



Lil'wat Nation Citizenship Code

December 11th, 2012

LIL'WAT NATION CITIZENSHIP CODE

PREAMBLE

Whereas:

- A. section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada;
- B. section 25 of the Constitution Act, 1982 provides that the guarantee of individual rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights and freedoms that retain to the aboriginal peoples of Canada;
- C. the Creator is the source of authority for the Lil'wat Nation (the "Nation");
- D. the Nation has the inherent right of self-government including the right to control its own membership without approval of any other government, including the Government of Canada;
- E. a majority of the electors of the Nation gave consent to the Mount Currie Band Membership Code which took effect on June 26, 1987 under section 10 of the *Indian Act* and this Code is intended to replace that code;
- F. a majority of the Electors of the Nation have consented to this Code;
- G. this Code shall be recognized for all purpose and by all governments, including the Government of Canada, as the sole basis for citizenship in the Nation which shall include membership in the Mount Currie Indian Band;
- H. the Nation has a strong relationship with the St'at'imc but maintains its own unique identity;
- I. the object of this Code is ensure that the Nation remains strong, vibrant and with a clear sense of its unique history and identity for millennia to come.

1. DEFINITIONS AND INTERPRETATION

- (a) "Citizen" means a person whose name appears on the Citizenship Register;
- (b) "Citizenship" means citizenship of the Nation which shall include membership in the Mount Currie Indian Band;
- (c) "Citizenship Coordinator" means the person appointed by the Council under section 2 as the Citizenship Coordinator;
- (d) "Citizenship Register" means the register kept by the Citizenship Coordinator in which the names of Citizens appears;

- (e) “Council” means the Chief and Council of the Nation;
- (f) “Effective Date” means the date on which this Code comes into force under section 11;
- (g) “Elector” means a person who is:
 - (i) a Citizen;
 - (ii) of the full age of 18 years; and
- (h) “Nation” means the Lil’wat Nation also known as the Mount Currie Indian Band;
- (i) This Code shall be interpreted in a manner that best implements its intent as set out in the Preamble and in accordance with the customs and values of the Nation.

2. ADMINISTRATION

- (a) Chief and Council shall appoint the Citizenship Coordinator who shall be responsible for all matters relating to Citizenship in accordance with this Code, including:
 - (i) the maintenance of the Citizenship Register by including all those persons entitled under this Code to be Citizens and deleting all those persons who, under this Code, have ceased to be Citizens;
 - (ii) the processing of applications for Citizenship, appeals and protests in accordance with this Code; and
 - (iii) all other procedures and matters ancillary to the administration of this Code.
- (b) Council may appoint other individuals to assist the Citizenship Coordinator to administer these rules.
- (c) Council may direct from time to time that applications, appeals and protests be:
 - (i) submitted on a form prescribed by Council; and,
 - (ii) accompanied by such supporting documents and evidence as Council may determine.

3. LI’WAT CITIZENSHIP

- (a) The following persons are entitled to automatic Citizenship and enrolment on the Citizenship Register and shall not be required to apply for Citizenship:

- (i) all persons entered or entitled to be entered on the Membership List of the Mount Currie Indian Band immediately prior to the Effective Date; and
 - (ii) all persons born to at least one natural parent who is a Citizen or, if no longer living, was a Citizen.
- (b) All other persons who claim a connection with the Nation and wish to become a Citizen must apply for Citizenship under section 4;
 - (c) The onus is on the person claiming Citizenship to make application or demonstrate entitlement to Citizenship pursuant to this Code;
 - (d) No Citizen shall be a citizen or member of another first nation unless dual citizenship of that other first nation has been negotiated by Council and ratified by a majority of the Electors.

4. APPLICATION PROCEDURE

- (a) All applicants for Citizenship shall submit an application to the Citizenship Coordinator on such form and with such supporting documents and evidence as Council may determine from time to time;
- (b) In every calendar year, Council shall fix a date for a meeting of Electors giving 30 days notice of the time and place of the meeting and providing particulars of persons who have applied for Citizenship;
- (c) Only Electors shall be eligible to vote on applications for Citizenship;
- (d) Upon a majority vote in favour of acceptance by those Electors voting at a duly called meeting to consider applications for Citizenship, the applicant's name shall be entered in the Citizenship Register as a Citizen; and
- (e) A meeting of Electors called to consider applications for Citizenship may be adjourned to another day without further notice, and Council may call more than one such meeting in any year with notice as provided herein.

5. RIGHTS OF CITIZENSHIP

- (a) Citizenship shall include the following rights:
 - (i) to hunt/fish/and practice the traditions of the Nation;
 - (ii) to live in the territory of the Nation;
 - (iii) to live on a reserve of the Nation;
 - (iv) to be buried on a reserve of the Nation;

- (v) to own land in the territory and reserve of the Nation;
 - (vi) to access programs designed for Citizens; and,
 - (vii) to receive services in Ucwalmicwts.
- (b) No rights of Citizenship shall be deemed to exist until a person's name is included in the Citizenship Register;
- (c) Citizenship rights shall be determined and regulated from time to time by the Council subject to applicable law and a contrary decision of a majority of the Electors. Citizenship rights may be restricted if a Citizen commits a serious transgression of his or her responsibilities as a Citizen as determined by Council or a majority of the Electors.

6. RESPONSIBILITIES OF CITIZENSHIP

- (a) Citizenship shall include the following responsibilities:
- (i) to respect himself or herself;
 - (ii) to respect the environment;
 - (iii) to respect elders and community property;
 - (iv) to pass on Lil'wat culture to his or her children;
 - (v) to know the Lil'wat territory;
 - (vi) to practice Lil'wat culture and traditions;
 - (vii) to participate in community life; and,
 - (viii) to learn Ucwalmicwts.

7. LOSS OF CITIZENSHIP

- (a) A person shall cease to be a Citizen and the Citizenship Coordinator shall delete that person's name from the Citizenship Register upon:
- (i) receipt by the Citizenship Coordinator of written confirmation signed by that person requesting that his or her name be deleted from the Citizenship Register; or
 - (ii) that person becoming a member of another first nation unless dual citizenship of that other first nation has been negotiated by Council and ratified by a majority of the Electors as provided under section 3(d).

- (b) No rights as a Citizen survive deletion of a person's name from the Citizenship Register. On request in writing, Council may extend the date of deletion in any case to permit the person to transfer property on Nation lands to a Citizen;
- (c) No person shall be entitled to any payment in the event of loss of Citizenship for any reason whatsoever out of the funds or assets of the Nation.

8. APPEALS

- (a) A appeal or protest from the decision of the Citizenship Coordinator to refuse to enroll or to enroll a person on the Citizenship Register as having an automatic right of Citizenship under section 3(a) may be made by notice in writing to the Council within 30 days of the decision of the Citizenship Coordinator by:
 - (i) the person or his or her legal representative in the case of an appeal; or
 - (ii) a Citizen in the case of a protest.
- (b) The notice of appeal or protest must state the grounds which gives rise to the protest or the appeal. The onus of establishing the merits of those grounds lies with the appellant or protestor;
- (c) Upon receipt of notice under this section, Council shall consider the appeal or the protest. Council may set its own procedure and hear such evidence in such manner as it may determine, having due regard to the principles of natural justice and the right to a fair hearing;
- (d) After hearing the appeal, Council may order:
 - (i) that the appeal or the protest be dismissed; or,
 - (ii) that the appeal or protest be allowed in which case the person's name shall be entered or deleted, respectively, in the Citizenship Register.
- (e) Without limiting a person's right to apply for Citizenship under section 4, the decision of the Council under this section shall be conclusive;
- (f) No claim shall be made against the Nation, the Council, or a Citizen arising out of any acceptance or denial of Citizenship.

9. AMENDMENT

This Code may be amended from time to time by way of an amendment in writing approved by a majority of the Electors.

10. REPEAL OF MOUNT CURRIE BAND MEMBERSHIP CODE

The Mount Currie Band Membership Code shall be repealed and replaced by this Code on the Effective Date.

11. EFFECTIVE DATE

This Code shall come into effect on the 10th day of March, 2013.