

## MATHIAS COLOMB FIRST NATION CITIZENSHIP CODE

## PREAMBLE.

WHEREAS THE MATHIAS COLOMB FIRST NATION as members of the Swampy Cree Indian Nations have inherent rights, customs and traditions, including aboriginal and treaty rights and the right to Self-determination:

AND WHEREAS THE MATHIAS COLOMB FIRST NATION has a special relationship with Her Majesty's Government of the Dominion of Canada as a result of the Treaty entered into between the forefathers of the said First Nation and the predecessors of Her Majesty's said Government:

AND WHEREAS the Aboriginal and Treaty rights of the MATHIAS COLOMB FIRST NATION cannot be abrogated or derogated by the Charter of Rights and Freedoms or any other laws of the said Dominion of Canada:

AND WHEREAS, by amendments to the Indian Act, R.S.C. 1970, Chap. I-6, the MATHIAS COLOMB FIRST NATION is enabled, pursuant to the consent of a majority of the Mathias Colomb First Nation electors, to establish citizenship rules for itself and a mechanism for reviewing decisions on citizenship:

AND WHEREAS, the said amendments to the said Indian Act, require that certain persons are entitled to be citizens whether or not the First Nation agrees:

AND WHEREAS, Her Majesty's Government of the Dominion of Canada has promised and assured the First Nation that adequate funding will be provided to provide for additional citizen that

results from *said* amendments to the *said* Indian Act:

AND WHEREAS, Her Majesty's Minister of Indian Affairs has given full assurances that "there will be no shortage of funds to provide for full implementation" of *said* amendments to the Indian Act:

AND WHEREAS, the MATHIAS COLOMB FIRST NATION is desirous of assuming control over its own citizenship;

THEREFORE, BE IT ENACTED AND ORDAINED THAT the following shall be the citizenship rules of the MATHIAS COLOMB FIRST NATION from and after the effective date of said rules.

## DEFINITIONS.

For the purpose of this Code:

"ADOPTED CHILD"	means a child who is under the age of 18 years that has been legally adopted by adults by Provincial Laws or by traditional First Nation laws.
"AMENDMENTS"	means revising or changing some parts of the Code for the better.
"ANCESTRY"	means having connection with the First Nation through descentancy, <i>ie.</i> father, mother, grandfather or grandmother on father's or mother's side.
"APPEAL BOARD"	means a group of FIRST NATION CITIZENS appointed by CHIEF AND COUNCIL to review CITIZENSHIP decisions upon protest of the person applying for CITIZENSHIP.
"CITIZEN"	has the same meaning as "MEMBER of a Band" as defined <i>in</i> the Indian Act.
"CITIZENSHIP LIST"	has the same meaning as "BAND LIST" as defined <i>in</i> the Indian Act.
"FIRST NATION"	has the same meaning as a "BAND" as defined <i>in</i> the Indian Act.
"CITIZENSHIP COMMITTEE"	means a group of FIRST NATION CITIZENS who have been appointed by CHIEF AND COUNCIL to oversee the operations of the office of the FIRST NATION REGISTRAR.

.,ROBATIONARY CITIZENSHIP"

means the testing of the suitability of a person, for a specific period of time, before he/she can become a full fledged FIRST NATION CITIZEN.

"REFERENDUM"

means when the FIRST NATION CITIZENS vote on an appeal or protested issue.

"REGISTRAR"

means an administrative official in charge of keeping MATHIAS COLOMB FIRST NATION CITIZENSHIP records.

"RENUNCIATION"

means to give up citizenship or to resign from FIRST NATION CITIZENSHIP by formal declaration.

"SUBSTANTIAL CONNECTION".

means having linkage with the FIRST NATION through tribal affiliation and ancestry.

"TRIBAL AFFILIATION"

means having connection with the FIRST NATION through adoption, marriage, or kinship.

## TITLE

This Code shall be known as the CITIZENSHIP CODE of the MATHIAS COLOMB FIRST NATION.

## PURPOSE

The purpose of this Code is to:

- A) provide the basis for determining who are citizens, and who are not citizens, and what rights and obligations citizens have.

## FIRST NATION CITIZENSHIP LIST.

1. The citizenship of the MATHIAS COLOMB FIRST NATION shall consist of those persons who are registered on the First Nation list maintained by the Registrar in accordance with this Code.

2. ENTITLEMENT TO BE ENTERED ON THE CITIZENSHIP LIST.

(1) The following are entitled to be entered as citizens on the Citizenship List maintained by the Registrar:

(a) Members on Existing Citizenship List

any person who, as of the effective date of this Code, is entitled to be registered as an Indian and to be on the Citizenship List maintained by the Department of Indian Affairs under the Indian Act;

(b) Children, both of whose parents are First Nation Citizens.

any person who is the natural or adopted child of parents, both of whom are registered on the Citizenship List;

(c) Children whose parent is a First Nation citizen.

any person who is the natural or adopted child of a single parent who is registered on the Citizenship List;

(d) on Application

any person who has applied for citizenship in the MATHIAS COLOMB FIRST NATION, has substantial connection through ancestry or tribal affiliation, and a substantial-commitment to and knowledge of, the history, customs, traditions and culture of this First Nation and who meets the criteria set out in this Code

3. Enrolment on Citizenship List.

Upon presentation to the Registrar of a Certificate of Birth and a Declaration by the parent or parents of a child described in paragraph 2(1)(b) or 2(1)(c) of this Code, or by the guardian of said child, the child shall be enrolled on the First Nation List provided that said child is not a member of any other First Nation.

4. (1) Application for Citizenship of Children of this First Nation.

(a) Anyone who is the child of a citizen of this First Nation is entitled to apply for citizenship in this First Nation at any time.

(b) An application may be made on behalf of a child by either or both parents of the child, by a guardian or by any person in whose care the child is at the time of the application.

(2) Natural Child of Citizen.

A child is entitled to be registered on the Citizenship List if he or she is the natural child of a citizen of this First Nation unless that child has no Indian blood (eg. a child of a non-Indian man and a non-Indian woman who gained status by marriage).

(3) Adopted Child of a Citizen.

A child that is lawfully adopted by a Citizen is entitled to be registered on the Citizenship List and for purposes of this Code, adoption by Indian Custom shall be deemed to be lawful adoption and a child is anyone under the age of 18 years.

5• Other Applications for Citizenship.

Any other person who has a substantial connection with the First Nation through Tribal Affiliation or Ancestry may apply for citizenship in the First Nation and, if approved for citizenship in accordance with this Code, shall be entitled to be registered on the First Nation List.

6• Ceasing to be a Citizen.

(1) Citizens of another First Nation.

No person may be a citizen of this First Nation while he or she is the citizen of another First Nation and a person ceases to be a citizen of this First Nation if that person voluntarily becomes a citizen of another First Nation,



and this Nation's Registrar shall delete any such person from the Citizenship List upon receiving verification in writing that the person *is* a citizen of another First Nation.

(2) Renunciation.

A person may voluntarily renounce, citizenship in this Nation by notice in writing to the First Nation Registrar and, subject to paragraphs 6(2)(a), (b), (c) and (d) herein, the First Nation Registrar shall delete from this Nation's List anyone who has renounced their First Nation citizenship.

- (a) No renunciation shall be effective unless it is in writing and signed by the First Nation Citizen in the presence of a witness. Further, where practicable, the Registrar shall verify a renunciation in person with the renouncing member.
- (b) No renunciation shall be effective until after 6 months of the receipt, of the notice in writing by the Registrar. Said renunciation may be withdrawn at any time in the said 6 month period.
- (c) Renunciation of citizenship shall affect only the person making the renunciation, and shall have no effect whatsoever on the citizenship of any spouse or children of the renouncing citizen.

(d) A former citizen, who has renounced his or her Citizenship may apply to be readmitted as a citizen of this Nation no sooner than one year after the effective date of the renunciation and if said application is denied, may not reapply until at least one year after the final decision denying said application.

7. Citizenship Committee.

(1) The Chief and Council may appoint a Citizenship Committee for this Nation. Said Committee shall consist of no less than three (3) and no more than five (5) citizens, at least one of whom must be a member of this First Nation Council, who shall be appointed to chair the Committee.

(a) A quorum of the Committee shall be three (3).

(b) Appointment to the Citizenship Committee shall be for a term of two (2) years, and members of said Committee may be reappointed to more than one term.

(c) Appointees to the Citizenship Committee may be removed from the Committee:

- (i) upon serious illness or death;
- (ii) upon resignation;
- (iii) upon expiry of two (2) years from the date of appointment; or
- (iv) upon dismissal in writing by the Chief and Council by reason of gross negligence of duty, meaning absence from three consecutive regular meetings without good reason; or failing to

follow up on duties assigned by the Chief and Council and/or said Committee; or seriously misrepresenting the First Nation Government and/or the said Committee.

(2) Duties of Committee:

The Citizenship Committee shall:

- (a) oversee the operations of the office of the First Nation Registrar.
- (b) perform such duties as may be assigned to the Committee from time to time, by the Chief and Council or under the provisions of this Code. Such duties may include holding Community meetings from time to time.
- (c) act in an advisory capacity and make recommendations to the Chief and Council, or the Appeal Board on applications for citizenship and such other matters as the Chief and Council shall from time to time request.

8. Disposition of Citizenship Application.

All applications for a person to be registered under Paragraph 2(1) (d) are to be made to the Registrar and are to be accompanied by letters from at least two (2) Citizens of this First Nation supporting the application.

(1) Committee to Recommend to Chief and Council

The Citizenship Committee shall consider applications for First Nation Citizenship and shall make recommendations to Chief and Council as to whether applications should be granted (see: paragraph 8(3) for procedures and time frames).

(a) Children of First Nation Citizens Entitled to Citizenship.

Where the application *is in* respect of a person described *in* Paragraph 4(2) or 4(3), and the Citizenship Committee *is* satisfied that the applicant meets the criteria set out therein, the Citizenship Committee shall instruct the Registrar to enter the name of said person on this Nation's List, and the Registrar shall enter said person's name on the List.

(b) Where the Citizenship Committee is not satisfied the applicant meets the criteria set out *in* Paragraph 4(2) and 4(3), it shall nevertheless consider the application as if it were an application under Paragraph 5 herein.

(2) Other Applications.

Where the application is made under Paragraph 5 herein, the Citizenship Committee and the Chief and Council shall consider the following factors in coming to a recommendation/decision as the case may be:

- (a) Whether the applicant is affiliated with this Nation through adoption, kinship or marriage;
- (b) Whether the applicant is a descendant of this Nation on their father's or mother's side up to 2 generations. (eg. father, mother, grandfather, grandmother).
- (c) Whether the applicant is knowledgeable, loyal and follows a way of life consistent with this Nation and has developed ties to the community by his/her familiarity with the language, customs and history of this Nation.
- (d) Whether the applicant agrees to a probation period of three (3) years to acquire knowledge of the way of life, language, customs and history of this Nation.

- (3) Recommendations of Citizenship Committee and Decision of Chief and Council
- (a) Upon receipt of an application under this Code, the Registrar shall immediately refer it to the Citizenship Committee, or, if no Citizenship Committee is appointed, to the Chief and Council.
  - (b) Where an application is referred to the Citizenship Committee, it shall make a recommendation to the Chief and Council within 30 days of receiving the application from the Registrar.
  - (c) Where the Chief and Council receive an application or a recommendation hereunder they shall decide within 30 days of receiving same whether the person is entitled to be entered on the Citizenship List.
  - (d) The decision of the Chief and Council shall be communicated by the Registrar, in writing, to the applicant within 14 of said decision. Subject to Section 9 herein, the decision of Chief and Council shall be final and conclusive and shall not be reviewable by any Court or other tribunal

(4) Probationary Citizenship.

- (a) In making a decision herein, the Chief and Council or the Appeal Board may require that an applicant undergo a period of probation of up to three (3) years to acquire sufficient knowledge of the way of life, language, customs and history of the community and of his or her social contract obligations under Section 10(1)(b) herein. During such probationary period, the person shall be considered as a member of this Nation and the Registrar shall make the appropriate entry on this Nation's Citizenship List.

Privileges of Probationary Citizens.

- (b) Probationary Citizens shall have the following privileges:
- (i) attend community meetings and participate in the discussions;
  - (ii) reside on reserve for residential purpose.
- (c) A probationary citizen cannot vote or run for Election as Chief, Councillor or as a Board Member until he/she has successfully completed the required probation and has been enrolled as a full fledged Citizen.

(d) A probationary citizen shall not be entitled to own or lease housing owned or operated by this First Nation until he/she has successfully completed the probationary period, and has been enrolled as a full fledged Citizen.

(e) Citizenship May be Revoked.

At or before the conclusion of the probationary period of Chief and Council may reverse their decision to admit into citizenship a person who has not acquired a sufficient knowledge of the matters referred to herein and, in such case, the Registrar shall delete said person's name from this Nation's Citizenship List.

9• Appeals to the Appeal Board.

(1) Chief and Council to Appoint a Citizenship Appeal Board.

Upon this Code coming into effect, the Chief and Council shall appoint a Citizenship Appeal Board to hear appeals herein. Said Board shall consist of no less than three (3) and no more than five (5) members.

(a) Appointments to the Board shall be for a term of two (2) years and Appeal Board Members may be reappointed to more than one term.



- (o) Appointees to the Board shall be citizens of this Nation.
- (c) Appointees to the Board may be removed from the Board in the same manner and circumstances as set out in Paragraph 7(1)(c) herein.
- (d) A Quorum of the Board shall be three (3).

(2) Procedure on Appeals.

Any decision by this Nation's Registrar or the Chief and Council made pursuant to this Code may be appealed to the Appeal Board.

- (a) An appeal shall be commenced within one year of the decision, by notice in writing left with this Nation's Registrar and notice of the appeal shall be displayed in this Nation's Office for at least 30 days prior to the hearing of the appeal.
- (b) The Citizenship Appeal Bosrd shall, within 3 months of the notice in sub-paragraph 9(2)(a), review the *decision* of the Registrar or the Chief and Council, as the case may be, together with all material or evidence submitted to the Registrar and/or Chief and Council.

- (c) In review of the decision being appealed, the Citizenship Appeal Board may receive such further materials and/or submissions in support of the appellant's case as they in their discretion may determine.
- (d) The Citizenship Appeal Board may consider such other matters as they in their discretion consider to be relevant and, in particular, they may rely upon their own judgment of what is in the long term best interests of this Nation and its citizens.
- (e) The Appeal Board shall render a decision either upholding or reversing the decision being appealed from, within three (3) months of the conclusion of the hearing of the appeal.
- (f) Subject to subsection (3) herein, the decision of a majority of the Appeal Board hearing the appeal is final, conclusive and binding and is not reviewable by any Court or other tribunal.

(3) Referendum in Special Circumstances.

Where a decision of the Citizenship Appeal Board herein is not unanimous and a majority of said Board expresses the opinion that the matter in question should be decided by a majority of this Nation's Electors, the appellant is entitled, within one year of the

decision of the said Board, to apply to the Chief and council for a referendum to be held to determine the issue.

(a) Where the criteria of subsection 9(3) are met, the Chief and Council shall, within one year of the application for referendum, cause a referendum to be held on the issue.

(b) Subject to this Code and subsection

(c), The referendum rules under the Indian Act shall apply to any referendum conducted under this section.

9.(3)(c) Where a majority of this Nation's eligible electors have voted and either:

(i) a majority of this Nation's eligible electors voted in favour of the Appellant:  
or

(ii) a two-thirds (2/3) majority of those who voted, voted in favour of the Appellant;

the referendum is won by the Appellant.

(d) A referendum decision herein shall be final, conclusive and binding and is not reviewable by any Court and other tribunal.

(4) Entry of Decisions by First Nation Registrar.

All decisions of the Registrar, Chief and Council, the Citizenship Appeal Board or a referendum, are effective forthwith upon the decision, and all said decisions shall be communicated in writing to this Nation's Registrar within fourteen (14) days of the decision and the Registrar shall forthwith enter or delete, as the case may be, the name(s) of the person(s) affected by the decision.

10. Rights and Obligations of Citizens.

(1) Only those persons entered on this Nation's List are entitled to receive any benefits as a Citizen of this Nation.

(a) Residency and Voting

Only those Citizens who reside on a Reserve of this Nation and have so resided for a minimum period of six (6) months prior to the vote, may vote in any election, surrender and/or referendum vote.

(b) Citizens Obligations.

All citizens of this Nation shall be deemed to have entered into a social contract with this Nation to keep the peace, be respectful of their neighbour's life, health, property and well being, and to abide by the laws, rules, regulations and by-laws duly passed and/or enacted by this Nation or by the Chief and Council of this Nation.

(c) Traditional Activities.

For purposes of this Code, a person who engages in traditional activities such as hunting, fishing and trapping, and who also maintains a residence on a Reserve or conditionally surrendered lands, shall be deemed to be ordinarily resident on the Reserve or conditionally surrendered lands no matter what proportion of the citizen's time may be spent off Reserve in pursuit of said traditional activities.

(d) Student Activities.

Citizens who are in full-time attendance at an accredited educational facility and who are at least 18 years of age on the date of the vote shall have the right to vote in any election, referendum or referendum vote, provided they present themselves in person at the polling station on the date of the vote.

11. Transfer of Citizenship.

A person who is a member of another First Nation and who acquires a substantial connection to this Nation may apply to transfer his or her citizenship to this Nation.

(1) Marriage In.

Where a member of another First Nation marrying a citizen of this Nation wishes to become a citizen of this Nation, he or she shall be entitled to citizenship provided that notice of this intention is given to this Nation's Registrar within one (1) year of the marriage and provided that the person gives up his/her citizenship in the other First Nation.

(2) Marriage Out.

Where a citizen of this Nation marries a citizen of another First Nation, that citizen shall have the choice whether to remain as a citizen of this Nation or to transfer to the spouse's Nation, provided that the spouse's Nation has citizenship rules that allow for transfers.

12. Adoption by Referendum.

This Nation may decide to adopt any adult person as a full citizen of this Nation by a referendum conducted in accordance with Paragraph 9(3) herein.

13. Honorary Citizens.

(1) The Chief and Council may decide to recognize, as Honorary Citizen of this Nation, any person who is not a citizen and has made an outstanding contribution to this Nation.

(a) This Nation's Registrar shall maintain an "Honorary List" supplemental to this Nation's Citizenship List and shall enter or delete honorary citizens as such decisions are communicated to him/her by the Chief and Council.

(b) An Honorary Citizen shall not be entitled to a vote on any matter of this Nation and shall not be entitled to any of the other 'benefits of citizenship of this First Nation.

14. First Nation Registrar.

(1) The position of Registrar shall be created within the First Nation administration and the Registrar shall report to the Chief and Council through the First Nation Administrator.

(2) The Registrar shall:

(a) Report to the Citizenship Committee and/or Chief and Council on all matters governed by this Code.

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- (b) Perform such duties as may be assigned to him/her from time to time by the Citizenship Committee and/or Chief and Council or under the provisions of this Code.
- (c) Act in an advisory capacity to the Citizenship Committee, Chief and Council and the Appeal Board as requested.
- (d) Post such Lists, Notices, Decisions and Appeals as may be required by this Code.
- (e) Make all entries and deletions to this Nation's List as may be required by this Code. "

#### 15. Amendments.

This Code may be amended from time to time by vote of this First Nation's Electors in accordance with the rules hereinafter set out.

##### (1) Initial Amendments to conform to this Nation's Constitution.

- (a) It is hereby recognized that this Nation is presently in the process of developing a Constitution for Self-Government pursuant to a Memorandum of Understanding between Swampy Cree First Nations and Her Majesty's Government of the Dominion of Canada.



(2) Quorum and Majority for Amendment Vote.

- (a) This Code and the rules contained herein may only be amended upon a vote of a majority of this Nation by referendum.
- (b) Written Notice of any proposed amendments must be given to the citizens of this Nation in accordance with the Indian Act Referendum Regulations.
- (c) Following notice, and before the Referendum vote, there must be at least two (2) Public Meetings in the Community to address and discuss the proposed amendments.
- (d) For an amendment proposal to be passed a majority of eligible First Nation Electors must have voted on the proposal and either:
- (i) a majority of the eligible First Nation Electors must have voted in favour of the proposal; or
  - (ii) a two-thirds (2/3) majority of those who voted must have voted in favour of the proposal.

16. Effective Date of this Code.

This Code shall have effect from the day on which the Chief and Council gives notice to the Minister

of Indian Affairs pursuant to Section 10(6) of the Indian Act that this Nation is assuming control of its own citizenship.

CONSENTED TO by a majority of the eligible Electors of the MATHIAS COLOMB FRIST NATION this day of July 3rd , 1987.

*[Handwritten signature]*