

BNO Hongkoners in Scotland are being denied to vote in the 2024 General Election

A Briefing

Prepared by



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Executive Summary

This briefing highlights the incidents in which voters with BN(O) Nationality residing in Scotland have been denied the ability to cast their votes in the General Election held on 4 July 2024 due to misclassification of voter categories. From the survey, it is found that the practices of Electoral Registration Officers across Scotland vary differently. Such variations resulted in Hongkongers of British nationalities facing denials at the polling stations on Election Day.

Three major issues are identified, and this briefing recommends that the Electoral Registration Officers under devolved administrations update their procedures before and on the election days to protect the right to vote of Hongkongers with British nationalities. It also recommends that the Electoral Commission provide necessary guidance to these officers and that the UK government update the voter registration website to accurately reflect the nationalities of BN(O) Hongkongers.

About the Hong Kong Scots

The Hong Kong Scots CIC is a Community Interest Company (SC728635) based in Scotland. It aims to facilitate the better integration of Hongkongers into Scottish society. All our co-founders had extensive experience in politics and the civil society of Hong Kong before residing in Scotland.

Our organisation incubates initiatives launched by Hongkongers, regardless of their immigration status in the United Kingdom, to continue their civic way of life in Scotland. At the same time, we organise events and activities to facilitate dialogue and understanding between Scotsmen and Hongkongers in Scotland.

The Hong Kong Scots CIC is one of the UK's Hong Kong immigrants—and forced migrants-led organisations. Since 2022, we have organised cultural events such as documentary screenings in Scotland. At the same time, we act as a mutual aid group to assist forced migrants from Hong Kong in continuing their way of life in the UK.

Contributors of this briefing

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Introduction

On 4 July 2024, the United Kingdom held the General Election (GE2024) to elect Members of Parliament (MPs) representing all nations of the country, including Scotland. All Hongkongers with British Nationality (BNO) who reside in Scotland and have registered to vote should be able to cast their ballots at their respective polling stations. Nevertheless, this is not the case.

On the morning of GE2024, directors and affiliate members of the Hong Kong Scots received enquiries from BNO Hongkongers on different social media platforms, stating that they had been denied the right to vote at the polling station because they had been classified as Category M (Cat. M) voters, which prevented them from casting their ballots in the General Election. These Hongkongers, who are all BNOs, have registered as voters before the GE2024. Some of them have cast their votes in previous local elections without issues, making them not realise the misclassification until the day of GE2024.

Members of the Hong Kong Scots advised BNO Hongkongers who contacted us on election day to contact their respective voter registry to ask for corrections. Some of them successfully rectified their status and were able to cast their votes on the same day, but not all of them were able to do so. There are also instances in which BNO Hongkongers were treated differently by the same local authority when requesting rectification on election day. For example, the Edinburgh City Council allowed several BNO Hongkongers to make on-day rectifications by email but refused the requests made by phone.

The situations mentioned above are undesirable for BNO Hongkongers residing in Scotland. Hongkongers fought relentlessly on the streets of Hong Kong in 2019 for universal suffrage, and they did not expect to be denied the right to vote in their new home, just as where they are from. With Beijing stifling the Hong Kong pro-democracy movement since 2020, Hongkongers eligible to resettle in Scotland via the bespoke BNO Visa scheme and other applicable schemes do not expect their votes in the general election have been taken away because of administrative errors occurred in local authorities across the nation. The incident damaged the confidence of Hongkongers who chose Scotland as their new home under the bespoke BNO Visa scheme as their fellow Hongkongers residing in England did not face such issues in GE2024.

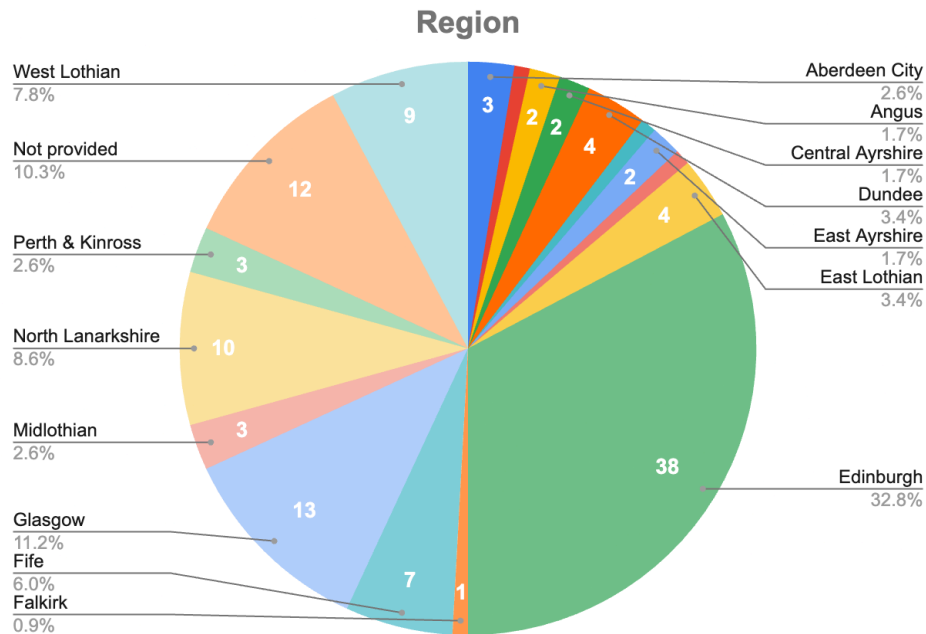
How did we gather the data?

Members of the Hong Kong Scots asked BNO Hongkongers who encountered issues casting their votes on Election Day to fill out a Google Form. The Form recorded demographics and how they were treated at different polling stations across Scotland on Election Day. Correspondence expressing the issue encountered on Election Day to our official email, messaging apps, and social media channels has also been compiled. The respondents submitted their feedback to us between the day of the election and up to one week afterwards.

Findings

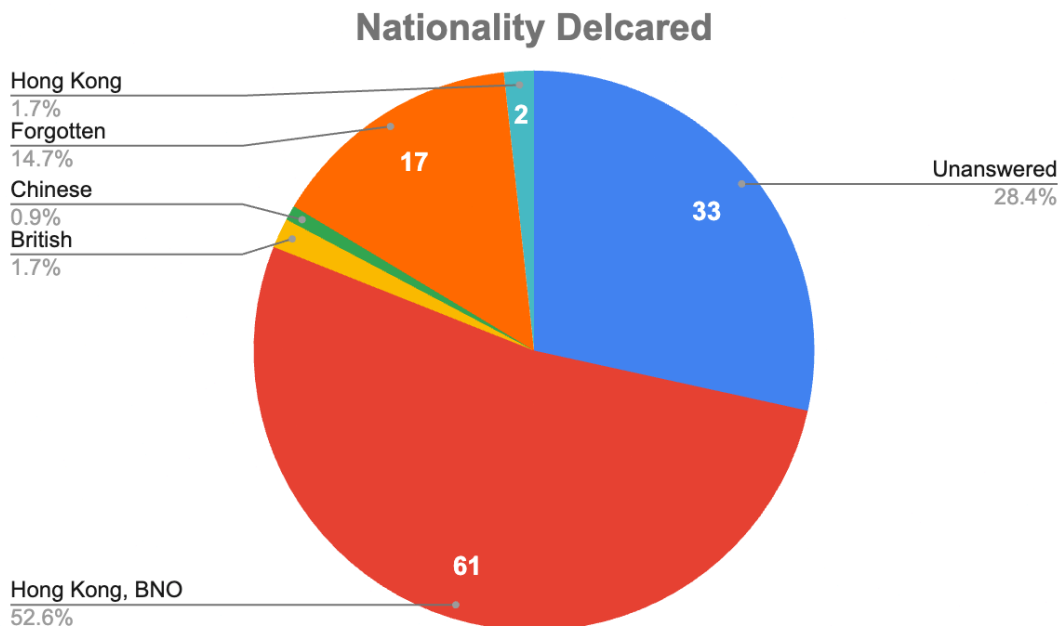
A total of 116 incidents were compiled. The following subsections highlight the demographics, particulars, and issues encountered by BNO Hongkongers in polling stations across Scotland on the day that GE2024 was held.

Demographics



Most of the cases we recorded live in areas under the City of Edinburgh Council (38 cases, 32.8%), followed by Glasgow (13 cases, 11.2%), North Lanarkshire (10 cases, 8.6%), West Lothian (7.8%) and so on. There are 12 cases (10.3%) that did not state where they live.

Nationality declared at the time of voter registration

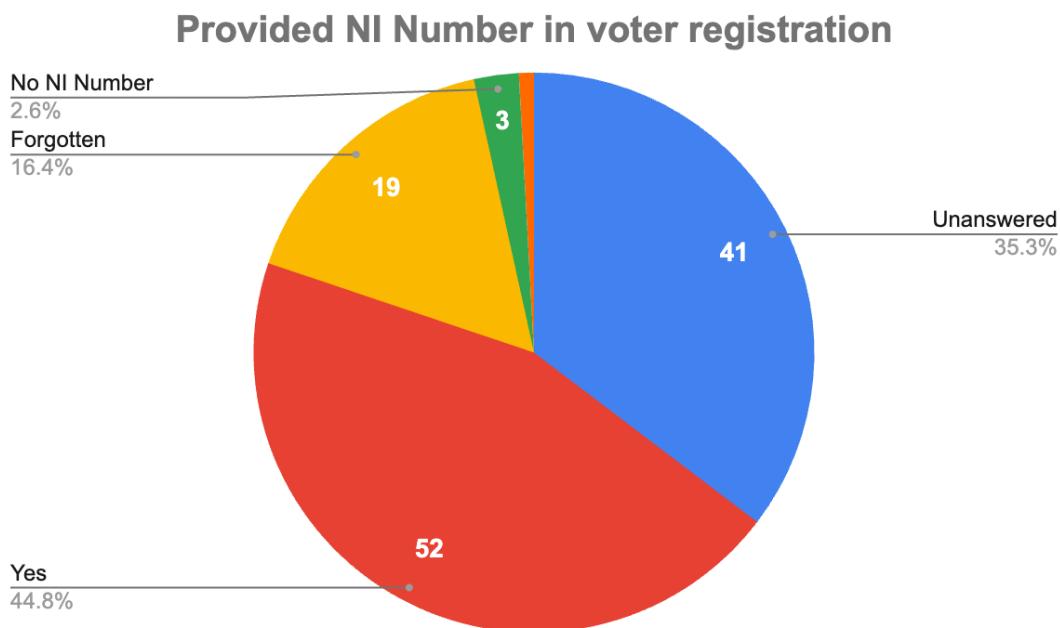


The majority of correspondents (61, 52.6%) stated that they declared themselves as **Hong Kong, British National Overseas Citizen (BNO)** at the time of registration. Also, many have forgotten (14.7%) and have not given an answer to the question (28.4%).

Inspection, verification and reminders by the registry

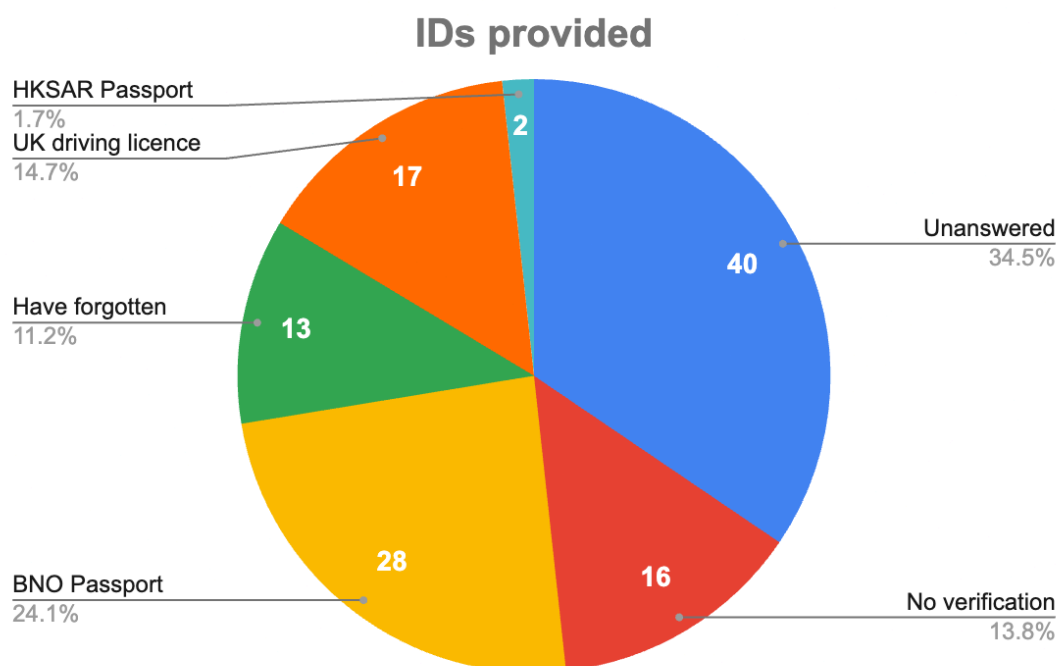
We further fine-grain the process of voter registration respondents have gone through and their interactions with the local voter registration authorities before Election Day.

Provision of National Insurance (NI) Number



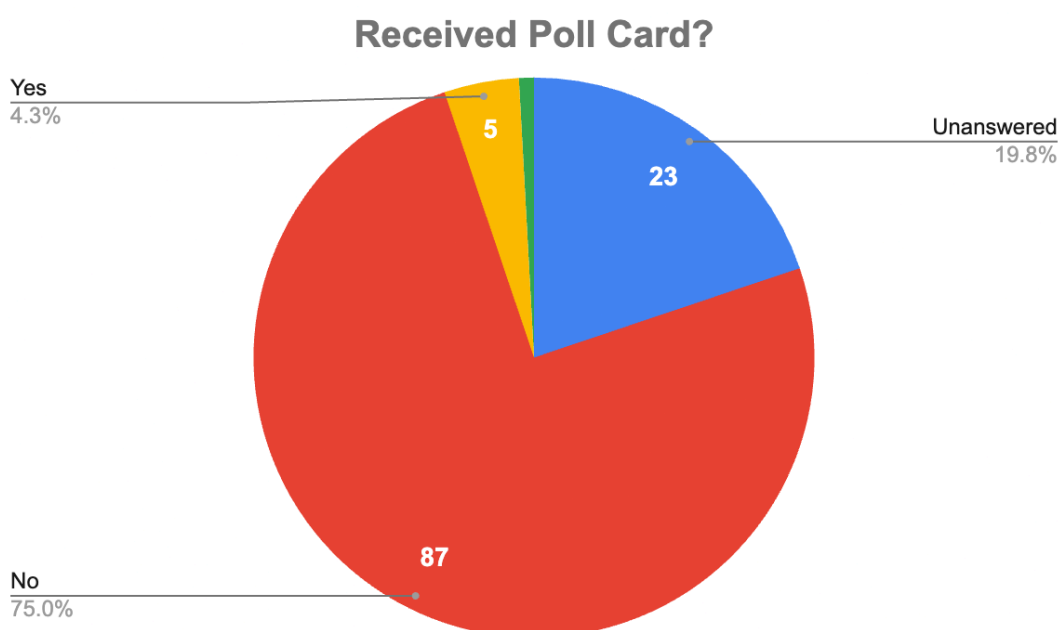
Among all respondents, 52 (44.8%) provided their NI number during voter registration. 19 of them (16.4%) forgot if they had provided it, followed by not having an NI number at the time of voter registration (3 cases), 2.6%, and not giving the NI number (1 case). The remaining did not answer this question.

Identity document checks



Nearly a quarter of the respondents (28 cases, 24.1%) provided their BNO Passports to their local voter registration authorities for identity checks. UK driving licences have also been submitted by some respondents (17 cases, 14.7%), while 16 of them (13.8%) said they have not gone through identity verification checks. The remaining respondents either forgot if such checks existed (11.2%) or answered this question.

Received poll card before GE2024

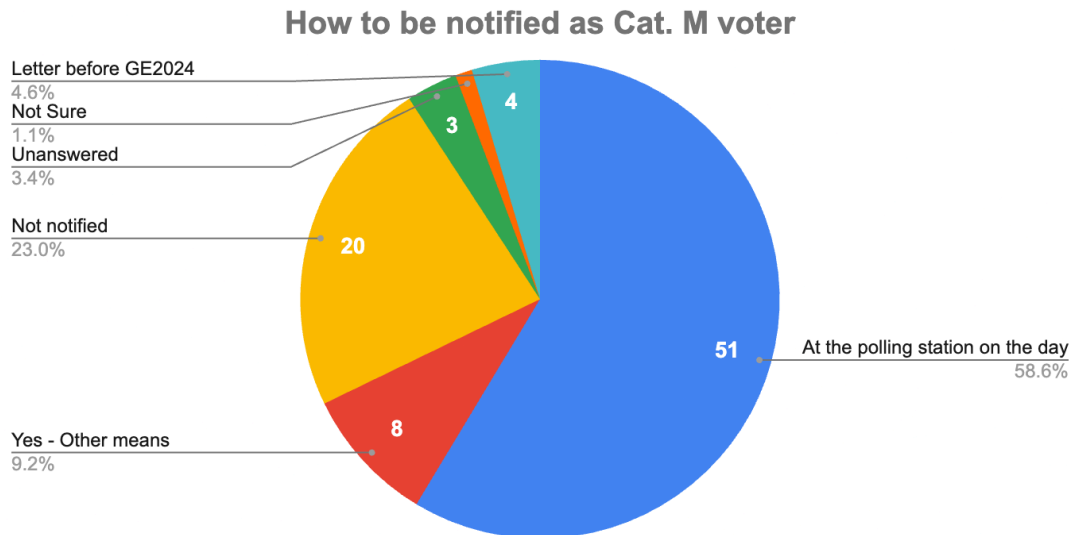


Three-quarters of respondents (87 cases) said they had not received a poll card before GE2024. Only 5 of them (4.3%) received it, with the remaining either forgotten (1 case) or not answering the question (23 cases, 19.8%)

Issues encountered on Election Day

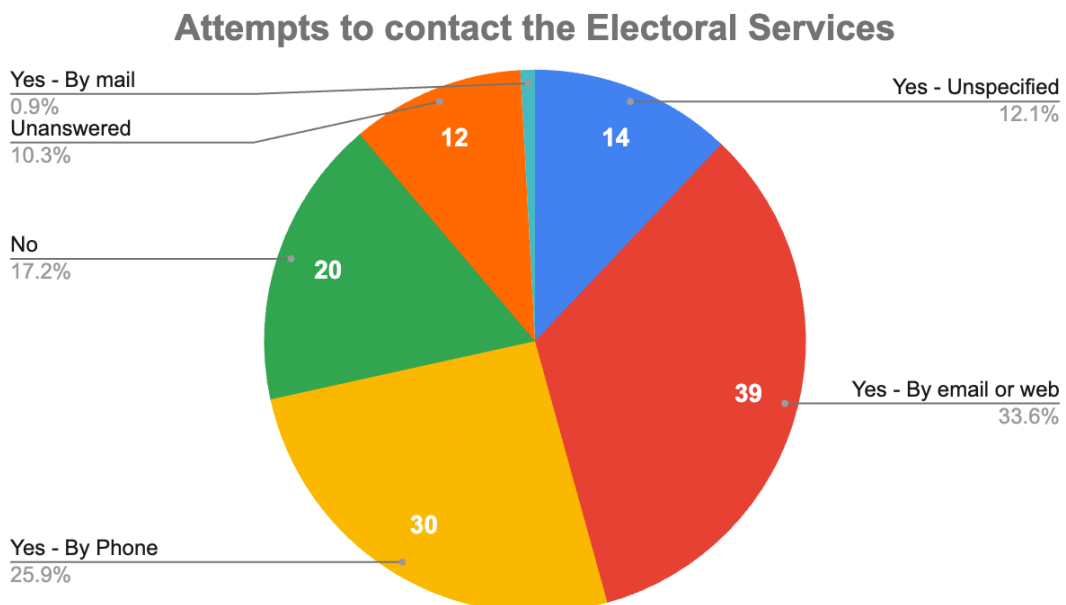
Respondents have been asked how they know they have been misclassified as Cat. M voters, and have their respective local election authorities, if contacted, rectify and reinstate their vote on Election Day.

Being Notified as Category M voters



Most correspondents (51 cases, 58.6%) only knew they had been misclassified when they reached their respective polling stations on Election Day, with around a quarter of them (20 cases, 23%) not being notified by any means. Only 12 cases (4 by letters before GE2024 and 8 by other means) have known they have been categorised as M voters.

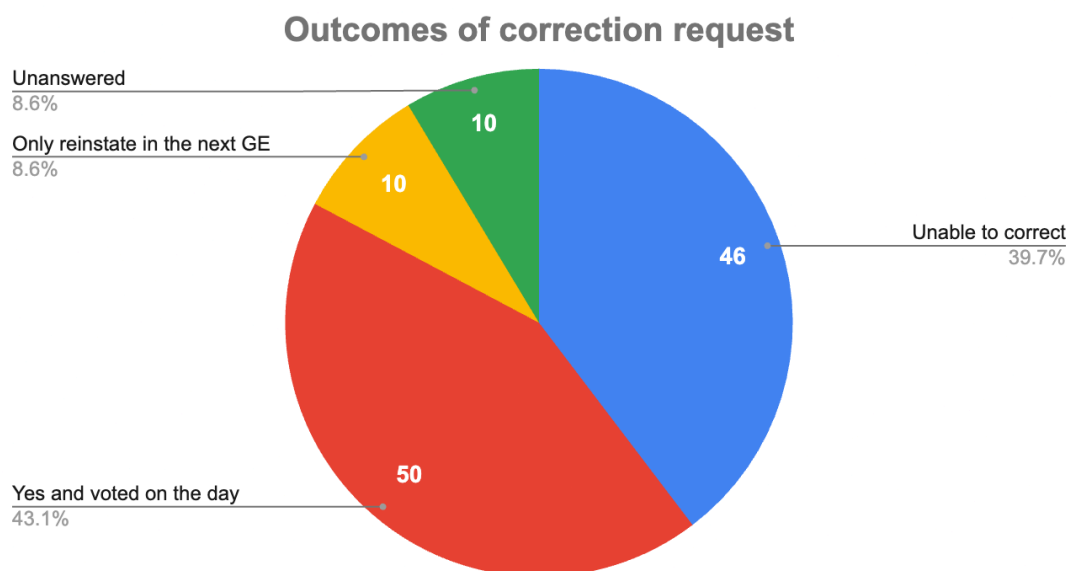
Attempts to contact the Electoral Services



Respondents have also been asked if they have contacted their respective Electoral Registration Officers (EROs) in attempts to rectify the misclassification. Most of them have

done so, with 39 (33.6%) emailing or contacting the EROs via web form, 30 of them (25.9%) by phone, and 14 (12.1%) making the contact but not stating by what means.

Outcome after correction request



Respondents also reflected on the outcomes after contacting their respective EROs in their constituencies. While 50 of them (43.1%) were able to reinstate their eligibility and cast their votes on the day, the majority of them did not. 46 cases (39.7%) could not rectify their eligibility after contacting their respective EROs, and 10 (8.6%) had their eligibility rectified but could only be effective from the next General Election.

Case highlights

A Hongkonger with a valid BNO passport was denied the right to vote at the polling station. The staff insisted that the person was solely Chinese and not eligible to participate in the GE2024 despite holding a valid BNO passport. It indicated the knowledge of British nationalities among returning officers.

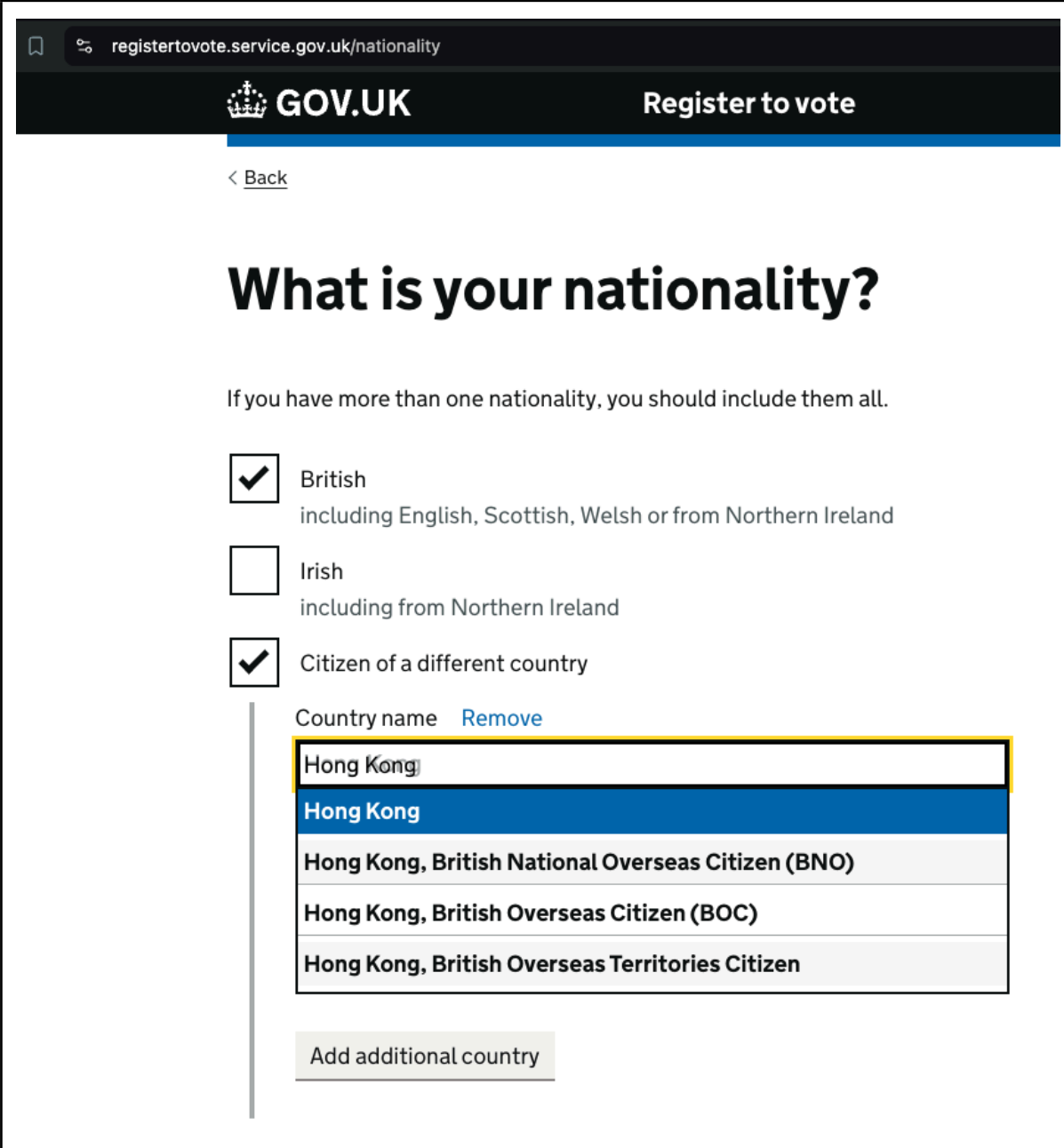
Another BNO Hongkonger residing in the Dunfermline and Dollar constituency reported to us that he felt confused when dealing with various authorities after voter registration. As he did not receive a poll card prior to GE2024, he contacted his respective ERO two days before Election Day. The staff of ERO informed him that he should not contact the department, and should contact the Electoral Commission assistance. Eventually, he rectified the status and was able to cast his vote on 4 July 2024.

Possible causes

It has identified three major possible causes that made BNO Hongkongers unable to cast their ballots in GE2024.

Issues with the voter registration system at GOV.UK

On the UK Government website, BNO has been put into the category of **citizens of a different country** in terms of categorising one's nationality. That creates a confusion.



The screenshot shows the 'Register to vote' page on the GOV.UK website. The browser address bar shows 'registertovote.service.gov.uk/nationality'. The page title is 'What is your nationality?'. Below the title, there is a note: 'If you have more than one nationality, you should include them all.' There are three radio button options: 'British' (checked), 'Irish', and 'Citizen of a different country' (checked). Under 'Citizen of a different country', there is a text input field with 'Hong Kong' entered and a 'Remove' link. A dropdown menu is open, showing the following options: 'Hong Kong', 'Hong Kong, British National Overseas Citizen (BNO)', 'Hong Kong, British Overseas Citizen (BOC)', and 'Hong Kong, British Overseas Territories Citizen'. Below the dropdown is a button labeled 'Add additional country'.

Screenshot of GOV.UK voter registration website. Captured on 12 August 2024.

According to the British Nationality Act (1981), BNO is one of the British nationalities. At the same time, Hongkongers of Han ethnicity are considered citizens of the People's Republic of China (PR China) after 1 July 1997, according to the Memoranda of the Sino-British Joint Declaration. There is no such thing as citizens of Hong Kong in the current constitutional construction of Hong Kong or PR China.

Therefore, the GOV.UK website's categorisation of voters' nationalities is wrong in many ways. BNO, British Overseas Citizens (BOCs), and British Overseas Territories Citizens (BOTCs) are all British nationalities and should never be classified as ***citizens of a different country***. They should either be included in the British category or a new category. Moreover, the option ***Hong Kong*** under the citizen category should be renamed as ***Hong Kong, PR China*** to allow Hongkongers with only PR China citizenship to participate in local elections in devolved administrations, such as Scotland.

Issues with the process of Identity checks

Despite the imperfect categorisation of the GOV.UK website, electoral registration officers in respective local authorities should have multiple safeguards to ensure BNO Hongkongers are classified in the right voter category and able to cast their vote in GE2024. Unfortunately, not all local authorities have exercised those checks.

Should each and every local authority in Scotland have asked BNO Hongkongers to present their BNO passports as identity checks in the voter registration process, they would not have been misclassified as Cat.M voters.

Another indication that BNO Hongkongers can notice if they have been categorised as the right voter group is correspondence from the electoral registration services, such as a letter confirming their registration and respective category and poll card. Nevertheless, three-quarters of our respondents stated that they had not received any poll card prior to GE2024, and only 4.6% of them received an official letter telling them they had been classified as Cat. M voters.

Issues with rectification

It is appreciated that EROs across Scotland have rectified almost half of the respondents' requests on the day of GE2024. Nevertheless, almost half of them were still unable to make rectifications for BNO Hongkongers, and they were allowed to cast their ballots in GE2024.

It is noted that the practice of same-day rectification varies within and across EROs. For instance, the EROs of the City of Edinburgh rectified the eligibility of 2 respondents on Election Day by email, rectified another 2 after Election Day by phone, and did not reinstate another 3 by email, mail, or phone. All respondents presented their BNOs during voter registration and made rectification requests at different times on Election Day. While one of them made the request by email at 8 pm and has reinstated his eligibility, another 2 made the same request by phone in the morning and have not been entertained.

A similar situation also happened in Fife. 2 respondents who presented their BNO passports during voter registrations yielded different results when requesting rectifications in the early afternoon. Differential treatments have also been found in EROs of North Lanarkshire, East Lothian and West Lothian.

Recommendations

As the UK Government commits to the BNO Visa scheme, there will be a continuous inflow of BNO Hongkongers resetting across the UK, including Scotland. Therefore, it is necessary to prevent such an unfortunate event in GE2024 from happening again.

As the role of the Electoral Commission is to provide guidance for EROs across the UK, the Commission should

1. **Produce** a specific guidance document for local EROs under devolved administration on the eligibility of Hongkongers holding BNO passports. Should such production be unachievable, an update to the current guidance on the eligibility of BNOs, along with other British nationalities such as BOCs and BOTCs, is necessary.
2. **Provide** updated guidance to the local EROs in accordance with the recommendation above and brief local EROs in devolved administrations regarding the eligibility of BNO Hongkongers prior to each general election.
3. **Remind** the local EROs of the complexities of British nationality and conduct identity document checks on BNOs and other British nationalities to ensure that new voter registrations are not misclassified.
4. **Recommend** the UK Government to update the voter registration website to reflect a more accurate nationality classification for BNOs and other British nationalities.

Furthermore, local EROs across Scotland should

5. **Update** their procedures for verifying the voter identity of BNO Hongkongers in accordance with the guidance from the Electoral Commission.
6. **Aware** that additional identity checks on Hongkongers might be necessary to classify them in the right voting group. Verifying the identities of Hongkongers with the Department of Work and Pensions might not facilitate accurate classification.
7. **Communicate** with Hong Kong diaspora communities during annual voter registration drives and drives before local and general elections regarding the eligibility of Hongkongers in each election. Let them know how to rectify any misclassification.
8. **Unify** the on-day rectification of voter eligibility on election days.

Finally, the UK Government should

9. **Update** the voter registration website to reflect a more accurate nationality classification for BNOs and other British nationalities.