

**The All Party Parliamentary Group on Democracy and the Constitution [APPGDC]
INQUIRY INTO UK ELECTIONS IN THE LIGHT OF THE ELECTIONS ACT 2022
SUBMISSION BY MIGRANT DEMOCRACY PROJECT WITH SUPPORT FROM
[POMOC](#) AND [THE3MILLION](#)**

If you would like to submit evidence to the inquiry, the APPG would be grateful if you would consider the following questions (please only address the questions that you feel qualified to answer, there is no need to answer every question):

(a) Were you personally impacted by any of the three key features of the 2023 Act (voter ID, increased executive control, limitations on civil society groups)? If so, how?

Migrant Democracy Project works in partnership with Polish Migrants Organise for Change (POMOC). They runs a national and nonpartisan voter registration campaign – WeVote – to help local communities, including migrants BAME, LGBTQIA+ people, and others, engage in democratic processes. We had organisers on the ground in Liverpool during the 5 May local elections. While we did not have any documented cases of people getting turned away because of voter ID, we can confirm that hundreds of community members were not aware of voter ID requirements until we made contact with them. As such, we can confirm that there were not enough efforts raising awareness about the implications of the Elections Act, especially across multiple linguistic groups. Information did not reach communities in time and may have had a “chilling effect” that prevented community members from registering to vote and turn out to vote in the first place.

(b) To what extent (if at all) have voter ID requirements impacted (or are likely to impact) on people’s right/ability to vote? If so, how?

Migrant Democracy Project works with migrant communities in the UK, largely first-generation migrants. There is no UK-wide or local-level reliable data on possession of Photo ID amongst this community. However, based on our grassroots and lived-experience work, we know that most migrants possess an acceptable Photo ID given the necessity, especially under the Hostile Environment, for migrants to prove their rights in the UK. Many countries where migrants come from have compulsory (and often free) national ID cards for their citizens. The possession of a Photo ID like a Passport, EEA national identity card, or a biometric residence card, however, does not mean that this group is always able to use it.

As a consequence of the need for many migrants to regularly make Home Office applications, such as visa renewals, British naturalisation applications, EU Settlement Scheme applications, and others, many find themselves having to unexpectedly send their documents away to the Home Office for checks. If an application was to fall at the same time of an election, for example, migrants would more likely prioritise the need to submit their Home Office application than the election in question. This was brought up as a concern by migrants we work with a few times upon learning about the Photo ID requirement through informative sessions we deliver.

We always inform migrants we work with about the availability of Voter Authority Certificates and the fact they can obtain one to vote. However, as with any other group, this is not yet widely known by electors.

The point of awareness in general also needs to be considered. We find that many migrants we work with do not even know they have the right to vote. Therefore, our work on electoral information starts at an earlier stage i.e. to inform eligible migrants about their right to vote. As a consequence of the Elections Act, not only are organisations like ours having to inform eligible migrants of their right to vote, we are also having to inform them of the changes to EU citizens' voting rights brought by the Elections Act, as well as Photo ID requirements. This inevitably makes our efforts to promote voter participation and democratic rights more difficult. To many, electoral participation is not their priority in day to day life. We need to be able to convince them to participate showing it is accessible. The Act, however, is adding barriers to democracy.

(c) Have the impacts or likely impacts (if any) been more serious or substantial for some groups than others? If so, which groups?

As Migrant Democracy Project, we are concerned that the impact of the Photo ID requirements will disproportionately fall on vulnerable migrants who, for example, do not have full command of the English language and are not fully digitally literate. For example, we work with many first-generation migrants who struggle with the English language and carry out their day to day lives in the UK following the convention they are used to and/or word of mouth advice from other community members. Imagine the scenario of an elderly migrant woman who has always gone to the polling station without a Photo ID because that is how she has been told to vote by members of her community when she first arrived in the UK 10 years ago. Next time she heads to the polling station, she will be asked to show a Photo ID. Without understanding the poll

clerks, she will go back home without voting and will not understand she can return with a Photo ID.

Similarly, imagine the scenario of a migrant man who, weeks before an election, is told by the Home Office he needs to send his passport and biometric residence card to the Home Office for verification of the last immigration application he submitted. As his immigration status is a priority, he will send his documents to the Home Office. With little knowledge about Voter Authority Certificates, he will miss out on voting.

Organisations like ours do great work in providing migrants with information about voting rights in different languages by, for example, taking translated materials to shops, restaurants, churches, and other establishments frequented by migrant communities. However, we are limited by restrictive and scarce funding, resources, and general feasibility to reach out at scale to migrant communities in the UK as a small organisation.

An electoral change of this scale needs to be gradually implemented focusing on information rather than exclusion from democracy to start with. At least one full cycle of local elections should have been carried out where people were encouraged to bring a Photo ID to the polling station but were not prevented from voting if they did not have it with them. They should have been allowed to vote and be given an information leaflet at the polling station with explanation about how, at the next election, Photo ID would have been mandatory and the type of IDs they could vote with. More time needs to be given for these changes to be communicated to the general population through organisations like ours and via word of mouth within the community.

Generally, every migrant group is likely to be affected by these changes. [Voter registration levels are already lower amongst EU and Commonwealth voters compared to British and Irish voters](#). Putting more barriers in front of migrants trying to understand the political system is the opposite of what we should be doing to promote democratic participation.

(d) How, if at all, has the Act impacted, or is likely to impact, public confidence in the UK electoral system?

Migrant Democracy Project is greatly concerned about how the Elections Act will remove the right of some EU citizens to vote in UK local elections. The Act maintains the local election voting rights of EU citizens who arrived in the UK before the 31st of December 2020 and have secured lawful status. However, the Act states that EU

citizens who arrive in the UK from the 1st of January 2021 will only be able to vote in local elections in England and Northern Ireland if their EU country of origin has secured a bilateral voting rights agreement with the UK. At the moment, only Poland, Luxembourg, Spain and Portugal have secured these bilateral voting rights agreements. The voting rights of EU citizens in Scotland and Wales (except for Police and Crime Commissioner elections in Wales) will not be affected by the Act as these devolved elections have residence-based voting rights models where every lawful resident, no matter their nationality, has the right to vote in local and devolved parliament elections.

These changes created by the Act (although not yet implemented in practice - they are expected to come into effect from after the May 2024 elections) impact public confidence in the UK electoral system because it creates general confusion about who can vote where and creates a sense of unfairness that some migrants can vote in some areas and others cannot.

Some of the negative impacts brought by the Act in this regard include:

- EU citizens who want to vote will struggle to understand if they can vote, where they can vote, and how long they can vote for. Consider the example of a Greek citizen who arrived in the UK in March 2022, registered to vote and voted in the May 2022 local council elections in London. However, that same Greek citizen will not be allowed to vote in the May 2026 local council elections in London if their country does not secure a bilateral voting rights agreement by then. This will cause confusion about their rights and many will feel discriminated against by the law by being actively disenfranchised. Similarly, an Italian citizen who enters England in 2025 will not be able to vote. However, if they meet a fellow Italian citizen in Scotland, that Italian Scottish resident will be able to vote. Once again, this will create sentiments of exclusion and unfairness that some can vote based on where they live in the UK whether some cannot. This is already the case for migrants who do not have the right to vote in England and Northern Ireland but have the right to vote in Scotland and Wales.
- Local Authorities will be overwhelmed by the changes that are about to come into effect. From May 2024, local authorities' Electoral Registration Officers (EROs) will have to actively remove some EU citizens from their electoral register if they entered the UK from 2021 onwards and are from countries that do not have bilateral voting rights agreements with the UK. This will be a major exercise to local authorities which are already under financial pressures. Local authorities will have to keep adjusting the electoral register every time the UK signs a new bilateral voting rights agreement with another EU country. For example, if in 2027

the UK signs a bilateral voting rights agreement with Romania, all those Romanian citizens who were removed from the electoral roll in 2024 will have to be invited to be readmitted onto the electoral register. Similarly, if any of the current bilateral voting rights agreements fall apart, EROs will have to remove those citizens from the register. The problems do not stop there. There is no easy way of knowing when an EU citizen entered the UK. Identifying an EU citizen with settled or pre-settled status is not enough to know the date they arrived in the UK. For example, a German citizen could have entered the UK after 2021 under the EU Settlement Scheme as the family member of an EU citizen with settled status and they will have settled status as a consequence. It is unclear how EROs will gather information about when that citizen entered the UK. The level of bureaucracy expected from local authorities to carry out this complex addition and removal of citizens from the system is a cause of anxiety to many who worry they may be wrongfully removed from the electoral roll. Similarly, many who in theory should be removed from the electoral roll might end up staying on the roll due to human bureaucratic errors. This will cause severe consequences to people's confidence in the electoral system with electors and politicians both likely launching official complaints about disenfranchisement and/or over-enfranchisement. Given there is precedence for EU citizens to fear the Government's handling of their voting rights as per the 3million's "[Denied My Vote](#)" case of 2019, the Government should tread carefully here.

- The complication in explaining to voters which EU citizens can vote and where they can vote must be properly understood by campaign organisations but mainly by politicians who are often canvassing and asking for people's votes. This is a complex area and our work shows that many politicians are not yet aware of these changes. We have met councillors saying that EU citizens can no longer vote at all because of Brexit. We have heard others saying that EU citizens need settled status to vote. We have even heard MPs say that EU citizens now have the right to vote in General Elections. This is not to blame politicians but to emphasise that this new legislation is complex to be understood by both voters and professionals. Politicians are already overwhelmed and overworked. They now need to learn the new requirements on EU citizens' voting rights. If they continue to make mistakes in public, this will undermine public confidence in politicians. Some members of the public might interpret a politician's honest mistake as a lie and/or attempt to stop some people from voting. Similarly, some EU citizens might hear different things from different politicians making them doubt all of them equally and refrain from participating in democracy. This should be a genuine concern for politicians.

- Securing bilateral voting rights agreements: It is unclear how the UK Government will secure bilateral voting rights agreements with all EU member states. So far, these agreements have only been secured with Poland, Luxembourg, Spain, and Portugal with no sign of others to come. It will be virtually impossible for all EU states to sign these agreements because they either already unilaterally give all their residents the right to vote in at least municipal elections or because it would involve serious constitutional changes for them to give British citizens the right to vote in their countries. For example, [Belgium](#) (and many other EU countries) already unilaterally gives every resident the right to vote in local elections. In this case, there is no incentive for Belgium to enter a new agreement with the UK as the rights of British citizens in Belgium would not change as a consequence. Similarly, it would require a serious constitutional amendment in Romania for foreign residents to gain the right to vote, meaning the country is unlikely to enter a bilateral voting rights agreement with the UK. These examples highlight the fact that inequalities on EU citizens' voting rights in the UK will be stark following the implementation of the Act with some citizens of a country being able to vote and others unable to purely because of their date of arrival in the UK. People from other nationalities outside the EU/Commonwealth - who do not currently have the right to vote in the UK's local elections - also do not understand why bilateral agreements cannot be sought with their countries to enable them to gain the right to vote. If the aim of the UK Government is to secure the local election voting rights of its citizens outside the UK, it is not clear why the bilateral treaty efforts are restricted to the EU.
- Discrimination on credit score ratings: It is now widely known that being on the electoral roll improves people's credit scores. As a consequence, many migrants who know about this want to be registered to vote. Migrants who currently do not have the right to vote in England and Northern Ireland already find it deeply unfair that they cannot improve their credit score through the voter registration process. Once the changes on EU citizens' voting rights are fully implemented in 2024, many EU citizens will join a large number of migrants who cannot have their credit score improved by the voter registration process. EU citizens will experience a tangible decline on their credit score once they are removed from the electoral roll. In comparison, their counterparts who have never had the right to vote have simply not been able to experience a perfect credit score. This could lead to formal complaints and even cases of discrimination, thus affecting confidence in the electoral system.

(e) Do you think the Act requires reform? If so, how?

We believe that the Act needs to be reformed to give every resident a right to vote in their home, the UK. We believe democracy is for everyone. Our research shows that at least 850,000 residents would gain the right to vote at least in local elections. This number is based on the [ONS's Passports Held data](#).

Even though the concept of “residence” in the UK is not straightforward, there are ways to implement this voting rights system. Unlike some countries, the UK does not have residence cards. Instead, migrants have different sets of lawful status to enter and stay in the UK.

Nonetheless, using the examples of Scotland and Wales where a residence-based voting rights model is already in place, we can create an inclusive voting eligibility model for the rest of the UK for local and Parliamentary elections.

1) Residence-based voting rights in local elections in England and Northern Ireland:

Every lawful resident should have the right to vote, no matter their nationality.

By local elections, we are referring to:

- Council elections
- Police and Crime Commissioner elections (this would also apply in Wales)
- Directly elected mayors in England
- Northern Irish Assembly

By lawful resident, we are referring to:

- Any resident with pre-settled status/Limited Leave to Remain
- Any resident with settled status/Indefinite Leave to Remain
- Residents with refugee status

This eligibility change would bring voting rights in England and Northern Ireland in line with voting rights in Scotland and Wales.

2) Residence-based voting rights in Parliamentary Elections across the UK:

We also encourage law-makers to consider a model of residence-based voting rights in Parliamentary elections such as:

Every settled resident should have the right to vote in Parliamentary elections.

By settled resident, we mean all those that have Settled Status/Indefinite Leave to Remain which generally means at least 5 years of residence in the UK.

These changes would bring a democratic voice to all residents currently disenfranchised in the UK.

Amendments were proposed to the Elections Bill to make residence-based voting rights in both local and general elections a reality. See amendment [155A](#) in the House of Lords and Amendment [NC14](#) in the House of Commons' Committee Stage.

This residence-based voting rights model would address the complexity created by the Elections Act, would allow all residents to improve their credit score through voter registration thus removing current inequalities, and, most importantly, would give all residents a say where they live, improving confidence in the UK electoral system and upholding the democratic principles of universal franchise.

(f) Please feel free to add anything else you consider relevant.

We are confident residence-based voting rights is a system that works and has public support.

It is a workable system because it is already in use in Scotland and Wales as well as many other countries across the world. For example, every lawful resident can vote in municipal elections in [Belgium](#), [Iceland](#), and many others.

It is a system that enjoys majority public support in the UK when tested on a representative sample from the British public. [Our latest polling commissioned from Opinium on the 23rd of July 2023 showed that:](#)

- 54% of people believe that all adults living legally in the UK should have the right to vote in local elections. 64% of people believe that all adults with Settled Status or Indefinite Leave to Remain should have the right to vote in local elections.
- 60% of people believe that all adults with Settled Status or Indefinite Leave to Remain should have the right to vote in General Elections.