

future migration: the issue of granting voting rights to immigrants

Disclaimer: I'm not done with the correct scientific annotations in this text yet. nevertheless, I wanted to upload the text so you can read it in time. I will further work on the text to include the right scientific annotations. Sorry for the inconvenience! sincerely, Benjamin Bettinger

The active [suffrage](#) (the right to vote in elections and referendums) and the passive suffrage (the right to stand for elections), together often called „full suffrage“, is a substantial part of citizenship in modern liberal democracies. However, in most democracies, immigrants are excluded from these rights. In many of these countries, the only way to gain access to these rights is through [naturalization](#). By undergoing the process of naturalisation, an immigrant becomes a citizen of the country she or he immigrated to, in most countries under the prerequisite to abandon their former citizenship of their place of origin. While suffrage is an essential part of citizenship in democratic countries, the latter grants much more than only suffrage, it grants „a set of specified rights among which the ability to claim a state's protection is prominent“ ([Pedroza \(2019\), p.22](#)). While citizenship grants suffrage, those two terms can not be used as synonyms, because it is possible to grant suffrage without demanding naturalisation first.

Since the end of WWII, many democratic countries all around the globe have discussed the enfranchisement of non-citizens in their parliaments, while in the majority of them these discussions did not lead to a transformation from a citizen-based to a denizen-based enfranchisement. At the moment, many countries grant some kind of suffrage to non-citizens, while there are major differences between those countries in terms of to which nationalities the suffrage is granted (e.g. only members of the European Union), on which territorial level it is granted (e.g. only on the local, but not on the national level), and whether or not it is only granted to immigrants whose countries of origin reciprocally grant suffrage to citizens of the receiving nation (e.g. [the Commonwealth of Nations](#)) ([Pedroza \(2019\), p. 54ff](#), [D.C. Ernest\(2003\) p. 2ff](#)).

European citizenship

In the EU for example, Article 22 of the [EU Treaty](#) and Articles 39 and 40 of the [EU Charter of Fundamental Rights](#) guarantee full suffrage in municipal elections as well as in elections for the European Parliament to all European citizens in every country of the European Union. The European Parliament also adopted a resolution which demands the members of the EU to grant suffrage to so-called third-country-immigrants (immigrants from countries outside of the EU). However, only 18 of the 28 members of the EU grant at least active suffrage to third-country-immigrants ([EP 2007](#), p. 14).

One of the ten states without any kind of suffrage for third-country-immigrants is Germany. Nevertheless there were several attempts to grant voting rights to this group of immigrants in several federal states from 1980 on, namely by Hamburg, Bremen, Schleswig-Holstein and West-Berlin. These federal states tried to pass laws to entitle long-term foreign residents with voting rights in federal-state-elections. But those laws were rejected by the Federal Constitutional Court (Bundesverfassungsgericht = BVerfG), which argued that the German Constitution only grants voting rights to the German people (in German language „dem deutschen Volk“), thus considering those laws unconstitutional. With this decision, the BVerfG effectively shut down the option to grant suffrage in any other way than by naturalization in Germany ([Pedroza \(2019\), p. 119ff](#)).

countries with nondiscriminatory denizen suffrage

While Germany is an example for a relatively strict regime against suffrage of non-citizens (at least considering non-EU-citizens), there are also examples of countries which grant suffrage even on the national level to all denizens who lived in that country for a certain amount of time, no matter which country they originate from or whether or not they are willing to undergo naturalization. For example, Uruguay grants full suffrage to all resident aliens (no matter which nationality) who lived in Uruguay for at least 15 years even on the national level. New Zealand grants active suffrage even on the national level to all resident aliens with only 1 year of living in New Zealand as prerequisite, but passive suffrage is tied only to citizens of New Zealand ([D.C. Ernest\(2003\)](#) p. 2ff).

denizen suffrage based on reciprocity

Furthermore, there are a number of countries which are granting suffrage to foreigners from certain countries. In many cases, these countries who grant each others migrated citizens suffrage share a common colonial past, for example Portugal, Spain and Great Britain with their former colonies. In these cases, both - the former colonial force as well as the former colony - had a vital interest in granting suffrage to each others citizens. While the former colonial forces wanted to make sure that those citizens who decided to stay in their former colony could keep at least a minimum amount of influence and democratic rights in their former colony, the former colonies wanted to make sure that their citizens gain influence in the country of their former colonial force, should they decide to immigrate there ([Pedroza \(2019\), p. 58f](#)).

Other examples of countries which are granting limited suffrage to foreigners from certain countries are the members of supranational entities like the previously mentioned EU. In the EU the suffrage is limited to local elections and elections for the European Parliament. There are other supranational entities like for example the [African Union](#) which might take a similar development like the EU in the future.

future of suffrage for migrants

Pedroza argues that there is no easy way to determine whether or not we will see an expansion of voting rights for migrants in several countries around the globe, or if we will experience even a decline of these rights in the upcoming decades. She urges us to be careful not to use monocausalistic argumentations to explain why and how the decision for or against the granting of voting rights to immigrants take place in a certain country, for example a general shift to right-wing parties in the most recent elections of a country. Even while there may be specific institutional limitations (e.g. the decision of the BVerfG that granting voting rights to non-German citizens where „unconstitutional“) which limit the paths for changes in the political sphere of a country, the actual decision depends on the concrete process of policy making in a specific historical and political situation ([Pedroza \(2019\), p.185f](#)).

ressources

- D.C. Ernest(2003): Noncitizen Voting Rights: A Survey of an Emerging Democratic Norm.
- European Parliament: Trends in the EU-27 regarding participation of third-nation nationals in the host country's political life
- Pedroza, L. (2019): Citizenship Beyond Nationality, Philadelphia: University of Pennsylvania Press.
- López-Guerra, C. (2014): Democracy and Disenfranchisement: The Morality of Electoral Exclusions. Oxford University Press.

Wikipedia

- [W Suffrage](#)
- [W Universal_suffrage](#)
- [W Right_of_foreigners_to_vote](#)

governmental & NGO

- Migration News: Germany: Dual Nationality Change.
- Koalitionsvertrag SPD/Grüne: Reform des Staatsbürgerrechts

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