



  Acquisition Management Lettings

Right to Rent Document Checks: Guide for East 15 Students

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Section 1: Introduction to Right to Rent Check

What is a right to rent?

On February 1st 2016 a new Legislation came into force whereby all Landlords/Letting Agents are required to check that all adult tenants have the right to rent in the UK – under the Immigration Act 2014.

Only people with permission or a right to be in the UK have a right to rent property. As a Letting Agent we are unable to let properties to people who do not have the right to be in the UK.

What is a right to rent check?

Before allowing any adults to live in the properties that we let we are required to check that you have the document (s) that show you have the right to be in the UK. Where a persons' right to be in the UK will expire during a tenancy we are also required to make 'follow-up' checks either when the right expires (re: visa) or after 12 months. If the follow up check shows that a tenant no longer has the right to be in the UK, then we are required to make an official report to the Home Office.

All adults (regardless of Nationality) will be required to prove that they have the right to rent in the UK by providing the necessary documentation - identification, visa's etc.

'Unlimited Right to Rent' and 'Time Limited Right to Rent'

A person will have an 'unlimited right to rent' **or** a 'time limited right to rent' depending on their circumstances.

An adult occupier has an **'unlimited right to rent'** if they are:

- British citizen
- EEA or Swiss national (please see countries listed below)
- People who have the right of abode in the UK
- People who have been granted indefinite leave to remain or have no time limit on their stay in the UK.

The EEA and Swiss countries are:

UK, 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, Sweden.

'Time-limited right to rent'

Those who do not fall into the above will have a time-limited right to rent if:

- They have valid leave to enter or remain in the UK for a limited period of time.
- They are entitled to enter or remain in the UK as a result of an enforceable right under European Union law or any provision made under section 2(2) of the European Communities Act 1972.

Section 2: Documentation required

We are required to obtain a tenants original acceptable document (s) that allow them to live in the UK. The checks will be carried out with the tenant present; a copy of the document (s) will be kept on file.

If you have a UK passport then this will be acceptable to show that you have an unlimited right to rent in the UK.

Below is a list of '**single**' documents that are acceptable, this means that you would not be required to provide any further documentation as these documents permit the holder permanent right to rent in the UK:

List A (Group 1): Single document accepted (which shows unlimited right to rent)

UK 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



Biometric Residence permit with unlimited leave::

A biometric 'resident permit' card (current or expired) issued by the Home Office to the holder indicating that the person named has 'indefinite' leave in the UK, or has 'no time limit' on their stay in the UK



EEA/Swiss family member Permanent Resident card

A 'permanent' residence, 'indefinite leave to remain', 'Indefinite leave to enter' or 'no time limit' card issued by The Home Office (current or expired), to a non-EEA national Who is a family member if an EEA or Swiss National.



A certificate of naturalisation or registration as a British citizen

A certificate of registration or naturalisation as a British Citizen.



List A (Group 2): Acceptable document combinations – any 2 of the below to be shown together (which shows unlimited right to rent)

Below is a list of '2' documents that are acceptable, this means that you would be required to show two of these documents together to prove you have the right to rent in the UK:

Document Description
UK birth or adoption certificate Issued in the UK, Channel Islands, the Isle of Man or Ireland, which includes the name (s) of at least one of the holders' parents or adoptive parents
Full or provisional UK driving licence A current full or provisional UK driving licence
A letter from HM Prison Service A letter from HM Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holders name, date of birth that they have been released from custody of that service in 6 months prior to the check
A letter from a UK Government Department for local Authority A letter issued within the 3 months prior to the check by a government department for Local Authority and signed by a named official (giving their name and professional address), confirming the holders name and that they have previously been known to the department or local authority.
A letter from National Offender Management Service A letter issued within 3 months prior to the check from an officer of the National Offender Management Service in England and Wales confirming that the holder is subject of an order requiring supervision by that officer; from an officer of a local authority in Scotland confirming that the holder is the subject of a probation order requiring supervision by that officer; or from an officer of the probation board for northern Ireland confirming that the holder is the subject of an order requiring supervision by that officer.

Evidence of a current or previous service in UK armed forces

Evidence (identity card, document of confirmation issued by one of HM forces, confirmation letter issued by the secretary of state) of the holders previous or current service in any of HM's UK armed forces.

A letter from a police force confirming that certain documents have been reported stolen

A letter from a UK police force confirming that the holder is a victim of crime and has been reported a passport or Home Office biometric immigration document stolen, stating the crime reference number, issued within 3 months prior to the check

A letter issued from a private rented sector scheme

A letter issued within the 3 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 resolve homelessness

A letter of attestation from an employer

A letter issued within 3 months prior to the check confirming the holders name signed by the person who employs the holder (giving their name and business address) confirming the holders status as employee and employee reference number of their national insurance number.

A letter from a UK further or higher education institute

A letter issued within 3 months prior to the check from a UK further or higher education institute confirming the holder's acceptance on a current course of studies. This letter should include the name of the educational establishment, as well as the name and duration of the course.

A letter issues from a British passport holder with an acceptable profession

A letter issued within 3 months prior to the check from a British Passport holder who works in (or is retired from) an acceptable profession. The letter should confirm the holder's name and confirm that the acceptable professional person has known the holder for longer than three months.

Benefits paperwork

Benefits paperwork issued by HMRC, a UK Local Authority or Job Centre Plus, on behalf of the Department for Work and Pensions or the Northern Ireland Department for Social Development, issues with 3 months prior to the check.

Criminal record check

Disclosure and Barring Service Certificate (criminal record check) issued within the 3 months prior to the check.

Section 3: Face to Face checks

We are required to check your right to rent documentation in person with you. We cannot accept documentation electronically as you have to be present along with your documentation during the checks.

If you have a '**time limited**' right to rent in the UK, then this can be done **no sooner than 28 days before the start of your tenancy**.

If you have an '**unlimited right to rent**' in the UK, then **we can check your documentation at any time before the start of your tenancy**.

Open day

McKinley Residential will have a presence at the Open Day in order to show prospective tenants around properties and to answer any questions that you may have. In addition, we will also have an area dedicated to carrying out 'right to rent' checks with tenants that wish to rent a property from us.

For students with un-limited right to rent in the UK.

We strongly recommend that you bring with you the relevant ID/documentation that proves you have the right to rent in the UK so that we can carry out the necessary checks with you on the day

Should you not bring the documentation with you to the Open Day then you will be required to visit our offices at a later date for us to carry out the Right to Rent checks with you before being permitted to move into a property.

Section 4: Frequently asked questions

Q. Please can you explain the type of tenancies that you offer as I am looking for accommodation from September onwards. I am from China and will be coming to the UK on my own.

A. We offer two types of tenancies ‘Individual’ tenancies and ‘Joint tenancies’ – explained below. Please note that all tenancies are for a period of 12 months, we do not offer shorter lets than this.

***Individual tenancies** – are based on renting a ‘room’ within a house, all bills are included, and locks are provided on bedroom doors. Communal areas within the house are shared with other tenants also renting rooms individually. You are responsible for your bedroom and the shared communal spaces. These tenancies are often higher priced than joint tenancies due to bills being included in the rent.*

***Joint tenancies** – are based on a group of people sharing a house, you are required to form groups yourselves as this is not something we can help with.*

Q. As I am travelling from overseas would you recommend an individual tenancy or a joint tenancy?

*A. This based on an individuals’ personal preference and would therefore be your decision. Please be aware that if you decide on a joint tenancy whereby you are moving in with a group please remember that all ID/visas’ etc. will need to be checked ‘face to face’ before we can permit **any** tenants to move in. We ask that you communicate as a group regarding your expected date/s that you will be able to meet with a Mckinley representative in order for your right to rent checks to be carried out, as the dates may be staggered.*

Q. I am British, do I need to have a Right to Rent check?

A: Yes, regardless of nationality we are required to check the Nationality that you state you are and view originals and take certified copies of the appropriate documentation.

Q. What happens if I am a citizen from a country outside of the EEA and Swiss countries and I am moving to the UK. I will not be visiting the UK prior to my arrival in the UK and need to agree a residential tenancy?

A. In such a scenario as above, if you have a relevant visit visa and therefore a 'limited' right to reside in the UK this will mean that the new tenancy agreement is subject to a condition that the Right to Rent checks are satisfied once you arrive in the UK.

We can ensure that all the relevant paperwork is in place prior to your arrival however please be aware that the tenancy agreement/contract will not be finalised until the relevant 'face to face' check have been carried. If sufficient documentation is not provided, then you will not be permitted to move into the property and keys will not be handed over.

Q. I cannot attend the Open Day or visit your offices before September – is there any way that I can send you a copy of my ID electronically, I am a UK citizen.

A. We cannot accept any forms of ID or Visa's electronically as these MUST be checked in person by a Mckinley Representative. If you are not planning on arriving in Debden until you wish to move into a property, then we will try and accommodate the checking of your ID on the same day that you wish to move in. Please note that this may not be possible.

Q. I am a UK citizen but I don't hold a UK passport and also don't have two of the acceptable documents that are required to prove that I have a right to rent in the UK – what shall I do?.

A. We recommend that you apply a for a passport as once received this is all that you are required to produce to prove that you have the right to rent in the UK.

Q. What if I am renting a house with students coming from overseas arriving on different dates?

A. A check needs to be carried out on every adult occupier. If tenants are arriving from abroad at a later date than other occupants, they will need to pass a Right to Rent check before taking up occupancy. We are not permitted to hand over the keys and allow any of the tenants to move into a property until the 'face to face' checks have been carried out - with all tenants listed on the tenancy agreement.

Q. I am going to be sharing a house with four other people. Our tenancy start date has been set as the 15th September however one of my housemates isn't arriving in the UK until the 20th September – how will this affect us?

*A. As tenants on a Joint Tenancy 'Assured Shorthold Tenancy' you will all be liable for the rent from the start date of the tenancy. Unfortunately, a tenancy start date cannot be altered or moved back should you wish to move into the property at a later date. The household will not be permitted to move into the property until **all** tenants' documentation has been checked 'face to face' by a Mckinley Representative.*

Q. I am renting a room from you on an individual tenancy, my tenancy agreement states that my tenancy starts on the 5th September but I am not looking to arrive in the UK until the 15th September – can this be changed please?

A. Unfortunately, tenancy start dates cannot be altered/put back in anyway. These are set by Landlords as to avoid having periods where their properties are vacant for a long time. You will be liable for the rent from the start date of your tenancy, not from the date that you wish to move in.

Q. My family want to move me into the property but one of my housemates is yet to have the Right to Rent Checks – what can I do, as it's their only free weekend to help me?

A. By law we are required to carry out the Right to Rent checks on all tenants before permitting anyone to move in to a property. Unfortunately, regardless of an individual's personal circumstances we must adhere to the legislation, and therefore would not permit you to move in prior to the relevant checks being carried out.

Q. You have advised me that you will check I have the right to rent when I arrive in the UK. My flight arrives at 8pm in the evening, would it be possible to check my ID and move me into the property that evening?

It will not be possible to carry out the relevant checks and check you into the property at night time, this will need to be

carried out during office hours: 9am - 6pm. If you arrive in the UK outside of these hours you will be required to find alternative accommodation and await your appointment for the ID checks the following day. We will always try and carry out the checks with you on the day of your arrival – if you can visit our office hours during working hours.

Q. I don't have all the relevant documentation to prove I have a right to rent in the UK, am I able to still move in and supply this at a later date as to not delay the rest of my housemates moving in.

Unfortunately not – we are unable to permit you to move into a property until we have checked you have the Right to Rent in the UK.

Q. Can I sign my Tenancy Agreement prior to my Right to Rent check or from abroad?

A. Yes - as this will be sent to you electronically to sign- however the tenancy agreement is conditional upon a satisfactory right to rent check before you move in. Therefore, if you arrive and don't pass the right to rent checks – the tenancy agreement will not take effect. Should this happen then you will be liable for a fee of £250.00 as a way of compensation and to cover loss of rent, as the landlord will be required to find an alternative tenant.

Q. I am already a tenant in a Mckinley Residential property and I wish to stay on, you already have my ID – do I need to do these checks also?

For students with an un-limited right to rent in the UK.

A. if you have already had a Right to Rent check with us then you do not need an additional check

For students without an un-limited right to rent in the UK.

A. *Yes, you will need to have to have a Right to Rent check with us again. Unless of course the visa we checked covers the duration of your tenancy.*

We will need to make sure that all Right to Rent checks have been carried out prior to the 'start date' of a new tenancy. If you are on an individual tenancy then we will only need to check your documentation, however if your on a joint tenancy we will need to check all tenants that will be named on the tenancy agreement.