

# Conducting Right to Rent checks post 30<sup>th</sup> June 2021

SOLUTION FOCUSED TRAINING  
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# The End Of The Transitional Period

- The Transition out of the EU ended on December 31<sup>st</sup>, 2020
- On the 1<sup>st</sup> January 2021 the UK officially left the EU
- It is important to check your agency is compliant



# The Brexit Timeline

23 Jun 2016

Referendum held

29 Mar 2017

Prime Minister formally triggered Article 50

20 Mar 2019

Prime Minister wrote to European Council President Donald Tusk, asking to extend Article 50

20 Dec 2019

Boris Johnson reaffirmed his commitment to 'get Brexit done' by 31 January 2020

23 Jan 2020

European Union (Withdrawal Agreement) Act received Royal Assent.

31 Jan 2020

UK left the European Union and entered a transition period that is due to run until the 31<sup>st</sup> December 2020.

# Retrospective Checks

As a result of the pandemic, **Right to Rent** checks were temporarily adjusted by the Government allowing letting agents & landlords to carry them out via digital platforms

- Retrospective checks do NOT need to be carried out on those who had a COVID-19 adjusted check between 30 March 2020 and 20 June 2021 (inclusive). This reflects the length of time the adjusted checks have been in place and supports landlords during this difficult time.
- You will maintain a defence against a civil penalty if the check you have undertaken during this period was done in the prescribed manner or as set out in the COVID-19 adjusted checks guidance.

# Right to Rent Checks

The temporary COVID-19 adjusted right to rent checks will now end on 20 June 2021, and from 21 June 2021 landlords will revert to face to face and physical document checks as set out in legislation and guidance.

This is aligned with the easing of lockdown restrictions and social distancing measures, as set out in the government's roadmap for England.



# KEY INFORMATION

Free movement has ended.

From 1 January 2021, the UK implemented a points-based immigration system that treats EU and non-EU citizens equally, prioritising individuals' skills and talent over where a person comes from.

From 1 January 2021 an EU, EEA or swiss citizen, will need to meet specific requirements in order to study or work in the UK.

EU Citizens will also need to pass relevant checks, including UK criminality checks

# Citizens' Residence Rights after the UK leaves the EU



There will be no change to the residence rights and status of EU citizens currently living in the UK until 30 June 2021.

If someone is living in the UK prior to 31 December 2020, they can [apply to the EU Settlement Scheme](#) to continue living in the UK after 30 June 2021.



# Who should apply for EU settlement status?

The EU countries are:

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

The European Economic Area (EEA)

The EEA includes EU countries and also Iceland, Liechtenstein and Norway. It allows them to be part of the EU's single market. Switzerland is not an EU or EEA member but is part of the single market.

This means Swiss nationals have the same rights to live and work in the UK as other EEA nationals.

# EU Settlement Options

The rights and status of EU, EEA and Swiss citizens living in the UK by 31 December 2020 will remain the same until 30 June 2021.

Being granted EU Settlement Scheme successfully, means that one will be able to continue living and working in the UK after 30 June 2021.

- SETTLED STATUS
- PRE-SETTLED STATUS

The status depends on how long the applicant has been living in the UK when applying.

# Settled Status

- Five years' continuous residence means that for 5 years in a row you've been in the UK, the Channel Islands or the Isle of Man for at least 6 months in any 12 month period.
- Applicant has lived in the UK for a continuous 5-year period in the past have not left the UK for more than 5 years in a row since then
- Applicant may also be able to apply for [British citizenship](#) if eligible

# Pre-Settled Status

- If the applicant has not lived in the UK for 5 years in a row (known as 'continuous residence') pre-settled status will usually be granted.
- The applicant must have started living in the UK by 31 December 2020 unless applying as the existing close family member of an EU, EEA or Swiss citizen who started living here by then.
- The applicant can [apply to switch to settled status](#) as soon as they have had 5 years' continuous residence.
- The 5 years is counted from the day they first arrived in the UK. They do not need to have held pre-settled status for 5 years to apply.

The applicant must apply for settled status before pre-settled status expires to stay in the UK.

# After The Application

If the application is successful, a letter will be emailed to the applicant confirming SETTLED or PRE-SETTLED

The letter itself CANNOT be used to prove status

# Proving Immigration Status

If an applicant has been told they can view their immigration status online they can use this service to:

- Get a 'SHARE CODE' to prove status to others, for example, employers
- Update personal details, for example, passport number or email address
- Check what rights one has in the UK, for example the right to work, right to rent or right to claim benefits

<https://www.gov.uk/view-prove-immigration-status>

# UK IMMIGRATION APP

## Tenants can use this service if :

- They have settled or pre-settled status
- They have applied for a visa and used 'UK Immigration: ID Check'
- ID Check' app to scan their identity document on their mobile phone

## Tenants will need:

- Details of the identity document used when they applied (passport, national identity card, or biometric residence card or permit)
- Date of birth
- Access to the mobile number or email address – they will be sent a code for logging in



|                                            | Pre-Settled Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Settled Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| What is it?                                | UK immigration status called <b>Limited</b> Leave to Remain                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | UK immigration status called <b>Indefinite</b> Leave to Remain                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Who is it for?                             | EU, EEA, Swiss citizens and their family members who <ul style="list-style-type: none"> <li>•reside in the UK by 31 December 2020</li> <li>•have no serious criminal record</li> <li>•have lived in the UK for <b>less than five years</b></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EU, EEA, Swiss citizens and their family members who <ul style="list-style-type: none"> <li>• reside in the UK by 31 December 2020</li> <li>• have no serious criminal record</li> <li>• have lived in the UK for <b>at least five years</b>, during which time they spent less than six months abroad in any 12-month period (unless for compulsory military service, a single absence of 6-12 months may be allowed for an "important reason"). This is called "<b>continuous residence</b>"</li> </ul> |
| How long is it granted for?                | <b>For five years</b> , but you will lose it if you leave the UK for a period of two consecutive years. However, it should be noted that in order to qualify for 'settled status' you will have to have continuously lived in the UK for 5 years or more and have not spent over 6 months overseas in any 12 months period.<br>Please note that if you are granted pre-settled status on the basis of your residence in the UK before the end of the transition period (31 December 2020) you would not meet the requirements for an extension of pre-settled status if, after that date (31 December 2020), you break the continuity of your residence by being outside the UK for more than 6 months in any 12-month period regardless of whether you returned to the UK within 2 years, thus retaining pre-settled status.<br>It can also be revoked for subsequent criminal offending. | <b>Forever</b> ,but you will lose it if you leave the UK for a period of five consecutive years (four years for Swiss citizens).<br>It can also be revoked for subsequent criminal offending.                                                                                                                                                                                                                                                                                                             |
| When do I need to re-apply?                | You need to re-apply to change your pre-settled status to settled status before your pre-settled status expires. You will be able to do this as soon as you accrue five years of "continuous residence" in the UK.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Never!</b><br>You do not need to re-apply,                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| What are my employment and welfare rights? | You will enjoy the same rights to live, work and health care, but pre-settled status <b>does not count as "right to reside" for the purposes of welfare benefits.</b><br>To access welfare benefits you must be able to show your "right to reside" under the EEA Regulations by being a worker for example.<br>This may not matter now but if you need to access support because of ill health, unemployment or domestic abuse you will need to demonstrate your "right to reside".                                                                                                                                                                                                                                                                                                                                                                                                       | You will enjoy the same rights to live, work, health care and welfare benefits as British citizens as your settled status is evidence that you have a right to reside in the UK.                                                                                                                                                                                                                                                                                                                          |
| Can I apply for British citizenship?       | <b>No</b> , you need to be settled in the UK before you can apply.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Yes.</b> But please note, an adult can only apply to become British after holding settled status for a year - unless you are married to a British citizen in which case you can apply to become British as soon as your settled status is granted.<br>There are specific criteria that need to be met to become British and so you should check that you meet all the requirements before applying                                                                                                     |



Thank you for watching

Q & A