

The democratic rights on Hong Kongers in London/ England

Voting rights (also known as the franchise) are established by individual UK nations, and thus might differ between England, Wales, Scotland and Northern Ireland.

Please note, this brief only covers the voting rights of Hong Kong citizens in England, and thus London. Please also note that individuals need to first register to vote before being able to cast their vote in elections.

These voting rights are determined by legislation that covers Electoral Law and Immigration Law, namely whether a Hong Kong citizen in the UK is considered “a Commonwealth citizen” and whether that individual is also considered “qualifying” resident in the UK at the time when they register to vote.

“Commonwealth citizen”

For a Hong Kong citizen resident in the UK to be considered a Commonwealth citizen in law they would have to hold one of the following:

- British National (Overseas) passport
- British Overseas Territories Citizen passport
- British Overseas Citizen passport

“Qualifying” resident

Additionally, a Hong Kong citizen would need to reside lawfully in the UK. To “qualify” means that an individual must either hold leave to enter or remain (of any sort) or not require such leave.

The Home Office have confirmed that the first stage of the Hong Kong BN(O) immigration route would be to apply for Limited Leave to Remain. This is a type of leave to remain and so an individual who satisfies **both** the above criteria, in other words a Hong Kong citizen who holds one of these passports and resides lawfully in London/ England would be considered a “qualifying Commonwealth citizen” and would, in principle, have full voting rights, i.e. would be able to register to vote, stand for office and cast their vote in all London and UK elections, namely the local council (borough) elections, Mayoral and Assembly elections, UK general/ parliamentary elections.

In principle, because, even then, an individual must register to vote, and there are further requirements and checks around age and residence explained in the “register to vote” section.

By extension, if a Hong Kong citizen resident in the UK does not hold any of the above passports, they will not be considered a “Commonwealth citizen” and thus would not be eligible to register and vote in any elections.

Hong Kong asylum seekers and refugees

Firstly, it should be noted that anyone can claim asylum if they wish (even if they may be eligible for other immigration routes) and that, in this case, the voting rights of Hong Kong citizens would depend on individual circumstances, in particular how the individual entered the UK and at what point they claimed asylum.

Were a person to enter the UK lawfully – for example as a visitor – and then make a claim at some point prior to their departure, the situation would be different to that where they claim asylum immediate upon arrival. This is because if someone who is present on a visit visa claims asylum before that visa expires, the conditions permitted by the visa will be extended.

This means that a Hong Kong citizen who applies for asylum whilst their hold leave to remain to enter or remain of any sort – such as visit visa – **and** had one of the passport mentioned above will be lawfully allowed to register to vote, and that would continue during their asylum claim, due to the extension described above.

If they then successfully receive refugee status, they would be given 5 years leave to remain, meaning they would be a “qualifying Commonwealth citizen” and so would be able to register and vote.

Register to vote

In England, each individual needs to first register online at <https://www.gov.uk/register-to-vote>.

To be able to register to vote in England, and thus London, you must be:

- Aged 16 or over
- Be a British, Irish or EU citizens
- Be a qualifying Commonwealth citizen (see relevant sections above)

When registering to vote, individuals will be asked their date of birth (to assess the age requirement), National Insurance number and current and previous addresses (to check Government records and assess lawful residence).

Where a match cannot be found, potentially because the individual has recently moved to the UK or to a new local authority, council (borough) electoral services will send a request for further evidence. Supporting evidence could be:

- One 'primary identification document', (for eg. passport) or
- One 'trusted government document' (for eg. current photo driving license, birth certificate, etc.) and two 'financial/social history document' (bank statement, council tax statement, utility bill, benefit statement, etc.), or
- Four 'financial/social history documents'

This evidence should be provided as copy, not the originals, and should be submitted by the means preferred by the local councils and identified in their request for evidence (eg. by email, by post or in person at the Town Hall).

There is a deadline to register to vote and that usually is at least 12 working days before an election. **The deadline to register to vote in the 5 May London borough elections is Monday 14 April 2022.** These are 'all out' elections that take place in London every four years – this means that in all London boroughs every local council seat is up for election.

To be able to vote in elections in England, and thus London, an individual must be aged 18 or over on the day of the election.

Individuals who have successfully registered can then vote in person, by post or by proxy. To find more information visit <https://www.electoralcommission.org.uk/i-am-a/voter/how-cast-your-vote>.

The deadline for applying to vote by post is 19 April 2022 and the deadline for applying for a proxy vote is 26 April 2022.

On election day, 5 May 2022, the polling stations will be open from 7.00 am until 10.00 pm.