

CITIZENSHIP CODE

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GRAND RAPIDS FIRST NATION CITIZENSHIP CODE

PREAMBLE.

WHEREAS the GRAND RAPIDS 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 GRAND RAPIDS FIRST NATION has a special relationship with her Majesty's Government of the Dominion of Canada as a result of the Treaty (Treaty No. 5) 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 GRAND RAPIDS 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 GRAND RAPIDS FIRST NATION is enabled, 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 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 GRAND RAPIDS 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 GRAND RAPIDS FIRST NATION from and after the effective date of said rules.

DEFINITIONS.

For the purpose of this Code:

"FIRST NATION"	means the GRAND RAPIDS INDIAN "BAND".
"CITIZEN"	means "BAND MEMBER" within the meaning of the Indian Act.
"CITIZENSHIP COMMITTEE"	means a group of FIRST NATION CITIZENS appointed by CHIEF AND COUNCIL to oversee the REGISTRAR.
"CITIZENSHIP"	means "membership" with the meaning of the Indian Act.
"CITIZENSHIP LIST"	means "Band List" within the meaning of the Indian Act.
"REGISTRAR"	means Band Registrar within the meaning of the Indian Act.

FIRST NATION CITIZENSHIP LIST

1. The citizenship of the GRAND RAPIDS FIRST NATION shall consist of those persons who are registered on the First Nation list maintained by the First Nation 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 First Nation Registrar:

(a) Members on First Nation List

Any person who, As of the effective date of these rules, Is entitled to be registered as an Indian, and to be on the First Nations list maintained by the Department of Indian Affairs under the 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 First Nation 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 First Nation List;

3. Enrolment on the First Nation List.

Upon presentation to the First Nation Registrar of a Certificate of Birth and a Declaration by the parent or parents of a child described in paragraph 2 (b) and 2 (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) Applications for Citizenship of Children of First-Nation Citizen.

- (a) Anyone who is the child of a citizen of this First Nation is entitled to apply for Citizenship in this First Nation.
- (b) An application may be made by the child or on behalf of a child by either or both parents of the 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 First Nation Citizen.

A child is entitled to be registered on the First Nation List if he or she is the natural child of a member of the First Nation unless

That child has no Indian Blood (e.g. a child of a non-Indian man and a non-Indian woman who gained status by marriage).

(3) Adopted Child of a First Nation Citizen.

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

5. Ceasing to be a Band Member.

No person shall ~~lose his or her First Nation~~ Citizenship except in accordance with rules contained in this Code.

(1) Citizens of another First Nation.

No person may be a citizen of this Nation while that person is the citizen of another First Nation and a person ceases to be a citizen of this Nation if that person ceases to be a citizen of this Nation if that person voluntarily becomes a citizen of another First Nation, and this Nation's Registrar shall delete from the citizenship list any such person 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 5(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 re-admitted 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 re-apply until at least one year after the final decision denying said application.

6. 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 the Band Council, who shall be appointed to chair the Committee.
- (a) Appointment to the Citizenship Committee shall be for a term of four (4) years, and members of said Committee may be reappointed to more than one term.
- (b) Appointees to the Citizenship Committee may be removed from the Committee:
- (i) upon serious illness or death
 - (ii) upon resignation;
 - (iii) upon expiry of four (4) years from the date of appointment; or
 - (iv) upon dismissal in writing for the following reasons:
 - (a) gross negligence of duty, meaning absent from three

consecutive regular meetings without good reason, and for failing to follow-up on assigned duties by the Chief and Council and/or said Committee.

(b) gross misconduct meaning that a member of said committee has misrepresented the First Nation Government and the 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 it 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 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,
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including making recommendations
for amendments to this code.

7. Disposition of Citizenship Applications.

Applications for a person to be registered
Under this Code are to be made to the First Nation Registrar
are to be accompanied by letters from at least two (2) First
Nation Citizens supporting the application.

(1) Committee to Recommend to Chief and Council

Where the Citizenship Committee has been
appointed herein, it shall consider
applications for First Nation Citizenship
and shall make recommendations to Chief
and Council as to whether applications
should be granted.

(a) Children of the First Nations
Entitled to Citizenship.

Where the application is in respect
of a person described in paragraph
4(2) or 4(3), and 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.

8. APPEALS TO THE CITIZENSHIP APPEAL BOARD.

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

Upon this Code coming into effect, the Chief and Council shall appoint an Appeal Board to here 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) four (4) years and Councillors may be reappointed to more than one term.

(b) Appointees to the Board shall be citizens of the Nation.

(c) Appointees to the Board may be removed from the Board in the same manner and circumstances as set out in Paragraph 6(1) (b).

(d) A quorum of the Board shall be three (3).

(2) Procedure on Appeals.

Any decision of this Nation's Registrar or the Chief and Council made pursuant to these rules 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 the 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 Board shall, within 3 months of the notice in sub-paragraph 8(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 or Chief and Council.
- (c) In review of the decision being appealed, the 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 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 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 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 8(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.

(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; according to the rules of this Code; 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 or other tribunal.

(4) Entry of Decisions by First Nation Registrar.

All decisions of the Registrar, Chief and Council, the Appeal Board or a referendum, are effective forthwith upon the decision, 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.

9. 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.

- (i) Only those Citizens who ordinarily reside on Reserve or conditionally surrendered lands 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.
- (ii) 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.
- (iii) 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, surrender and/or referendum vote, provided they present themselves in person at the polling station on the date of the 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 any rules, regulations and by-laws duly passed and/or enacted by the Band or by the Chief and Council of the Band.

10. Transfer of Citizenship.

(1) 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 First Nation has citizenship rules

that allow for transfers.

11. 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 these rules.
 - (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 these rules.
 - (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 these rules or the Indian Act.
 - (e) Make all entries and deletions to

this Nation's List as may be required by these rules.

12. Amendments.

These Rules may be amended from time to time by vote of the First Nation 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.

(b) Upon the Chief and Council proposing a Constitution for adoption by this Nation, a proposal to amend the rules within this Code to conform to the terms of the new Constitution may be put to this Nation's Electors for a vote.

(2) Quorum and Majority for Amendment Vote.

(a) These rules may only be amended upon a vote of a majority of the Electors of this Nation by referendum.

(b) Written Notices of any proposed amendments must be given to the citizens of this Nation in accordance with the Grand Rapids 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.

13. Effective Date of this Code.

This Code shall have effect from the day on which the Chief and Council give 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 GRAND RAPIDS FIRST NATION this day of

, 1987.

Transcribed June 10/88