

# MÉTIS NATION BRITISH COLUMBIA



## CITIZENSHIP ACT

REVISED SEPTEMBER 2010  
*"INCORPORATES THE RESOLUTIONS OF THE 2010 AGM"*



## ARTICLE ONE - TITLE

1.0 This Act may be cited as "The Métis Nation British Columbia Citizenship Act"

## ARTICLE TWO - INTERPRETATION

2.0 In this Act:

- 2.1 **"Act"** means the *Métis Nation British Columbia Citizenship Act*.
- 2.2 **"Adoption"** Act of transferring parental rights and duties to someone other than the adopted person's biological parents by means of a statutory adoption or a customary Métis adoption.
- 2.3 **"Adopted Métis Citizen"** A Métis Citizen that has acquired their Métis Citizenship as per Article 12 of the MNBC Citizenship Act.
- 2.4 **"Governance Chartered Community"** are those Métis Communities that have entered into Governance Charter agreements with the MNBC.
- 2.5 **"Appeal"** or **"Appeals"** means a written document submitted by an Applicant who has been rejected entry in the Métis Nation British Columbia Central Registry or submitted document by a Métis Nation British Columbia Citizen who is objecting to the registration of any Applicant to the Métis Nation British Columbia Central Registry.
- 2.6 **"Applicant"** means an individual who applies for a Provincial Standardized Citizenship Card by filing the necessary documentation with the Registrar.
- 2.7 **"Application"** means the Provincial Citizenship Standardized Application Form.
- 2.8 **"Central Registry"** means the office of the Registrar and shall include the reception, research and storage facility of the Registrar.
- 2.9 **"Child"** means a child of a Métis citizen.
- 2.10 **"Citizenship Appeal Committee"** means the Métis Nation British Columbia Citizenship Appeal Committee as established and maintained by the Senate.
- 2.11 **"Community"** (collectively referred to as **"Communities"**) means those organizations or societies as defined as a Métis Community or Métis Communities in the Constitution.
- 2.12 **"Community Governance Charter"** means the written document that shall set out the terms of the relationship between a Community and the MNBC.
- 2.13 **"Constitution"** means the *Constitution* of the Métis Nation British Columbia as

amended from time to time.

- 2.14 **“Customary Adoption”** An adoption that is consistent with the historical and customary practices of the Métis Nation which has occurred at an early age by an immediate or extended family member.
- 2.15 **“Extended Family Member”** Is a grandparent, uncle, aunt, cousin, nephew and/or niece that is a Métis Citizen or is eligible for Métis citizenship as per the *MNBC Citizenship Act*.
- 2.16 **“Genealogical Evidence”** means evidence which indicates proof that an Applicant’s parent is, or parents are, of Métis Ancestry and that the Applicant is Métis and which can be verified by an objective and valid process.
- 2.17 **“Historical and Customary Practices”** The traditional undertaking of privately arranged adoption between a Métis Citizen’s family and another aboriginal family.
- 2.18 **“Immediate Family Member”** Is a parent (mother/father), child (son/daughter) or sibling (sister/brother) that is a Métis Citizen or is eligible for Métis citizenship as per the *MNBC Citizenship Act*.
- 2.19 **“Legislation”** means legislative documents or acts pursuant to which the administrative affairs and constitutional requirements of the MNBC shall be carried out.
- 2.20 **“Membership”** means citizenship in the MNBC.
- 2.21 **“Métis”** or **“Citizen”** means a Métis Citizen as defined by the *Constitution*.
- 2.22 **“Métis Community”** means a Community or Communities as defined in the *Constitution*.
- 2.23 **“Métis Nation Governing Assembly”** (MNGA) means the legislative authority of the Métis Nation British Columbia as set out in the *Constitution*.
- 2.24 **“Métis Nation British Columbia”** (MNBC) means the organization previously known as the Métis Provincial Council of British Columbia which represents and is comprised of the Métis Citizens of British Columbia and which is governed by the provisions of the *Constitution* which is also the *Constitution* of the Métis Provincial Council of British Columbia.
- 2.25 **“Métis Nation British Columbia”** (MNBC) means the governing body with the secretariat known as the Métis Provincial Council of British Columbia, which represents and is comprised of the Métis citizens of British Columbia and which is governed by the provision of the *Constitution*.



- 2.26 **“Provincial Standardized Citizenship Card”** means the identification card that shall be issued by the Registrar to all Métis Citizens who have had their Genealogy and supporting documentation validated and verified by the Office of the Registrar.
- 2.27 **“Statutory Adoption”** An adoption that is granted under the authority of provincial and/or territorial government legislation.
- 2.28 **“Supporting Documentation”** is defined as records used to support an application for Citizenship, including Vital events records, historical records, church records, archival records, and census records.
- 2.29 **“Registered”** means registered as a Métis Citizen under this Act.
- 2.30 **“Registrar”** means the Registrar appointed by the MNBC to administer the Central Registry.

### ARTICLE THREE - COMMUNITY ACCEPTANCE

- 3.0 The MNBC shall accept an application for citizenship as a Métis Citizen upon Applicant providing to the Registrar a written application together with sufficient Genealogical evidence which, if accepted by the Registrar, is proof that the Applicant is of Métis ancestry, is accepted by a Métis Community and that the Applicant complies with the following conditions:
- 3.1 The Applicant normally resides within the Métis Community area or Métis community and the jurisdiction of the MNBC;
- 3.2 The Applicant expressly held him/herself out to be Métis in the Métis Community and/or within the jurisdiction of the MNBC;
- 3.3 The authorized Métis Community shall make its decision impartially, in good faith and shall, in all matters relating to a Citizen or the MNBC act as a fiduciary to the interests of the Citizen or the MNBC as the case may be and shall employ a transparent process that is consistent with the MNBC Constitution.

### ARTICLE FOUR - REGISTRATION PROCESS

- 4.0 An individual is entitled to make application for registration as a Métis Citizen by making application to the MNBC or to a Métis Community;
- 4.1 Upon application, the Registrar shall issue a Provincial Standardized Citizenship Card recognizing the Applicant as Métis if the Applicant meets the requirements of this Act and has submitted Genealogical evidence of Métis ancestry satisfactory to the Registrar;
- 4.2 The parent or guardian of a child under sixteen (16) years of age may apply for

- registration on behalf of the child;
- 4.3 The guardian of an individual who is under a mental or legal disability may apply for registration on behalf of that individual;
- 4.4 No individual is obliged to apply for registration;
- 4.5 In the case of an application for registration, the Applicant must provide the Registrar with genealogy and the supporting documentation necessary to validate and verify that the Applicant is Métis;
- 4.6 The Registrar shall review applications for registration and shall register an Applicant as a Métis only if:
- a) The Applicant is entitled to be registered as a Métis pursuant to the provisions of this Act;
  - b) Upon completion of the community acceptance process; and
  - c) The application is properly made.
- 4.7 The Registrar shall establish and implement a process to seek out and encourage the application for registration of all qualified individuals who are entitled to be registered as Métis Citizens.

#### **ARTICLE FIVE - VOLUNTARY REMOVAL FROM REGISTRY**

- 5.0 A Métis Citizen may, at any time, voluntarily remove himself or herself from the Registry;
- 5.1 The Registrar shall remove a Métis Citizen who, by written request, declares that he or she no longer wishes to be registered as a Métis Citizen;
- 5.2 A Métis Citizen who has removed himself or herself from the Registry may re-apply for Registration upon following the procedure for Registration as a Métis Citizen as set out in this Act.

#### **ARTICLE SIX – CENTRAL REGISTRY**

- 6.0 The Registrar shall maintain a uniform system for the Registration of Métis Citizens;
- 6.1 The following information about a Métis Citizen will be maintained in the Central Registry:
- a) Citizen's name;
  - b) Address or place of residence;
  - c) Date of birth;
  - d) Marital status; (optional)

- e) The name of any spouse of the Citizen; (optional)
  - f) The dates of any marriages of the Citizen; (optional)
  - g) The names and dates of birth of any children of the Citizen;
  - h) The Community under which the person has applied for registration;
  - i) The full name and date of birth of that Citizen's mother and father;
  - j) The other information submitted by the Citizen in support of that Citizen's Application for registration; and
  - k) Such genealogical information about the Citizen as may exist.
  - l) Indian and Northern Affairs Canada (INAC) form;
- 6.2 The Registrar may collect and register additional demographic information about Métis Citizens as, in the Registrar's sole discretion, is deemed necessary and/or expedient;
- 6.3 All information concerning Applicants or Métis Citizens located at the Central Registry is confidential and the Registrar shall adhere to or cause to be adhered to, all federal and provincial Privacy Laws;
- 6.4 The Registrar shall cause the Central Registry to be kept safely by administrative, physical, and technological safeguards that are reasonable and consistent with this Act;
- 6.5 The Registrar with the consent of the MNBC 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 Applicant or Citizen as the case may be;
- 6.6 Applicants may apply for Citizenship by written Application through a Chartered Métis Community, a regional registry clerk, or directly to the Métis Nation British Columbia registry;
- 6.7 Application shall be submitted by the Chartered Métis Community of the MNBC and/or the Regional Registry Clerk to the Registrar for consideration and entry into the Central Registry;
- 6.8 An Applicant whose application is not approved by the Registrar shall be notified, in writing of the decision;
- 6.9 An Applicant, having applied for Citizenship directly to the MNBC and whose Application the Registrar approves, shall be issued a Provincial Citizenship Card by the Central Registry and forwarded directly to the Applicant;
- 6.10 An Applicant, who has applied for MNBC Citizenship, where the application has been forwarded by a Chartered Métis Community or Regional Registry Clerk, and whose application the Provincial Registrar approves, shall be issued a Provincial Citizenship Card by the Central Registry and forwarded directly to the Applicant;



- 6.11 Each Provincial Citizenship Card shall bear a personal and individual registration number and clearly identify which MNBC Region the Citizens resides;
- 6.12 Provincial Citizenship Cards issued pursuant this Act shall constitute the only legitimate and valid proof of Métis Citizenship to the exclusion of all other cards and/or documents of any nature;
- 6.13 Except as may be otherwise provided by this Act, the MNBC shall be solely responsible for the development and distribution of the Provincial Citizenship Application Forms and the Provincial Citizenship Card.

#### **ARTICLE SEVEN - REGISTRY OFFICE**

- 7.0 The MNBC shall establish a Registry Office based on fiscal resources that may be available to the MNBC;
  - 7.1 The Registry Office shall consist of:
    - a) A Registrar; and
    - b) Registry Office staff.
  - 7.2 The Registry Office shall maintain and provide Provincial Citizenship Application Forms and Provincial Citizenship Cards to Applicants or Métis Communities when consent to Release of Personal Information forms have been signed and submitted by the Applicant to the MNBC Central Registry.

#### **ARTICLE EIGHT - THE REGISTRAR**

- 8.0 The Registrar retained and/or employed by the MNBC, shall be required to follow all policies and procedures developed by the MNBC and shall:
  - 8.1 Receive and review applications for citizenship submitted by an Applicant on the Provincial Standardized Citizenship Application Forms and shall render a decision whether a person is entitled to be registered pursuant to this Act;
  - 8.2 Be and is authorized to request and obtain Genealogical evidence and/or any other documentation and information which may be relevant to an application and the proper discharge of the Registrar's duties;
  - 8.3 Provide a report in writing to MNGA and the MNBC upon their reasonable request;
  - 8.4 Maintain the Central Registry in a suitable and proper manner;
  - 8.5 Provide a written decision to the Applicant and/or the Métis Community, as may be appropriate under the circumstances concerning an application;
  - 8.6 Include with any written decision, written instruction on the procedure for commencing an appeal from a decision of the Registrar;

- 8.7 Be authorized to render decisions on the voluntary removal of Métis Citizens from the Central Registry;
- 8.8 Applicants whose applications are not approved for Citizenship by the Central Registry may appeal such decision to the Senate;
- 8.9 Ensure that all documentation and information in the possession of the Registrar with respect to the application under appeal is provided, together with the Registrar's report, to the Senate prior to the date upon which the appeal is to be heard;
- 8.10 Comply with any reasonable request of the Senate or of the Citizens' Appeal Committee or other appropriate Senate Tribunal for information or material concerning the Application or an appeal;
- 8.11 Supervise the staff and operation of the Registry Office;
- 8.13 Respond to any reasonable request for information from an Applicant, the appropriate Métis Community or the MNBC concerning an application.

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

- 9.0 An Applicant, Métis Community or the MNBC may appeal a decision of the Registrar concerning the application of an Applicant for Citizenship to the Senate pursuant to the provisions of this Act or the Senate Act.

#### **ARTICLE TEN – CHALLENGES TO PERSONS CURRENTLY REGISTERED**

- 10.0 Challenges concerning the Métis ancestry of Citizens currently on MNBC citizenship/membership list(s) may be made by Métis Citizens, Métis Communities, or on behalf of the MNBC by written notice to the Registrar. The challenge must include the full name of the Citizen or other individual or person making the challenge and of the Citizen being challenged, the Métis Community at which that Citizen is registered and the grounds for the challenge including any documentation in evidence in support of the challenge. The Citizen subject to the challenge shall be notified by the Registrar in writing and shall have the right to refute the challenge by providing evidence of Métis ancestry to the satisfaction of the Registrar.
  - 10.1 The Registrar shall render a written decision on the Challenge which shall be forwarded by registered mail to all parties to the Challenge.
  - 10.2 Registrar shall inform the parties of their right to appeal the Registrar's decision within thirty (30) days to the Senate and shall provide instructions to the parties on the form and procedure to commence the appeal.
  - 10.3 The parties shall be provided no less than two (2) weeks notice of the date on which the appeal will be heard. The parties and/or their representatives shall be

entitled to attend and make representations to the Appeal Tribunal in such manner as may be determined by that Tribunal or the Senate on notice to the parties.

- 10.4 The MNBC, on the recommendation of the Registrar, may require the Citizen, individual or person instituting the challenge to pay the costs and other charges associated with a failed challenge in appropriate circumstances.

#### **ARTICLE ELEVEN - FINANCES**

- 11.0 The expenses and costs associated with the maintenance of the Registry Office including the remuneration for the office of the Registrar and the Registry office staff shall be established by the MNBC based on the availability of fiscal resources.

#### **ARTICLE TWELVE - ADOPTION**

- 12.0 The MNBC shall accept an application for citizenship as a Métis Citizen upon applicant providing to the Registrar objectively verifiable proof of an adoption which, if accepted by the Registrar, proves that the Applicant has been adopted by a Métis Citizen or is eligible for citizenship as per the *MNBC Citizenship Act*.
- 12.1 The adopted Métis Citizen's citizenship is limited by a life estate termination, unless;
- 12.1.1 The adopted Métis Citizen marries a Métis Citizen, thereby which the offspring can attain their citizenship through the Métis genealogy of the other parent.
- 12.2 An adult adoption (18 years or older) is exempt from receiving Métis Citizenship as per *Article 12.0*.