



Right Honourable Mark Prisk MP
Minister for Housing and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

15 July 2013

Dear Mark,

Tackling illegal immigration in the private rented sector

Thank you for advising me in your letter of 3 July about the government's plans to require private landlords to check the immigration status of new tenants.

The Chartered Institute of Housing has serious concerns about the proposal. Our main concern is about the potential effects on the housing options of legal migrants and existing UK citizens who might be mistaken for migrants.

Recent migrants overwhelmingly rely on the private rented sector and already often occupy poorer quality lettings. It seems likely that if a prospective tenant is not obviously British landlords may simply reject them, given the pressures in the sector at the moment, the competition for tenancies and the potential delay if further checks are needed.

Such discrimination will be very difficult to uncover given that landlords will be making simultaneous enquiries about bank accounts, references etc., which will give them other grounds for rejecting an application.

This could drive migrants, and some UK citizens, even further into poorer quality lettings with less scrupulous landlords who are probably already in breach of the law in other respects. It could also place extra pressure on local authorities at a time when homelessness is already growing.

We are also concerned about the complexity involved in carrying out immigration checks. The consultation paper gives 20 example documents that landlords might expect to see, as well as

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making clear that they will be expected to know (for example) which countries are included in the European Economic Area. However, the UK Border Agency guidance to employers on making immigration checks is an 89-page document with many more than 20 examples.

While the landlords' task is likely to be slightly less complicated than an employer's, the expectation that immigration checks can be 'quick and straightforward' is only realistic in obvious cases. This risks erroneous judgments being made by landlords and agents inexperienced in immigration matters, bearing in mind that staff in local authorities and indeed the Home Office itself often make mistakes in this complex area, despite their experience.

Our third concern is about enforcement. Except in the very small proportion of lettings which attract the attention of the UK Border Agency, the scheme appears to rely on a high degree of self-enforcement. Landlords already have to comply with various requirements when they make a letting, but many of these are poorly enforced because of the limited resources available to local authorities and the rapid growth of the sector. There is a strong risk that immigration checks will face similar enforcement challenges.

We suggest that a scheme which affects such a large number of landlords and tenants (we estimate there are 2m private landlords making 1.2m lettings a year in England alone) ought to be trialed first to test its practicality. Any policy change of this magnitude should also be monitored carefully. If there is no trial or monitoring, there is a danger that the scheme will fail to deliver what Ministers want and at the same time permanently affect the housing options for legitimate migrants.

We urge you to ask your colleague the Home Secretary to widen the scope of the consultation to consider the fundamental principles of the proposed policy as well as the more detailed questions about its implementation that are currently included.

I am happy to provide further detail or to meet with your officials to discuss further.

With best wishes,

Grainia Long
Chief Executive