



Home Office

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Dear Margaret,

Thank you for your letter of 24 September about your concerns relating to the Immigration Bill 2015 and the Right to Rent scheme. You have raised concerns about the potential impacts upon matters that are properly devolved to the Scottish Government and the potential impact of these measures.

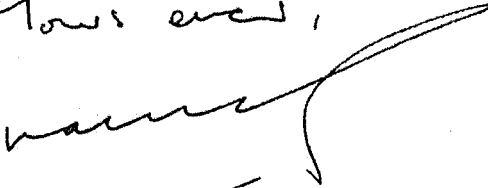
The Right to Rent scheme and the new measures in the Immigration Bill relate to immigration control, which is not devolved. These measures restrict access to housing within the private rented sector by persons who are subject to immigration control and as such are reserved. The intent behind these measures is to restrict the access that illegal immigrants have to the private rented sector.

The Right to Rent scheme, introduced in the Immigration Act 2014 extended similar restrictions to those already seen in relation to social housing and employment to those in the private rented sector who are in the UK without authority and who should be seeking to leave or regularising their stay. It is not fair to our lawful residents, including our lawfully remaining migrants and settled migrant population that they should face competition for housing from people who know they have no lawful claim to be here. It is also inappropriate that those here without permission should believe that they can otherwise seek to establish a settled life in the UK, when other migrants who wish to come to the UK strive to abide by the Immigration Rules. Lawful migrants enjoy a right to rent and those who are settled here have an unlimited right to rent.

In relation to the landlords who exploit and profit from illegal immigration, our experience is, including in the work that Home Office Immigration Enforcement has carried out with local authorities in Scotland, that they are generally breaking multiple rules. For the first time in law, immigration officers will no longer simply arrest the illegal immigrants found in rented property, they will shine a light onto the behaviour and activities of these landlords, some of whom are involved in organised exploitative or illegal behaviour. Immigration officers will work closely with local authorities in identifying and tackling these problem landlords. Landlords who

repeatedly rent to illegal immigrants or who repeatedly fail to evict them will now face penalties that are consistent with those for those who employ illegal workers. You have asked about the evaluation of the first six months of the Right to Rent scheme and I can assure you that I intend to publish the findings and background as to how the evaluation was conducted in due course.

As immigration is a reserved matter, I do not believe that making provision with a similar effect for Scotland requires a legislative consent motion. I hope that you will understand, therefore, why I do not believe that a meeting would assist in advancing the matter. My officials shall, however, be engaging closely with yours going forward.

Yours ever,


Rt Hon James Brokenshire

Cc Secretary of State for Scotland.