving an outstanding EUSS application made on or after 1 July 2021. Therefore, where an EEA citizen or non-EEA family member started renting on or after 17 October 2023, and a statutory excuse was established for the duration of that person's tenancy before 13 February 2024, the document checks set out in the 'Landlords guide to right to rent checks', last updated on 18 October 2023, continue to apply.



## Changes from last version of this guidance

This guidance was last updated on 8 February 2024

The most significant updates contained in this guidance relate to::

- An increase to the maximum civil penalty for non-compliance in the Right to Rent Scheme. The civil penalty for landlords and letting agents will be raised from £80 per lodger and £1,000 per occupier, to up to £5,000 per lodger and £10,000 per occupier for a first breach. Repeat breaches will be up to £10,000 per lodger and £20,000 per occupier, up from £500 and £3,000 respectively.
- Right to Rent checks involving EEA citizens and their non- EEA family members, including those who are identified without lawful immigration status.
- Clarification on how individuals who are members of the Armed Forces prove their right to rent.

## Introduction

All landlords in England have a responsibility to prevent those without lawful immigration status 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 following documents:

- [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 for that individual.

In addition to the code 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.

## 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.

## References in this guidance

In this guidance, references to:

‘3C leave’ (Section 3C of the Immigration Act 1971) extends existing immigration permission and any associated conditions to a person who makes an ‘in-time’ application to extend their stay in the UK. ‘In-time’ means the application was made before the existing permission expired. The individual will continue to hold 3C leave while they are awaiting a decision on that application and while any appeal or administrative review they are entitled to is pending.

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

‘Agent’ means a person (which includes a company under Schedule 1 of the Interpretation Act 1978), acting in the course of a business, who acts on behalf of the landlord.

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

‘Certificate of Application’ (CoA) is a digital, or ‘non-digital’, document which individuals can rely on to demonstrate their eligibility to rent, work and access to benefits and

services. This document is issued when a valid application is made to the EU Settlement Scheme.

‘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.

‘Disqualified person’ means a person with no lawful 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 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.

‘EUSS’ means the EU Settlement Scheme. The EUSS provides a basis for European Economic Area (EEA) and Swiss citizens resident in the UK by 31 December 2020, and their eligible family members, to apply for the UK immigration status which they require to remain here.

‘eVisa’ refers to a digital visa provided by the Home Office as evidence of a person’s immigration status (permission to enter or stay in the UK).

‘Home Office Landlord Checking Service (LCS)’ refers to the enquiry and advice service operated by the Home Office, that landlords are required to contact in certain circumstances to check whether a person has a right to rent.

‘Home Office online right to rent check’ means the online checking service allowing landlords to check whether a person is allowed to rent in England. This system is accessible for landlords on the [‘Check a tenant’s right to rent in England: use their share code’](#) page on GOV.UK. No other online portal relating to immigration status may be used instead for right to rent purposes.

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

'Identity Document Validation Technology (IDVT)' are forms of technology operated for the purpose of verifying the identity of a person, whereby a digital copy of a physical document relating to that person is produced for verification of the document's validity, and whether that person is the rightful holder of the document. The Home Office previously [published guidance on the use of IDVT for this purpose](#).

An identity service provider (IDSP) is a provider of identity verification services using IDVT. In the context of this guidance, an IDSP may be able to provide identity verification to specific levels of confidence, specified by government standards. IDSPs are sometimes referred to as 'identity providers'.

'Immigration document' means a document of a prescribed description which:

- is issued as evidence that a person who is not a national of an EEA state or Switzerland is entitled to enter or stay in the United Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972, or
- grants to the holder a right to enter or stay in the United Kingdom for such period as the document may authorise.

'Immigration permission' (also known as 'leave') should be read as 'Permission to Enter / Leave to Enter or Permission to Stay / Leave to Remain'.

A 'Joining Family Member (JFMs)' is an individual of any nationality (including EEA) who was not themselves resident in the UK by 31 December 2020 but is joining an EEA national or relevant sponsor in the UK who either holds EUSS status or, in limited circumstances, would be eligible for EUSS status if they applied.

'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 'Leave to Remain' see 'Permission to Enter' and 'Permission to Stay'.

'Level of Confidence' (LoC) is determined through a process required of IDSPs called 'identity checking' which is made up of 5 parts. Each step of the identity checking process is scored, and these scores are used to determine the Level of Confidence which has been achieved.

'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.

'Negative Right to Rent Notice' (NRRN) is a negative confirmation that a person does not have the right to rent from the Landlord Checking Service (LCS). If a landlord receives an NRRN but continues to enter into a tenancy agreement with this person, the landlord will not have a statutory excuse and may be liable for a civil penalty.

'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.

'Permission to Enter' also known as 'Leave to Enter'. Immigration documents and guidance may refer to either term, both are acceptable. This means that a person has permission from the Home Office to enter in the UK.

'Permission to Stay' also known as 'Leave to Remain'. Immigration documents and guidance may refer to either term, both are acceptable. This means that a person has permission from the Home Office to be in the UK.

'Positive Right to Rent Notice' (PRRN) is a positive confirmation of a person's right to rent from the Landlord Checking Service (LCS). This will provide the landlord with a statutory excuse for twelve months from the date specified in the Notice.

Pre-settled status is initially given for five years but will be extended unless the person no longer meets the requirements for it.

'Relevant national' means a British citizen or an Irish citizen, or a person with settled status or pre-settled status granted under the EUSS.

'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.

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

'Right to rent checks' refer to prescribed manual document checks, prescribed Home Office online right to rent checks and prescribed use of an Identity Service Provider (IDSP).

'Settled status' means indefinite leave to enter or remain issued under the EU Settlement Scheme. The person will usually have lived in the UK for a continuous five-year period and not have left the UK for more than five years in a row since then. A person with settled status can stay in the UK indefinitely.

'Sub-tenant' means a person who leases property from a tenant.

'Statutory excuse' means the steps a landlord can take to be excused from paying a civil penalty.

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

'United Kingdom (UK) comprises of England, Scotland, Wales and Northern Ireland.

'Valid application' means individuals who comply with the validation requirement of an application process, including the enrolment of biometrics, if required, and the provision of evidence of nationality and identity.

'Validity period' in the context of this code of practice means the period for which an immigration document issued to the limited right occupier by or on behalf of the Secretary of State is valid.

'[Check a tenant's right to rent in England: use their share code](#)' 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.

# 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 right to rent 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 landlords. 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 into before the Right to Rent Scheme came into 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, and 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
- Irish citizens
- individuals who have the right of abode in the UK, or who have been granted settlement or have settled status, including via the EUSS, or have no time limit on their permission to 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

Those who do not fall into the three categories above will have a time-limited right to rent, if they have valid immigration permission for a limited period of time. They will have a right to reside in the UK and will be able to provide documentary evidence (physical or digital) to demonstrate this. The following group of people have a time limited right to rent:

- individuals with valid Permission to Enter or Stay for a time limited period, or time-limited permission under the points-based immigration system.
- individuals with an outstanding application with the Home Office.

For those individuals who have been granted an eVisa, the Home Office online service ['Check a tenant's right to rent in England: use their share code'](#) page will confirm

whether you will need to conduct a follow-up check and, if so, the deadline for when the follow-up check is required.

You will not be liable for a civil penalty if you let accommodation for occupation by someone with a time-limited right to rent. You must conduct checks on those with a time-limited right to rent no sooner than 28 calendar days before the start of a tenancy. You should retain evidence of the check along with the date of when the check was conducted for the duration of the tenancy and for at least one year thereafter.

### In-time applications (3C leave)

Where an in-time application to extend or vary leave is made and the application is not decided before the person's existing leave expires, section 3C of the Immigration Act 1971 extends the person's existing leave.

An application for further immigration permission to stay in the UK must be made before existing permission expires for it to be deemed 'in-time'. Upon doing this, any existing rights (including a right to rent) will continue until that in-time application (and any appeal or administrative review) has been determined. Where section 3C is triggered, it will extend leave while any appeal or administrative review they are entitled to is pending.

The Home Office online service now supports a range of individuals, who have outstanding, in-time applications for permission to stay in the UK. Where an individual advises you that they have an outstanding, in-time application, and they are an eVisa holder, you should ask them to provide you with a share code. Once in receipt of the share code, you can use the online service to carry out the right to rent check as set out in this guidance.

In such circumstances, the online service will provide confirmation of the individual's right to rent and will provide you with a statutory excuse for a period of twelve months. This is the standard duration when right to rent checks are conducted on individuals who have an outstanding, in-time immigration application. Upon any subsequent application to renew the right to rent, you must carry out a further check.

Some users may not be supported by the online service at this time as work continues to move to digital by default. In circumstances where the individual is unable to provide you with a share code, yet they have an outstanding, in time application, please contact the Landlord Checking Service (LCS) for verification of this.

## Eligibility period

If presented with a document from List B of the list of acceptable documents, you will establish a statutory excuse for a limited time period, 'the eligibility period'.

The eligibility period will be the longest of the following:

- one year, beginning with the date on which the checks were last made.
- until the period of the person's immigration permission in the UK expires.
- until the expiry of the validity of the Home Office issued immigration document which evidences their right to be in the UK.

A further check can take place at any time, such as when a tenant tells you that they have extended their immigration permission.

To maintain a statutory excuse against a penalty, you will need to conduct a follow up check before the end of the eligibility period.

## Those with no right to rent

A person 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 application 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 a person who does not have the right to rent.

## 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 permission who is looking to take up a new tenancy can enquire whether their circumstances might permit them to be granted 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 \(LCS\)](#). The LCS will inform you if the individual has or has not been granted permission to rent. This confirmation will provide you with a 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.

## Discrimination

The best way for landlords to ensure they do not discriminate when carrying out right to rent checks is to treat all prospective tenants fairly, making sure their criteria and practices in this regard are appropriate and necessary.

To ensure they are avoiding discrimination in the context of the Right to Rent Scheme, landlords should:

- be consistent in how they conduct right to rent checks on all prospective tenants, including those who the landlord believes are more likely to be British citizens
- ensure that no prospective tenants are discouraged or excluded, either directly or indirectly, because of known or perceived protected characteristic.

Furthermore, landlords should not:

- discriminate when conducting right to rent checks
- simply check the status of those who the landlord thinks appear or are likely to be migrants
- treat those with a time-limited right to rent more or less favourably
- treat those who have access to the Home Office online checking service more or less favourably
- treat those who provide a manual documentation as listed in the list of acceptable documents more or less favourably

- make assumptions about a person's right to rent, or their immigration status on the basis of their colour, nationality, ethnic or national origins, accent or length of time they have been resident in the UK.

A landlord who discriminates contrary to the Equality Act 2010 in the way in which right to rent checks are carried out may be subject to a discrimination claim in court. The Equality and Human Rights Commission can also bring proceedings against a landlord who publishes a discriminatory advertisement or who instructs or induces another person to discriminate.

You cannot mandate how an individual proves their right to rent. To ensure that 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 a 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.

## 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.

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.

## 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 rent.

A right to rent check should be carried out on all adult tenants before a residential tenancy agreement is entered into, regardless of whether they are named in the tenancy agreement. This includes where the tenancy is:

- Varied – where a landlord agrees to the variation of a tenancy which grants the right of occupation to one or more new adult(s).
- Assigned – where a landlord agrees to the assignment of an existing and ongoing tenancy from one or more tenants which grants a new adult(s) the right of occupation.
- Surrendered – where a landlord agrees to the surrender of an existing tenancy and grants a further agreement starting from the time the surrendered tenancy ends, to one or more of the original occupiers and one or more new occupiers as a new 'joint tenancy'.

This means where a tenancy is varied, assigned or surrendered, and one or more new tenants intends to occupy the property, you must conduct right to rent checks on all adults, not just the 'new' tenants, before a new tenancy agreement is taken out.

However, a residential tenancy agreement is not to be treated as being entered into for these purposes where:

- It arises by virtue of an order from a court, by or under any statutory provision, or by operation of law, or
- It arises between the same parties at the end of a term granted by a residential tenancy as a result of a contractual right exercised by the tenant. This includes instances where one or more tenants has left the property and no new tenants intend to occupy the property after the fact, and at least one of the original tenants remains in the property.

In these instances, you are not required to conduct further right to rent checks on the remaining parties, until a follow-up check is required, should any of the tenants have a time-limited right to rent.

## 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 on one or more occasions such that the occupier appears to be using the premises as their only or main home, 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 arranged by 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:

- a statutory duty owed to an individual
- a relevant power<sup>1</sup>, with the intention of providing accommodation to a person who is homeless, or who is 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. Also, where a tenant has such an existing tenancy and is seeking to exchange their home for an alternative tenancy are exempt from the Scheme.

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

Accommodation provided in care homes, hospitals and hospices are 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.

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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

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

## 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 tenancy agreement, this will be subject to 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 establish a statutory excuse for 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.

A statutory excuse is a landlord's defence against a civil penalty. In order to establish a statutory excuse against a civil penalty in the event a tenant is found to be renting, despite not having the right to rent, landlords must do one of the following before entering into a tenancy agreement with a prospective tenant:

1. a manual right to rent check (all)
2. a right to rent check using IDVT via the services of an IDSP (British and Irish citizens only)
3. a Home Office online right to rent check (non-British or Irish citizens)

You can also use the [Landlord Checking Service](#) where an individual has an outstanding application, administrative review or appeal, and their digital profile is not yet enabled to evidence this, or if their immigration status requires verification by the Home Office, for example in the case of Crown Dependencies.

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

- A check on a person with an unlimited right to rent may be undertaken at any time before the residential agreement is entered into
- A check on a person with a time-limited right to rent must be undertaken and recorded no earlier than 28 calendar 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.

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.

## 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 agree to a tenancy in principle and then check the tenant's documents in person when they arrive in the UK.

You may wish to see the prospective tenant via live video link before agreeing the tenancy in principle. However, you will still need to conduct a right to rent check, at a later date, before the start of their residential tenancy agreement.

# Conducting a manual document-based right to rent check

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 Lists A and B of Annex A in this guidance. Examples of the documents are provided to assist you with conducting right to rent checks, by offering you a visual guide. These can be found in the [Right to Rent Checks: A user guide for tenants and landlords](#).

List A contains the range of documents you may accept for a person who has an unlimited right to rent (including British and Irish citizens). If you carry out the prescribed checks, you will establish a continuous statutory excuse for the duration of that person's tenancy. You are required to check one document from List A (Group 1) or two documents from List A (Group 2).

List B contains the range of documents you may accept for a person who has a time-limited right to rent. If you carry out the prescribed checks, you will establish a time-limited statutory excuse. You will be required to carry out a follow-up check as set out below

## How to conduct a manual right to rent check

There are three steps to conducting a manual document-based right to rent check. You need to 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 right to rent check. The documents you may accept from a person to demonstrate their right to rent are sent out in Annex A of this guidance.

You must ask for and be given original documents from List A or List B of the acceptable document list.

## Step 2: Check

In the presence of the prospective tenant or tenants, either in person or by video call, you must **check** that the:

- documents are genuine
- documents have not been tampered with
- person presenting them is the prospective or existing 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). These supporting documents must also be photographed, and a copy retained
- immigration Permission to Enter or Stay in the UK has not expired.

## Step 3: Copy

You must make a **clear copy** of each document in a format which cannot manually be altered and retain the copy securely: electronically or in hardcopy. You must also retain a secure record of the date on which you made the check. Further information can be found under the 'Retaining Evidence' below. This date may be written on the document copy as follows: 'the date on which this right to rent check was made: [insert date].

You must retain the copies securely for at least one year after the tenancy agreement comes to an end. The copies must then be securely destroyed.

Where a person is unable to present a landlord with any of the above acceptable evidence, the landlord can make a request to the LCS to establish whether their prospective tenant has a right to rent.



You must copy and retain copies of:

**1. Passports** – any page with:

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

**2. All other documents** – the documents in full and copy both sides.

## Checking the validity of documents

When you are checking the validity of the documents, you should ensure that you do this in the presence of the holder. This can be a physical presence in person or via a live video link. In both cases you must be in physical possession of the original documents. For example, an individual may choose to send their documents to you by post to enable you to conduct the check with them via live video link. You may not rely on the inspection of the document via a live video link or by checking a faxed or scanned copy of the document.

If you are given a false document, you will only be liable for a civil 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 without the use of technological aids could reasonably be expected to realise that the document in question is not genuine.

You will not obtain a statutory excuse if:

- it is reasonably apparent that the person presenting the document is not the person referred to in that document, even if the document itself is genuine.
- you know that the individual does not have a right to rent; or
- you know that the documents are false or do not rightfully belong to the holder.

You may wish to read the online guidance about recognising fraudulent identity documents. [Guidance on examining identity documents](#) can be found on GOV.UK. which contains a helpful checklist:

<https://www.gov.uk/government/publications/recognisingfraudulentidentitydocuments>.

You can also compare identity and travel documents against the images published on:

- [PRADO - Public Register of Authentic travel and identity Documents Online](#)
- [EdisonTD](#)

These are archives of identity and travel documents.

If you wish to access Home Office on-line training on document fraud, please contact the Immigration Enforcement Checking & Advice Service training team at: [IECAS@homeoffice.gov.uk](mailto:IECAS@homeoffice.gov.uk)

If someone gives you a false document or a genuine document that does not belong to them, you should use this link to [report the individual to us](#), or call the Landlord helpline on **0300 790 6268**, Monday to Thursday, 9am to 4:45pm Friday, 9am to 4:30pm.

## Retaining evidence of a manual check

You must keep a record of every document you have checked. This can be a hardcopy or a scanned copy in a format which cannot be manually altered, such as a jpeg or pdf document. You should keep the copies securely for at least one year after the tenancy agreement comes to an end. The file must then be securely destroyed. You should also be able to produce these document copies quickly in the event that you are requested to show them to demonstrate that you have performed a right to rent check and retain a statutory excuse.

You must also make a note of the date on which you conducted the check. This can be by either making a dated declaration on the copy or by holding a separate record, securely, which can be shown to us upon request. This date may be written on the document copy as follows: **‘the date on which this right to rent check was made: [insert date]’** or a manual or digital record may be made at the time you conduct and copy the documents which includes this information. You must be able to show this evidence if requested to do so in order to demonstrate that you have established a statutory excuse. You must repeat this process in respect of any follow up check. You may face a civil penalty if you do not record the date on which the check was performed. Simply writing a date on the copy document does not, in itself, confirm that this is the actual date when the check was undertaken. If you write a date on the copy document, you must also record that this is the date on which you conducted the check.

# COVID-19 temporary adjusted checks

The temporary adjustments to right to rent checks, introduced on 30 March 2020 ended on 30 September 2022.

Since 1 October 2022, landlords must carry out one of the prescribed checks before tenancy begins:

1. a manual right to rent check (all)
2. a right to rent check using IDVT via the services of an identity service provider (IDSP) (British and Irish citizens only)
3. a Home Office online right to rent check (non-British and non-Irish citizens)

You do not need to carry out retrospective checks on tenants who had a COVID-19 adjusted check between 30 March 2020 and 30 September 2022 (inclusive). You will maintain a statutory excuse against liability for a civil penalty if the check undertaken during this period was done in the prescribed standard 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 immigration enforcement action.

# Using an Identity Service Provider (IDSP)

Since 6 April 2022, landlords have been able to use IDVT via the services of a IDSP to complete the digital identity verification element of right to rent checks for British and Irish citizens who hold a valid passport (including Irish passport cards). The Home Office previously [published guidance on the use of IDVT for this purpose](#)

Digital identity verification conducted by IDSPs is the process of obtaining evidence of the prospective tenant's identity, checking that it is valid and belongs to the person who is claiming it.

If you use the services of an IDSP for digital identity verification, holders of valid British or Irish passports (or Irish passport cards) can demonstrate their right to rent using this method. This will provide you with a continuous statutory excuse. It is your responsibility to obtain evidence of the IDVT check from the IDSP. You will only have a statutory excuse if you reasonably believe that the IDSP has carried out their checks in accordance with guidance.

You must not treat those who do not hold a valid passport, or do not wish to prove their identity using an IDSP less favourably. You must provide individuals with other ways to prove their right to rent and should carry out a manual document-based right to rent check in these circumstances.

However, other than where you use an IDSP expressly for right to rent checks of British or Irish citizens with a valid passport (or Irish passport card), it is not possible to establish a statutory excuse against liability for a civil penalty if the manual document-based check, or online service right to rent check, is performed by an IDSP.

For a detailed guide on how to complete a right to rent check, using an IDSP, please refer to Annex B of this guidance.

## Basic steps to conducting a RTR check using an IDSP:

- IDSPs can carry out digital identity verification to a range of standards or levels of confidence. The Home Office recommends that landlords only accept checks via an IDSP that satisfy a minimum of a Medium Level of Confidence. A list of certified providers is available for you to choose from on GOV.UK: [Digital identity certification for right to work, right to rent and criminal](#)

[record checks](#). It is not mandatory for you to use a certified provider; you may use a provider not featured within this list if you are satisfied that they are able to provide the required checks.

- Satisfy yourself that the photograph and biographic details (for example date of birth) on the output from the IDVT check are consistent with the individual presenting themselves for rent (i.e. the information provided by the check relates to the individual and they are not an imposter). This can be done in person or by video call.
- You must retain a clear copy of the IDVT identity check for the duration of the tenancy and for one year after the tenancy has come to an end.

Should you be found to be letting to individuals without their identity and eligibility being verified correctly in the prescribed manner, you will not have a statutory excuse in the event the individual is found to be renting illegally by reason of their immigration status. The landlord remains liable for any civil penalty if there is no statutory excuse.

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

A Home Office online right to rent check will provide you with a statutory excuse against liability for a civil penalty. You can do this by using the online service [‘Check a tenant’s right to rent in England: use their share code’](#) page on GOV.UK.

It will not be possible to conduct a Home Office online check in all circumstances, as not everyone will have an immigration status that can be checked online. The online right to rent service sets out what information you will need to complete an online check. In circumstances in which an online check is not possible, you should conduct a manual check.

Currently, the Home Office online service supports checks for a range of individuals, depending on the type of immigration documentation they are issued with. The use of digital proof of immigration status forms part of our move towards a UK immigration system that is digital by default. This will be simpler, safer and more convenient.

Some individuals have been issued with an eVisa and can only use the online service to prove their right to rent. Biometric Residence Card (BRC), Biometric Residence Permit (BRP) and Frontier Worker Permit (FWP) holders are also only able to evidence their right to rent using the Home Office online service. This means you cannot accept or check a physical BRC, BRP or FWP as proof of right to rent as they only provide evidence of the holder’s immigration status in the UK **at the point at which it was printed**.

## How does the service work?

Individuals using the service must select one of the three reasons for sharing their immigration status. For prospective or current tenants, they must select choose to prove their right to rent in England.

After selecting the correct option, in this case [prove your right to rent in England: get a share code](#), the tenant can then generate a 9-character long share code that can be passed on to a landlord, which, when entered alongside the individual’s date of birth, enables you to access the required information. The share code will be valid for 90 calendar days from the point it has been issued and can be used as many times as needed within that time.

Share codes can only be used for the purpose they were originally selected for. All share codes begin with a letter denoting the purpose the share code can be used for. Where a share code begins with the letter 'R', this will indicate that the share code has been generated by a tenant to evidence their right to rent. Landlords will not be able to accept or use share codes which begin with the letter 'W' or 'S' as these are designed for other services.

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.

Where an individual provides you with a share code via the Home Office online service, you must carry out the check by accessing the landlord part of the online service '[Check a tenant's right to rent in England: use their share code](#)' page on GOV.UK in order to obtain a statutory excuse against a civil penalty. 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.

There are three steps to conducting a Home Office online check. 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 tenant 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 [righttorentservice@notifications.service.gov.uk](mailto:righttorentservice@notifications.service.gov.uk).

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

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

## View Felicia Thais' right to rent details

They have used the online 'Prove your right to rent in England' service on GOV.UK to email you a share code.

To view their right to rent details, go to the 'View a tenant's right to rent in England' service on GOV.UK and enter their:

- date of birth
- share code RBZ FZX YY2

This share code will expire on Sunday, 5 June 2022.

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Please do not reply to this email, as the inbox is not monitored.

The above image is an example of the message a landlord receives when an individual has sent their share code to the landlord via the online service.

### Step 2: Check

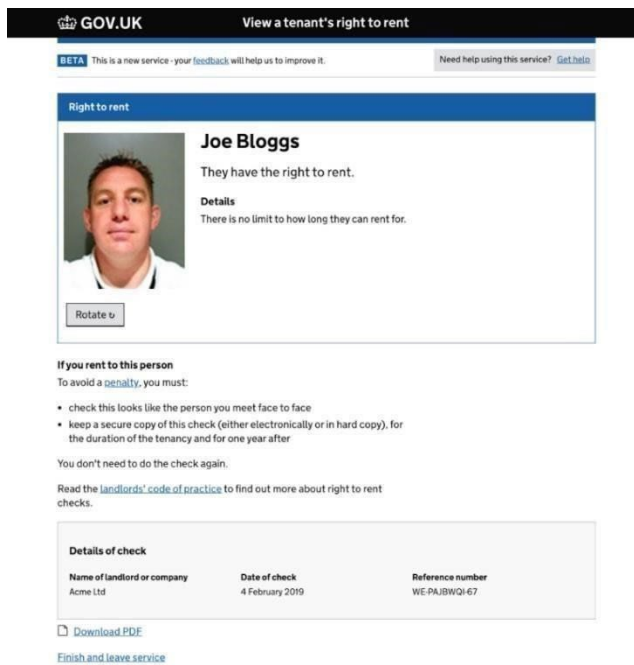
You must check that the photograph from their profile page is of them (i.e. the information provided by the check relates to the person and they are not an imposter). This can be done in person or by video call.

If the image of the individual on their digital profile is showing incorrectly or is of poor quality, you should advise the individual to update the image on their account. They can do this by visiting: [Update your Visas and Immigration account details](#). Further information and support is also available via the [UKVI Resolution Centre](#).

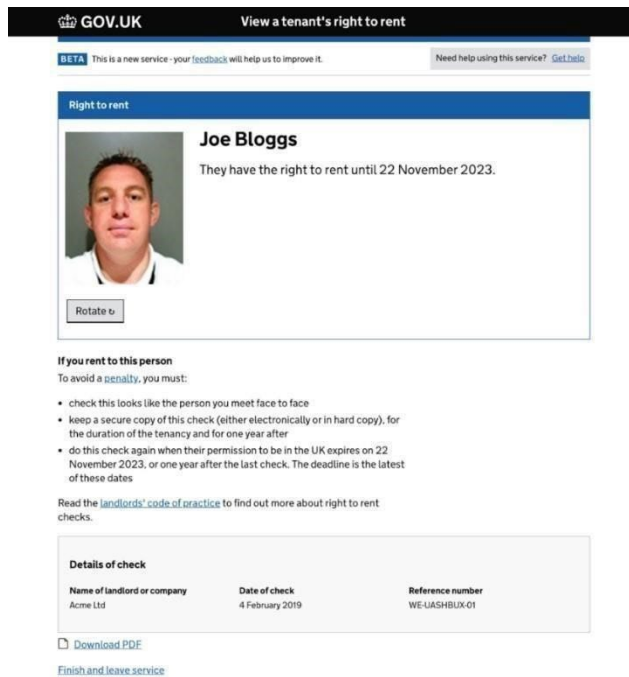
If you enter into a tenancy agreement with someone on the basis of the online check, but it is reasonably apparent that the person in the photograph on the online service is not the prospective tenant, you may be liable for a penalty if they do not have the right to rent.

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.





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



The above image is from the online service and shows the holder has a time-limited right to rent and confirms the date a follow-up check is required.

### Step 3: Retain evidence of the online check

You must retain evidence of the online right to rent check. This should be the profile page confirming the person's right to rent (as shown in the pictures above). For online checks, this should be the 'profile' page confirming the individual's right to rent. This is the page that includes the individual's photo and date on which the check was conducted. You have the option of printing the profile 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 after the tenancy has come to an end. The file must then be securely destroyed. You should also be able to produce these document copies quickly in the event that you are requested to show them to demonstrate that you have performed a right to rent check and retain a statutory excuse.

You must repeat this process in respect of any follow up check.

# When to contact the Home Office Landlord Checking Service to verify right to rent

In certain circumstances, you will need to contact the Home Office [Landlord Checking Service](#) (LCS) to establish a statutory excuse. These include:

1. You are presented with a document (non-digital CoA or an acknowledgement letter or email) confirming receipt of an application to EUSS on or before 30 June 2021
2. You are presented with a non-digital CoA confirming receipt of an application to the EUSS on or after 1 July 2021
3. You are satisfied that you have not been provided with any acceptable documents and are unable to carry out a check using the online service
4. The person presents other information indicating they have an outstanding application for permission to stay in the UK with the Home Office which was made before their previous permission, which granted them a right to rent expired and/or has an appeal or administrative review pending against a Home Office decision and, therefore, cannot provide evidence of their right to rent
5. Is an asylum seeker or has an appeal pending against determination in respect of their asylum claim
6. You consider that you have not been provided with any acceptable documents, but the person presents other information indicating they are a long-term resident of the UK who arrived in the UK before 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 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 Positive Right to Rent Notice (PRRN) (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 a 'no' response is received from the LCS, you will receive a Negative Right to Rent 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 in a follow-up check, 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. If you do not do this, your statutory excuse will expire.

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. You will have an automatic statutory excuse, from the date of the LCS response. The statutory excuse will last for 12 months, at which time you will need to carry out a further check to maintain your statutory excuse. The LCS response must be retained in order for you to avoid a penalty.

Please note that the LCS is for the use of landlords and agents **only**.

## Biometric Residence Permits

Biometric Residence Permits (BRPs) provide evidence of the holder's immigration status in the UK **at the point at which it was printed**. They contain the holder's unique biometric identifiers (fingerprints, digital photograph) within the chip. They also display a photograph and biographical information on the face of the document and details of entitlements, such as access to renting, work and/or public funds.

You may see BRP cards with an expiry date of 31 December 2024, where the holder has permission to stay in the UK after that date. This is not an error and the holder's rights, and entitlements are unaffected. When the holder provides you with a share code to prove their right to rent, their online profile will display the expiry date of their immigration permission, rather than the card expiry date of the 31 December 2024.

This forms part of our development of a border and immigration system which will be digital by default. The ambition is to phase out physical documents before the end of 2024 as we move towards a system of online evidence of immigration status (eVisas)

only. Further information on the future of BRPs will be made available in early 2024 at <https://www.gov.uk/biometric-residence-permits>.

For migrants overseas, who are granted permission to enter the UK for more than six months, they are issued with a vignette (sticker) in their passport which will be valid for **90 calendar days** to enable them to travel to the UK. Following their arrival, they will have **10 calendar days** or before their vignette expires (whichever is later) to collect their BRP from the Post Office branch detailed in their decision letter.

BRP holders must still collect their card, but they prove their right to rent using the Home Office online service rather than showing the physical document. They are strongly encouraged to collect their BRP before they enter into a tenancy agreement in order to use the information to generate a right to rent share code. If they need 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. You will need to conduct a manual right to rent check on the basis of this vignette, which must be valid at the time of the check. However, as this will expire **90 calendar days** from issue, you will have to repeat the check using the online service, for the statutory excuse to continue.

If the follow-up check indicates that a tenant no longer has the right to rent 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.

## Changes to the way in which biometric cards are used to evidence right to rent

The way in which Biometric Residence Card Biometric Residence Permit and Frontier Worker Permit ("biometric cards") holders evidence their right to rent has changed. Biometric card holders are required to evidence their right to rent using the Home Office online service only. Landlords cannot accept physical cards for the purposes of a right to rent check even if it shows a later expiry date. Biometric cards have been removed from the lists of acceptable documents used to conduct a manual right to rent check.

Retrospective checks will not be required on biometric card holders who, before 6 April 2022, used their physical card to demonstrate their right to rent. Landlords will maintain a statutory excuse against a civil penalty if the initial checks were undertaken in line with the guidance that applied at the time the check was made.

If landlords choose to undertake a retrospective check and identify an existing tenant who no longer has a right to rent, they are required to take the appropriate action.

## **Nationals of an EEA country, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who are visitors to the UK**

Nationals of an EEA country, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA, who enter the UK as a visitor, are able to use eGates at UK airports, seaports, and Brussels and Paris Eurostar terminals, should they hold a biometric passport. If they do not have a biometric passport, they will be informed of their immigration permission and its associated conditions verbally 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 post-arrival or will have been issued an eVisa.

Those entering the UK as a visitor, including for short-term study or for business reasons will be granted automatic Permission to Enter for a maximum period of six months and will not have a document to evidence their lawful status in the UK. These nationals are permitted to use a combination of their passport, plus evidence of entry to the UK to demonstrate their right to rent. Although, by exception, some individuals may receive a stamp in their passport which will evidence their date of entry to the UK. In these circumstances, a landlord can conduct a right to rent check by checking their passport and the endorsement in it.

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

In some cases, individuals may choose to see an officer at the border to request a stamp in their passport, which will evidence their date of entry to the UK. In these circumstances, a landlord can conduct a right to rent check by checking their passport and the endorsement in it.

Under the Immigration Rules, non-visa nationals can be granted Permission to Enter as a visitor to the UK for up to six months from the date of their arrival at the border. 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 months eligibility period if the individual is still occupying the accommodation.

## How to conduct a right to rent check on nationals of the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who are visitors to the UK

There are three basic steps to conducting a right to rent check on these citizens:

### Step 1

Establish that the individual is a national of the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA. You must check the individual's passport to ensure they are a national of one of the countries listed along with evidence of their arrival in the UK in the last six months.

### Step 2

You must check the documents in the presence of the holder. This can be a physical presence in person or via a live video link, although in either case you must be in possession of the original documents.

### Step 3

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. This date may be written

on the document copy as follows: 'the date on which this right to rent check was made: [insert date].

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.



## Windrush generation

The Government has put in place additional safeguards to ensure that non-EEA citizens 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 of the Windrush generation may not be able to provide documentation from the lists of acceptable documents 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 to prove their right to rent.

If you encounter someone in this situation, you should contact the Landlord Checking Service to conduct a 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 relating to the Windrush Scheme and can advise individuals on how to apply. The Windrush Help Team 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 calendar 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 immigration permission. The student must use the [Home Office online service](#).

## 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 a returning student, who 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 status under the points-based immigration system, they must 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 calendar 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.

## Changes to Student Tenancy Agreements

Where a tenancy agreement has been agreed in advance of students moving into a property, and there are subsequent changes to agreement which grants the right of occupation to one or more new adult tenant(s), this is considered to be a varied tenancy. For the purpose of the Right to Rent Scheme, this is considered as a new agreement, which requires a right to rent check for all individuals including existing tenants, regardless of their nationality.

## Visitors who are studying in the UK

Individuals who have been accepted onto some short-term courses of study, for up to six months, can enter the UK as a visitor. In these cases, you should undertake a manual check of the visitor endorsement or vignette in their passport. For nationals of the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who are visitors to the UK, please see the section on how to conduct a right to rent check on these individuals. You do not need to request information regarding the course of study.

## Members of visiting armed forces

Certain members of visiting armed forces deployed in the UK are not subject to immigration control. Some individuals may have an endorsement in their passport or travel document which explains that they are exempt from immigration control. In such cases Right to Rent Scheme checks apply as normal, and their document can be used to satisfy the check.

Other military personnel will travel to the UK using documentation which is not recognisable to many, and which, for security reasons, cannot be photocopied. These people will therefore not be able to satisfy a Right to Rent Scheme check in the manner set out in the Code of Practice ([Right to rent immigration checks: landlords' code of practice](#)). If such a person wishes to take up residence in the private rented sector as their only or main home, then they can provide you with a letter from [List A, Group 2, 5,6 or 7](#).

You should retain the letter, or a copy, as evidence that you have acted in the proper manner.

# EEA Citizens

Following the UK's exit from the EU, the Immigration and Social Security Coordination (EU Withdrawal) Act 2020 ended free movement on 31 December 2020 at 23:00 (11pm) GMT. There followed a grace period of six-months during which relevant aspects of free movement were 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 ended on 30 June 2021.

## Right to rent checks for EEA citizens since 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.

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 a 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.

## 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 Group 2. Eligible Irish citizens may choose to apply to the EUSS (see below for information on how to check the right to rent of an EUSS status holder). Irish citizens can also apply for a Frontier Worker Permit, this permit can be issued digitally or as a physical permit, so they should prove their right to rent using the [Home Office online service](#).

## How EEA citizens are required to prove their right to rent

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

The majority of EEA citizens now prove their right to rent using the Home Office online service. Where appropriate, the Home Office online service will advise when a follow-up check must be carried out.

From September 2023, the Home Office will automatically extend EUSS pre-settled status holders' immigration status before the current grant of pre-settled status expires to ensure individuals do not lose any rights and entitlements where a further application to the EU Settlement Scheme has not been made. The extension will be applied automatically to a person's digital status by the Home Office one to two months before the expiry date of their pre-settled status. This will be reflected in their digital profile when proving their right to rent using the Home Office online service.

Landlords are still required to conduct a right to rent check and retain a result of this check for their records for individuals who hold pre-settled status. As EUSS pre-settled status will be extended shortly before the original expiry date, any follow-up checks on an individual who held pre-settled status should be made in the last month of their original period of leave to ensure that the extension is reflected on their status.

Pre-settled status may be cancelled or curtailed if a person no longer meets, or never met, the requirements for it.

## Frontier Workers

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.

Frontier workers are issued with a frontier worker permit either digitally or, in a small number of cases, physically. Using the online service, as set out in this guidance, will provide you with a statutory excuse against liability for a civil penalty.

It is mandatory for frontier workers to obtain a frontier worker permit as evidence of their right to enter the UK. However, it is not mandatory requirement for frontier workers who have rights under the Agreements to use a frontier permit to evidence their rights, including their right to rent, in the UK.

Consequently, it is open to any frontier worker protected under the Agreements to demonstrate the existence of their rights in a different way to using the online service. To obtain a statutory excuse against liability for a civil penalty in such cases, if a frontier worker chooses not to provide a share code, or if they were issued with a physical permit, you must request a right to rent check from the LCS.

In these cases, you must obtain a copy of the tenant's documents which evidence that they were exercising rights as a frontier worker on 31 December 2020 and have continued to do so, as these will form part of your statutory excuse.

Before providing you with a response, the LCS may contact you and ask you to send them a copy of the documents you have checked. The LCS will confirm if the individual has the right to rent, and when you need to carry out a follow-up check. Where the LCS can issue a Positive Right to Rent Notice (PRRN) in the absence of a frontier worker permit, you will be required to carry out a follow-up LCS check in 12 months to maintain your statutory excuse.

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.

Evidence required in the absence of a frontier worker permit:

- 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 on 31 December 2020
- evidence they have continued to be employed or self-employed in the UK since 31 December 2020

### Retained frontier worker status:

A frontier worker who has (or had) temporarily stopped working can still be treated as a worker if they can provide proof that they are, or were:

- temporarily unable to work because of illness or an accident
- in duly recorded involuntary unemployment
- Involuntarily unemployed and in vocational training

- temporarily unable to work following pregnancy or childbirth
- voluntarily stopped working to start vocational training related to their previous occupation

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 from 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) or Swiss national who is self-employed, to execute contracts to temporarily provide services for a party based in the UK. The contract to carry out work must have been signed and started before 11pm on 31 December 2020. Eligible companies have rights under the Swiss Citizens' Rights Agreement to enable employees, or self-employed Swiss nationals to travel to the UK to provide services for up to 90 calendar days per year. An SPS must obtain their visa in advance of travel.

An SPS 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:

- (All nationalities) within a passport
- (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.

The SPS 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](#).

Further information is available in the [Service Providers from Switzerland Guidance](#).

## Applications submitted to the EU Settlement Scheme

EEA citizens, and their family members, who have made a valid application to the EUSS have temporary protection of rights under the Withdrawal Agreement, the EEA EFTA Separation Agreement and the Swiss Citizens' Rights Agreement, which gives them a right to rent until their application is finally determined. This includes pending the outcome of any administrative review or appeal against a decision to refuse status. Landlords should not treat those with an outstanding, valid application less favourably.

## Certificate of Application (CoA)

Where an individual has been issued with a CoA, you must first check whether this is a 'digital' or 'non-digital' CoA. A CoA is evidence that an individual has made a valid application to the EUSS and should be used to evidence their right to work until their application (and any appeal or administrative review) is finally determined.

## Digital Certificate of Application

Most individuals with an outstanding valid application made to the EUSS have been issued with a digital CoA. In this instance, you should check with the individual and ask them to provide you with a share code. This means you can check their right to rent immediately via the online service and do not need to contact the LCS. The online service will provide confirmation of their right to rent and advise when a follow up check is required.

Previously, where the individual had a digital CoA to evidence an application made on or after 1 July 2021, the online service would direct the landlord to verify this via the LCS. As of 17 October 2023, you will no longer be directed to verify such a check with the LCS.

## Non-Digital Certificate of Application

A 'non-digital' CoA is a PDF document attached to an email or letter, sent to the individual, advising them how prospective landlords can verify their right to rent. Where a prospective tenant provides you with a non-digital CoA as evidence of an application made to the EUSS, you should check with the individual and ask them to provide you



with a share code to verify their right to rent as per the 'Digital Certificate of Application' section above.

If they have not been issued a digital version and are unable to provide you with a share code, you should contact the LCS. You must make a copy of the 'non digital' CoA and retain this copy, together with a PRRN from the LCS. In doing so you will have a statutory excuse for twelve months from the date stated on the PRRN.

You can request a right to rent check from the LCS using the online form ['request a Home Office right to rent check'](#) on GOV.UK.

## EU Settlement Scheme status granted by a Crown Dependency

The Crown Dependencies (the Bailiwick of Jersey, the Bailiwick of Guernsey, and the Isle of Man) each operate their own equivalents of the EU Settlement Scheme (EUSS), for those eligible to apply. The UK and the Crown Dependencies recognise status granted under each other's schemes, so an individual granted settled or pre-settled status by a Crown Dependency will be considered to have settled or pre-settled status in the UK.

The Isle of Man and Guernsey issue a letter to those granted EUSS status. Jersey issues a letter and operates an immigration status checker service for individuals to obtain confirmation of their status at any point.

When presented with a letter or email confirmation of EUSS immigration permission from a Crown Dependency, 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.

You must keep a copy of the Crown Dependency letter or email and retain this with the response from the Landlord Checking Service to have a statutory excuse against liability for a civil penalty.

## Outstanding EU Settlement Scheme applications in a Crown Dependency

Where an individual has an outstanding application to the EU Settlement Scheme of the Crown Dependencies, they will have a letter or email notification confirming their outstanding, application. 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. You must retain a

copy of the letter or email notification with the response from the LCS to have a statutory excuse against liability for a civil penalty.

## EEA citizens with Indefinite Leave to Enter or Remain

EEA citizens with Indefinite Leave to Enter or Remain are not required to make an application to the EU Settlement Scheme but can do so if they wish. Since 1 July 2021, EEA citizens with Indefinite Leave to Enter or Remain (ILE/R) are required to 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 'settlement' or 'no time limit'. Some citizens may have a current Biometric Residence Card (BRC), they should use their BRC to confirm their ILE/R and this can be used to access 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 Windrush Scheme](#) to get proof of their ILE/R status
- see if they are eligible to [apply to the EU Settlement Scheme](#), if they have reasonable grounds for the delay in making their application

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

For further information about EEA citizens who are visitors to the UK, please see the section on how to conduct a right to rent check on nationals of the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who are visitors to the UK.

## Points-Based Immigration System

Since 1 January 2021, EEA citizens who come to the UK to live, rent, work or study 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 an eVisa. 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 will 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>

## EEA citizens and non-EEA family members without lawful immigration status

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. However, we recognise that landlords may wish to ensure that their tenants have lawful immigration status in the UK.

There may be situations in which you identify a tenant who is an EEA citizen or non-EEA family member, who has not applied to the EUSS and does not hold any other form of permission to stay in the UK. If you identify EEA citizens or non-EEA family members without status, you can contact the Home Office for support or take steps to terminate the tenancy as these individuals will not have lawful status in the UK or the right to rent. You must [make a report](#) via GOV.UK to the Home Office in order to maintain your statutory excuse.

## Family members

Where they were resident in the UK before 11pm GMT on 31 December 2020, 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. They will provide a share code and their date of birth which will enable you to check their Home Office immigration status via the online service, [‘Check a tenants right to rent in England: use their share code’](#), available on GOV.UK

Eligible EEA and non-EEA family members of EEA citizens with pre-settled or settled status, or of persons of Northern Ireland who were resident in the UK by 31 December 2020, can apply for an EUSS family permit to come to the UK to join or visit their family member in the UK. EUSS family permits are valid for 6 months.

Those with a valid passport will be issued with a EUSS family permit vignette. Where an individual presents a vignette, the landlord must take a copy of the passport as well as the vignette and ensure the photographs are of the same person. For more information on the EUSS family permit, please see [EUSS family permit](#) information on GOV.UK.

Family members who wish to stay in the UK beyond the validity of their family permit should apply to the EUSS within 3 months of arriving in the UK . Where a joining family member makes a valid application to the EUSS, they will receive a CoA issued by the Home Office. They will be able to use their CoA for the purpose of a right to rent check, please see the section above which gives more details regarding CoAs.

# 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 at Annex A.
- a time-limited response from the Home Office online service
- a check for a national of the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who is a visitor or the LCS has provided a 'yes' response to a request for verification of a right to rent.

This time-limited statutory excuse lasts either 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 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, which will provide a defence against a civil penalty.

# 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, 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 or becomes non-compliant 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 you have correctly conducted initial right to rent checks before the beginning of the tenancy. If you have failed to correctly 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.

# 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 prescribed checks as set out in the code of practice, you may face sanctions including:

- a civil penalty of £5,000 per lodger and £10,000 per occupier for a first breach
- a civil penalty of £10,000 per lodger and £20,000 per occupier. In the most serious cases, a criminal conviction carrying a prison sentence.

## Civil penalties

The amount of any penalty issued is determined using the framework set out in the [code of practice on right to rent checks: civil penalty scheme for landlords and their agents](#)

You will have a statutory excuse against a penalty if you can show that you have correctly 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 correctly 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:

- The tenant does not have permission to Enter or Stay in the UK.
- The tenant's immigration permission has expired.

- The tenant's documents are 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 Right to Rent 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

The civil penalty process starts when a tenant is found to be renting, despite not having the right to rent. In the event that occupants without lawful immigration status are encountered by officials visiting your property, you will be provided with an opportunity at this time to demonstrate that you have complied with the law. You should do this by showing officials that you have correctly carried out the required right to rent document checks and established a statutory excuse against liability for a civil penalty.

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.

A Referral Notice informs you that your case is being sent to Home Office officials with responsibility for administering the civil penalty scheme, to consider your liability for a civil penalty for breaching section 15 of the Act. It also informs you how your case will be considered and the possible outcomes. If appropriate, consideration may be given to prosecution under section 22 of the 2014 Immigration Act if you have knowingly rented to someone, who does not have the right to rent.

If you receive a Referral Notice, officials will refer the evidence gathered in your case to the Civil Penalty Compliance Team. This is the Home Office team responsible for administering the Scheme.

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.

A No Action Notice informs you that no action will be taken against you for any breach of section 22 of the Act on this occasion and your case has now closed for these workers. This notice will not be taken into account if you breach Section 22 of the Act in future.

If you receive a No Action Notice you should ensure that you continue to comply with the law by carrying out the correct document checks on potential and existing tenants as required. You should also not rent to anyone identified on the notice. If you are found doing so, you could be prosecuted for knowingly renting to an individual without a right to rent, which may result in an unlimited fine and/or imprisonment. During any future enforcement visit, you will also be unable to rely on the statutory check you previously carried out to avoid a civil penalty.

The Home Office may routinely share information with other government departments, as required, in administering penalties under the Right to Rent Scheme.

## 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. This option is only available for landlords in receipt of their first penalty under the Scheme. A fast payment option may not be paid by instalments. 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: 0345 0100 122

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.

## 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:

1. you are not liable to pay the penalty (for example, because you are not the landlord of the disqualified person), or
2. you have a statutory excuse (this means that you conducted the checks and made any necessary reports), or

3. 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:

1. the reference number of the penalty notice
2. the name and contact address of the landlord and any relevant agent
3. the name and address of the tenant(s) in respect of whom the penalty was issued, and
4. 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:

1. the penalty is to be maintained,
2. the penalty is to be cancelled, or
3. 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, 102 Petty France, London SW1H 9GL or by emailing a copy of the papers to [newproceedings@governmentlegal.gov.uk](mailto:newproceedings@governmentlegal.gov.uk).

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.

## 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, using the online form, which maintains your statutory excuse, you are not required to end the tenancy agreement. However, you must have made the report as soon as reasonably practicable after discovering that the tenant no longer has a right to rent or becomes non-compliant 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.

## Ending a tenancy: your options

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

1. 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.
2. arrange the surrender of the tenancy by mutual agreement.
3. 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.
4. take other steps to recover vacant possession, depending on the kind of tenancy.

## Request a Notice of Letting to a Disqualified Person (NLDP)

If you know or have reasonable cause to believe that you are renting to someone who is disqualified from renting, you can request an NLDP.

You can also make this request if you have received an NLDP 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. An NLDP can be requested on GOV.UK at:

[What do you want to do? – GOV.UK \(ending-a-tenancy.homeoffice.gov.uk\)](https://www.gov.uk/ending-a-tenancy)

## **‘Minded to serve’ process**

When considering the issue of a Notice of Letting to a Disqualified Person (NLDP) 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.

## **Using a Notice of Letting to a Disqualified Person (NLDP)**

Where the Home Office have considered it appropriate to issue an NLDP, the notice will show that you have grounds for ending the tenancy. In certain circumstances, the NLDP may allow you to end a tenancy with a disqualified person without a court order. You need to keep this document safe as you may need to show it to your tenant or to the courts.

The Home Office will also inform the person(s) named on the NLDP making them aware that it has been sent.

If a person believes that they have been named in error on an NLDP, even after they have been through the minded to serve process, they should contact the Home Office.

The person can do this by contacting the Home Office, via the team dealing with their case via their reporting centre. They can also email:

[public.enquiries@homeoffice.gov.uk](mailto:public.enquiries@homeoffice.gov.uk), or  
telephone: 020 7035 4848 Minicom: 020  
7035 4742 Once you have acted on a  
NLDP, you must [let the Home Office know  
when a disqualified person has left your  
property.](#)

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

If you have received an NLDP 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 NLDP 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:

- rely on the NLDP 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
- 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 (NLDP) when it names some of the tenants

If you have received a NLDP 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:

- 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
- 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.

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.

## 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.

## 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 Notice of Letting to a Disqualified Person 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 talk about individual cases.



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

## Landlord Helpline

If you need help carrying out a right to rent check, you should call the Landlord 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.

If you wish to access Home Office online training on right to rent checks, please contact the Immigration Enforcement Checking and Advice Service training team at: [IE-CAS@homeoffice.gov.uk](mailto:IE-CAS@homeoffice.gov.uk).

## Further support available

If any of your existing or prospective tenants require further advice or support with regard to their immigration status, they can access information on [view and prove your immigration status: get a share code](#) on GOV.UK. This also provides further information on how to prove immigration status, how to update personal details, and support available.

If your tenant needs help accessing or using their Home Office online immigration status services, they can contact the UKVI Resolution Centre: Telephone: **0300 790 6268**, select option 3, Monday to Friday (excluding bank holidays), 8am to 8pm Saturday and Sunday, 9:30am to 4:30pm.

# Annex A: List of acceptable documents for a manual right to rent check

Where a right to rent check has been conducted using the Home Office online service, the information is provided in real-time, directly from Home Office systems and there is no requirement to see any or a combination of any of the documents listed below.

Examples of the documents, how to check them and how to copy them can be found in the Right to Rent Checks: A user guide for tenants and landlords.

## 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

1. 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.
2. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. 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(J) 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.
4. A passport or other travel document (in either case, whether current or expired) endorsed to show that the holder is exempt from immigration control, or is

allowed to stay indefinitely in the UK, or has the right of abode in the UK, or has no time limit on their stay in the UK<sup>1</sup>.

5. 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. Further information on immigration status documents can be found at: [Home Office issued documents \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/home-office/publications/home-office-issued-documents-accessible)
6. 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**

1. A birth certificate, long or short, issued in the UK<sup>2</sup>.
2. An adoption certificate issued in the UK.
3. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland.
4. An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland.
5. 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
  - (d) confirms that the holder has accessed services from that department or authority or is otherwise known to that department or authority.
6. A letter which:

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<sup>1</sup> Definition includes those with a document which shows that the holder is entitled to readmission to the UK (RUK endorsement)

Definition includes a full birth certificate issued by a UK diplomatic mission (British Embassy or British High Commission)

- (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 confirms the holder's name
  - (c) states how long the signatory has known the holder, such period being of at least three months' duration, and in what capacity
  - (d) states the signatory's name, address, profession, place of work and passport number.
7. 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.
8. 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.
9. An identity card or document issued by one of His Majesty's forces or the Secretary of State confirming that the holder is or has been a serving member in any of His Majesty's forces.
10. A letter issued by His 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.
11. 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.

12. 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).
13. 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.
14. 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 His 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.
15. 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
  - (d) states the address of a prospective tenancy which the authority, organisation or charity is assisting the holder to obtain.
16. 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
  - (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.

1. A current passport or travel document endorsed to show that the holder is allowed to stay in the UK for a 'time-limited period'.
2. 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.
3. A document issued by the Bailiwick of Jersey, or 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(J) 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.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey, or Isle of Man, showing that the holder has made an application for limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules (as the case may be), **together with a Positive Right to Rent Notice** issued by the Home Office Landlord Checking Service.
5. A document issued by the Home Office, confirming an application for leave to enter or remain, under Appendix EU to the immigration rules (known as the EU Settlement Scheme), made on or before 30 June 2021 **together with a Positive Right to Rent Notice** issued by the Home Office Landlord Checking Service.
6. A Certificate of Application (non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain, under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, **together with a Positive Right to Rent Notice** issued by the Home Office Landlord Checking Service.
7. A passport of a national of an EEA country, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who is a visitor to the UK together with evidence of travel to the UK that provides documentary evidence of the date of arrival in the UK in the preceding six months.

# Annex B: Digital identity verification – Guidance for landlords and Identity Service Providers (IDSPs)

## 1. Introduction

- 1.1 This guidance follows the [Home Office announcement of 27 December 2021](#) and updated information available on GOV.UK about [digital identity certification for right to work, right to rent and criminal record checks](#). It sets out how landlords (including letting agents) can comply with their responsibilities to conduct right to rent (RTR) checks, when using Identity Service Providers (IDSPs) to complete the identity verification element of checks involving British and Irish citizens who hold a valid passport (including Irish passport cards).
- 1.2 ‘Identity Document Validation Technology (IDVT)’ are forms of technology operated for the purpose of verifying the identity of a person, whereby a digital copy of a physical document relating to that person is produced for verification of the document’s validity, and whether that person is the rightful holder of the document. The Home Office previously published guidance on the use of IDVT for this purpose.
- 1.3 ‘Identity Service Provider (IDSP)’ is a provider of identity verification services using IDVT. In the context of this guidance, an IDSP may be certified to provide identity verification to specific levels of confidence, specified by government standards. IDSPs are sometimes referred to as ‘identity providers’.
- 1.4 ‘IDVT identity check’ means the response generated by an IDSP, using IDVT, when undertaking identity verification with respect to a person.
- 1.5 The relevant changes to legislation came into force from 6 April 2022.
- 1.6 IDSPs act on behalf of the landlord (with the landlord becoming a ‘relying party’ in that transaction).

- 1.7 This guidance sets out the required steps to verify a person's identity and eligibility using IDVT, for the purposes of RTR checks in order to obtain a statutory excuse against liability for a civil penalty.
- 1.8 Landlords and IDSPs must discharge their duties in accordance with this guidance and RTR legislation.
- 1.9 Changes to the RTR regulations permit the use of IDSPs for identity verification, enabling landlords to delegate elements of the checking process to IDSPs. This allows landlords and IDSPs to utilise IDVT to carry out remote digital checks when using these services. Where the services of an IDSP are used, landlords are encouraged to:
  - Use an IDSP that is a certified provider.
  - Provide appropriate training and guidance to their staff for example, on what information they must obtain from an IDSP to confirm verification of identity, what the information can be used for, and the additional steps they must take to establish eligibility to rent.
- 1.10 The 2018 [Identity Document Validation Technology guidance](#) recognises the role of IDSPs in identity verification and should be read in conjunction with this guidance.
- 1.11 This guidance makes extensive reference to the [UK Digital Identity and Attributes Trust Framework](#). The UKDIATF will make provision for IDSPs to be certified as providers of identity verification services.
- 1.12 Certification provides a number of benefits. It is capable of providing reassurance the services can be trusted and are secure. It allows a single identity provider to complete a fully remote checking process. It can also provide certainty for landlords in an evolving technology and digital identity framework.
- 1.13 The UKDIATF defines:
  - the organisational responsibilities of IDSPs that must be met, in order to be certified, and references the [Government Good Practice Guide 45](#) (GPG45) as the standard that is used to define how identities should be verified.
  - the 'levels of confidence' (LoC) in identity verification and 'identity profiles' that can meet the aforementioned levels of confidence.



## 2. A right to rent check using IDVT via the services of an IDSP

- 2.1 The Home Office prescribes the nature of the checks required and the information that must be retained by landlords in order to have a statutory excuse against liability for a civil penalty. The responsibility for the check remains with the landlord, and they must ensure the IDSP they select to complete the identity verification element of the check carries out a prescribed check prior to the commencement of the tenancy agreement.
- 2.2 Landlords will obtain a statutory excuse where they can demonstrate that they have complied with all the statutory requirements to conduct right to rent checks. Where they have used an IDSP, the statutory excuse will only be obtained where that IDSP has also complied with the required steps. Should they be found to be renting to an individual without their identity and eligibility being checked correctly in accordance with legislation and this guidance, the landlord will not have a statutory excuse in the event the individual is found to be disqualified from renting a property by reason of their immigration status.

## 3. Documents

- 3.1 For the purposes of verifying identity for RTR checks through IDVT, only the following specified documents can be accepted:
  - valid British passports
  - valid Irish passports
  - valid Irish passport cards
- 3.2 For landlords to be able to rely upon the IDVT identity check carried out by an IDSP to prove eligibility for the purpose of a RTR check and obtain a statutory excuse, a **valid** British or Irish passport (including passport cards) must be provided to the IDSP and checked by them using IDVT for the purposes of identity verification.
- 3.3 If an individual is reliant upon an expired British or Irish passport (including passport cards) to prove their eligibility for the purpose of a RTR check, an IDVT check is not valid. The landlord will need to carry out a manual check of the original document in the prescribed manner to obtain a statutory excuse.

#### 4.Required steps to be taken by the IDSP

4.1 The IDSP must take all reasonable steps to check the validity of the document and take all reasonable steps to verify the prospective tenant is the rightful holder of the document. The IDSP must also record in a format that cannot subsequently be altered the date on which the check was carried out.

4.2 For each identity verified by the IDSP using IDVT, the following information must be obtained during the check. This must be provided to the landlord (relying party) in a clear, legible format which cannot be altered, and must be stored securely by the relying party in electronic or hard copy for audit and investigation purposes:

<b>Subject</b>	<b>Mandatory / Optional</b>	<b>Sent to Relying Party</b>
Forename	Mandatory	Y
Middle names	Mandatory if applicable	Y
Present surname(s)	Mandatory	Y
Date of birth	Mandatory	Y

<p>Image of the biometric page of the identity document, including details of:</p> <ul style="list-style-type: none"> <li>• the holder's personal details including name, date of birth and nationality</li> <li>• the holder's photograph</li> <li>• the date of expiry of the identity document</li> </ul> <p>In the case of an Irish passport card, an image must be taken of the document in full.</p>	Mandatory	Y
<p>Photograph / image</p> <p>IDSPs are required to verify that the image supplied with the IDSP check matches the identity document.</p> <p>Landlords are required to verify that the image supplied with the check from the IDSP matches the prospective tenant.</p>	Mandatory	Y
Identity verified (Y/N)	Mandatory	Y
Evidence checked by	Mandatory	Y
Date of ID check	Mandatory	Y

GPG45 profile	Mandatory	N
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## 5.Required steps to be taken by the landlord

5.1 Where an IDSP is used, landlords retain obligations that they must comply with under the RTR Scheme. The landlord needs to complete the following steps before the tenancy agreement commences to ensure a prescribed check has been undertaken, in order to establish a statutory excuse.

- Use an IDSP to check a prospective tenant's valid British or Irish passport (or Irish passport card) using IDVT.
- Obtain an output of the IDVT identity check from the IDSP containing a copy of the IDVT identity check, and the document checked, in a clear, legible format that cannot be altered.
- Carry out their own due diligence to satisfy themselves to a reasonable belief that their chosen IDSP has completed the check correctly in the prescribed manner.
- Satisfy themselves that the photograph and biographic details (for example, date of birth) on the output from the IDVT identity check are consistent with the individual (i.e. the information provided by the check relates to the individual and they are not an imposter).
- Where names differ between documents, the landlord must establish why this is the case and must not let to that individual unless they are satisfied that the documents relate to them. A statutory excuse will not be obtained where it is reasonably apparent that the prospective tenant is not the individual linked to the identity which was verified by the IDSP.
- Landlords must retain this information securely for the duration of the tenancy and for one year afterwards. The copy must then be securely destroyed.

The following parts of this guidance set out various recommendations in addition to the requirements set out above.

## 6.Verifying identities IDSPs

6.1 This guidance recommends that, in order for an IDSP to carry out an identity check, the IDSP should undertake identity verification following GPG45. Verifying an individual's identity following GPG45 requires IDSPs to follow a process known as 'identity checking'.

This process is made up of 5 parts:

- get evidence of the claimed identity

- check the evidence is genuine or valid
- check the claimed identity has existed over time
- check if the claimed identity is at high risk of identity fraud
- check that the identity belongs to the person who's claiming it

6.2 Each step of the process is scored, and these scores are used to determine what Level of Confidence (LoC) has been achieved.

## 7. Identity profiles

7.1 There are several ways to combine the scores for each part of the identity checking process. These combinations are known as identity profiles. GPG45 has four LoCs. IDSPs can carry out digital identity verification to a range of standards or levels of confidence. The Home Office recommends that landlords only accept checks via an IDSP that satisfy a minimum of a Medium Level of Confidence.

7.2 This is the minimum LoC recommended for RTR checks. Landlords may choose an IDSP who proofs individuals to a higher LoC if their business needs require, but this is not needed for the purposes of undertaking eligibility checks for RTR.

7.3 An activity history or identity fraud check is not required to meet some identity profiles. The Home Office recommends, where possible, an identity fraud check is undertaken on the claimed identity for all profiles, including those where GPG45 profile does not require it.

7.4 GPG45 treats all profiles within a level of confidence as being equal. The Home Office recommends that the strongest piece of evidence available is used to prove the identity exists, such as a passport, and the strongest method of matching the individual to this evidence.

## 8. OPM for identity verification

8.1 The OPM (available at Appendix A) details how IDSPs can complete identity verification to the recommended LoC, in relation to GPG45.

## 9. Certification and audit of IDSPs

9.1 Whilst it is not mandatory for landlords to use a certified IDSP for the purposes of right to rent checks, the Home Office recommends landlords use a certified IDSP. This will provide assurance that their chosen IDSP has been independently assessed as being capable of providing ID verification services in accordance with this guidance and the standards set out in the trust framework.

However, as set out above and regardless of whether or not the IDSP is certified, the responsibility for the check remains with the landlord, and they must ensure the IDSP they select to complete the identity verification element of the check carries out a prescribed check prior to the commencement of the tenancy agreement.

9.2 The UKDIATF is currently in a first stage industry prototype (or 'alpha') and will not move to the live phase until post-legislation, when parliamentary time allows. In the interim, IDSPs who choose to become certified, will be certified against the most current version of the UKDIATF available (alpha or beta) at the time of the certification process commencing. Once certified, IDSPs will be required to undertake annual surveillance audits and biennial recertification against the version of the UKDIATF which is current at the time.

9.3 All IDSPs who choose to become certified to carry out RTR checks on behalf of landlords will be required to become certified to the live version of the UKDIATF after their certification has expired. It is recommended that IDSPs monitor and feedback on the UKDIATF as it develops to ensure they can meet any additional requirements which are not part of the RTR Scheme checks during the UKDIATF alpha and beta phases.

9.4 In addition to this guidance, an Operational Procedures Manual (OPM) is available at Appendix A for IDSPs. The OPM provides additional guidance around how to verify an individual's identity, alongside how GPG45 should be used to meet government guidance for digital identity verification.

9.5 IDSPs who choose to become certified will be certified by an independent certification body to assure that they are capable of providing identity verification services in accordance with this guidance and meet the standards set out in the UKDIATF. Further information about the certification bodies available to certify IDSPs can be found [here](#).

9.6 This guidance recommends that, in order for an IDSP to carry out an identity check, the IDSP should undertake identity verification following GPG45. The Home Office has adopted specific profiles of GPG45 as the basis of this guidance for IDSPs carrying out RTR checks. This guidance is consistent with the standards set out in the UKDIATF.

9.7 Therefore, IDSPs that are certified and assessed to meet the terms of the UKDIATF, and whose certification includes those specific profiles, will be able to demonstrate to landlords that they are capable of complying with this guidance.

9.8 Certified IDSPs carrying out identity verification for RTR checks must be:

9.8.1 certified they are aware of the purpose of the checks (i.e. to demonstrate they know that the identity checking is to determine eligibility to rent in England. IDSPs must be aware and acknowledge the sanctions and criminal offences that supplement the RTR Scheme and identity checking in the event of noncompliance.

9.8.2 certified that the requirements in 9.8.1 are also met by ensuring appropriate training of their employees and members of staff involved in the identity checking process, with appropriate records maintained of such training.

9.8.3 certified to demonstrate the information security requirements in section 10.1 – 10.2 are met

9.8.4 certified to demonstrate the identity assurance requirements in 11.1 – 11.3 are met.

## **10. Certified against industry standards for information security**

10.1 Certified IDSPs must have appropriate information security management systems in place to look after people's data and keep it secure.

10.2 They must be certified to confirm that they meet an industry standard for information security management. This involves demonstrating that they have adequate processes in place to look after information securely and safely, and how they set up, maintain, and continuously improve an information security management system (ISMS). The ISMS must meet the requirements of [ISO/IEC 27001:2013](#) or another recognised standard that includes all the requirements of ISO/IEC 27001:2013.

## **11. Certified against government standards for identity assurance**

11.1 Certified companies also have to be certified by an independent certification body, to assure that their service meets recommended Home Office standards for identity assurance.

11.2 The service auditors are accredited by the United Kingdom Accreditation Service (UKAS) for carrying out service assessments.

11.3 Certification will confirm the IDSP is capable of providing ID verification services in accordance with this guidance and the standards set out in the trust framework.

## Appendix A



Home Office

# Right to Rent Scheme digital identity operational procedures manual (OPM)

## 1. Introduction

- 1.1 This OPM provides additional guidance for identity service providers (IDSPs) to undertake identity verification, on behalf of landlords for the purposes of verifying an individual's identity, as part of a right to rent (RTR) check.
- 1.2 This OPM references the [UK digital identity and attributes trust framework](#) (UKDIATF) and the Government Good Practice Guide 45 ([GPG45](#)).
- 1.3 Therefore, the UKDIATF and GPG45 should be followed as normal unless otherwise specified.

## 2. Verifying identities

- 2.1 This section should be read with reference to the guidance in Annex D above.

### Choosing an identity profile

- 2.2 GPG45 treats all profiles within a Level of Confidence (LoC) as being equal. Home Office recommends that the strongest piece of evidence available is used to prove the identity exists (for example, a valid passport), and the strongest method of matching the individual to this evidence.

### Medium level of confidence



- 2.3 To achieve a 'medium' level of confidence, the following profiles can be used. A single document is acceptable using digital means, as long as it meets the strength, validity, and verification scores detailed below.

Score					
Profile	Strength	Genuine / Valid	Activity history	Identity fraud	Verification
M1A	4	2	N/A	1	2
M1B	3	2	1	2	2
M1C	3	3	N/A	N/A	3
M1D	2	2	2	1	3
M2A	2	2	3	2	2
	2	2			
M2B	3	2	1	1	2
	2	2			
M2C	3	2	N/A	1	3
	2	2			
M3A	2	2	2	2	2
	2	2			
	2	2			

- 2.4 Profiles marked as 'M1' only require a single high-strength document. Profiles marked as 'M2' require two documents - the second document is only checked for 'Strength' and 'Genuine / Valid'. Profiles marked 'M3A' require three documents.

- 2.5 Although some identity profiles do not require an activity history or identity fraud check to be completed, the Home Office recommends, where possible, an identity fraud check is undertaken on the claimed identity for all profiles, including those where GPG45 profile does not require it.

### 3. Scoring identity evidence

- 3.1 GPG45 provides a detailed explanation of how identity evidence is scored. This document details specific guidelines applicable to Home Office RTR check requirements. Home Office guidance may restrict how evidence is scored or may provide additional guidance where it is considered that GPG45 does not provide sufficient clarity to enable IDSPs to operate as Home Office intends.
- 3.2 Where an IDSP is certified, they will be certified against the current published version of UKDIATF and GPG45 in full and must, therefore, refer to the published versions of both UKDIATF and GPG45.
- 3.3 IDSPs applying to become certified will be required to undergo a specific audit and certification.
- 3.4 In so doing, IDSPs must be certified by an independent certification body. The service auditors are accredited by the United Kingdom Accreditation Service (UKAS) for carrying out service assessments. Certification will confirm the IDSP has been independently assessed as being capable of providing ID verification services in accordance with this guidance and the standards set out in the UKDIATF.
- 3.5 The following information provides additional clarity to enable IDSPs to operate as Home Office intends. Please note, headings correlate to those within GPG45.

**Get evidence of the claimed identity:**

- 3.6 No amended or supplementary requirements to GPG45.

**If the user has changed their name:**

- 3.7 No amended or supplementary requirements to GPG45.

**Scoring evidence of the claimed identity:**

- 3.8 **Score 1**

Evidence that only score 1 are not acceptable.

- 3.9 **Score 2**

No amended or supplementary requirements to GPG45.

- 3.10 **Score 3**

No amended or supplementary requirements to GPG45.

- 3.11 **Score 4**

No amended or supplementary requirements to GPG45.

### **Check the evidence is genuine or valid:**

#### **3.12 Score 1**

Evidence that only score 1 are not acceptable, including expired passports.

#### **3.13 Score 2**

Detailed below are some clarifications to the GPG45 requirements and a number of examples.

If the evidence is being checked by a person, they must:

- be trained in how to detect false documents by a specialist trainer; evidence of the trainer's specialist capability will be required to be presented to the certification auditor
- refresh their training at least every 3 years

All other requirements are as documented in GPG45.

#### **3.14 Score 3**

The requirement to confirm any physical security features are genuine and assess UV or IR security features is for physical, in person checks only.

Any evidence protected by cryptographic security features will have a score of 3 if it is ensured that these security features are genuine. Therefore, for a mobile based automated process, mobile chip checking capability must be used to obtain a minimum score of 3. All requirements are as documented in GPG45.

#### **3.15 Score 4**

All requirements are as documented in GPG45.

### **Document validation technology:**

3.16 Please refer to [Identity Document Validation Technology guidance](#).

### **Check the claimed identity has existed over time – activity history**

3.17 No amended or supplementary requirements to GPG45.

### **Check if the claimed identity is at higher risk of identity fraud**

3.18 The Home Office recommends an identity fraud check is undertaken on the claimed identity for all profiles, including those where GPG45 profile does not require it.

## Check that the identity belongs to the person who's claiming

- 3.19 The Home Office recommends the highest-strength identity document available is used to prove the identity belongs to the individual claiming it.

This means that biometric verification of an individual should be used where documents containing biometric information have been used to prove the identity is real. Sources such as digital authentication of bank accounts as verification of identity are preferred to knowledge-based verification (KBV) as they present a simpler user journey and are less susceptible to user error. All other requirements are as documented in GPG45.

### 4. Reusable identities

IDSPs or attribute service providers who want to create a reusable digital identity or attribute service, must link the digital identity and/or attributes to an authenticator (such as a password, piece of software, or device).

In addition to GPG45, you must follow the [guidance on using authenticators to protect an online service](#). This is also known as GPG44.

The reusable digital identity must be protected in accordance with GPG44 medium protection and include medium quality authentication factors as a minimum. It is recommended that one of the authentication factors used is biometric information. Right to rent checks and a landlord's statutory excuse against liability for a civil penalty are not transferrable from one landlord to another.

The IDSP must be able to assure the landlord, at the time the identity is asserted, that there exists in relation to the tenant in a relevant IDVT document. A relevant IDVT document is a current British or Irish passport (or Irish passport card). If the document has expired the assertion is not valid for the purposes of the Scheme. The check must be completed prior to the commencement of tenancy.

It is the responsibility of the IDSP to ensure that the asserted identity meets the identity assurance requirements and the prescribed requirements specified in legislation and this guidance at the time the identity is asserted. A landlord will only obtain a statutory excuse if they are reasonably satisfied that the IDSP has complied with the requirements of the Scheme at the time the identity is asserted. Further information on the required steps to be taken by an IDSP and a landlord when carrying out the checks in line with the requirements of the Scheme can be found in sections 4 and 5 of Annex B in this guidance.

## Appendix B

### Glossary

#### **Certification**

Is when an independent auditor checks that organisations follow the rules of the trust framework.

Independent certification builds trust that approved IDSPs will protect an individual's privacy and keep their data safe and secure.

Certification will be undertaken by an independent certification body to assure their service is capable of providing ID verification services in accordance with this guidance and the standards set out in the UKDIATF.

#### **Good Practice Guide 45**

[The Good Practice Guide 45 \(GPG45\)](#) is the government standard for identity verification, against which IDSPs will be certified.

#### **Identity profile**

GPG45 has four levels of confidence in terms of proof of identity. These are:

- low confidence
- medium confidence
- high confidence
- very high confidence

This guidance document refers to medium confidence and high confidence only.

There are several ways to combine the scores you get for each part of the identity checking process. These combinations are known as [‘identity profiles’](#).

#### **Identity service providers**

An identity service provider (IDSP) is a provider of identity verification services. In the context of this Home Office guidance document, they may be certified to provide identity verification to specific levels of confidence, specified by government standards. IDSPs are sometimes referred to as ‘identity providers’.

#### **Identity verification**

Identity verification (IDV) refers to the process of proving that an identity exists and that the individual making the claim is the owner of the identity.

## **Level of confidence**

Completion of the identity proofing process will result in a proof that has a 'level of confidence' (LoC). The higher the LoC, the stronger the evidence required to support that LoC. The evidence needed to achieve an LoC is defined within GPG45.

## **Operational procedures manual**

The operational procedures manual (OPM) is a document that provides detailed procedures for IDSPs to meet the Home Office guidance. The OPM aims to aid interpretation of GPG45, to allow IDSPs to develop solutions with certainty and provide a simple reference for auditors to certify against.

## **Relying party**

The role of relying party is defined in the UKDIATF as an organisation that receives, interprets, and, depending on the use case, stores information received from other trust framework organisations. Relying parties do not need to be certified against the UKDIATF. The landlord is the relying party when a right to rent (RTR) check is carried out.

## **UK digital identity and attributes trust framework**

The [UK digital identity and attributes trust framework](#) (UKDIATF) is being implemented by the Department for Digital, Culture, Media, and Sport, and will be backed by legislation to enable the legal development of digital ID services. This guidance is being created in line with the UKDIATF.

# **Annex C: Ukrainian nationals and right to rent**

In response to the evolving conflict in Ukraine, the Home Office has introduced visa schemes to support Ukrainian nationals, and their family members, to come to the UK.

Those who are granted a visa under these schemes are able to work, rent a home, and access benefits and public services, such as medical treatment and education.

On 14 February 2022, changes were made to the Standard Family Visa route to make it easier for dependants of British citizens who were resident in Ukraine to apply. Successful applicants were issued with a visa in their passport. On 1 March 2022, the scheme was extended to include family members who were not living in Ukraine as a family unit.

Where requirements for a Standard Family Visa were not met, visas were issued in some cases stating Leave Outside the Rules (LOTR). These visas allowed travel to the UK, where they then collect a Biometric Residence Permit (BRP). The Standard Family Visa concession then closed on 4 March 2022, as the established Ukraine Schemes were introduced.

## The Ukraine Schemes

On the following dates, further visa routes were launched:

- 4 March 2022 – the Ukraine Family scheme
- 18 March 2022 - the Homes for Ukraine Scheme
- 3 May 2022 - The [Ukraine Extension Scheme](#)

These schemes are fee free and do not include salary or language requirements for applicants.

Under these schemes, successful applicants are able to stay in the UK for up to three years.

Under each scheme individuals are able to work, study, rent a home and access benefits in the UK.

## Ukrainians with a valid Ukrainian Passport

A concession to the Ukraine Schemes was introduced on 15 March 2022, which allowed those with a valid Ukrainian passport to submit an application without attending an overseas Visa Application Centre (VAC) to submit biometrics. Those who are assessed without submitting their biometrics are issued with a permission to travel letter. Permission to travel letters are not evidence of immigration rights to access work, rent a home, benefits and services in the UK.

On arrival, Border Force should stamp the passport with permission to enter the UK, valid for six months with no restrictions on taking employment, renting a home or

recourse to public funds – Leave Outside the Rules (LOTR). This is a Code 1A or Amended Code 1 endorsement.

Where Border Force have granted LOTR for six months, the individual will need to obtain a Biometric Residence Permit (BRP) which will be endorsed with up to 36-month permission to stay. This can be done at any point during the six-months validity of the stamp.

Those with a stamp or a visa in their valid Ukrainian passport granting permission to stay under the Ukrainian Schemes, have a time-limited right to rent. If a landlord manually checks this document as outlined in this guidance and records it correctly, this will give them a time-limited statutory excuse. These endorsements are already included in the acceptable documents for a manual check under [Annex A of the Landlords Guide](#), List B, Group 1, Number 1.

Landlords will need to carry out a follow-up check of those individuals who have time-limited right to rent in the UK. This should occur when their previous permission comes to an end. All Ukrainian nationals arriving under the Schemes should obtain a BRP granting them up to 3 years (36 months) leave. BRP holders will need to use the Home Office online checking service as set out in this guidance to prove their right to rent in the UK.

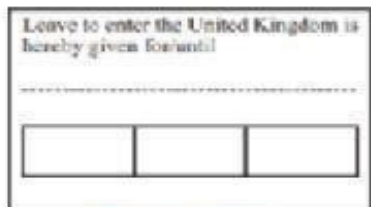
**From 7 December 2023**, we ceased this concession and aligned the Ukraine scheme application processes with those used by other visa nationals, requiring all new applicants to attend an overseas VAC to provide their full biometrics prior to the consideration of their application.

If their application is approved, they will need to collect their visa before traveling to the UK.

Applicants who applied to the schemes before 7 December 2023 will continue on the pathway they used to apply. Therefore, those who have already received a Permission to Travel Letter will still be able to use this to travel to the UK.

Example Code 1A and Code 1 stamp, endorsed with an Immigration Officer's date stamp



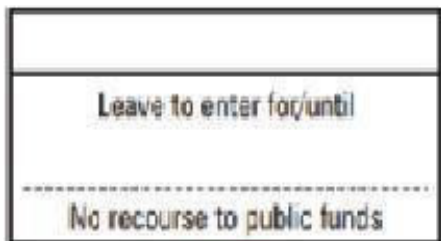


Code 1A Stamp



Immigration Officer's Date Stamp

In a small number of cases, when the Schemes went live, a Code 1A was not available, in place of this a Code 1 was used with the “no recourse to public funds” scored out in ink and possibly initialled by the Officer.



Code 1 Stamp



Immigration Officer's Date Stamp

Similarly, a Code1/Code 1A may have been endorsed in Ukrainian passports, if those individuals had entry stamps to Ireland from 25 February 2022. The stamps were manually amended from 'Leave to enter' to 'Leave to remain' possibly with the Officer's initials.

There may be situations in which you identify an individual who has an Irish entry stamp in their passport but does not have a Code 1/Code 1A stamp and does not hold any other form of permission to stay in the UK. In these situations, you must point the individual to the Home Office to make an application to stay in the UK.

Any prospective tenant who is a Ukrainian national, who has not applied for permission to stay in the UK, will not have a right to rent. This means you should not rent a property to them until they have taken action to regularise their status in the UK.

## Example Ukraine Scheme Entry Clearance Vignette / Visa



## Ukrainian nationals who do not have a valid Ukrainian passport

If an individual does not have a valid Ukrainian passport, they will be required to provide their biometric information at a VAC and will then be provided with an entry clearance vignette attached to a 'Form for Affixing the Visa' (FAV). Shortly after arrival, a BRP is available for collection, and this can be used to access the Home Office online checking service as set out in guidance to prove a right to rent. Where necessary, individuals can use their FAV document as proof of their right to rent in conjunction with confirmation from the Home Office Landlord Checking Service (LCS) in the form of a Positive Right to Rent Notice (PRRN).

Therefore, once an individual with an entry clearance vignette attached to a FAV is in the UK, they are expected to collect their BRP urgently, which can be used for right to rent checks as normal, and a statutory excuse obtained for the full period of permission to stay. This means, once they have collected their BRP landlords are not required to make a check with the LCS. Where landlords contact the LCS and Home Office systems show that the individual has a BRP available, landlords will receive a response from the LCS directing them to advise the individual to collect their BRP and prove their right to rent using the Home Office online checking service. In this scenario LCS will not issue a PRRN to provide a statutory excuse and landlords should use the online checking service.

## Example of a Form for Affixing the Visa (FAV)

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

FORM FOR AFFIXING THE VISA  
FEUILLET POUR L'AFFICTION D'UN VISA

**21 UK**

ISSUING AUTHORITY/AUTORITE DE DELIVRANCE

(1) Name/Nom (2) Firstname/Prénoms

Stamp  
Cachet

(3) Date of birth/Date de naissance

(4) Passport number/Numéro de passeport

Signature  
Signature

Date/Date

Visa Sticker  
Vignette Visa

# Annex D: Letter templates to support List A, Group 2

The following letter templates are provided to support a British citizen to evidence their right to rent in England.

The letter templates provide examples of wording which can be used to verify to the landlord or letting agent the individual's right to rent, alongside another document from List A, Group 2:

- A letter issued within the three months prior to the check, signed by a representative of a public authority, voluntary organisation or charity which operates a scheme to assist individuals to secure accommodation in the private rented sector in order to prevent or resolve homelessness
- A letter within the three months prior to the check confirming the holder's name signed by the person who employs the holder (giving their name and business address) confirming the holder's status as an employee, and their employee reference number or their National Insurance number.
- A letter issued within the three months prior to the check from a UK further or higher education institution, confirming the holder's acceptance on a current course of studies.
- A letter issued within the three months prior to the check from a British passport holder who works in (or is retired from) an acceptable profession as specified in the list of acceptable professional persons in Annex E.

<Name of PRS Access  
Scheme> <Address line 1>  
<Address line 2>  
<Town/City>  
<County>  
<Postcode>

<Prospective tenant name>  
<Current address line 1>  
<Address line 2>  
<Town/City>  
<County>  
<Postcode>

<Date>

Dear <Lead tenant's name>

Prospective tenancy of <prospective address in full>

We have worked with you in order to arrange your tenancy of the above property. In most cases, upon letting a property in the private rented sector, a landlord should carry out right to rent checks on each adult living at that property. These are simple document checks, and this letter can be used towards satisfying such a check when used in combination with another acceptable document.

[In your case, you intend to use <insert name of document> along with this letter in order to satisfy the right to rent check. We believe that this should be acceptable under the code of practice for the Scheme, however, it is the landlord or agent who must carry out the check.]

A simple, interactive guide around which documents are accepted in Right to Rent checks is available on GOV.UK, here:

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

<name of representative of PRS access scheme and position within organisation with signature above>

<Business address of employer>  
<Address line 1>  
<Address line 2>  
<Town/City>  
<County>  
<Postcode>

<Prospective tenant's name>

<Date>

<Current address line 1>  
<Address line 2>  
<Town/City>  
<County>  
<Postcode>

Dear <Prospective tenant's name>

Confirmation of employment

My name is <insert name of official> and I hold the position of <insert job title> at <insert name of organisation>.

This letter is to confirm that you are in the employment of <insert name of organisation>, and that your staff reference number is <insert national insurance/staff number>.

<name of author, with signature above>

<To be printed on headed letter from educational institution, providing name and address details>

<Prospective tenant name>

<Date>

<Current address line 1 (applicable)>

<Address line 2>  
<Town/City>  
<County>

Dear <Prospective tenant's name>

Confirmation of enrolment on course of studies.

This letter is to confirm that you are enrolled on a course of <insert name of course>, beginning on <insert date> and due to end on <insert end>.

<name of representative of institution, with job title and signature above>

< Postcode>

<Name of British Passport  
Holder> <Address line 1>



<Address line 2>

<Town/City>

<County>

<Postcode>

Dear <Prospective tenant's name>

Confirmation of British passport holder knowing <insert name of prospective tenant>.

My name is <insert name of British passport holder> and I am a British passport holder number <insert British passport number>. I can confirm that I live at the address.

given at the top of this letter. I am a [retired] <insert profession>, and [most recently] work[ed] at <insert name and location of workplace>.

I can confirm that I have known you as <insert capacity> for <insert length of time>.

<name of British passport holder, with signature above>

<Town/City>

<County>

<Postcode>

<Date>

<Prospective tenant name>

<Current address line 1>

<Address line 2>

# Annex E: List of acceptable professional persons

- accountant
- airline pilot
- articulated clerk of a limited company
- assurance agent of recognised company
- bank/building society official
- barrister
- chairman/director of limited company
- chiropodist
- civil servant (permanent)
- commissioner of oaths
- councillor, e.g. local or county
- dentist
- director/manager/personnel officer of a VAT-registered company
- engineer - with professional qualifications
- financial services intermediary, for example a stockbroker or insurance broker
- fire service official
- funeral director
- general practitioner
- insurance agent (full time) of a recognised company
- journalist
- Justice of the Peace
- legal secretary - fellow or associate member of the Institute of Legal Secretaries and PAs
- licensee of public house
- local government officer
- manager/personnel officer of a limited company
- member, associate or fellow of a professional body
- Member of Parliament
- Merchant Navy officer
- Minister of a recognised religion
- nurse - RGN or RMN
- officer of the armed services
- optician
- paralegal - certified paralegal, qualified paralegal or associated member of the Institute of Paralegals
- person with honours, for example an OBE or MBE

- pharmacist
- photographer - professional
- police officer
- Post Office official
- president/secretary of a recognised organisation
- Salvation Army officer
- social worker
- solicitor
- surveyor
- teacher, lecturer
- trade union officer
- travel agent - qualified
- valuer or auctioneer - fellows and associate members of the incorporated society
- Warrant Officers and Chief Petty Office