

N7 Going North – Citizenship

This leaflet is for you if you live South of the border and you want to go North to live. It tells you about your rights to vote and to be elected to public office in the North. It also tells you about how you can become a citizen of the UK. The information here is mainly relevant for people who are citizens of EU member states and is particularly relevant for Irish or UK citizens. The information given here is general. You may get further information from the addresses and websites given. You may need legal advice to clarify your right to citizenship or to change your citizenship.

The information in this leaflet was compiled in March 2006.

Voting

You are entitled to vote in elections in the North if you meet the following conditions and if your name is on the electoral register:

- You are aged 18 or over (your name may go on the register if you are going to be 18 in the year after the register is published)
- You are entitled to vote because of your citizenship
- You are living in the constituency and
- You are not excluded from voting, for example, because you are in prison or you have been convicted of corrupt electoral practices

NB: At the time of writing, under UK law, most prisoners are not allowed to vote. However, a recent ruling by the European Court of Human Rights decided that this is in violation of the European Convention on Human Rights.

Citizenship

British citizens, Irish citizens and citizens of Commonwealth countries living in Northern Ireland are entitled to vote in general elections (to the UK Parliament), Assembly elections, local elections, European Parliament elections and referendums in Northern Ireland. Citizens of EU member states living in Northern Ireland are entitled to vote in Assembly elections, European Parliament elections and in local elections. (See Leaflet N9 *Going North Government and Public Administration* for information on government)

Getting on the electoral register

The electoral register is compiled annually on 15 October (published on 1 December) and may be changed throughout the year. The Electoral Office for Northern Ireland (see contact details below) is in charge of compiling the register. Registration forms are usually sent to all households in August/September (annual canvass period) and they are also available from the Electoral Office. If you are to be included in the electoral register you must be resident in Northern Ireland for the full 3 month period prior to the reference

date of 15 October during the annual canvass period. Outside the annual canvass period if you have not been included in the register, you must be resident in the constituency for 3 months prior to your application for registration. You are obliged to register each year.

The full electoral register which lists every person in the constituency who is entitled to vote is available for inspection in local council offices and other public places such as post offices and libraries. You may apply to be added to the register or to change your address at any time during the year but final changes must be made two to four weeks before an election.

Members of the Travelling community, homeless people, patients in psychiatric hospitals and prisoners on remand may make a “declaration of local connection” in order to be registered at the address they give on the declaration. They must, of course, be entitled to vote. The declaration must be sent to the Electoral Office within three months of making it and it remains valid for a year unless you withdraw it.

You are not entitled to vote twice but you may be entitled to be on the electoral register twice. For example, students are entitled to be on the register at their home and at their college address. If you spent a significant amount of time at a second home, you may be able to register there as well as at your main home.

Proof of Identity

If you wish to attend a polling station to vote at an election you will be required to prove your identity by presenting one of the following forms of photographic identity:

- a current Northern Ireland or Great Britain full driving licence or a Northern Ireland provisional licence all of which must show the photograph of the holder; or
- a current passport issued by the United Kingdom or any other Member State of the European Community; or
- a current Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme; or
- a current electoral identity card (application for this is made to the Electoral Office, see below).

Proxy and postal voting

You may apply for a proxy vote if you are not going to be in the constituency on the day of the election. Anyone may do this for a particular election. Certain groups may be entitled to proxy voters for a period – mainly people who are abroad on government service or people with disabilities.

Anyone who is entitled to vote may apply for and get a postal vote – you must apply at least six working days before the election.

People with disabilities

People with disabilities may be able to vote in person with assistance from a carer or the person in charge of the polling station or may get a proxy or postal vote.

Electoral Office for Northern Ireland

The Electoral Office for Northern Ireland is responsible for the electoral register and for the running of elections in Northern Ireland. It has nine Area Electoral Offices as well as its headquarters in Belfast.

Electoral Office for Northern Ireland
St Anne's House,
15 Church Street,
Belfast BT1 1ER
Tel: 028 9044 6688
E-mail: info@eoni.gov.uk
www.electoralofficeni.gov.uk

The Electoral Commission

The Electoral Commission is a UK wide independent body which aims to encourage people to take part in the democratic process by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties. It publishes extensive information on voting and elections. It is also responsible for the running of referendums. It publishes reports on election spending and donations to political parties. The Belfast office of the Commission is at:

The Electoral Commission
Seatem House
28-32 Alfred Street
Belfast
BT2 8EN
Tel: 028 9089 4020
www.electoralcommission.org.uk

The Commission's information about voting site is: www.aboutmyvote.co.uk

Candidates for Public Office

Local Councils

In order to be a local councillor, you must be 21 years old and be a UK, Irish or other Commonwealth country citizen and either be a local elector for the district or have during the whole of the 12-month period prior to the election either owned or occupied land in the district, or lived or worked in the district.

The Chief Executives of District Councils are the Deputy Returning Officers for local elections and you may get further information from them or from the Electoral Office for Northern Ireland or the Electoral Commission on the rules governing local elections.

Candidates at a General election or Assembly election

You may be a candidate at a general election (for the UK Parliament) or at an election for the Northern Ireland Assembly if you are aged 21 or over and you are a citizen of the UK, another Commonwealth country or an Irish citizen. Certain people may not be candidates – these include various civil and public servants such as policemen and judges as well as undischarged bankrupts, people who have been found guilty of electoral fraud and prisoners sentenced to more than a year.

You must be proposed and seconded by two electors and eight others (called assentors) who are also electors. They must be on the electoral register in the constituency where you propose to stand. There are detailed rules about the timing and the form of nominations. You must pay a deposit. You lose your deposit if you get less than one-twentieth of the total votes cast.

There are limits on the amount of money you may spend on your campaign and you must submit accounts after the election. Detailed rules about standing for election, donations and expenses are available from the Electoral Office for Northern Ireland and the Electoral Commission.

NB: Under the recent Review of Public Administration in Northern Ireland it is proposed that local council members will not also serve as Assembly members as is presently the case.

Elections

General elections

Elections to the UK Parliament are held at least every five years. Each of the 18 constituencies elects a Member of Parliament by simple majority (First Past the Post).

Assembly elections

Assembly elections are held at least every four years. Each UK Parliament constituency elects six Members of the Legislative Assembly by the Proportional Representation single transferable system.

Local Elections

Local elections are held every four years. There are 26 local district councils. Within each council area, there are a number of district electoral areas which elect local councillors. The Proportional Representation single transferable method of voting is used.

NB: Under the recent Review of Public Administration in Northern Ireland local district councils will increase in size and reduce in number to 7. (See booklet N9 for more detail).

European Parliament Elections

European Parliament elections are held every five years. There are three constituencies for these elections.

Challenging the outcome of an election

If you want to challenge the result of a general or European Parliament election because you consider there has been some irregularity, you may file an election petition with the Election Petitions Office. Four people may challenge the result of a local election.

Election Petitions Office
Royal Courts of Justice
Strand
London WC2A 2LL
Tel: 020 7947 6131

UK citizenship

The rules of citizenship are complex. The following is a general description of who is entitled to be a UK citizen and how an Irish citizen may acquire UK citizenship. There are many Irish citizens who are automatically entitled to UK citizenship, for example, because they are the children of British citizens. Detailed information is available on the Home Office website. The Home Office is the UK department with responsibility for immigration and nationality issues.

Home Office Nationality Group
PO Box 306
Liverpool
L69 2UF
Tel: (0044)845 010 5200

<http://www.ind.homeoffice.gov.uk>.

Citizenship by Birth

If you were born (or adopted) in the UK (including Northern Ireland) on or after 1 January 1983, you are a British citizen if either of your parents was a British citizen or if either of them was settled in the UK. In general, being settled in the UK means living there and having an indefinite right to live there. Irish citizens have an indefinite right to remain in the UK. There are more detailed rules if you were born between 1961 and 1983.

Citizenship by Naturalisation

You may become a British citizen by naturalisation if you meet various requirements but the award of citizenship is at the discretion of Home Secretary. Reasons must be given for the refusal of an application. The main requirements are:

- you must be aged 18 or over and of “full capacity”
- you must meet the residence requirements – you must have been legally living in the UK for five years before you apply (or for three years if you are married to or are the civil partner of a British citizen)

- you must be of good character
- have sufficient knowledge of English, Welsh or Scots Gaelic
- have knowledge of life in the United Kingdom

There are additional rules which may also be applicable in relation to current residence and intention to make the UK your main home.

Getting a British passport

You may apply to the UK Passport service for a passport. If you live in Northern Ireland you can apply to:

Belfast Passport Office
Hampton House
47-53 High Street
BELFAST
BT1 2QS
www.ukpa.gov.ie

You may apply on-line or through various agencies such as the Post Office.

The Passport Adviceline is open 24 hours a day, 7 days a week: 0870 521 0410

If you live in Ireland you apply to the British Embassy in Dublin:

Passport Section
British Embassy
29 Merrion Road
Ballsbridge
DUBLIN
www.britishembassy.ie

Sources

The websites mentioned plus

Political Parties, Elections and Referendums Act 2000

British Nationality Acts