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**Runnymede Trust Consultation Response: Tackling illegal immigration in privately rented accommodation**

**About Runnymede**

Runnymede is the UK's leading independent race equality think tank. Since 1968 we have worked to build a Britain in which all citizens and communities feel valued, enjoy equal opportunities, lead fulfilling lives, and share a common sense of belonging. Further information is available at: [www.runnymedetrust.org](http://www.runnymedetrust.org)

**Runnymede Trust response**

This document represents the Runnymede Trust's response to the consultation: Tackling illegal immigration in privately rented accommodation. We have written this response in place of completing the online questionnaire as we do not believe the questions are relevant to ensuring the fair treatment of ethnic minorities in Britain. We appreciate the opportunity to respond to these proposals and our response is based on evidence which we believe should be taken into account.

**1. Overall concerns**

1.1 We strongly oppose these proposals that seek to create a new requirement on landlords to conduct immigration checks on tenants. We do not believe that they will achieve their stated outcomes of encouraging illegal immigrants to voluntarily leave the country or tackle illegal and overcrowded households. Illegal structures such as so called "sheds with beds", overcrowded households and housing with poor conditions are managed by unscrupulous landlords who are more likely to disregard any new Immigration Rules rather than adopt more scrupulous activities. We believe this policy is unworkable as it will be difficult to prosecute a landlord based on the information and exemptions laid out in the consultation document.

1.2 As the consultation document highlights; there is higher private renting among Black Africans, Chinese and higher social housing among Black people and Bangladeshis.<sup>1</sup> There are 7.5 million immigrants in the UK, 55% of immigrants are ethnic minorities (not including 'white other') and there are 7.9 million Black and minority ethnic people in the UK, 52% of whom are migrants.<sup>2</sup> It is likely, therefore, that this proposal will impact on Black and minority ethnic (BME) people.

1 DCLG (2010) English housing survey 2008 to 2009: household report <http://www.gov.uk/government/publications/english-housing-survey-2008-to-2009-household-report>

2 ONS (2012) International Migrants in England and Wales 2011 <http://www.ons.gov.uk/ons/rel/census/2011-census/key-statistics-for-local-authorities-in-england-and-wales/rpt-international-migrants.html>

## **2. Race discrimination**

2.1 These proposals will adversely affect ethnic minorities in ways which have not been considered. We note that the consultation document briefly acknowledges equality issues but we do not believe the Home Office has fully explored the potential for discrimination at the application stage, before the landlord has accepted an offer on renting the accommodation. The proposals make an assumption that landlords will treat all prospective tenants equally and that they will invest time and potential loss of earnings to make checks if they are unsure of the individual's legal status and identity.

2.2 In a highly competitive private rental market, landlords are in the position to turn away prospective tenants. It is possible that some landlords will exclude prospective tenants before they carry out any checks. Based on the above figures it would not be unfair to suggest that landlords, subconsciously or consciously, may assume that BME people are more likely to be migrants and potentially irregular immigrants based on skin colour and nationality alone.

2.3 There is evidence of discrimination in the labour market that shows that the private sector discriminates against ethnic minorities.<sup>3</sup> As these new proposals for landlords are modelled on existing controls used within employment we have legitimate concerns about possible discrimination by landlords. There is further evidence that suggests when you control for all other factors there remains an 'ethnic penalty' in the private sector.<sup>4</sup>

## **3. Checks and discrimination**

3.1 The proposals will create more 'red tape' for landlords that need to verify certain documents with the Home Office. This is an unnecessary burden. Law-abiding and legitimate landlords may be deterred from taking on non-EU citizens because they will need to check documents that they are unfamiliar with such as non-EU passports, identity documents and UK immigration stamps. We agree with the Children's Society response which highlights that undertaking the proposed checks will be highly challenging and difficult for landlords. Immigration status can be complex and an individual's status can vary considerably over time. We are aware that the Home Office frequently gets people's immigration status wrong and this will likely cause delays for the securing of accommodation for people with uncertain or undefined status. Under the proposed scheme they could simply refuse accommodation altogether possibly leading to discrimination. We believe this will disproportionately affect those with decisions pending or those with limited leave to remain.

## **4. Housing conditions**

4.1 Historically housing has been a contentious issue for BME communities. In 1950s Notting Hill, new migrants were faced with signs that said: 'no dogs, no Blacks, no Irish' and were refused accommodation on the basis of their skin colour. It is

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<sup>3</sup> DWP (2009) *A test for racial discrimination in recruitment practice in British cities* <http://www.natcen.ac.uk/study/a-test-for-racial-discrimination>

<sup>4</sup> EHRC (2008) *Equality group inequalities in education, employment and earnings: A research review and analysis of trends over time* <http://www.equalityhumanrights.com/advice-and-guidance/working-better/working-better-research/>

widely reported that this led to: landlords inflating the price for accommodation for BME people; overcrowding; and poor housing conditions. The first race relations laws in 1968 (note that the 1965 Race Relations Act did not cover housing and was a major source of complaint for its ineffectiveness, as landlords refused to house Black, Asian and Irish people) followed the riots that took place in the 1950s partly in response to race discrimination in housing and the poor housing conditions for BME people.

4.2 We agree with the Children's Society response which argues that if implemented, these changes are likely to exacerbate the problem of sub-standard and overcrowded accommodation. Evidence suggests that households with an ethnic minority were more likely to be overcrowded (12%) than White households (2%). These proposals may lead to a reduction of housing available for vulnerable people and increasing demand on more informal types of accommodation.<sup>5</sup> These proposals will exacerbate these problems and increase homelessness as well as put further pressure and costs onto local voluntary and statutory services. We note this consequence has been highlighted in the Government's impact assessment but see that both the social and economic impacts of this acknowledged outcome have not been addressed whatsoever in the proposals.

## **5. BME children and families**

5.1 These proposals will adversely affect ethnic minority children and families in ways which have not been considered. As the Children's Society has highlighted in their response, the exemption for children detailed in the consultation is relatively meaningless since it is most likely that a refusal of accommodation to parents or carers will also make any children within the family homeless. Furthermore, some children of irregular migrants are citizens e.g. one parent is irregular and the other is a citizen, but perhaps not involved in parenting. We also note that only those children up to age 16 years are exempt and wish to remind the Government of its obligations to all children including those beyond 16 years of age.

## **6. Consultation process**

6.1 We welcome the Government's commitment to carrying out an Impact Assessment for this policy which will take account of the evidence gathered during the course of this consultation. However as a first step towards preparing for the assessment we are concerned that equality issues have not been considered more carefully.

6.2 Runnymede does not believe there has been adequate consideration of the Equality Duty and due regard has not been given to the impact of these potential changes on ethnic minorities. Unfortunately we have now come to the view that Government consultations are increasingly unable or unwilling to address race equality or show due regard to the need to foster good relations.

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<sup>5</sup> DCLG (2013) *English Housing Survey HOUSEHOLDS 2011-12* <https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/english-housing-survey>

6.3 We also have overarching concerns on the process. We do not believe that a timetable of six weeks into August is proportionate and realistic to allow stakeholders sufficient time to provide a considered response.

**For further information on the points raised here, please contact Ojeaku Nwabuzo, Research and Policy Analyst: [ojeaku@runnymedetrust.org](mailto:ojeaku@runnymedetrust.org)**