



Votes for Commonwealth Citizens

Summary

1. There could be as many as one million migrants from the Commonwealth who have the right to vote in UK Parliamentary elections, despite not being British citizens. Voting rights for the whole Commonwealth are an anachronism from the days of the British Empire and should be brought to an end except for citizens from those few Commonwealth countries which grant British citizens reciprocal voting rights. Irish citizens should continue to have the vote on the same principle of reciprocity.

Introduction

2. Now that the Electoral register is updated monthly instead of annually, all Commonwealth citizens can vote in all British elections virtually on arrival. This paper assesses the arguments and the numbers.

The Right to Vote

3. Nearly all countries make an explicit link between citizenship and political franchise at the national level, giving citizenship much greater significance. Other rights accorded only to citizens include the right to consular protection when abroad and the right to a passport.

4. In the United States¹ only citizens can vote in national or state elections and in Canada² only citizens are entitled to vote in federal elections. In Australia, Commonwealth citizens had the right to vote in elections until 1984. However this was changed so that only Australian citizens and British subjects, (a term covering all Commonwealth citizens) resident in Australia *before 1984* can now vote.³ In New Zealand only citizens and permanent residents can vote in elections.⁴ In Europe only citizens can vote in national elections in France, Germany, Spain and the Netherlands. In Ireland only Irish and British citizens can vote in national elections as a result of a Constitutional amendment granting British citizens reciprocal voting rights.

1 See here for voting eligibility in the United States: <http://www.usa.gov/Citizen/Topics/Voting/Register.shtml>

2 See here for voting eligibility in Canada: <http://www.elections.ca/content.aspx?section=vot&dir=faq&document=faqvoting&lang=e#a12>

3 See here for voting eligibility in Australia: <http://www.aec.gov.au/enrol/>

4 See here for voting eligibility in New Zealand: <http://www.parliament.nz/en-nz/about-parliament/get-involved/vote/00PlibHvYrSayVote1/vote-in-elections>

Voting Rights in the UK

5. By contrast, the UK extends parliamentary voting rights to significant numbers of non-citizens. Irish citizens can vote, a reciprocal right granted to the British in Ireland. So can Commonwealth citizens whose right to vote is not linked to length of residence or permanent residency but is granted on arrival. An address in the constituency is required but there are no checks on immigration status. Thus even a student visitor from a Commonwealth country who was planning to study for six months would be allowed to enrol on the Electoral Register and vote in a Parliamentary Election if one was held during the duration of his or her stay.

6. Foreign nationals who are settled residents (i.e. no longer subject to immigration control), but who are not Commonwealth citizens cannot vote in any elections, For example, a Tunisian national with indefinite leave to remain would not be allowed to vote until he acquired British citizenship. Resident EEA citizens can vote in local and European elections but not in a general election. British citizens resident in Europe have equivalent rights.

Table 1. Voting Rights by Nationality in UK

Nationality	Type of Election				
	Local	Devolved Assembly	European	National	Right to Vote from Overseas
British Citizens	✓	✓	✓	✓	✓
Irish Citizens	✓	✓	✓	✓	✗
Commonwealth Citizens	✓	✓	✓	✓	✗
Other EEA Citizens	✓	✓	✓	✗	✗
Non EEA Settled Persons	✗	✗	✗	✗	✗

The Goldsmith Report

7. In 2007 the then Prime Minister, Gordon Brown, commissioned Lord Goldsmith to review British citizenship laws which are complex and incoherent. The terms of reference included a review of the role of citizens and residents in civil society as well as voting rights.

8. Lord Goldsmith concluded that current British citizenship laws were the result of a succession of changes introduced to deal with the former Empire as those countries gained independence after the Second World War. The result was a confusing set of citizenship laws with various anomalies. Goldsmith concluded that, in most other countries, citizenship was clear and conferred political participation on citizens in a way that distinguished them from non-citizens. This clarity was lacking in the UK and he proposed that it be rectified by phasing out the right of Commonwealth citizens to vote in general elections:

"...I do propose that the government gives consideration to making a clear connection between citizenship and the right to vote by limiting in principle the right to vote in Westminster elections to UK citizens. This would recognise that the right to vote is one of the hallmarks of the political status of citizens; it is not a means of expressing closeness between countries. Ultimately, it is right in principle not to give the right to citizens of other countries living in the UK until they become UK citizens."

Lord Goldsmith, *Citizenship: Our Common Bond*, 2008⁵

5 Lord Goldsmith, *Citizenship: Our Common Bond*, 2008, URL: <http://image.guardian.co.uk/sys-files/Politics/documents/2008/03/11/citizenship-report-full.pdf>

9. The government did not formally respond to Lord Goldsmith's report which made various other recommendations to simplify Britain's complex citizenship laws. In July 2008 the Home Office produced a document entitled 'Path to Citizenship: Next Steps in Reforming the Immigration System' which stated 'We have carefully studied Lord Goldsmith's report into citizenship'.⁶ However, the issue of voting has never been acted on.

10. One possible reason why Lord Goldsmith's report was largely ignored by the Labour government of the day is that voters from BME (Black and Minority Ethnic) communities, some of whom will be Commonwealth citizens, are far more likely to vote Labour than Liberal Democrat or Conservative. A report for the Runnymede Trust which analysed the voting behaviour of different ethnic minority communities found that 68 percent of Black and Minority Ethnic people voted Labour in the 2010 election. For example, 60 percent of people who identified their ethnicity as Pakistani and who voted in the 2010 general election voted for Labour, for those who identified their ethnicity as Indian this was 61 percent, for Bangladeshis this figure was 72 percent and 78 percent amongst those who identified as Caribbean.⁷ Of course, many of these will be British citizens, though not all. Historically support for Labour amongst BME voters has been even higher: 'as many as 8 or 9 out of 10 BME voters have supported Labour in the past'.⁸

The Importance of Voting Rights for Non-Citizens

11. Lord Goldsmith pointed out that:

- most countries do not permit non citizens to vote in national or often even local elections
- the UK does not have the same clarity around citizenship as other countries
- it is right in principle not to give the right to vote to citizens of other countries living in the UK until they become citizens.

12. A further argument is reciprocity. There are many countries whose nationals are eligible to vote in UK elections which do not extend the same rights to British citizens living there. British citizens who move to Canada and Australia would not be allowed to exercise a right to vote until they became citizens of those countries. Nor can they vote in India, Pakistan and Nigeria, the three most populous members of the Commonwealth. There are, however, a few Commonwealth countries that do extend the right to vote to British citizens (by virtue of being Commonwealth citizens).⁹ In addition Jamaica lets British citizens who are ordinarily resident have the vote. A logical approach, therefore, would be to confine voting rights in general elections to citizens of those (few) countries which offer reciprocal rights.

6 Home Office, Path to Citizenship: Next Steps in Reforming the Immigration System, 2008, URL: <http://webarchive.nationalarchives.gov.uk/20100303145830/http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/pathtocitizenship/governmentreponseconsultation?view=Binary>

7 Runnymede Trust, 'Ethnic Minority British Election Study – Key Findings', February 2012, URL: <http://www.runnymedetrust.org/uploads/EMBESbriefingFINALx.pdf>, p. 3.

8 Runnymede Trust, 'Ethnic Minority British Election Study – Key Findings', February 2012, URL: <http://www.runnymedetrust.org/uploads/EMBESbriefingFINALx.pdf>, p. 12.

9 British nationals can vote in Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Mauritius, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadines and Trinidad and Tobago. New Zealand gives the right to vote to foreign citizens only if they are granted permanent residence status while Malawi lets foreign citizens who have been resident for seven years vote.

The scale of the Commonwealth vote

13. Commonwealth citizens move to the UK in large numbers, some temporarily and some permanently, and could therefore have a considerable impact on the outcome of a general election. The 2011 census data shows that there are an estimated 960,000 Commonwealth citizens (who don't have British citizenship) living in England and Wales who have the right to vote but are from countries that do not allow British citizens to vote (see Annex A). This total includes only those who, in 2011, were over the age of 15 and who therefore would be eligible to vote in 2015. Some may yet become British citizens but with continued immigration from these countries it is likely that by the next General Election this number will be over one million. Not all Commonwealth citizens will vote, of course, but if their turn out is close to the national average of around 60% they would amount to over half a million votes.

14. Such large numbers have the potential to make a significant impact on the outcome of elections in particular constituencies but analysis at this level will have to await publication of further data from the 2011 census.

15. At the national level, the Conservative Party won 10.7 million votes in the general election of 2010 compared to 8.6 million votes for the Labour Party – a difference of over two million. The Liberal Democrats received 6.8 million votes. In 2005 the results were far closer with Labour winning 9.55 million compared to 8.78 million votes for the Conservative Party - a difference of just over 750,000. Thus Commonwealth citizens voting can potentially have a significant impact on UK elections.

Conclusion

16. It is quite wrong that those who have not yet qualified to become British citizens, or have chosen not to apply, should be able to vote in general elections. This is an anachronism of which the general public are largely unaware. Reform is long overdue and should be put in hand immediately so that only citizens of those countries that grant reciprocal voting rights are permitted to vote in UK general elections. Similar considerations apply, of course, to voting in referenda.

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Annex A

The 2011 Census table DC2110EW^r gives a breakdown of the population by passport held by age of respondent for 72 different nationalities. The table counted each person once so where the census recorded respondents as having more than one passport, they were categorised in the following priority order: 1st UK passport, 2nd Irish passport, 3rd Other passport. The ONS have confirmed to us that this means that those who were counted as having foreign passports in this table only had foreign passports and were not British citizens. Thirteen of recorded 72 nationalities in the table are Commonwealth nations which do not grant British citizens the vote. They are listed in table 2 below.

Of those born in these countries, 35% on average remain foreign citizens and 85% are aged 15 or over (and will therefore be of voting age in 2015). These proportions are based on the proportions for the Commonwealth nationalities listed in table DC2110EW^r. To obtain an estimate for the remaining countries not separately identified we applied the same proportions to their populations in England and Wales (census table QS213EW). The estimate came to 70,000 as shown in the table.

Table 2: Non-British Commonwealth Citizens aged 15+ on census day from countries that do not give the vote to British citizens:

Australia	60,414
Bangladesh	51,582
Canada	30,979
Ghana	39,766
India	266,588
Kenya	13,671
Malaysia	35,711
New Zealand	29,561
Nigeria	95,249
Pakistan	129,828
Singapore	8,186
South Africa	51,576
Sri Lanka	37,280
Zimbabwe	39,872
Other ¹⁰	70,000
TOTAL	960,263

10 Other includes Cyprus, Malta, Cameroon, The Gambia, Botswana, Malawi, Namibia, Mozambique, Rwanda, Seychelles, Swaziland, Tanzania, Brunei, Belize and the Bahamas. Estimate based on 35% of foreign born remain foreign citizens and 85% are 15 years old or greater