

# MÉTIS NATION BRITISH COLUMBIA



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## MÉTIS NATION CITIZENSHIP ACT

AS RATIFIED SEPTEMBER 2023 ANNUAL GENERAL MEETING





## ARTICLE ONE - TITLE

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

## ARTICLE TWO - INTERPRETATION

2.1 In this Act:

2.2 “**Act**” means the *Métis Nation British Columbia Citizenship Act*.

2.3 “**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.

2.4 “**Adopted Métis Citizen**” A Métis Citizen that has acquired their Métis Citizenship as per Article 12 of the MNBC Citizenship Act.

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, a Métis Nation British Columbia Citizen who is objecting to the registration of any Applicant to the Métis Nation British Columbia Central Registry, or a person whose citizenship has been revoked under Article Six of this Act;

2.6 “**Applicant**” means an individual who applies for a Provincial Citizenship Card by filing the necessary documentation with the Citizenship Authority.

2.7 “**Application**” means the Provincial Citizenship Standardized Application Form.

2.8 A “**Chartered Community**” is a Métis Community that has entered into a Community Governance Charter agreement with the MNBC.

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 “**Citizenship Authority**” (the “**Authority**”) means the office in the Ministry of Citizenship which processes, assesses, ensures Chartered Community acceptance is approved within the required timeframe, and issues citizenship cards. The Authority consists of:

- The Executive Director of Citizenship
- The Director of Citizenship
- The Citizenship Assessment Manager

2.12 “**Community Governance Charter**” means the written document that shall set out the terms of the relationship between a Chartered 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 **“Registration”** means citizenship in the MNBC.
- 2.21 **“Métis”** or **“Citizen”** means a Métis Citizen as defined by the *Constitution*.
- 2.22 **“Métis Nation Governing Assembly”** (MNGA) means the legislative authority of the Métis Nation British Columbia as set out in the *Constitution*.
- 2.23 **“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.
- 2.24 **“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*.
- 2.25 **“Provincial Citizenship Card”** means the identification card that shall be issued by the Citizenship Authority to all Métis Citizens who have had their Genealogy and supporting documentation validated and verified by the Office of the Citizenship Authority.
- 2.26 **“Registry”** means the data and systems used by the Ministry of Citizenship to gather and store information about Métis Citizens.



- 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 **“Under Review”** means a previously registered Citizen whose citizenship is currently being reviewed by the Citizenship Authority following an audit or review of the Central Registry

### ARTICLE THREE – MÉTIS NATION ACCEPTANCE

- 3.1 The MNBC shall accept an application for citizenship upon Applicant providing to the Citizenship Authority a written application together with sufficient Genealogical evidence which, if accepted by the Citizenship Authority, is proof that the Applicant is of Métis ancestry, and that the Applicant complies with the following conditions:
  - 3.1.1 The Applicant normally resides within the Chartered Community area and the jurisdiction of the MNBC; and
  - 3.1.2 The Applicant expressly holds themselves out to be Métis in the Chartered Community and/or within the jurisdiction of the MNBC;
- 3.2 Once the Citizenship Authority is satisfied that the Applicant has met the conditions in Articles 3.1, 3.1.1 and 3.1.2, the Citizenship Authority may issue the Applicant notification of Chartered Community acceptance not exceeding 90 days, and then issue a Métis Nation British Columbia Citizenship Card.
- 3.3 The Citizenship Authority shall provide a list of new Citizens to their respective Communities on a monthly basis, unless operational circumstances prevent that from happening, and in such a case the list of new Citizens must be provided by the end of the following month

### ARTICLE FOUR - REGISTRATION PROCESS

- 4.1 An individual is entitled to make application for registration as a Métis Citizen by making application to the MNBC or to a Chartered Community;
- 4.2 Upon approval of registration, the Citizenship Authority shall issue a Provincial Citizenship Card recognizing the Applicant as a Métis Citizen.
- 4.3 The parent or guardian of a child under nineteen (19) years of age may apply for registration on behalf of the child;
- 4.4 The guardian of an individual who is under a mental or legal disability may apply for registration on behalf of that individual;
- 4.5 No individual is obliged to apply for registration;



- 4.6 In the case of an application for registration, the Applicant must provide the Citizenship Authority with genealogy and the supporting documentation necessary to validate and verify that the Applicant is Métis;
- 4.7 The Citizenship Authority 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 Métis Nation acceptance process; and
  - c) The application is properly made.
- 4.8 The Citizenship Authority 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**

- 5.1 A Métis Citizen may, at any time, voluntarily remove themselves from the Registry;
- 5.2 The Citizenship Authority shall remove a Métis Citizen who, by written request, declares that they no longer wish to be registered as a Métis Citizen;
- 5.3 A Métis Citizen who has removed themselves 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 – REMOVAL FROM REGISTRY DUE TO INELIGIBILITY**

- 6.1 If, due to information found during an audit or review, a person on the Central Registry is found to be ineligible for Métis citizenship:
- a) The Citizenship Authority will notify the person, in writing, that their Métis citizenship is under review, and provide the reason(s) for ineligibility, and, if relevant, the Supporting Documentation required to restore citizenship status.
  - b) Supporting Documentation requested to restore citizenship status must be provided within sixty (60) days of the review notice being sent by the Citizenship Authority. This time frame can be extended, by request of the Citizen, by a further ninety (90) days.
    - (i) Extension requests are granted solely at the discretion of the Citizenship Authority.
- 6.2 If the Citizenship Authority has received Supporting Documentation to their satisfaction that the person is eligible for Métis Citizenship, the review status of their citizenship will be immediately removed.



- 6.3 If the Citizenship Authority has not received any further Supporting Documentation, or, the Supporting Documentation is insufficient to objectively verify and meet the criteria for Métis citizenship, the citizenship of the person will be revoked, and the person will be notified of this revocation in writing.
- 6.4 A person whose citizenship has been revoked under Article Six may appeal the Citizenship Authority's decision to the Senate, within sixty (60) days of the date removal notice is sent by the Citizenship Authority. The Senate's decision on this Appeal will be final and binding.
- 6.5 A person whose citizenship has been revoked under Article Six may re-apply for Registration upon following the procedure for Registration as a Métis Citizen as set out in this Act.
- 6.6 A person who is placed under review by the Citizenship Authority is not eligible to apply for any further supports, programs, or funding through MNBC until their citizenship has been reaffirmed. A person currently receiving supports will continue to receive them for at least sixty (60) days following the notice sent by the Citizenship Authority. This time frame can be extended, by request of the person under review, by a further sixty (60) days.
- (i) Extension requests are granted at the discretion of the responsible program director. A negative decision can be appealed within thirty (30) days to the MNBC Board, who can overturn the decision by a majority vote.

## ARTICLE SEVEN – CENTRAL REGISTRY

- 7.1 The Ministry of Citizenship shall maintain a uniform system for the Registration of Métis Citizens;
- 7.2 The Ministry of Citizenship shall collect and maintain the information necessary to determine registration; the information to be collected is listed on the MNBC Citizenship Application Package and updated from time to time.
- 7.3 The Ministry of Citizenship may collect and register additional demographic information about Métis Citizens as, in the Ministry of Citizenship's sole discretion, is deemed necessary and/or expedient;
- 7.4 All information concerning Applicants or Métis Citizens located at the Central Registry is confidential and the Ministry of Citizenship shall adhere to or cause to be adhered to, all federal and provincial Privacy Laws;
- 7.5 The Ministry of Citizenship shall cause the Registry to be kept safely by administrative, physical, and technological safeguards that are reasonable and consistent with this Act;
- 7.6 The Ministry of Citizenship will, with the consent of the MNBC Board of Directors obtain permission from Citizens to release certain personal information of Citizens to the Provincial or Federal Governments for health and social determinants of health research purposes only, provided that each Citizen affected by that permission has been provided with an information document fully describing the information proposed by the Ministry of Citizenship to be released, including a release statement that provides that Citizen with an opportunity to



decline or refuse to permit the release of the personal information proposed to be released.

- i) In the event a Citizen, having been provided with a reasonable opportunity to respond to the Ministry of Citizenship at the address provided, declines to give their consent for the information to be released, then that information will not be released.

- 7.7 Applicants may apply for Citizenship by written Application through a Chartered Community, a regional registry clerk, or directly to the Métis Nation British Columbia registry;
- 7.8 Application shall be submitted by the Chartered Community of the MNBC and/or the Regional Registry Clerk to the Ministry of Citizenship for consideration and entry into the Central Registry;
- 7.9 An Applicant whose application is not approved by the Ministry of Citizenship shall be notified, in writing of the decision;
- 7.10 An Applicant, having applied for Citizenship directly to the MNBC and whose Application the Citizenship Authority approves, shall be issued a Provincial Citizenship Card by the Central Registry and forwarded directly to the Applicant;
- 7.11 An Applicant, who has applied for MNBC Citizenship, where the application has been forwarded by a Chartered Community or Regional Registry Clerk, and whose application the Provincial Citizenship Authority approves, shall be issued a Provincial Citizenship Card by the Central Registry and forwarded directly to the Applicant;
- 7.12 Each Provincial Citizenship Card shall bear a personal and individual registration number and clearly identify which MNBC Region the Citizens resides;
- 7.13 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;
- 7.14 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 EIGHT - REGISTRY OFFICE**

- 8.0 The MNBC shall establish a Citizenship Authority which shall maintain and provide Provincial Citizenship Application Forms and Provincial Citizenship Cards to Applicants or Chartered Communities when consent to Release of Personal information forms have been signed and submitted by the Applicant.



## **ARTICLE NINE - THE MINISTRY OF CITIZENSHIP**

- 9.1 The Ministry of Citizenship shall be required to follow all policies and procedures developed by the MNBC and shall:
- 9.2 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;
- 9.3 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 Ministry of Citizenship's duties;
- 9.4 Provide a report in writing to MNGA and the MNBC upon their reasonable request;
- 9.5 Maintain the Central Registry in a suitable and proper manner;
- 9.6 Provide a written decision to the Applicant and/or the Chartered Community, as may be appropriate under the circumstances concerning an application;
- 9.7 Include with any written decision, written instruction on the procedure for commencing an appeal from a decision of the Ministry of Citizenship;
- 9.8 Be authorized to render decisions on the voluntary removal of Métis Citizens from the Central Registry;
- 9.9 Applicants whose applications are not approved for Citizenship by the Central Registry may appeal such decision to the Senate;
- 9.10 Ensure that all documentation and information in the possession of the Ministry of Citizenship with respect to the application under appeal is provided, together with the Ministry of Citizenship's report, to the Senate prior to the date upon which the appeal is to be heard;
- 9.11 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;
- 9.12 Supervise the staff and operation of the Registry Office;
- 9.13 Respond to any reasonable request for information from an Applicant, the appropriate Chartered Community or the MNBC concerning an application.

## **ARTICLE TEN - CITIZENSHIP APPEAL**

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





## ARTICLE ELEVEN - FINANCES

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

## ARTICLE TWELVE - ADOPTION

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