



Chartered  
Institute of  
Environmental  
Health

# Tackling illegal immigration in privately rented accommodation

Response to the Home Office consultation

August 2013

## About the Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish guidance notes and magazines; run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,000 members across England, Wales, Northern Ireland and Scotland

Our members work in a variety of employment roles. In the context of this response it is important to note that the profession provides the principal food safety and standards expertise in Port Health authorities, Local authorities and retail and manufacturing businesses.

Any enquiries about this response should be directed in the first instance to:

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## **Introduction**

The Chartered Institute of Environmental Health has the most fundamental reservations about the proposals contained in the consultation paper. We view them as unworkable and do not agree that it should be the responsibility of landlords to fulfil the role of the UK Border Agency. We have particular concerns about the potential effects on the housing options of legal migrants and the knock-on impacts for hard-pressed local authorities.

### **Our concerns about the principles behind the proposals**

We do not agree that private landlords should be expected to do the job of the UK Border Agency of checking on immigration status. Migrants are disproportionately dependent on the private rented sector and are already more likely to be exploited by disreputable landlords, many of which are unknown to local authorities. We believe that the proposals will mean that landlords least likely to put up barriers to offering tenancies to migrants are also those who are most likely to be not complying with other housing legislation and local regulation, such as licensing schemes, planning permission, fire safety or any requirements made of them under the Housing Health and Safety Rating Scheme. We also have concerns that migrants will be further pushed towards destitution, as hostels are exempt from the proposals.

In terms of enforcement, the proposals essentially rely on a high degree of self-enforcement by landlords and further on "whistle blowing". Landlords already have to comply with various requirements when they make a letting, but many of these are poorly enforced because of the resource constraints on local authorities, alongside the rapid growth of the private rented sector.

### **Our concerns about the practicalities of the proposals**

Conservative estimates of the number of private landlords in England put the figure at around 2 million; over 1.2 million lettings take place in any given year. Over 70% of landlords own one or two properties only. The rate of growth in the private rented sector has been rapid in the last 5 years, with the sector now being second only in size to owner-occupation. We believe the proposals will significantly add to the administrative burden, certainly for landlords and probably for local authorities too. Landlords already carry out several checks on financial status, references etc and these proposals will add to the complexity, especially as immigration checks will not always be "quick and straightforward" as the consultation paper contends.

The consultation includes around 20 examples of different types of immigration status document that a landlord might be expected to check. It seems they will also need to know which countries are within the European Economic Area. We envisage that the demands on the Home Office to assist landlords with their verification process will grow significantly. It is far from unusual for both the Home Office and local authorities to make mistakes about immigration status - is not the risk of error greater among hard-pressed landlords? In high demand areas landlords will have many tenants to choose from and there is a real risk that landlords will choose a tenant whose status is straight-forward i.e. has a British Passport and that this will serve to discriminate against others. The Home Office telephone service will therefore need to be very responsive, or significantly more responsive than it is now. If people are left in a queue or emails get answered in 6 days as suggested in the consultation document then this will not work. There is an immediacy when it comes to letting accommodation that does not occur in for example a recruitment process (another scenario involving immigration checks).

Another concern we have is that the various practical complexities of the proposals could mean that legal migrants might find themselves at a disadvantage compared to those who appear to have bona fide UK citizenship credentials. Furthermore legal migrants are likely to find themselves at the mercy of less scrupulous landlords.

It is our understanding that landlords housing persons who are 'placed' in the private rented sector by a local authority under homelessness legislation are exempt, but this issue is not clear-cut. Local authorities may be placing persons at risk of homelessness (but they have not been determined as such under the legislation); or, they may be persons who are being housed whilst their circumstances are being investigated leading to a 'homelessness' determination. In these scenarios as presently drafted the private sector landlord would still be required to carry an immigration check but may genuinely believe him/herself to be exempt. At the very least any Home Office guidance note will need to make this clear to landlords.

In respect of social lettings agencies and similar, persons who are placed in the private rented sector by a social lettings agency – often persons who have suddenly become homeless – often do not have the necessary ID available. Similarly, landlords who provide move-on accommodation from hostels rely on the hostel itself to determine that the person will be a satisfactory tenant. These persons may have had chaotic lives and may not have the necessary ID. The proposals need to be framed in such a way that these schemes do not falter because of this new requirement.

As far as HMOs are concerned, local authorities will need a clear steer as to whether the new legislation needs to say anything about whether a serial offender's action may be taken into account in determining whether someone is a fit and proper person under HMO licensing or whether this is a given under the Housing Act 2004.