



Ministry of Housing,
Communities &
Local Government

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Dear Landlord and Letting Agent representative organisations,

As you may be aware, in April, my Department announced a dedicated package of support to help British National (Overseas) [BN(O)] status holders coming to the UK on the Hong Kong BN(O) route settle successfully in the UK. The move delivers on the UK's historic and moral commitment to the people of Hong Kong who chose to retain their ties to the UK by taking up BN(O) status in 1997. It provides them with a pathway to settle in the UK should they choose to do so.

After recently meeting with new arrivals from Hong Kong, I understand that some status holders are experiencing issues accessing the private rented sector. I am writing to provide explanation of their legal status which I hope can reassure landlords and letting agents to consider Hong Kong BN(O) status holders as prospective tenants. I would appreciate if you could share this clarification with your members.

Firstly, I want to address any concerns landlords may have with regards to Right to Rent. BN(O) status holders and their eligible family members will either arrive in the UK with a BN(O) visa, granting them a stay of either 5 years or 2 years and 6 months, or they can be granted Leave Outside the Rules (LOTR) at the border, which will give them leave to stay of 6 months. LOTR is being granted at the border to allow BN(O) status holders and their eligible family members to enter the UK and apply for a longer-term BN(O) visa from within the UK. Both LOTR and BN(O) visa holders have the right to rent in the UK.

I understand that landlords or letting agents may have some concerns regarding letting to those who have been granted LOTR due to their 6 month period of leave. However, I wish to make it clear that a landlord can offer a 12 month Assured Shorthold Tenancy to someone who has been granted LOTR for 6-months. Right to Rent ensures that those with time-limited leave are not prevented from accessing the private rented sector, by having an 'eligibility period' which provides a landlord with a defence against a civil penalty. The eligibility period can be set to one year from the date on which the initial right to rent check was carried out.

This means that where an individual obtains LOTR, they can present their endorsed passport to a landlord to prove their Right to Rent. The landlord is not required to carry

out a further check until the end of an initial 12 month period. Those on the BN(O) visa route will either have a Biometric Residence Permit (BRP) or they will have digital status which can be used to evidence their immigration status in the UK, including their right to rent.

Where a tenancy rolls over the landlord should carry out a follow up check at the end of the 12-month eligibility period where the individual no longer has lawful status in the UK, the landlord must make a report to the Home Office via gov.uk to maintain a statutory excuse against liability for a civil penalty. A landlord is not required to evict the tenant unless issued with a 'Notice of letting to a disqualified person' by the Home Office. Whilst we can't guarantee that those with LOTR will apply for a BN(O) visa or another grant of leave, we believe that the majority of those granted LOTR would have the intention to stay in the UK long-term and may wish to maintain tenancies for longer.

Secondly, I understand that providing extensive references may prove challenging for Hong Kong BN(O) status holders. Naturally, a letting agent is free to carry out any referencing checks within the law as they deem appropriate before accepting a new tenant. This may include income requirements or the need for a guarantor, dependent upon the decision of the individual landlord. I would encourage Landlords and letting agents to exercise discretion and, for example, to accept alternative forms of reference, in view of the exceptional circumstances that this group find themselves in. You may wish to consult further guidance on Hong Kong BN(O) status holders and their legal status, which can be found on gov.uk.

It may also be helpful to note the upcoming changes to Right to Rent checks more broadly. The temporary adjustments to Right to Rent checks due to COVID-19 are ending and from 21 June 2021 landlords must either [check the applicant's original documents](#), or [check the applicant's right to rent online](#), if the applicant has given the landlord their share code.

EU, EEA, or Swiss citizens can continue to use their passport or national identity card to prove their right to rent in England until 30 June 2021. After that date, landlords will be able to check the right to rent of those who have been provided with digital evidence of their immigration status using the online system, where the applicant has given their share code. For those whose immigration status is held in a physical document (e.g. visa or vignette) landlords will be able to check their right to rent using their documents, in the same way as they do for non-EEA nationals now.

Thank you for your support in providing a warm welcome to these new arrivals.

A handwritten signature in black ink that reads "Robert Jenrick." Below the signature is a horizontal line.

RT HON ROBERT JENRICK MP