



Response to Home Office Consultation:

**Tackling illegal immigration in privately
rented accommodation**

August 2013

About NISMP

Northern Ireland Strategic Migration Partnership (NISMP) aims to work across the spheres of government in Northern Ireland and with other key stakeholders to ensure that Northern Ireland is a welcoming place for new migrants. It seeks to support the retention and integration of people in a way that helps meet skills and labour needs to support future economic growth. It provides a regional advisory, developmental and consultative function, enabling our partners and stakeholders to develop an appropriate Northern Ireland migration policy structure. This ensures that Northern Ireland's needs and concerns in respect of immigration are recognised within the constraints of UK wide strategy.

This response to the Home Office consultation on tackling illegal immigration in privately rented accommodation will speak to issues directly impacting Northern Ireland in the wider context of UK immigration policy. **It has been approved by representatives on the Partnership. However this does not necessarily reflect the views of Partner Organisations, some of whom have not been canvassed.**

NISMP welcomes the opportunity to respond to this consultation, and the information received by the Home Office on the consultation document. This response will address over-arching issues facing Northern Ireland rather than responding to the questions provided in the pro-forma. The response will focus on three key issues: consultation of the devolved authorities in Northern Ireland, recognition of the transitional arrangements of the authorities responsible for the management of the private rented sector, and equality implications of the proposals under Northern Ireland equality legislation.

Context of Private Landlord Regulation in NI

In Northern Ireland, responsibilities for oversight of housing and landlords have previously been held by the Department of Social Development, and the arms length body of the Northern Ireland Housing Executive. The region is currently in the process of several transitions which impact upon this sector. Firstly is local government reform, which proposes to change from 26 councils to 11 councils, with a series of new functions transferred from central government. At present it is expected that responsibility for HMOs will fall under the remit of the new councils in 2015, regardless of the outcome of local government reform. General private sector landlord registration through a new Mandatory Landlord Registration Scheme proposed by the Department of Social Development was approved in the NI Assembly in September 2012 and was due to come into effect in July of 2013, however this has been delayed due to amendments proposed to accommodate changes associated with Universal Credit. Finally, there is a review of social housing provision currently taking place in the region.

Equality Duties in Northern Ireland

In Northern Ireland, public service provision is subject to Section 75 of the Northern Ireland Act 1998 (hereby referred to as 'Section 75'). This states that:

A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity—

(a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation.

Government departments are required to carry out an equality impact assessment in relation to Section 75 when introducing new policy and legislation.

Response

1. **NISMP would make a general recommendation for clarification on the process of consulting devolved administrations and monitoring the outcomes of these consultations.** It is crucial to ensuring the regional appropriateness of immigration policy that there is comprehensive, timely and ongoing engagement with and within the devolved administrations. To this end all relevant departments, agencies and stakeholders should be identified and consulted within a timeframe that allows for the constructive dialogue that is an integral part of the policy making process. This is particularly important in the case of these proposals, given the transitional stages of several of the relevant bodies impacted by the changes, which will be discussed further in point 2.

2. As stated in the background and context section of this document, relevant authorities and legislation in the private rented sector are currently under review. There are several crucial points within the consultation document which are devolved to regional government to which it would be pertinent to respond, however this would be most effectively done once there is more clarity around the changes within the devolved administration and local government across the region. **With this in mind, NISMP would strongly endorse a comprehensive, transparent and timely consultation with the relevant agencies in the region, particularly in respect of the following issues outlined in the consultation paper:**
 - The responsibilities of licensing authorities to judge the 'fit and proper' status of a private landlord in relation to immigration related offences;
 - The allocation of additional funding to local authorities to manage the monitoring of housing standards to vulnerable people;
 - Priority of social housing provision to 'local' applicants.

3. As stated the equality section of this document, public authorities in Northern Ireland have a statutory duty to ensure that actions of public bodies – including local authorities and government departments – must give due regard to promotion of equality of opportunity to individuals regardless of racial group. The introduction of liability for landlords in the area of illegal immigration could have the unintended impact of increasing the likelihood of discrimination against individuals from different ethnic and national backgrounds on the part of employers. As such it is important that an equality impact assessment is carried out which takes these issues into consideration. The consultation also makes reference to new rules proposed alongside this policy which introduce statutory guidance for councils requiring social housing allocation policies which give preference to 'local' applicants. **This may have serious implications for equality of opportunity for both foreign nationals as well as UK citizens, and NISMP would question the legality of this approach to social housing allocation being adopted in Northern Ireland.**