

## **Migrant Democracy Project (MDP) submission on the Representation of the People Bill – Written Evidence for House of Commons Public Bill Committee (RPB05)**

*Migrant Democracy Project believes the Representation of the People Bill is a missed opportunity to extend the right to vote to non-UK citizens living in the UK. There are currently over 4 million residents in the UK who cannot vote in General Elections and there are over 1 million residents in England and Northern Ireland who cannot vote at all because of their nationality. If this Bill wants to bring [“UK-wide elections in line with Scotland and Wales”](#), then the right to vote has to be extended to all residents. Every one who lives, works, and calls the UK home should be able to have a say in the decisions that affect their lives. Democracy is only universal if every resident can vote. This is a fundamental cornerstone of democracy which is at risk if we continue to leave millions unenfranchised.*

Summary:

Representation of the People Bill - what is missing

Suggested Amendments:

What is residence-based voting rights:

What is the UK's current voter eligibility model?

What could residence-based voting rights look like in practice in UK elections?

How many people would be enfranchised:

What would be the cost of implementing residence-based voting rights?

Local support:

Why should the right to vote be extended:

Case Study:

### **Summary:**

- This Bill will be a **missed opportunity** if it does not extend the franchise to all qualifying foreign residents **alongside 16-year olds**.
  - Scotland and Wales extended the franchise to all residents in local and devolved elections within the same legislation used to lower the franchise to 16-year olds.
- There are **[4.4 million residents who cannot vote in General Elections. 1.2 million residents cannot vote at all in England and Northern Ireland](#)**. Long-term residents from countries including Brazil, the US, Japan and many more cannot vote at all.

- There are **36 seats** where the number of unenfranchised residents outnumber the number of votes cast for the sitting MP.
  - In Kensington and Bayswater, there are **32,980 residents without the right to vote** in Parliamentary elections.
- Current voter eligibility is complex and unfairly leaves millions locked out of ever accessing democracy with only **66% of eligible EU and Commonwealth citizens registered to vote**.
- **For Automatic Voter Registration to happen effectively**, the right to vote must be extended to residents.
- Residence-based models of voting are already popular and will continue to grow in relevance as populations become ever more mobile.

## **Representation of the People Bill - what is missing**

- **Votes at 16:** The Bill will be a missed opportunity if it does not extend the franchise to all residents. When Scotland and Wales lowered the voting age to 16-years old, the devolved Governments also extended the franchise to all qualifying foreign residents.
  - A Brazilian 16-year old in England will not be able to vote whether they are 16 or 60.
- **Automatic Voter Registration:** The Bill proposes to explore AVR. Residence-based voting rights must be implemented for AVR to be implemented effectively. The voting rights of EU citizens in the UK now depends on when someone arrived in the UK or if the EU citizen is from one of the five countries with reciprocal voting rights agreements with the UK. Due to strains in efficient data sharing, it will be difficult for AVR to capture these complex voting rights and enfranchise people effectively.
  - In addition, people can have multiple nationalities in the UK which afford them different voting rights. Take the example of a Canadian-Estonian national. They may be a resident in the UK using their Estonian citizenship and have settled status under the EUSS. To the Home Office, this person will be an EU national and that information is what may be passed on to their relevant local authority which will register them to vote in local elections only. In fact, however, this person is a Commonwealth national and can vote in all elections and should automatically be enfranchised as such.

## **Suggested Amendments:**

### **Residents voting rights – General Elections Amendment**

#### **“Enfranchisement of certain foreign nationals at parliamentary elections**

- (1) Section 1(1) (entitlement to vote in parliamentary elections) of the Representation of the People Act 1983 is amended as follows.

- (2) In paragraph (c), after “Ireland” insert—
- “or a foreign national who has—
- (i) the right of abode in the United Kingdom;
  - (ii) settled status under the EU Settlement Scheme;
  - (iii) indefinite leave to enter the United Kingdom; or
  - (iv) indefinite leave to remain in the United Kingdom.”

## **Residents voting rights - Local Elections Amendment**

### **“Enfranchisement of foreign nationals at local elections**

- (1) Section (2)(1) (entitlement to vote in local elections) of the Representation of the People Act 1983 is amended as follows.
- (2) In paragraph (c), after “Ireland” insert—
- “Or a qualifying foreign citizen.”

### **What is residence-based voting rights:**

Residence-based voting rights (RBVR) is a system where the eligibility to vote in elections is determined by a person's residence in a polity rather than by their nationality. Residence can be established in different ways, including:

- Length of residence in a country;
- Immigration status in a country;
- Possession of a proof of residence document e.g. council tax registration certificate.

Scotland and Wales already implemented residence-based voting rights in their local and devolved elections. **In New Zealand, residents have the right to vote after 12 months of residence.**

### **What is the UK's current voter eligibility model?**

The UK already has a mixed voting system.

**In General Elections**, the right to vote is based on citizenship:

- British
- Irish
- **Qualifying Commonwealth citizens** (A person is a qualifying Commonwealth citizen if they do not require permission to enter or stay in the UK, Channel Islands or Isle of Man or they do require permission to enter or stay in the UK but have been granted such permission, or are treated as having been granted such permission. Any type of permission to enter or stay is acceptable, whether indefinite, time limited or conditional.)

**In local elections in England and Northern Ireland**, the right to vote is based on citizenship, residence, and bilateral agreements:

- British
- Irish
- Qualifying Commonwealth citizens
- **Qualifying EU citizen** (A person is a qualifying EU citizen if they are a citizen of a country with which the UK has bilateral Voting and Candidacy Rights (VCR) treaty. Currently the UK holds bilateral treaties with the following countries: Denmark, Luxembourg, Poland, Portugal, Spain).
- **EU citizen with retained rights** (A person is an EU citizen with retained rights if they are a citizen of a country with which the UK does not have bilateral Voting and Candidacy Rights (VCR) treaty but they have been legally resident in the UK since before the UK left the EU on 31/12/2020).

**In local and devolved elections in Scotland and Wales**, the right to vote is based on residence:

- British
- Irish
- A qualifying foreign citizen (if you have permission to enter or stay in the UK, Channel Islands or Isle of Man, or you do not need permission).

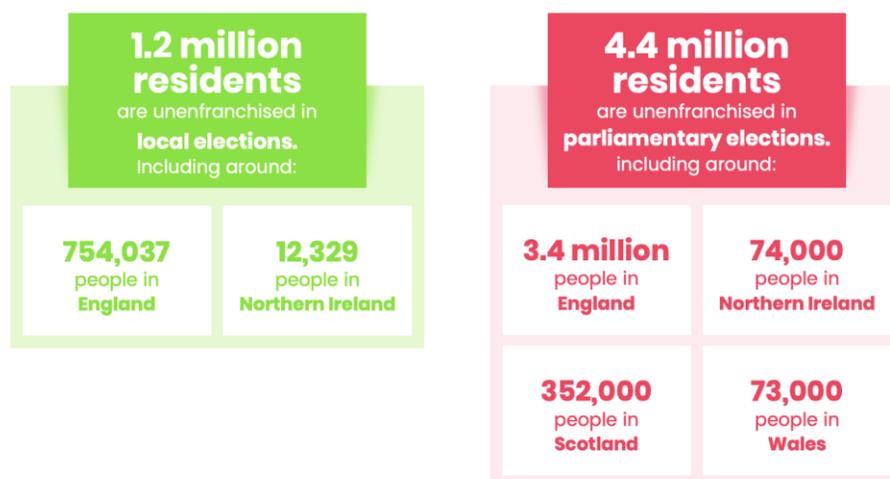
## **What could residence-based voting rights look like in practice in UK elections?**

- A) Local elections:** Those with permission to enter or stay in the UK to have the right to vote in local elections, including for councillors and mayors. This is already the model implemented in Scotland and Wales which has been working in practice and can be extended to England and Northern Ireland.
- B) General Elections:** Those with settled status/Indefinite Leave to Remain to have the right to vote in General Elections.

## **How many people would be enfranchised:**

Migrant Democracy Project's [research shows that:](#)

- 4.4 million people would gain the right to vote in UK General Elections
- 1.2 million people would gain the right to vote in local elections in England and Northern Ireland
- The number 1 constituency with the highest number of unenfranchised residents is **Kensington and Bayswater with 32,980 residents without the right to vote.**



## What would be the cost of implementing residence-based voting rights?

The cost would be an estimated:

- £12.2 million per year. for full residence-based voting, plus £1.8million one off costs.
- £2.6 million per year. for residence-based voting for local elections in England and Northern Ireland only, plus £1.8million. one off costs.

## Local support:

- [21 local authorities have passed motions in support of votes for all residents.](#)

## Why should the right to vote be extended:

- **Simpler system:** Understanding current voter eligibility is complex, depending on people's nationality, date of arrival in the UK, whether their country has a bilateral voting rights agreement with the UK, and the nation they live in. This is difficult for residents, politicians, and electoral administrators alike.
- **Voter participation:** Voter registration amongst eligible migrant voters is already low with only [66% of EU and Commonwealth residents registering to vote](#). Given how complex voter eligibility rules currently are, eligible migrant residents fail to receive straightforward messaging about their right to vote.
  - MDP has created a [Can You Vote tool](#) which helps residents understand their voter eligibility

- **Social cohesion:** Democratic participation gives residents a stake in the future of their society. Extending the right to vote will see all residents as equal contributors and interested in collectively shaping their society.
- **Residence-based voting rights works:** The system is working well in Scotland and Wales and administrators [report](#) seeing no issues with its implementation.
- **Residence-based voting rights is the future:** [One in six residents in England and Wales were born outside of the UK.](#) The trend is for migration to continue growing in the UK and every other country. Our democracies need to adapt to demographics that are made up of people from different nationalities. The right to vote must adapt to the concept of residence, participation, contribution, rather than nationality.
- **Barriers to naturalising as a British citizen:** Becoming a naturalised British citizen is not an option to all foreign residents living in the UK.
  - Firstly, many countries do not allow for dual nationality. A long-term Japanese resident in the UK, for example, would have to accept losing their original citizenship to become a naturalised British citizen. That should not be an option one has to make to participate in democracy where they live.
  - Secondly, for many, the cost of naturalisation is simply inaccessible to them as it currently costs over £2,000 for the whole process. Many cannot save this much money.

## Case Study:

*Fabiano is a Brazilian national in London. He has been in the UK for 20 years. He has worked as a cleaner, courier, driver, and more. He has always worked and paid his taxes. He does not have the money to spare to obtain his British naturalisation at the moment or in the foreseeable future. He has had to spend most of his savings renewing his visas to stay in the UK and obtain Indefinite Leave to Remain. Because of his nationality, he has not been able to vote once - not even for his councillors. He pays all taxes - council and national insurance - but has no say how decisions affecting his life are made.*

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