

Are you keeping a record of tenants as prescribed by the Immigration (Hotel Records) Order 1972?

The UK Border Agency has advised the City Council that it started a project investigating the Immigration (Hotel Records) Order 1972 .

If you let residential accommodation such as bedsits, houses in multiple occupation or shared houses this is an important order that you will need to be aware of as it does not just refer to hotels and guesthouses.

This order applies to you if you are a “keeper” which is defined as: *“In relation to any premises, includes any person who for reward receives any other person to stay in the premises, whether on his own behalf or as manager or otherwise on behalf of any other person. The definition of “stay” within the order is “lodge or sleep, for one night or more, in accommodation provided for reward.”*

In effect if you assist in any way with the letting of residential property you are liable to keep that record. This applies equally to landlords, agents, managers and their assistants.

The record required is quite simple and straightforward. You must make a record of the name and nationality of everyone over 16 years of age who stays in your premises and keep it for a minimum of 12 months.

If that person is a foreign national you should also note the number of the identity document shown. When the person vacates the premises you should ask any foreign national their intended destination and record the reply, including a full address if known. Please note that this applies to all persons over 16, not just main tenants.

The order does contain a power of enforcement and any keeper may be liable to prosecution for:

1. Not keeping a record;
2. Not recording the correct or complete details of everyone over 16 to whom the order applies;
3. Not opening the record for inspection when required to do so by a constable or person appointed by the Secretary of State.

The order also states that it's an offence for a person to give you incorrect details or to fail to provide the required information. The maximum punishment on conviction is £5000 and six months imprisonment.

The City Council is contacting private sector landlords to tell them about the UK Border Agency's intentions. For more information contact UK Border Agency, Midlands and East Region, Local Immigration Team Cambridgeshire & Northants (East), St Ives, tel: 01480 499300.

<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2009/july/cracking-down-on-landlords>