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Check your tenant's right to rent

1. Who you have to check

You must check that a tenant or lodger can legally rent your residential property in England.

Check with the Home Office if the tenant is a Commonwealth citizen (<https://www.gov.uk/government/publications/undocumented-commonwealth-citizens-resident-in-the-uk/guidance-for-landlords-conducting-right-to-rent-checks-on-undocumented-commonwealth-citizens>) but does not have the right documents - they might still have the right to rent in the UK.

Before the start of a new tenancy, you must check all tenants aged 18 and over, even if:

- they're not named on the tenancy agreement
- there's no tenancy agreement
- the tenancy agreement is not in writing

Check all new tenants. It's against the law to only check people you think are not British citizens. You must not discriminate against anyone because of where they're from.

Sign up for email updates (<https://gov.smartwebportal.co.uk/homeoffice/public/webform.asp?id=27&id2=07821F>) about the right to rent policy.

If the tenant is only allowed to stay in the UK for a limited time, you need to do the check in the 28 days before the start of the tenancy.

You do not need to check tenants in these types of accommodation:

- social housing
- a care home, hospice or hospital
- a hostel or refuge
- a mobile home
- student accommodation

You also do not need to check tenants if they live in accommodation that:

- is provided by a local authority
- is provided as part of their job (known as 'tied accommodation')
- has a lease that's 7 years or longer

Read the code of practice (<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice/code-of-practice-on-illegal-immigrants-and-private-rented-accommodation-for-tenancies-starting-on-or-after-1-february-2016#excluded-agreements>) to find out if you need to do any other checks instead.

2. How to do a check

Because of coronavirus (COVID-19) there are temporary changes to the way you can check documents. Read guidance about the adjusted process (<https://www.gov.uk/guidance/coronavirus-covid-19-landlord-right-to-rent-checks>), including asking for documents digitally, making checks on a video call, and what to do if someone cannot provide any accepted documents.

1. Check which adults will use your property as their main home (your 'tenants').
2. Ask them for original documents (<https://www.gov.uk/government/publications/right-to-rent-document-checks-a-user-guide>) that prove they can live in the UK.
3. Check their documents (<https://www.gov.uk/landlord-immigration-check>) to see if they have the right to rent your property.
4. Check that each tenant's documents are genuine and belong to them, with the tenant present.
5. Make and keep copies (<https://www.gov.uk/check-tenant-right-to-rent-documents/copy-documents>) of the documents and record the date you made the check.

You can get an unlimited fine or be sent to prison (<https://www.gov.uk/penalties-illegal-renting>) for renting your property to someone who is not allowed to stay in England.

Checking EU, EEA and Swiss citizens

Right to rent checks continue in the same way as now until 30 June 2021 for citizens of the EU, Switzerland, Norway, Iceland and Liechtenstein.

Continue checking their passport or national identity card as before. For family members of EU, EEA or Swiss citizens, follow the usual guidance for documents you can accept (<https://www.gov.uk/government/publications/right-to-rent-document-checks-a-user-guide>) for right to rent checks.

It's against the law to ask EU, EEA or Swiss citizens to show that they have settled status or pre-settled status when starting a new tenancy.

You will not need to make retrospective checks for existing tenants from 2021.

Check if the property is used as the tenant's main home

A property would usually be a tenant's only or main home if:

- they live there most of the time
- they keep most of their belongings there
- their partner or children live with them
- they're registered to vote at the property
- they're registered with the doctor using that address

Check their original documents

You need to check that:

- the documents are originals and belong to the tenant
- their permission to stay in the UK has not ended
- the photos on the documents are of the tenant

- the dates of birth are the same in all documents (and are believable)
- the documents are not too damaged or do not look like they've been changed
- if any names are different on documents, there are supporting documents to show why, such as a marriage certificate or divorce decree

If the tenant does not have the right documents

You must use the landlord's checking service (<https://eforms.homeoffice.gov.uk/outreach/lcs-application.ofml>) to check whether the tenant's allowed to rent without the right documents if:

- the Home Office has their documents
- they have an outstanding case or appeal with the Home Office
- the Home Office told them they have 'permission to rent'

You'll get an answer within 2 working days.

You'll need the tenant's Home Office reference number to use the service.

Do not rent a property to someone in England if they do not have the right documents and the landlord's checking service tells you they are not allowed to rent.

Get help with a check

Call the landlord's helpline to get help with a check.

Landlord's helpline

0300 790 6268

Monday to Thursday, 9am to 4:45pm

Friday, 9am to 4:30pm

Find out about call charges (<https://www.gov.uk/call-charges>)

You must follow the landlord's code of practice on illegal immigrants and private rented accommodation (<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>).

3. Making copies of the documents

When you copy the documents:

- make a copy that cannot be changed, such as a photocopy or a good quality photograph
- for passports, copy every page with the expiry date or applicant's details (such as nationality, date of birth and photograph), including endorsements, for example a work visa or Certificate of Entitlement to the right of abode in the UK
- copy both sides of biometric residence permits
- make a complete copy of all other documents
- record the date you made the copy

Keep copies of the tenant's documents for the time they're your tenants and for one year after.

Make sure you follow data protection law (<https://www.gov.uk/data-protection-your-business>).

If your tenant does not have any documents, you must check if they're allowed to rent your property (<https://www.gov.uk/landlord-immigration-check>).

4. Follow-up checks

You must do a follow-up check to make sure your tenant can still rent property in the UK if there's a time limit on their permission to stay.

You can get a fine (<https://www.gov.uk/penalties-illegal-renting>) if you do not do a follow-up check and your tenant's permission to stay ends.

Do the follow-up check just before the date that's the later of:

- the end of your tenant's permission to stay in the UK
- 12 months after your previous check

Because of coronavirus (COVID-19) there are temporary changes to the way you can check documents. Read guidance about the adjusted process (<https://www.gov.uk/guidance/coronavirus-covid-19-landlord-right-to-rent-checks>), including asking for documents digitally, making checks on a video call, and what to do if someone cannot provide any accepted documents.

You do not have to do a follow-up check if there's no time limit on your tenant's permission to stay in the UK.

If your tenant fails a follow-up check

You must tell the Home Office (<https://eforms.homeoffice.gov.uk/outreach/lcs-reporting.ofml>) if you find out that your tenant can no longer legally rent property in England after doing a follow-up check.

You could be fined or sent to prison for up to 5 years if your tenant fails a follow-up check and you do not report it to the Home Office.

5. Agents and subletting

You can ask any agents that manage or let your property to carry out the check for you. You should have this agreement in writing.

If a tenant sub-lets the property without you knowing, they're responsible for carrying out checks on any sub-tenants. They will be liable for any civil penalties (<https://www.gov.uk/penalties-illegal-renting>) if they do not do the check correctly.