

## Residential Landlords' Checks on Immigration Status of Tenants

### What?

The Immigration Act 2014 (IA 2014) prohibits private landlords of residential properties from allowing certain people to occupy those properties. The prohibition is based on the immigration status of prospective tenants. Landlords are required to check the immigration status of prospective tenants, and other authorized occupiers, to ascertain whether they have a right to occupy the property. This requirement is an ongoing obligation and is therefore an arduous burden on private landlords.

### Who?

A person is prohibited from occupying a property under a residential tenancy agreement if they:

- Are not a **'relevant citizen'**, that is: a British citizen or a national of an EEA State or a national of Switzerland; OR
- Do not have a **right to rent** in relation to the property.

If a person requires leave to enter or remain in the UK and they do not have that leave, or if they have leave but it is subject to conditions that prevent that person from occupying the property, then that person does not have a **right to rent**.

### When?

Before the provisions of IA 2014 are brought into full effect, a pilot scheme is being carried out in Birmingham, Sandwell, Dudley and Wolverhampton.

To assist landlords in these areas, the Home Office has provided an online *right to rent* tool, to help landlords ascertain whether a property will be affected, how to carry out a right to rent check and how to request an official right to rent check from the Home Office.

The Home Office states that it expects to continue with phased introduction of the requirement to check immigration status across the UK next year.

If you would like to discuss any of the matters raised in this newsletter please contact:

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*The information in this newsletter is not meant as a substitute for advice on particular issues and is written in general terms. You should seek specific advice before taking any action based on the information in this newsletter.*

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