

THE  TIMES

THE  BRIEF



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## Right to rent - a hostile environment at any cost

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"The national identity card scheme represents the worst of government. It is intrusive and bullying, ineffective and expensive. It is an assault on individual liberty which does not promise a greater good ..."

So said the home secretary in May 2010.

However, since then there has been a systematic restriction of liberty, including the outsourcing of immigration functions to employers and landlords, aimed at creating a "hostile environment" for illegal immigrants.

The controversial right to rent scheme will be rolled out across England on February 1 to target so-called rogue landlord and illegal immigrants. First implemented in December 2014 under that year's Immigration Act with a pilot in the West Midlands, the scheme is not being subjected to further parliamentary scrutiny.

All private landlords in England will be obliged to check, and retain specific documents to prove that new tenants are lawfully resident in the UK before renting property to them. Failure to do so could lead to civil penalties of up to £3,000 a tenant. Current estimates suggest this will affect 2.6 million tenants and 1.8 million landlords.

Human rights campaigners have sharply criticised the scheme, as has the lettings sector and housing charities. Research from the Joint Council for the Welfare of Immigrants (JCWI) suggested that the West Midlands pilot was ineffective, not least as Home Office statistics show a mere five civil penalty notices were issued to "rogue landlords" during that trial run.

Moreover, of the 109 "illegal immigrants" identified by the Home Office, 52 per cent had pending cases and could therefore not be removed from the UK. The JCWI also reported that 42 per cent of landlords said they would be unlikely to rent to those

without British passports and, more worryingly, more than 25 per cent said they would be less likely to rent to someone with a foreign name or accent.

Home Office research into the impact of the scheme was wholly inadequate. James Brokenshire, the immigration minister, described it as "extensive" yet only 68 tenants were interviewed of which nearly 90 per cent were students, a category of tenants that the Home Office admitted was less likely to have difficulty proving their immigration status. Notwithstanding the limited scope, evidence of discrimination was still found.

The position is likely to get worse. The Immigration Bill 2015 introduces criminal sanctions for landlords who knew, or had reasonable cause to believe, that an occupier did not have a right to rent. Landlords issued with a notice from the Home Office informing them that a tenant does not have that right will be permitted to issue an eviction notice, enforceable as if it were an order of the High Court.

The government seems insistent on creating this "hostile environment" whatever the cost - from restricting access to housing, driving licences and bank accounts, to removing rights of appeal. What is clear is that right to rent - rather than deterring illegal migration - serves only to increase discrimination against those without a British or EEA passport.

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