

**TEME-AUGAMA ANISHNABAI
CITIZENSHIP LAW- DRAFT**

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WHEREAS:

The Teme-Augama Anishnabai have lived within n'Daki Menan as a distinct nation of people for thousands of years;

Our traditions, customs, and sovereignty entitle us to determine who we are;

Justice Steele of the Ontario High Court of Justice recognized that the Teme-Augama Anishnabai has the right to determine its own citizenship;

Section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada;

The *United Nations Declaration on the Rights of Indigenous Peoples* recognizes that all Indigenous Peoples have the right to self-determination;

We will ensure that all direct bloodline descendants of the Traditional Families of n'Daki Menan are included as Teme-Augama Anishnabai citizens;

We will ensure that all direct bloodline descendants of the Traditional Families of n'Daki Menan have the opportunity to benefit from the land and other rights that flow from our traditional use and occupation of n'Daki Menan, including but not limited to reserve land;

We will provide a unified voice for the direct bloodline descendants of the traditional families of n'Daki Menan through recognition as citizens;

1. DEFINITIONS

"Appeals Committee" means the committee appointed pursuant to this Law to consider citizenship appeals.

"Citizen" means a person named in the Teme-Augama Anishnabai Citizenship Registry.

"Citizenship Law" means the Teme-Augama Anishnabai Citizenship Law;

"Citizenship Committee" means the Committee responsible for developing and implementing this Law.

"Consensus" means that no member of the Citizenship Committee is actively opposed to an application for citizenship.

"Direct Bloodline Descendant" means a person who can trace their ancestral

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bloodline back to a member of one of the Traditional Families of n'Daki Menan.

"Elder" means a Teme-Augama Anishnabai Citizen who is recognized by the Citizenship Committee as an experienced and knowledgeable source of information about community ties.

"Enrolment Committee" means the Enrolment Officer and two Members appointed pursuant to this Law.

"Enrolment Officer" means the person designated pursuant to section 8.

"Immediate Family" means a person's siblings, spouse, parents, grandparents, children, grandchildren.

"Joint TFN/TAA Meeting" means a meeting held jointly by the Temagami First Nation Council and the Teme-Augama Anishnabai Council.

"Minor" means a person who is less than eighteen years of age.

"n'Daki Menan" means the traditional territory of the Teme-Augama Anishnabai.

"Notice of Appeal" means an appeal submitted pursuant to this Citizenship Law.

"Notice of Appeals Committee Decision" means the notice of a decision provided by the Appeals Committee.

"Notice of Citizenship Decision" means a copy of the form that appears as a schedule to this Citizenship Law.

"Temagami First Nation" means the Temagami Indian Band within the meaning of the *Indian Act*, R.S.C. 1985, c.1-5, as amended.

"Teme-Augama Anishnabai Central Registry" means the list of persons enrolled as Teme-Augama Anishnabai citizens in accordance with the terms of this Citizenship Law, maintained by the Enrolment Officer.

"Temagami First Nation Tribal Constitution" means the document adopted at a general band meeting of the Temagami First Nation and given effect as of September 26, 1978, as amended from time to time.

"Traditional Families of n'Daki Menan" means persons named on the Temagami Genealogy Charts, and their Direct Bloodline Descendants.

"Working days" means the days between and including Monday through Friday, excluding weekends and public holidays.

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2. OBJECTIVES

- 2.1 The objectives of the Teme-Augama Anishnabai Citizenship Law are:
- (a) to set out the guiding principles used to determine who is a Teme-Augama Anishnabai Citizen;
 - (b) to establish, maintain and administer the citizenship list, to be known as the Teme-Augama Anishnabai Central Registry;
 - (c) to safeguard the continued existence of the Teme-Augama Anishnabai and n'Daki Menan for the benefit of all present and future Teme-Augama Anishnabai Citizens; and
 - (d) to ensure that Teme-Augama Anishnabai Citizens have access to programs and services in an inclusive and equitable manner.

3. ELIGIBILITY FOR CITIZENSHIP

- 3.1 A person is entitled to be enrolled as a Citizen and named in the Teme-Augama Anishnabai Central Registry provided that the person:
- (a) is a Direct Bloodline Descendant of one of the Traditional Families of n'Daki Menan;
 - (b) was listed as a Teme-Augama Anishnabai citizen on any official Teme-Augama Anishnabai voters list, membership list, or any of the lists provided to the courts in the Bear Island litigation;
 - (c) was listed as a member of the Temagami First Nation, or was entitled to have their name entered as a member of the Temagami First Nation, according to section 11 of the *Indian Act*, R.S.C 1985, c. I-5, as amended, on the date immediately prior to the Effective Date of this Citizenship Law; or
 - (d) subject to section 3.2, was adopted as a Minor by a person who is a Citizen or is entitled to be a Citizen.

3.2 A person who is entitled to be enrolled as a Citizen by virtue of being listed as a member of the Temagami First Nation pursuant to section 3.1 (c), shall automatically become a Citizen and named in the Teme-Augama Anishnabai Central Registry on the Effective Date.

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4. CHILDREN BORN TO TAA CITIZENS

- 4.1 TAA Citizens may register newly born children as TAA Citizens by providing sufficient evidence of parental ties to the Enrolment Officer.
- 4.2 A birth certificate shall be considered sufficient evidence of parental ties.
- 4.3 For greater clarity, children born to TAA Citizens do not need to submit an application for TAA Citizenship.

5. APPLICATIONS BY PERSONS WITH CITIZENSHIP OR MEMBERSHIP IN OTHER FIRST NATIONS OR INDIAN BANDS

- 5.1 Any person may make an application to become a Citizen notwithstanding their citizenship or membership in another First Nation or Indian Band.
- 5.2 Any application by a person with citizenship or membership in another First Nation or Indian Band pursuant to section 4.1 will be considered by the Enrolment Committee according to the eligibility criteria in section 3.
- 5.3 The Enrolment Committee will issue a recommendation to accept or reject the application that will be considered by the Joint TAA/TFN Assembly.
- 5.4 The Joint TAA/TFN Assembly will issue a decision to accept or reject the application.
- 5.5 Decisions made under section 5.4 will be made by a majority vote through secret ballot

6. APPLICATIONS BY TAA CITIZENS FOR CITIZENSHIP OR MEMBERSHIP IN OTHER FIRST NATIONS OR INDIAN BANDS

- 6.1 A person ceases to be a Citizen when that person becomes a member or citizen of another Indian Band or First Nation other than the Temagami First Nation unless dual citizenship has been approved by the Joint TAA/TFN Assembly.
- 6.2 Decisions made under 6.1 will be made by a majority vote through secret ballot.

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7. APPLICATIONS FOR CITIZENSHIP

7.1 Individuals who wish to be considered for Teme-Augama Anishnabai citizenship must complete the Application Form, and submit it, with the documentation specified therein, to the Enrolment Officer.

7.2 A person may apply to become a Teme-Augama Anishnabai Citizen on behalf of:

- (a) themselves;
- (b) their natural or adopted child who is under eighteen years of age;
- (c) another person for whom they are legal guardian; or
- (d) another person for whom they have the legal authority, by power of attorney or otherwise, to manage that person's legal affairs.

7.3 For greater certainty, any person who is above the age of sixteen may apply on their own behalf to become a Teme-Augama Anishnabai Citizen.

7.4 All persons applying to become a Teme-Augama Anishnabai Citizen shall be provided with access to a copy of the following by the Enrolment Officer, upon request:

- (a) the Citizenship Law in effect at the time of application.

7.5 All persons applying to become a Teme-Augama Anishnabai Citizen may be provided with access to a copy of the following by the Enrolment Officer, upon request and at the discretion of the Enrolment Officer:

- (a) any available genealogy charts related to the applicant's family line.

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- 7.6 The onus to prove eligibility for citizenship is upon the applicant and it is the responsibility of the applicant to provide all information and documentation required to establish entitlement to citizenship pursuant to the requirements of section 3.
- 7.7 The Enrolment Committee shall review and consider all completed applications that are accompanied by supporting documentation, and determine whether the applicant should be enrolled as a Citizen according to the eligibility requirements set out in section 3.
- 7.8 Where an application lacks information or documentation that is required for the Enrolment Committee to determine whether the applicant should be enrolled as a Citizen, the Enrolment Officer shall make reasonable efforts to contact the applicant to request the required information or documentation.
- 7.9 Applicants, or their appointed representative or agent, will be given the opportunity to make written and/or oral submissions to the Enrolment Committee in support of their applications if the Enrolment Committee decides written and/or oral submissions are necessary.
- 7.10 Where the Enrolment Committee approves an application for citizenship the Enrolment Committee shall instruct the Enrolment Officer to contact the applicant in writing and provide them with a Notice of Citizenship Decision to inform him or her of the Enrolment Committee's decision.

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7.11 Where the Enrolment Committee rejects an application for citizenship, the Enrolment Committee shall instruct the Enrolment Officer to contact the applicant in writing to inform him or her of:

- (a) the Enrolment Committee's decision;
- (b) the reasons for the Enrolment Committee's decision;
- (c) the applicant's right to appeal the decision of the Enrolment Committee at any time after the receiving the Notice of Citizenship Decision; and
- (d) the procedures for appealing the decision of the Enrolment Committee.

7.12 If the Enrolment Committee rejects an application for citizenship, the applicant may only reapply for enrolment as a Citizen if that person has obtained new information or documentation supporting their eligibility under section 3.

8. CITIZENSHIP DECISIONS

Enrolment Committee

- 8.1 The Enrolment Committee shall be appointed by the Citizenship Committee from among Citizens who have applied to serve on the Citizenship Committee.
- 8.2 A quorum of the Enrolment Committee shall be the Enrolment Officer, plus at least two other members of the Enrolment Committee.
- 8.3 The Enrolment Committee shall:
- (a) review and consider all applications for citizenship;
 - (b) subject to section 12.1(g), ensure all applications are treated as confidential;
 - (c) ensure that applicants are provided with the opportunity to provide further information or make written and/or oral submissions prior to any decision rejecting the application;

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- (d) meet to review and consider citizenship applications every three months, or more frequently if necessary;
 - (e) determine whether an applicant has met the requirements for enrolment as a Citizen according to the requirements set out in section 3;
 - (f) instruct the Enrolment Officer to notify applicants of its decisions in relation to applications, applicants' rights to appeal and the appeal process;
 - (g) instruct the Enrolment Officer to post all Enrolment Committee decisions in the form of a Notice of Citizenship Decision in a prominent place in each reserve community;
 - (h) recommend amendments to this Citizenship Law;
 - (i) develop and maintain procedural rules to govern its activities which shall promote the principles of fairness, open dialogue and, subject to section 12.1(g), confidentiality; and
 - (j) develop and maintain a code of conduct for members of the Enrolment Committee.
- 8.4 The Enrolment Officer shall keep minutes of every meeting of the Enrolment Committee.
- 8.5 The Enrolment Committee may seek the advice and guidance of Elders as required in its discretion.
- 8.6 Members of the Enrolment Committee may participate in the decision-making process relating to a member of their Immediate Family, but may not vote in such a decision.
- 8.7 In the event that all members of the Enrolment Committee are disqualified from considering an application pursuant to section 8.6, a substitute committee of Members shall be appointed to consider the application.
- 8.8 The Enrolment Committee will endeavour to make its decisions by consensus but if there is no consensus the decision shall be made by a majority of the Enrolment Committee.
- 8.9 If a majority vote is not obtained, the citizenship application will be rejected.

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9. CITIZENSHIP APPEALS

Appeals of Citizenship Rejections

- 9.1 Applicants may appeal decisions of the Enrolment Committee rejecting an applicant's application for citizenship.

Appeals Committee

- 9.2 All appeals of decisions of the Enrolment Committee shall be considered by the Appeals Committee.
- 9.3 The Appeals Committee shall be appointed by the Citizenship Committee.
- 9.4 The Appeals Committee shall:
- (a) review and consider all appeals of decisions of the Enrolment Committee which have been submitted in the manner prescribed by this Citizenship Law;
 - (b) provide all individuals who commence an appeal under section 9.1 with a reasonable opportunity to make written and/or oral submissions to the Appeals Committee;
 - (c) inform any individuals potentially affected by a decision of the Appeals Committee of the basis of the appeal and provide those individuals with a reasonable opportunity to make written and/or oral submissions to the Appeals Committee;
 - (d) provide written reasons for all decisions of the Appeals Committee;
 - (e) instruct the Enrolment Officer to contact individuals affected by decisions of the Appeals Committee of those decisions.
- 9.5 The Enrolment Officer shall contact the individuals affected by decisions of the Appeals Committee in writing by providing them with a Notice of Appeals Committee Decision to inform the individuals of:
- (a) the Appeals Committee's decision;
 - (b) the reasons for the Appeals Committee's decision;
 - (c) their right to appeal the decision of the Appeals Committee at

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any time after the posting of the Notice of Appeals Committee Decision;

(d) the procedures for appealing the decision of the Appeals Committee.

9.6 No member of the Appeals Committee may participate in appeal proceedings involving a member of their Immediate Family.

9.7 The Appeals Committee will endeavour to make its decisions by consensus but if there is no consensus the decision shall be recorded as a rejection of the appeal.

Appeal Process

9.8 Applicants who appeal a decision of the Enrolment Committee are entitled to make oral or written submissions or to have a representative make oral or written submissions on their behalf.

Final Appeals

9.9 An applicant may appeal any posted decision of the Appeals Committee to the joint TFN/TAA Council.

9.10 The decision of the joint TFN/TAA Council shall be made according to the decision-making requirements for General Assemblies as set out in the Temagami First Nation Tribal Constitution.

9.11 The Enrolment Officer shall contact the individuals affected by decisions of the community at a joint TFN/TAA Council meeting in writing to inform the individuals of:

(a) the community's decision;

(b) the reasons for the community's decision.

9.12 All decisions of the joint TFN/TAA Council shall be final.

10. AMENDMENTS TO THE CITIZENSHIP LAW

10.1 Citizens may propose amendments to this Citizenship Law to the Citizenship Committee or the joint TFN/TAA Council.

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- 10.2 The Citizenship Committee may, on its own initiative, propose amendments to this Citizenship Law.
- 10.3 The Citizenship Committee shall consider all proposed amendments to this Citizenship Law and shall decide whether to submit the proposed amendments to the community for consideration at a General Assembly.
- 10.4 The Citizenship Committee shall give 30 working days written notice to the Members of the General Assembly called to consider proposed amendments to this Citizenship Law.
- 10.5 The joint TFN/TAA Council shall consider all proposed amendments to this Citizenship Law and shall decide whether to submit the proposed amendments to the community for consideration at a General Assembly.
- 10.6 The notice of the General Assembly to consider proposed amendments to this Membership Law shall contain the text of the proposed amendments, along with an explanation of the reasons that the amendments are being proposed.
- 10.7 All proposed amendments to this Citizenship Law submitted to the General Assembly shall be adopted or rejected by a vote of the Citizens who are eighteen years of age or older at the General Assembly.
- 10.8 This Citizenship Law shall be amended only if a majority of the Members who vote at a General Assembly vote in favour of the proposed amendments.

11. ADMINISTRATIVE PROVISIONS

- 11.1 All Citizens are responsible for ensuring that their name and other information is correctly recorded in the Teme-Augama Anishnabai Citizenship Registry.
- 11.2 Citizens may request from the Enrolment Officer their information as recorded in the Teme-Augama Anishnabai Citizenship Registry in person, by mail, by facsimile, by electronic mail or by telephone in order to verify the accuracy of the information.
- 11.3 Citizens may correct inaccurate information recorded in the Teme-Augama Anishnabai Citizenship Registry in person, by mail, by facsimile, by electronic mail or by telephone.

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12. ENROLMENT OFFICER

12.1 The Enrolment Officer shall:

- (a) provide copies of the forms set out in the Schedules to any potential applicant or Citizen upon request;
- (b) receive all applications and written submissions in support of applications;
- (c) contact all applicants if information or documentation is missing from their application;
- (d) notify applicants of the need for written or oral submissions if necessary;
- (e) notify each applicant in writing of Enrolment Committee decisions based on their application;
- (f) advise applicants in writing of their right to appeal and the process for appeals;
- (g) post the names of persons approved by the Enrolment Committee for enrolment and addition to the Teme-Augama Anishnabai Citizenship Registry, in a prominent place in each Temagami reserve community for a period of 30 days;
- (h) acknowledge receipt of notices of appeal in writing;
- (i) post all notices of decision and notices of appeal;
- (j) notify all persons affected by appeal decisions in accordance with section 9;
- (k) make additions and deletions from the Teme-Augama Anishnabai Citizenship Registry in accordance with the provisions of this Citizenship Law;
- (l) record the dates of all additions and deletions from the Teme-Augama Anishnabai Citizenship Registry;
- (m) maintain the Teme-Augama Anishnabai Citizenship Registry;
- (n) keep minutes of all meetings of the Enrolment Committee;
- (o) process Citizenship Law amendment proposals;
- (p) provide citizenship reports to the Enrolment Committee as

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required;

- (q) maintain all files related to citizenship applications, additions, deletions, appeals and issues;
- (r) subject to section 12.1(g), ensure that rules, policies and procedures are implemented to ensure the privacy and confidentiality of all applications and other personal information contained therein; and
- (s) carry out any other duties related to citizenship administration as authorized, requested or delegated by the Enrolment Committee or Appeals Committee.

13. INTERPRETATION

13.1 All references in this Citizenship Law to its sections, forms and procedures are references to those sections, forms and procedures as amended from time to time.

14. RENUNCIATION OF CITIZENSHIP

14.1 Any Teme-Augama Anishnabai Citizen may voluntarily renounce their citizenship in writing to the Citizenship Committee.