

Social housing and the UK immigration policy right to rent rules



Dianne Cowie

In the wake of the Windrush scandal, the government's approach to immigration has been under increased scrutiny. This focus on the UK immigration policy extends beyond border controls, to the impact it is having on people's housing choices. People are questioning the policy changes that have led to those who have done nothing wrong to be penalised.

In an article for the Guardian, John Perry (30 May 2018), policy advisor at the Chartered Institute of Housing, sets out some of the issues. As many people know, it can be difficult enough to have their applications for social housing approved, but changes in the law, such as the right to rent requirements which require landlords to ask tenants for original documents that prove they can live in the UK, have exacerbated this battle.

This also extends to people, like those caught up in the Windrush scandal, who are caught out whilst they are in the process of applying to regularise their status. There is evidence that people are being discriminated against and denied homes to live in due to the right to rent rules. As a result, some private landlords rule out potential renters without carrying out the necessary checks simply because they are a foreign national.

Right to rent rules do not just affect private landlords. It is incumbent on social landlords to ensure that their employees know the rules and that these are complied with. As John Perry's article notes housing staff are often advising potential tenants that their application is not eligible as an EU national or someone with limited

leave to remain in the UK. However, this assessment is not straightforward, and many tenants may be entitled to a home.

These issues are often complex, meaning tenants feel unable to question what experienced landlords are saying is the law. This is sometimes not malicious as many providers lack resources. But that does not change the fact these tenants are having their rights denied.

When faced with this situation legal advice can and should be sought. Applicants can access free advice through pro bono advice clinics run by solicitors, Duncan Lewis, in Streatham, Mitcham and Morden Citizens advice bureaus. We can also provide advice using alternative funding and can assess legal aid eligibility.

Author, Dianne Cowie, is a Director of Housing at Duncan Lewis' Croydon branch. Dianne specialises in tenant and landlord matters including; tenancy disputes, disrepair, possession proceedings, injunctions, committal proceedings, homelessness appeals and judicial reviews.

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If you have any housing queries contact our team on 0333 772 0409.



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