



# Métis Nation – Saskatchewan Citizenship Act

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## Métis Nation of Saskatchewan Citizenship Act

Ratified November 6, 1999

Amended November 2001

Amended July 4, 2003

Amended September 9, 2008

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## ARTICLE ONE - TITLE

1. This Act may be cited as "*The Métis Nation - Saskatchewan Citizenship Act, 1999.*"

## ARTICLE TWO - INTERPRETATION

2. In this Act:

- 2.1 "Act" shall mean the *Métis Nation - Saskatchewan Citizenship Act*.
- 2.2 "Appeals" shall mean any written objection by a person who has been rejected entry in the Métis Nation - Saskatchewan Central Registry or by a Métis Nation - Saskatchewan citizen who is objecting to the registration of any person to the Métis Nation - Saskatchewan Central Registry.
- 2.3 "Child" shall mean a child of a Métis citizen.
- 2.4 "Citizenship Appeal Board" shall mean the Métis Nation - Saskatchewan Citizenship Appeal Board.
- 2.5 "Membership" shall mean citizenship.
- 2.6 "Métis" shall mean a Métis citizen as defined by the Métis Nation - Saskatchewan Constitution.
- 2.7 "Métis community" shall mean the Locals as set out by the Constitution.
- 2.8 "Métis Local" shall mean a Métis Local listed in Schedule I of the Métis Nation - Saskatchewan Constitution.
- 2.9 "Métis Nation Legislative Assembly" shall mean the governing authority of the Métis Nation – Saskatchewan as set out in the Constitution.
- 2.10 "Records" shall mean any records used to support an application for citizenship including historical records, church records, archival records, census records and oral history from Métis Elders.
- 2.11 "Registered" shall mean registered as a Métis under this Act.
- 2.12 "Registrar" shall mean the Registrar appointed by the Métis Nation Legislative Assembly to administer the Central Registry. [Amended September 9, 2008.]
- 2.13 "Genealogical evidence" shall mean evidence which indicates proof that an applicant's parent is, or parents are, of Métis Ancestry. (Amended July 4, 2003)

### ARTICLE THREE - COMMUNITY ACCEPTANCE

3. In this Act:

3.1 The Métis Nation - Saskatchewan shall accept a person as Métis if the person can produce records denoting the person as having Métis ancestry and is accepted by a Métis community and if the person complies with the following conditions:

3.1.1 The person normally resides within the community or jurisdiction of the Métis Nation - Saskatchewan; and

3.1.2 The person expressly held him/herself out to be Métis in the community or jurisdiction;

3.2 The authorized Métis Local must make its decision impartially and in good faith.

### ARTICLE FOUR - REGISTRATION PROCESS

4. In this Act:

4.1 A person who wishes to be registered as a Métis may apply to a Métis Nation - Saskatchewan Local.

4.2 The Métis Nation - Saskatchewan Local President or Secretary must issue a card recognizing the person as Métis if they meet the requirements of this Act, but not before they are registered by the Registrar.

4.3 The parent or guardian of a child under 16 years of age may apply for registration on behalf of the child.

4.4 The guardian of a person who is under a mental or legal disability may apply for registration on behalf of the person.

4.5 No person is obliged to apply for registration.

4.6 In the case of an application for registration, the applicant must provide historical and genealogical evidence, such as the records or documents of a government, church or community, including oral testimony from a Métis Elder reduced to writing, to show that the person is a descendant of a Métis.

4.7 The Registrar shall review applications for registration and shall register a person as a Métis only if:

4.7.1 The person is entitled to be registered as a Métis pursuant to this Act and

4.7.2 The application is properly made.

4.8 Following the coming into force of this Act, the Registrar shall establish and implement a process to seek out and encourage the registration of all persons who are entitled to be registered as Métis.

## ARTICLE FIVE -VOLUNTARY REMOVAL FROM REGISTRY

5. In this Act:

- 5.1 A person who is registered as a Métis citizen may, at any time, voluntarily remove him/herself from the registry.
- 5.2 The Registrar shall remove a person who, by written request, declares that he or she no longer wishes to be registered as a Métis.
- 5.3 A person who has removed him/herself from the registry may re-apply for registration.

## ARTICLE SIX - CENTRAL REGISTRY

6. In this Act:

- 6.1 The Registrar shall maintain a uniform system for the registration of the citizens of the Métis Nation - Saskatchewan.
- 6.2 The following minimum information about a Métis citizen may be included in the Central Registry:
  - 6.2.1 The person's name;
  - 6.2.2 The person's address or place of residence;
  - 6.2.3 The person's date of birth;
  - 6.2.4 The person's marital status and the name of any spouse;
  - 6.2.5 The dates of any marriages;
  - 6.2.6 The names and dates of birth of any children of the person;
  - 6.2.7 The Local under which the person has applied for registration;
  - 6.2.8 The Mother's full name and date of birth;
  - 6.2.9 The Father's full name and date of birth;
  - 6.2.10 The other information submitted in support of the person's application for registration; and
  - 6.2.11 Such genealogical information about the person as may exist.

- 6.3 The Registrar may collect and register additional demographic information about Métis citizens.
- 6.4 The Registrar shall treat the registry as confidential.
- 6.5 The Registrar shall cause the registry system to be kept safely by administrative, physical and technological safeguards that are reasonable and consistent with this Act.
- 6.6 The Registrar with the consent of the Provincial Métis Council may enter into agreements with the government of a province or territory or with the government of Canada respecting the collection and exchange of information for the better functioning of the registry system but may not disclose confidential information without the consent of the registrant.
- 6.7 The process for registration shall be such that:
- 6.7.1 A person makes application to a Métis Local for citizenship by completing the Métis Nation - Saskatchewan Citizenship Application Form.
  - 6.7.2 The President of the Métis Local submits the Citizenship Application Form to the Registrar for consideration and entry into the Registry.
  - 6.7.3 The Registrar rejects or registers the person into the Registry and notifies the Métis Local President in writing of the decision.
  - 6.7.4 In the event that the Registrar accepts the registration, the Registrar forwards a signed standardized Métis Nation - Saskatchewan Citizenship Card to the Métis Local President or Secretary who then issues the standardized Métis Nation - Saskatchewan Citizenship Card to the person.
  - 6.7.5 The standardized Métis Nation - Saskatchewan Citizenship Cards shall be numbered consecutively following the Métis Local numbers.
  - 6.7.6 Only the standardized Métis Nation - Saskatchewan Citizenship Cards shall be recognized as legitimate for the purposes of the Constitution and this Act.
  - 6.7.7 The Provincial Métis Council will be responsible for the development of the Métis Nation - Saskatchewan Citizenship Application Form and the standardized Citizenship Card.

## ARTICLE SEVEN - REGISTRY OFFICE

7. A Registry Office shall be established, based on available fiscal resources.

7.1 The Registry Office shall consist of:

7.1.1 The Registrar and

7.1.2 The staff of the Registry Office.

7.2 The Registry Office

7.2.1 is separate and independent from the public service of the Métis Nation but the staff of the Registry Office shall be considered to be members of the public service for the purpose of employment benefits;

7.2.2 Shall act impartially and in good faith in the exercise of its functions; and

7.2.3 [Repealed September 9, 2008.]

7.2.4 Shall retain and provide copies of the standardized Métis Nation - Saskatchewan Citizenship Application Form and the standardized Métis Nation - Saskatchewan Citizenship Cards to Métis Local Presidents.

## ARTICLE EIGHT - THE REGISTRAR

8. The Registrar:

8.1.1 [Repealed September 9, 2008.]

8.1.2 [Repealed September 9, 2008.]

8.1.3 [Repealed September 9, 2008.]

8.1.4 [Repealed September 9, 2008.]

8.1.5 Shall maintain the Central Registry.

8.1.6 Shall administer this Act.

8.1.7 Shall accept and review applications for citizenship submitted on the standardized Citizenship Application Form by a Métis Local President and decide whether a person is entitled to be registered pursuant to this Act.

- 8.1.8 Shall respond in writing to the Métis Local President on the decision of an application for citizenship.
- 8.1.9 Shall make decisions on the voluntary removal from the registry of individuals pursuant to this Act.
- 8.1.10 Shall forward Appeals to the Citizenship Appeal Board on the issue, pursuant to this Act.
- 8.1.11 Shall ensure that the relevant files are provided to the Citizenship Appeal Board in cases of appeal.
- 8.1.12 Shall ensure that a final report is written and filed on any appeal that comes before the Registrar or the Citizenship Appeal Board.
- 8.1.13 Shall manage the staff of the Registry Office.
- 8.1.14 Shall have a seal of office that may be reproduced by the Registrar in any manner and has the same effect whether it is manually applied or otherwise reproduced.
- 8.1.15 Shall deliver an annual report to the Provincial Métis Council, to be submitted to the Métis Nation Legislative Assembly, through the Senate, within 60 days following the end of each calendar year.

#### **ARTICLE NINE - CITIZENSHIP APPEAL BOARD**

- 9. [Repealed September 9, 2008.]

#### **ARTICLE TEN - CITIZENSHIP APPEALS**

- 10. The process for Appeals will be such that:
  - 10.1 The Appellant bears the burden of proof.
  - 10.2 Any person who has made application on the Métis Nation - Saskatchewan Citizenship Application Form to a Métis Local President and is denied registry by the Métis Local President is entitled to appeal this decision in writing to the Registrar within thirty (30) days of the President's decision.
  - 10.3 Any person whose Citizenship Application Form has been forwarded by a Métis Local President to the Registrar and has been rejected in writing by the Registrar may appeal in writing to the Citizenship Appeal Board within thirty (30) days of the Registrar's decision.
  - 10.4 Any person whose application has been rejected by the Citizenship Appeal Board may appeal in writing to the Métis Nation Legislative Assembly, whose decision shall be final and binding,



complying with the requirements set out in the Métis Nation - Saskatchewan Legislative Assembly Act, and shall do so within thirty (30) days of the Citizenship Appeal Board's decision.

- 10.5 All appeals by a person regarding rejection of registration by the Local President or Registrar or Citizenship Appeals Board must include:
  - 10.5.1 The name and address of the person who has been rejected;
  - 10.5.2 The Local to which application was made;
  - 10.5.3 The evidence submitted as proof of Métis ancestry;
  - 10.5.4 Copies of all correspondence regarding the appeal;
  - 10.5.5 The signature of the person who has been rejected; and
  - 10.5.6 The date of submission of the appeal.
- 10.6 Any person whose registration is being objected to shall be given a reasonable opportunity to make representation in the case at each level, and shall receive copies of all correspondence regarding the appeal.
- 10.7 The decision of the Citizenship Appeal Board must be in writing, signed by the deciding members of the Citizenship Appeal Board, and forwarded to the affected parties within 14 days of the date of its decision.
- 10.8 The Registrar shall take whatever steps are necessary to implement the decision of the Citizenship Appeal Board.
- 10.9 All appeals are confidential and shall be treated as such by all involved parties.

#### **ARTICLE ELEVEN - CHALLENGES TO PERSONS CURRENTLY REGISTERED**

11. Challenges to persons registered as Métis may be made by Métis citizens registered in the Central Registry:
  - 11.1 Challenges of Métis ancestry to persons currently on MN-S citizenship/membership lists may be made by Métis citizens/members in writing to the Registrar. The challenge must include the full name of the person being challenged, the Local which that person is registered with, and the grounds for the challenge. The person so challenged will be notified by the Registrar in writing and shall have the right to refute that challenge by providing evidence that he/she is in fact Métis the burden of proof being the same as required for all persons applying for inclusion as Métis under this Act.

- 11.2 The written decision of the Registrar shall be forwarded by registered mail to both parties, and shall inform them of their right to appeal within thirty (30) days to the Citizenship Appeal Board.
- 11.3 The Citizenship Appeal Board shall provide at least two (2) weeks notice to both parties of the appeal hearing date and then render its decision in writing by registered mail to both parties to the appeal and inform them of their right to appeal to the Métis Nation Legislative Assembly.
- 11.4 The decision of the Citizenship Appeal Board may be appealed by either party in writing to the Métis Nation Legislative Assembly, whose decision shall be final and binding. Such appeal must be registered in conformity with the Métis Nation Legislative Assembly Act within thirty (30) days after receipt of the Citizenship Appeal Board's written decision.

(Amended July 4, 2003 )

#### **ARTICLE TWELVE - FINANCES**

12. The remuneration and employment benefits of the Registrar, the staff of the Registry Office and the Citizenship Appeals Board shall be established by the Métis Nation - Saskatchewan Treasury Board, based on available fiscal resources.

#### **ARTICLE THIRTEEN - GRANDFATHER CLAUSE**

13. In Grandfathering existing memberships.
- 13.3 Those members currently listed on the Métis Nation updated Local Membership Lists shall be automatically entered into the Central Registry and receive the new standardized Métis Nation - Saskatchewan Citizenship Card. All Métis not currently listed on the Métis Local Membership Lists shall have to apply for registration as a Citizen of the Métis Nation - Saskatchewan on the standardized Métis Nation - Saskatchewan Citizenship Application Form. (Amended July 4, 2003)

#### **ARTICLE FOURTEEN - ENACTMENT**

14. This Act:
- 14.3 Comes into force upon ratification by the Métis Nation Legislative Assembly.
- 14.4 Is binding on all citizens of the Métis Nation - Saskatchewan and its Affiliates and organizations.
- 14.5 Repeals all former citizenship legislation.
- 14.6 Has received ratification on this 6th day of November, 1999.